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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 27 August 2024**

**6.00pm**

**Council Chambers**



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**1. DECLARATION OF OPENING**

The Mayor declared the meeting open at 6:00pm.

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS**

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

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

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

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

Mayor

G Stocks

**Councillors:**

Councillor

P Terry (Deputy Mayor)

Councillor

L MacLaren

Councillor

C McKinley

Councillor

T Brough

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Lionetti

Councillor

M Traill

Councillor

D Baesjou

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellow

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Meeting Secretary

D Clark

**Apologies:**

Councillor

A Cruse (Leave of Absence)

There were approximately 108 members of the public in attendance and 2 media representatives.

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Manager Recreation Services Mr Mitchell Green	CCS653	<b>Impartiality.</b> The nature of the interest being that Mr Green is a financial member of the Railways Football & Sporting Club and his wife is the Treasurer of the Railways Football & Sporting Club. Mr Green has followed the CSRFF process in accepting and administering applications for Council consideration. Mr Green was not required to participate in the discussion for this item.
Councillor Sutton	DIS407	<b>Impartiality:</b> The nature of the interest being that the owner of the property is Councillor Sutton's nephew. Councillor Sutton remained in the Chamber and participated in the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	PRO15	<b>Financial:</b> The nature of the interest being that this report relates directly to Mr Sharpe's employment contract. Mr Sharpe left the Chamber and was not present during the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### 6:02pm Councillor MacLaren

##### Summary of key points:

- Thanked those who attended the Special Meeting of Electors.
- Reminder that 6 September is Bravehearts Day.
- Great Southern Community Hub is at risk of closure and requires funding.
- The Voices of the South was launched at the Albany Town Hall
- Met with survivors of forced adoption practices.
- Attended a clean-up at day at Middleton Beach
- Attended a Wilson Inlet planting day
- Attended the Wellstead Progress Association meeting
- 13 August Museum of Great Southern hosted by Dr Sarah Comer
- Attended the Leadership Forum hosted by the Albany Chamber of Commerce and Industry

##### 6:06pm Deputy Mayor Councillor Terry

##### Summary of key points:

- Shared appreciation for the differing points of view expressed at the Special Meeting of Electors
- Attended the Opening of the Village Day Care Centre
- Represented the Mayor at the opening of the Motorsport Park
- The Regional Development Application Panel met to discuss the development application by Advance Housing
- The Albany Community Foundation held the Community Bank Albany Big Sleep Out 2024 and raised \$50,000 to assist in ending homelessness.
- Expressed support for the Albany Public Library staff who do an amazing job

##### 6:10pm Councillor McKinley

##### Summary of key points:

- Attended the opening of Albany Motorsport Park which he considers a world class facility on our doorstep
- Attended the Korean War Memorial Service
- Congratulated the Albany branch of the RSL who do an amazing job in honouring veterans

**6:11pm Councillor Brough**

**Summary of key points:**

- Delighted to hear the result of the Railways Raffle and the renaming of Retravision Stadium to “Keep the Sheep Stadium”
- Thank you to those who have written in relation to the Special Meeting of Electors
- Urged the community to support Pivot
- Expressed concern over an urgent environmental issue caused by the Polyphagous shot-hole borer which tunnels into the trunks, stems and branches of trees and plants. The beetle, native to Southeast Asia, is highly invasive and has been detected in the Perth metropolitan area.

**6:13pm Councillor Grimmer**

**Summary of key points:**

- Attended an evening of bush poetry at the Albany Public Library which was well attended and very enjoyable.
- Offered his support to the staff of the Albany Public Library who provide a fantastic service to all library users.
- Attended the Opening of the Hawthorn House Overnight Respite Centre

**6:15pm Councillor Baesjou**

**Summary of key points:**

- Attended the Albany Motorsport Park opening.

**6:16pm Councillor Traill**

**Summary of key points:**

- Attended the Trail Experience Tourism Workshop
- Recommended “Wander in the Wild Great Southern” as an interesting read
- Attended a Wagyl Kaip Cultural Committee Meeting
- Thanked the Mayor and staff who assisted with the Special Meeting of Electors

**6:19pm Councillor Sutton**

**Summary of key points:**

- Attended the opening of the Albany Motorsport Park and thanked all those who had participated in bringing a dream into reality.
- Further funding is being sought to expand the Park and construct further facilities.
- Attended the Great Southern Football Dinner.

**6:22pm Mayor Stocks**

**Summary of key points:**

- Attended the WALGA Local Government Award Ceremony where the City of Albany was recognised for its outstanding commitment to road safety and active community engagement winning the Most Active Council Award.
- Mayor Stocks congratulated Executive Director Infrastructure, Development and Environment and his team for their contribution to this award.

**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):

*Clause 4 (6) The total time allowed for public question time will be no more than 30 minutes.*

Any extension to the time period defined by the City of Albany Standing Orders Local Law 2014 (as amended) will be at the discretion of the Presiding Member.

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

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

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

### 6:24pm Ms Susane Ashton, Mt Clarence

Ms Ashton asked the following questions:

1. Are the Mayor and Councillors aware that Albany Pride issued a statement in connection with Albany Pride Week, which stated: "*Albany Pride is proudly and unapologetically inclusive of the entire spectrum of the Queer Community*"? and that this statement continues to be on their website?

*The Mayor acknowledged Ms Ashton's question.*

2. Can the Mayor confirm that he, along with Councillors, received a letter via email on or about the 12<sup>th</sup> of March 2024, from the Australian Christian Lobby state director Peter Abetz, which provided links to articles in the media and research journals, demonstrating that some of the leading LGBTIQ+ activists, both in Australia and overseas, have a history of advocating that paedophilia should be regarded as a legitimate and normal sexual orientation?

*The Mayor confirmed that this correspondence had been received.*

### 6:26pm Mr Jurien Dekter Little Grove

Mr Dekter asked the following questions:

Can the Mayor confirm that the email he received from Peter Abetz, along with the Albany City councillors, on or about 12<sup>th</sup> of March, contained this paragraph which is a quote from a University issued statement by Latrobe University released on the retirement of Prof Gary Dowsett:

*"Professor Dowsett has been an active member of the LGBTIQ+ community since the early days of gay and lesbian liberation movement in the 1970s. In 2018 Professor Dowsett was awarded a life membership of Sydney's Gay and Lesbian Mardi Gras, recognising his contributions to the LGBTIQ community....His work is recognised internationally and nationally as central in the historical response to HIV in the 80s and discussed of post AIDS in the 90s."*

*The Mayor confirmed that this correspondence had been received.*

Would the Mayor and councillors agree, that in light of the glowing statement issued by Latrobe University, referred to in the previous question, Prof Dowsett is a respected senior person in the Queer advocacy movement?

*The Mayor advised that Council was not in a position to comment on the professor's standing.*

**6:28pm Mr Ian 't Hart, Yakamia**

Mr 't Hart asked the following questions:

1. Given Albany Pride's statement about it being inclusive of the entire spectrum of the Queer community, would the Mayor agree that a reasonable person would interpret this statement to imply that persons who hold views similar to those of Prof Gary Dowsett would be accepted as part of the Albany Pride community?
2. Can the Mayor confirm that the email letter that was received by him and councillors on or about March 12, 2024 from Peter Abetz, WA State Director of the Australian Christian Lobby, contained the following quote from an article written by the highly regarded, long time LGBTQIA+ activist, Prof. Gary Dowsett, who was the Deputy Director of the Australian Research Centre in Sex, Health & Society (ARCSHS) at Latrobe University for 22 years until his retirement in June 2019.

*The Mayor confirmed that this correspondence had been received.*

**6:31pm Ms Amy Ullrich, Marbellup**

Ms Ullrich asked the following questions:

1. Would the Mayor agree that the quotes in the emailed letter from Peter Abetz, combined with the glowing endorsement of Professor Gary Dowsett, given by Latrobe University on his retirement (referred to in an earlier question), is clear evidence that there are people within the Queer community who consider paedophilia to be just another sexual orientation?
2. Is the Mayor aware that term 'minor attracted persons' is a euphemism for persons who experience sexual attraction to children, which in common usage is referred to as 'paedophilia'?
3. Given that the Council has ordered Cr Brough to undertake gender sensitivity training, can the Mayor please advise what alternative wording he would have found acceptable for Cr Brough to use to draw attention to the fact that within the Queer community there are persons who are sexually attracted to minors?

**6:34pm Ms Lynette Schoof, McKail**

Ms Schoof asked the following questions:

1. Did the Panel that investigated the allegation that Cr Brough had breached the Code of Conduct make a finding as to the factual accuracy or otherwise of Cr Brough's statement to council on Feb 27, 2024?
2. Given that the Mayor is not at liberty to divulge the report of the Panel investigation into whether Cr Brough breached the Code of Conduct or not, how can the other councillors and the City of Albany public, have any confidence in the appropriateness, or not, of the sanction that has been imposed on Cr Brough?

*The CEO provides the following response: The Local Government (Model Code of Conduct) Regulations 2021 introduced a mandatory code of conduct for Elected Members, committee members and candidates.*

*The Model Code of Conduct provides a high-level process that requires local governments to make a finding on complaints regarding the behaviour of council members, committee members and candidates that have been elected.*

*All Elected Members were provided with the findings of the report and based their final decision on those findings.*



**6:36pm Mr Glenn Schoof, McKail**

Mr Schoof asked the following questions:

1. Given the documentation provided by Peter Abetz in his email to the councillors, demonstrated that Cr Brough's statement was factually correct, what is the Mayor's response to me and fellow ratepayers, who consider the sanction against Cr Brough as a form of bullying, and intended to send a clear message to Cr Brough and any other councillor, that they should refrain from bringing matters of fact to the attention of Council, if it might upset a favoured lobby group within the City?
2. Given that the Mayor and councillors were provided with documentary evidence that Cr Brough's statement to Council on Feb 27<sup>th</sup> 2024 was factually correct, did the Mayor or any of the councillors
  - a. Provide this information to the panel that considered the complaints against Cr Brough?
  - b. Make any effort to have the Albany Advertiser and the ABC to remove from their websites the false claim that what Cr Brough said was factually incorrect?

**6:39pm Mr Michael Walmsley, Mt Clarence**

Mr Walmsley asked the following question:

Given the information the council now has, will the Mayor move a motion to rescind the sanction on Cr Brough?

**6:44pm Mr Tony Evers, Cuthbert**

**Summary of key points:**

Mr Evers thanked councillors and staff for facilitating the Special Electors Meeting. Pleased that the meeting ran calmly and thanked the Mayor for the handling of the meeting. Mr Evers stated that he believes that the Council is not responsible for removing books from the Library and that the Australian Classification Review Board is the appropriate agency for review. Mr Evers also encouraged parents to be responsible for their children.

Council agreed to extend public question time.

**6:49pm Mr Greg Spaanderman, Robinson**

**Summary of key points:**

Mr Spaanderman addressed Council regarding freedom of speech. Mr Spaanderman's tabled address can be referenced at Synergy Record: EF24545180.

**6:53pm Ms Diane Evers, Cuthbert**

**Summary of key points:**

Ms Evers confirmed that she will be running for a seat in the next State Election. Ms Evers expressed her concern that people within the community may be treated differently based on their sexuality.

**7:00pm Michael Pemberton, Mira Mar**

Mr Pemberton addressed Council regarding deregulated trading hours and believes that small businesses in Albany will be negatively affected by the deregulation.

**7:05pm Michael Bird, Mira Mar**

Mr Bird addressed Council regarding the Yakamia bushland. Mr Bird's tabled address can be referenced at Synergy Record: EF24545425.

**7:09pm Michelle Kinsella, McKail**

Ms Kinsella requested the recordings of the Special Meeting of Electors held on 26 August 2024 and the Ordinary Council Meeting held on 27 February 2024. be provided to her.

**7:12pm Annabel Paulley**

Ms Paulley addressed Council regarding the removal of the fig tree from the Old Gaol car park, and requested that an alternative solution be provided. Ms Paulley's tabled address can be reference at Synergy Record: EF2454392.

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

**9. PETITIONS AND DEPUTATIONS Nil.**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR SUTTON**

**THAT the minutes of the Ordinary Council Meeting held on 23 July 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 10-0**

**11. PRESENTATIONS Nil.**

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

**CCS648: MONTHLY FINANCIAL REPORT – JUNE 2024**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 30 June 2024 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 30 June 2024 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS648: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**

**SECONDED: COUNCILLOR TRAILL**

**THAT the Monthly Financial Report for the period ending 30 June 2024 be RECEIVED.**

**CARRIED 8-2**

**Record of Vote:**

Against the Motion: Councillors Lionetti and Brough

**CCS648: COMMITTEE RECOMMENDATION**

**MOVED: DEPUTY MAYOR TERRY**

**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 10-0**

**CCS648: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Monthly Financial Report for the period ending 30 June 2024 be RECEIVED.**

## **DISCUSSION**

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
  - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
  - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
  - (c) Basis of Preparation;
  - (d) Explanation of material variances to year-to-date budget;
  - (e) Net Current Asset & Funding Position;
  - (f) Investment Portfolio Snapshot;
  - (g) Receivables; and
  - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS545, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

## **STATUTORY IMPLICATIONS**

6. The Local Government (Financial Management) Regulations 1996 stipulate that each month Local Governments are required to prepare and report a Financial Activity Statement (reg 34) and a Financial Position Statement (reg 35).
7. Each of these statements are to be presented at an ordinary meeting of the council within 2 months after the end of the relevant month, as well as recorded in the minutes of the meeting at which it is presented.

## **POLICY IMPLICATIONS**

8. The City's 2023/24 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 30 June 2024 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

**LEGAL IMPLICATIONS**

12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil.

**ALTERNATE OPTIONS**

14. Nil.

**CONCLUSION**

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

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

**CCS649: LIST OF ACCOUNTS FOR PAYMENT – JULY 2024**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

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

**RECOMMENDATION**

**CCS649: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH**  
**SECONDED: COUNCILLOR MACLAREN**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2024 totalling \$10,342,663.20 be RECEIVED.**

**CARRIED 10-0**

**CCS649: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR GRIMMER**

**THAT Authorising Officer Recommendation be ADOPTED.**

**CARRIED 8-2**

**Record of Vote**

Against the Motion: Councillors Lionetti and Brough

**CCS649: AUTHORISING OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2024 totalling \$10,342,663.20 be RECEIVED.**

**DISCUSSION**

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

Fund	Transaction Type	Amount (\$)	%
Municipal	Electronic Funds Transfer	\$8,202,630.55	79.31%
Municipal	Payroll	\$2,105,105.32	20.35%
Municipal	Credit Cards	\$34,927.33	0.34%
Municipal	Cheques	\$0.00	0.00%
Trust	N/A	\$0.00	0.00%
<b>TOTAL</b>		<b><u>\$10,342,663.20</u></b>	<b><u>100.00%</u></b>

3. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$3,214.03.
4. The table below summaries the total outstanding creditors as at 15 July 2024.

Aged Creditors	Amount (\$)
Current	\$680,865.69
30 Days	\$1,616,196.09
60 Days	\$3,040.35
90 Days	\$6,262.11
<b>TOTAL</b>	<b><u>\$2,306,364.24</u></b>

**STATUTORY IMPLICATIONS**

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment July only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.
8. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, requires Local Governments to report on payments by employees via purchasing cards.

**POLICY IMPLICATIONS**

9. Expenditure for the period to 15 July 2024 has been incurred in accordance with the 2023/2024 budget parameters & draft 2024/2025 budget parameters.

**FINANCIAL IMPLICATIONS**

10. Expenditure for the period to 15 July 2024 has been incurred in accordance with the 2023/2024 budget parameters & draft 2024/2025 budget parameters.

**LEGAL IMPLICATIONS**

11. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

12. Nil.

**ALTERNATE OPTIONS**

13. Nil.

**CONCLUSION**

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

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



## CCS650: DELEGATED AUTHORITY REPORTS – 16 JUNE 2024 to 15 JULY 2024

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Executed Document and Common Seal Report
<b>Report Prepared By</b>	: PA to Mayor and Councillors (D Clark)
<b>Authorising Officer:</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:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

### RECOMMENDATION

**CCS650: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 10-0**

**CCS650: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR LIONETTI**  
**SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 10-0**

**CCS650: AUTHORISING OFFICER RECOMMENDATION**

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

### BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
  - **Delegation: LG1.18 (D006)** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
  - **Delegation: LG4.06 (D009)** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
  - **Delegation: LG5.05 (D018)** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

**CCS651: WRITE-OFF RATES DEBT REPORT AS AT 30 JUNE 2024**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Write Off Rate Debt Report as at 30 June 2024.
<b>Report Prepared By</b>	: Manager Finance (S van Nierop)
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services (M Gilfellon)

**STRATEGIC IMPLICATIONS**

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

**RECOMMENDATION**

**CCS651: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR BROUGH**

**THAT the Write off Rates Debt Report as at 30 June 2024 be RECEIVED.**

**CARRIED 10-0**

**CCS651: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BAESJOU**  
**SECONDED: MAYOR STOCKS**

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

**CARRIED 10-0**

**CCS651: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Write off Rates Debt Report as at 30 June 2024 be RECEIVED.**

**CCS652: NATIONAL ANZAC CENTRE – Q4 2023-24 REPORT**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 4 (Q4) 2023/24 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:

- **Pillar:** Prosperity.
- **Outcome:** A highly sought-after tourist destination.

**In Brief:**

- To provide Council with an update on Q4 2023/24 performance of the NAC.

**RECOMMENDATION**

**CCS652: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR BAESJOU**

**THAT Council:**

1. **RECEIVE** the NAC Operational Report for Q4 2023/24; and
2. **NOTE** this is the final quarterly NAC Operational Report and that future reports will be provided to Council as required.

**CARRIED 10-0**

**CCS652: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR MACLAREN**

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

**CARRIED 10-0**

**CCS652: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

1. **RECEIVE** the NAC Operational Report for Q4 2023/24; and
2. **NOTE** this is the final quarterly NAC Operational Report and that future reports will be provided to Council as required.

## **BACKGROUND**

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million 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 meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is due in November 2024.
7. Minutes of the NAC Advisory Group are provided to Elected Members for information.
8. Council budgets an annual subsidy 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.

## **DISCUSSION**

9. Visitation in Q4 of 2023/24 took overall total visitation to the NAC to 573,721 since opening in November 2014. This equates to an average annual visitation of 59,350 visitors per year.
10. NAC visitation of 12,831 for Q4 is a decrease of 1,862 compared with the same period in 2022/23 which recorded 14,693.
11. April NAC visitation numbers of 5,980 were lower performing figures compared with the same period in 2022/23 being 7,118.
12. May NAC visitation numbers of 3744 were lower performing figures compared with the same period in 2022/23 being 4271.
13. June NAC visitation numbers of 3,107 were higher performing figures compared with the same period in 2022/23 being 2,694.
14. Overall Q4 visitation was a decrease of 1,252 from the previous period of Q3 2023/24.
15. June NAC visitation numbers of 3,107 were fourth highest performing figures for the month since the centre opened, with the highest June being 3,420 in 2015.
16. April NAC visitation numbers of 5,980 were second lowest performing figures since the centre opened, the lowest being 5,720 in 2022 and highest April in 2015 with 11,246.
17. The visitation in Q4 for 2023/24 from the Great Southern region totalled 695 people, equating to 12.1% of Western Australia's overall visitation of 5,725 (an increase of 4.34% on the previous quarter).
18. The total visitation in Q4 2023/24 originated from Western Australia (44%), interstate (49%) and international (6%) and code not recorded (1%).
19. Visitors from other States and Territories consisted of 34% from NSW, 26% from VIC, 21% from QLD, 15% from SA, followed by ACT, TAS and NT all on 1-2%.
20. Interstate visitation of 6,267 (49% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.

21. Revenue generated in Q4 of 2023/24 by the NAC was \$24,493 less compared to the same quarter in 2022/23, however YTD revenue finished marginally above budget.
22. The Forts Store revenue of \$114,030 was \$1,230 less than the same period in 2022/23 but is offset by savings in stock purchase.
23. As at the end of Q4 2023/24, 10,361 households hold memberships to the NAC League of Local Legends program, an increase of 345 from the previous quarter.
24. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

#### GOVERNMENT & PUBLIC CONSULTATION

25. Not Applicable.

#### STATUTORY IMPLICATIONS

26. Not Applicable.

#### POLICY IMPLICATIONS

27. Not Applicable.

#### RISK IDENTIFICATION & MITIGATION

28. Nil.

#### FINANCIAL IMPLICATIONS

29. Refer to the financial summary below for the National Anzac Centre full-year budget and YTD position as of June 30, 2024.
30. In addition to the positive year-end budget position for the National Anzac Centre, the Forts Store returned a positive net result for a second successive year.
31. Full year operating expenditure budget includes:
  - a. \$209,627 of costs from accounts that are “shared” across the AHP.
  - b. A total of \$812,907 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).
  - c. For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$812,907 across the four areas.
  - d. Significant shared expenses attributed to the NAC include shared employee costs, marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2023/24 Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$886,224	\$36,224
Operating Expenditure	\$(575,829)	\$(538,578)	\$37,071
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$274,171</b>	<b>\$347,466</b>	<b>\$73,295</b>
Shared Costs of the Precinct	\$(209,627)	\$(195,631)	\$13,996
Internal Service Delivery	\$(31,651)	\$(31,653)	\$2
<b>Net Operating Income/(Expense)</b>	<b>\$32,893</b>	<b>\$120,182</b>	<b>\$87,289</b>
Capital Expense	\$(176,383)	\$(0)	\$176,383
<b>Total</b>	<b>\$(143,490)</b>	<b>\$120,622</b>	<b>\$263,672</b>

32. The \$176,383 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh.
33. Opportunities to leverage this funding have been limited and one grant application was unsuccessful. The City currently has a grant application pending assessment with the Department of Veterans Affairs and this is expected to be known around September 2024.
34. Due to the above, the balance of the drawdown as of 30 June 2023 being \$176,383 has been carried forward to the 2024-2025 budget to continue the refresh program as additional funding can be secured.

**LEGAL IMPLICATIONS**

35. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

36. Nil.

**ALTERNATE OPTIONS**

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

**CONCLUSION**

38. Overall, Q4 2023/24 has shown slightly lower visitation to the NAC compared to the same time in 2022/23.
39. Q4 has continued a trend of the return of international visitors, with 730 visitors representing 6% of visitation for the quarter, 3.3% less than the previous quarter.
40. Great Southern visitation to the NAC was 12.1% of overall WA visitation during the April - June period in Q4 2023/24.
41. This is 4.34% higher than the previous quarter (Q3 of 2022/23) and remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
42. Interest in the Princess Royal Fortress and exhibitions continues with 1204 people taking part in 124 Princess Royal Fortress Tours.
43. Overall Q4 generated slightly lower visitation figures compared to Q3 but very similar for Q1 and Q2 in 2022/23. This demonstrates a trend of steady visitation.
44. NAC revenue of \$226,465 for Q4 2023/24 was a decrease of \$24,493 compared to the same quarter in 2022/23, but an increase of \$37,252 from Q1 2023/24.
45. Fort Store revenue of \$114,030 for Q4 2023/24 was a decrease of \$1,230 compared to the same quarter in 2022/23, but an increase of \$18,164 from Q1 2023/24.
46. Both the NAC and the Fort Store recorded a positive net budget result for the end of financial year.
47. As previously discussed with Elected Members, this report will be the final quarterly report presented to Elected Members. Following almost 10 years of operational reporting, visitation and budget results for the NAC continue to be relatively consistent.
48. Future reports will be provided to Council as required.
49. Minutes of meetings of the National Anzac Centre Advisory Group will continue to be made available to Elected Members for information.

<b>Consulted References</b>	:	Nil.
<b>File Number</b>	:	CM.RPT.6
<b>Previous Reference</b>	:	OCM 28 May 2024 – Report Item CCS625

**CCS653: COMMUNITY SPORTING AND RECREATION FACILITIES FUND  
2024 SMALL GRANT ROUND APPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

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

**RECOMMENDATION**

**CCS653: RESOLUTION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GRIMMER**

**SECONDED: COUNCILLOR BROUGH**

**THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2024 Funding Round:**

- a) **Middleton Beach Bowling & Community Club – C-Green Reconstruction, Irrigation and Sunshade (Ranked 1 of 2).**
- b) **Railways Football and Sporting Club – Clubhouse Redevelopment Project Stage 2 (Ranked 2 of 2).**

**CARRIED 10-0**

**CCS653: RESOLUTION 2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR TERRY**

**THAT Council:**

- 1. APPROVE a total of \$242,804.97 (exc. GST) from the 2024/2025 Budget as the Council's commitment towards the CSRFF small grant applications as follows;**
  - a) Middleton Beach Bowling Club & Community (\$79,483.30), and Railways Football & Sporting Club (\$163,321.67).**
  - b) This funding will remain allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and**
  - c) The funding amount does not exceed a total of \$242,804.97 (exc. GST)**
- 2. NOTE that should both applicants be successful in securing the funds to draw down their Capital Seed Fund allocation, the Capital Seed Fund will be oversubscribed, and a further report will be prepared for Council to consider a budget amendment, or other options.**

**CARRIED 10-0**

**CCS653: COMMITTEE RECOMMENDATION 1**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR MCKINLEY**

**THAT Authorising Officer Recommendation 1 be ADOPTED.**

**CARRIED 10-0**

**CCS653: AUTHORISING OFFICER RECOMMENDATION 1**

**THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2024 Funding Round:**

- a) Middleton Beach Bowling & Community Club – C-Green Reconstruction, Irrigation and Sunshade (Ranked 1 of 2).**
- b) Railways Football and Sporting Club – Clubhouse Redevelopment Project Stage 2 (Ranked 2 of 2).**

**CCS653: COMMITTEE RECOMMENDATION 2**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: DEPUTY MAYOR TERRY**

**THAT Authorising Officer Recommendation 2 be ADOPTED.**

**CARRIED 10-0**



**CCS653: AUTHORISING OFFICER RECOMMENDATION 2**

THAT Council:

1. APPROVE a total of \$242,804.97 (exc. GST) from the 2024/2025 Budget as the Council's commitment towards the CSRFF small grant applications as follows;
  - a) Middleton Beach Bowling Club & Community (\$79,483.30), and Railways Football & Sporting Club (\$163,321.67).
  - b) This funding will remain allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
  - c) The funding amount does not exceed a total of \$242,804.97 (exc. GST)
2. NOTE that should both applicants be successful in securing the funds to draw down their Capital Seed Fund allocation, the Capital Seed Fund will be oversubscribed, and a further report will be prepared for Council to consider a budget amendment, or other options.

**BACKGROUND**

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funds including:
  - Small Grant Funding Round (Summer)
  - Annual and Forward Planning Funding Round
  - Small Grant Funding Round (Winter)
3. The CSRFF program is now a \$20 million program. All three rounds are often oversubscribed, and clubs may need to reapply multiple times to be successful.
4. DLGSC also opens a Club Night Lights funding round concurrent to CSRFF for which applications are also eligible to receive funding through the City of Albany's Capital Seed Fund. There are no Club Night Lights applications this round.
5. The Small Grants Round has increased its maximum eligible project cost criteria from \$300,000 to \$500,000. This streamlines the application process for projects under \$500,000 with two funding rounds available per year.
6. Traditionally the CSRFF Small Grant program has only funded one third of the total project costs. The revised guidelines now fund up to a half of the total project cost to a limit of \$200,000 for successful small grant recipients.
7. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
8. Clubs and local government authorities applying for funds must demonstrate equitable access to the public on a short term and casual basis.

9. The land on which the facility is to be developed must be one of the following:
  - Crown reserve;
  - Land owned by a public authority;
  - Municipal property; or
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
10. Whilst there is no obligation for local government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.
11. The City of Albany has a Community Sports & Recreation Facility Funding Policy to guide how it will allocate funding through its annual Capital Seed Fund towards community sporting projects applying for CSRFF funding.
12. The DLGSC – Sport and Recreation application form requires applications to be initially submitted to the local government within which the project proposal is located.
13. The CSRFF funding application process requires local government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSC on behalf of the applicants prior to August 31, 2024.
14. Once the assessment process from Local Government Authorities is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSC – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## **DISCUSSION**

15. The DLGSC grant guidelines require Council to provide a ranking for the projects.
16. The DLGSC – Sport and Recreation provides guidelines for local government authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
  - Project justification;
  - Planned approach;
  - Community input;
  - Management planning;
  - Access and opportunity;
  - Design;
  - Financial viability;
  - Coordination;
  - Potential to increase physical activity; and
  - Sustainability.

17. With overall project rating, being:
  - Well planned and needed by municipality;
  - Well planned and needed by applicant;
  - Needed by municipality, more planning required;
  - Needed by applicant, more planning required;
  - Idea has merit, more planning work needed; or
  - Not recommended.
18. The type of projects which will be considered for funding through the CSRFF program include:
  - New playing surfaces – ovals, courts, synthetic surfaces etc;
  - Floodlighting projects (must be to Australian standards);
  - Change rooms and ablutions; and
  - Sports storage.
19. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
20. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
21. The City of Albany has engaged two external and one internal officer/s to provide an independent peer review of the City's assessment process and subsequent ranking of projects. The independent assessment panel involved;
  - Chairperson - Centennial Stadium Incorporated Mr S Leary
  - Great Southern Academy of Sport D Carne
  - City of Albany J Pouwelsen
22. This independent assessment review provides a higher level of transparency and gives Council a higher level of confidence in considering the officer recommendation to endorse the rankings.
23. Of the three reviews, all were of the view that the projects submitted met the CSRFF criteria and were supportive of the proposed project rankings. The independent review comments are attached.
24. The City of Albany has received two (2) Small Grant applications this round. The following additional information is provided about the projects and funding applications.

**Middleton Beach Bowling & Community Club – C-Green Reconstruction, Irrigation and Sunshade.**

25. The funding application is a Small Grant Application for Provision of C-Green Reconstruction, Irrigation and Sunshade.
26. The overarching purpose of the project is to reconstruct the C-Green including reconstruction of the existing base with subsoil drainage, irrigation and laying new playing surface so that it is fit for purpose with the added installation of sunshade at the southern end to protect bowlers from the harmful effects of the sun.
27. C Green was constructed about 18 years ago. At the time of construction adequate and suitable drainage was not installed and as a result C-Green's surface subsequently floods during light to heavy rainfall.
28. At present the green is used for Corporate Bowls (6 weeks of the year 36 teams / 140 players) but outside of this period the asset is mostly unused, and bowls has not been regularly played on the green for over 5 years due to the water pooling on the surface and resulting substandard surface.
29. In winter there is no protection from the rain and in summer, when bowls is mostly played, the players are in the open without shade.
30. The membership of the club is quite aged, and it wishes to provide adequate shade for members during games. Several members have requested the club look into providing shade for the southern side.
31. The Middleton Beach Bowling Club is located on Middleton Beach Road, Middleton Beach.
32. Middleton Beach Bowling Club has 229 full members and 70 social members. Members use the facility all year round.
33. The project is well planned and needed by the applicant. The application, installation and project will be managed by Middleton Beach Bowling Club.
34. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria.

**Railways Football and Sporting Club – Stage 2: Clubhouse Redevelopment Project**

35. The funding application is a Small Grant Application to complete the Stage 2 redevelopment of the Club House Facilities. The facility improvements have been prepared to both facilitate current and projected needs while also allowing flexibility for new avenues to provide shared use opportunities once completed.
36. The project includes the following proposed developments;
  - Vital reroofing works and construction of front steel portal and windows throughout the club house space.
  - Universal access improvements throughout the building and exterior;
  - Development of community function spaces and viewing areas
  - Development of meeting rooms
  - Construction and fit out of the kitchen and canteen area;
  - Final development of the roof and floor.
37. Following advice from the Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager, the club has worked on refining the scope of the remaining stage of its project to the key items that meet the CSRFF eligibility criteria for the purpose of this application.

38. The refined Stage 2 project scope is \$489,965.
39. The Railways Football and Sporting Club has recently commenced works on Stage 1 of its redevelopment and has experienced significant challenges in completing these works, namely around cost escalations of up to 20%. The club has done well in managing these circumstances and has relied significantly on generous in-kind contributions from qualified club members.
40. Stage 1 works are due to be completed by 31 December 2024.
41. The proposed Stage 2 enhancements will facilitate and improve service for wider community access and attraction, including for all abilities users, women's sporting groups, and additional community groups or functions.
42. Much of the Stage 2 project is to address the current building, which whilst being in a reasonable structural condition, will address some critical non-compliant issues with universal accessibility to the club rooms.
43. The club house does not currently provide appropriate disability access into the function area and associated facilities.
44. The current clubhouse design also does not provide a functional and flexible space. The proposed works will seek to address this issue and provide the club with opportunities to share sections of the facility with other user groups through design and multiple floor layout options.
45. The club has a membership of 350 with a mix of ages and genders participating.
46. Membership has been increasing steadily, with an average annual growth rate over 12%.
47. Railways Football & Sporting Club is on crown land managed by the City of Albany. The club has a lease agreement with the City of Albany. The club lease portfolio has recently been extended to accommodate the project.
48. The project is well planned (business case and feasibility study) and needed by the applicant.
49. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria.
50. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking.

### **Rankings**

51. The below ranking recommendation has been provided by the independent assessment panel based on the applicant meeting the required criteria:

<b>RANK</b>	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>	<b>OVERALL PROJECT RATING</b>
1	Middleton Beach Bowling & Community Club	C-Green Bowling Surface Replacement	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facility Funding Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 2.
2	Railways Football & Sporting Club	Stage 2 – Club Room Redevelopment	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facility Funding Policy and CSRFF Guidelines. Elements of the project are a high/medium priority and based on hierarchy of facilities this project is ranked 2 of 2.

52. Correspondence requesting financial assistance and independent project assessments for the project applications is attached.

### GOVERNMENT & PUBLIC CONSULTATION

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

### STATUTORY IMPLICATIONS

55. Council officers assess each project and make a recommendation for the ranking of projects based on the DLGSC criteria and strategic overview.
56. The Council officers' ranking recommendations have been independently peer reviewed.
57. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
58. It should be noted that the DLGSC – Sport and Recreation will make the final decision on funding allocation.

### POLICY IMPLICATIONS

59. The Community Sports and Recreation Facility Funding Policy has been applied in the assessment and recommendations.

### RISK IDENTIFICATION & MITIGATION

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

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

## FINANCIAL IMPLICATIONS

61. The City allocated a total of \$150,000 to its Capital Seed Fund for sporting clubs in the 2024/2025 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.
62. Currently \$150,000 is available in the Capital Seed Fund, and \$25,608 was carried forward from the 2023/24 Fund as required by the Community Sport and Recreation Facility Fund Policy, taking the total Capital Seed funds available for 2024/25 projects to \$175,608.
63. The Capital Seed Fund was established to assist with leveraging State Government funds for sporting clubs and the allocation of funds is guided by the City's Community Sports and Recreation Facility Funding Policy.
64. The DLGSC – Sport and Recreation Regional Manager for the Great Southern has indicated that both these projects would be deemed a low priority in the assessment of projects and based on that priority ranking would be unlikely to achieve 50% funding from the Department.
65. Based on that advice both clubs have followed the traditional one-third funding model.
66. The total projected costs of both projects in the current applications is \$728,414.91.
67. The clubs have requested a total of \$242,804.67 from the City of Albany. These applications exceed the balance of funds in the 2024/25 Capital Seed Fund by \$67,226.67.
68. The scale of the projects and requested funding contribution from the City is beyond the capacity of the Capital Seed Fund.
69. It is the officer's recommendation that should both applicants secure the funding required to draw down on the Capital Seed Fund and that this oversubscribes the fund, officers will prepare a report for Council to consider a budget amendment, or other options.
70. The following table provides the project budget detail and requests for financial support from each of the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Middleton Beach Bowling Club & Community	\$ 238,449.91	\$ 79,483.30	\$ 79,483.30	\$ 79,483.30
Railways Football & Sporting Club	\$ 489,965.00	\$ 163,321.67	\$ 163,321.67	\$ 163,321.67
<b>TOTAL</b>	<b>\$ 728,414.91</b>	<b>\$ 242,804.97</b>	<b>\$ 242,804.97</b>	<b>\$ 242,804.97</b>

71. The next CSRFF Small Grant round is due in February 2025.
72. Subject to both the applicants securing the funding required to draw down the Capital Seed Fund, there will be no capacity to support any applications financially in the next CSRFF Small Grant Round in February.
73. If the applications are unsuccessful for CSRFF, clubs can reapply in the next round or demonstrate other ways to secure the additional funding required to draw down on the Capital Seed Funding commitment.

## LEGAL IMPLICATIONS

74. Nil.

## **ENVIRONMENTAL CONSIDERATIONS**

75. Nil.

## **ALTERNATE OPTIONS**

- 76. Council may choose not to provide funding assistance to one or both of these projects.
- 77. Council may choose to provide more or less funding assistance to these projects.
- 78. Council may choose to change the project ranking based on its strategic priorities.
- 79. Council may choose to amend the 2024/25 Budget to increase the allocation within the Capital Seed Fund to ensure the fund has capacity to cover the City's contribution towards each application.

## **CONCLUSION**

- 80. DLGSC – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.
- 81. All projects meet the criteria provided by the DLGSC – Sport and Recreation. Council is required to rank the projects.
- 82. All projects meet the criteria of the City of Albany Community Sports and Recreation Facility Funding Policy.
- 83. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
- 84. DLGSC – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 31 August 2024.

<b>Consulted References</b>	:	Community Sports & Recreation Facilities Grant Funding Policy
<b>Previous Reference</b>	:	OCM 28/03/2023 – Report Item CCS517



## DIS405: OLD GAOL AND MORETON BAY FIG TREES

<b>Land Description</b>	: Landgate Reserve No R52838
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Old Gaol Wall Damage Structural Assessment Report (Stantec) Old Gaol Fig Tree Arborist Report (Greenman Trading Co)
<b>Report Prepared By</b>	: Manager City Reserves (J Freeman)
<b>Authorising Officer:</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:
  - **Pillar:** 3. Place. 3.2 Interesting, Vibrant and welcoming places.
  - **Outcomes:** 3.2.2 Provide attractive, well-maintained streetscapes, verges and trees.

### Maps and Diagrams:



*Aerial showing 2 x Fig Trees adjacent to the Old Gaol.*

### In Brief:

- The Albany Historical Society expressed concerns that the Old Gaol was being damaged by tree roots from the large Moreton Bay Fig (Fig tree) adjacent to the building.
- A Structural Engineer's report was commissioned which states that the Fig tree is responsible for structural damage to the Old Gaol.
- An Arborist report was also commissioned to explore any options available to protect both the Fig tree and the Old Gaol.
- Both reports recommend the removal of the Fig tree.
- To prevent further damage to the building, both fig trees on this lot are planned to be removed and replaced with more suitable tree species.

**RECOMMENDATION**

**DIS405: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**  
**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR TRAILL**

**THAT Council:**

- 1. NOTE that two Fig Trees adjacent to the Old Gaol will be removed.**
- 2. NOTE that Red-flowering Gum trees (*Corymbia ficifolia*) will be planted on the lot.**

**CARRIED 7-3**

**Record of Vote**

Against the Motion: Councillors Lionetti, Baesjou and MacLaren

**DIS405: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 8-2**

**Record of Vote**

Against the Motion: Councillors Lionetti and Baesjou

**DIS405: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

- 1. NOTE that two Fig Trees adjacent to the Old Gaol will be removed.**
- 2. NOTE that Red-flowering Gum trees (*Corymbia ficifolia*) will be planted on the lot.**

**BACKGROUND**

2. The Old Gaol building was constructed in 1852 and comprises clay brick and stone walls on stone footings and a timber framed roof with metal roof sheeting. The original building was extended in 1873 when it was changed from a convict gaol to a public prison. The building is currently operated as a museum.
3. The City of Albany holds a management order over crown land on which the Old Gaol is located (Landgate Reserve No R22375). The Old Gaol is leased to the Albany Historical Society.
4. The City of Albany also holds a management order over crown land on the lot adjacent to the Old Gaol on which two large Fig trees were planted in the late 1980's (Landgate Reserve No R52838).
5. There have been concerns raised regarding the large Fig adjacent to the Old Gaol since 2008. Initially this was in relation to roots being a trip hazard outside the gaol.
6. At the time, it was determined the tree had no historical significance in relation to the gaol and approval was provided to the Historical Society for removal at their own cost.
7. In 2009, records indicate that neither the Albany Historical Society nor the City of Albany had the budget to remove the Fig tree, resulting in its retention.
8. In 2012, the removal of the Fig was raised again when the toilets in the area were removed due to their poor condition. No action was taken with the tree at this time.

9. In 2018, following a meeting with the Albany Historical Society, an arborist's report was commissioned.
10. The report recommended trimming back the tree roots from the Old Gaol, providing the tree with a mulched area to enhance pedestrian safety and installing a root barrier. At that time, there was no conclusive evidence that the tree roots were causing damage to the Old Gaol.

## **DISCUSSION**

11. This year, the Albany Historical Society again expressed their concerns that the Old Gaol was being damaged by tree roots. It became evident that the actions taken in 2018 did not prevent the tree roots from causing structural issues to the Old Gaol building.
12. Recently Stantec was commissioned to undertake a Structural Inspection Report of the Old Gaol. The report states that the damage to the Old Gaol has occurred due to roots growing under the building foundations, creating upward pressure, and roots absorbing moisture from the soil, leading to excessive foundation movement.
13. Roots that extend under the building must be severed from the Fig trees and any further root growth prevented. Permanent removal of the Fig trees is recommended.
14. As Stantec are not experts in tree health an Arborist's report was also commissioned from Greenman Trading. The scope of the report was to explore options to retain the tree whilst protecting the Old Gaol and to provide recommendations for replacement tree species.
15. It has been noted that the tree stem has increased in size since 2018 by 14% and both trees are healthy and show vigorous growth.
16. The Tree Protection Zone (TPZ) required for a tree this size is 20.52m. The Old Gaol falls within the TPZ, being 16m away from the base of the Fig tree.
17. The TPZ is the principal means of protecting and ensuring that trees have adequate space for healthy growth during and after site development works in Australia.
18. Based on the species' growth habit and spatial requirements for healthy development and growth (TPZ), the amount of space available for the tree is inadequate.
19. Effective isolation of root growth from the building footprint under prevailing conditions are unlikely to be completely effective and would be prohibitively expensive to install and maintain.
20. The Arborist's recommendation is to remove the Fig tree and replace with more suitable species.
21. Suitable replacement species have been recommended based on their potential to thrive in the location and develop a similar stature and significant growth habitat to the Fig trees.
22. The Polyphagous Shot-hole Borer (PSHB), an invasive ambrosia beetle native to Southeast Asia, has recently been detected in the Perth metropolitan area. It causes extensive damage to various tree species, often necessitating complete removal. Notably affected species include Box Elder Maples, Coral Trees, Plane Trees and Moreton Bay Fig trees.
23. Although the PSHB has not been detected in Albany, proactive measures are necessary to protect our trees in the future. Therefore native species local to WA's South are preferred.
24. Based on the arborist's recommendation and to mitigate the future threat of PSHB, it is proposed that Red-flowering Gums are planted in place of the Fig trees.

## **GOVERNMENT & PUBLIC CONSULTATION**

25. Prior to the removal of the Fig trees, a communication plan will be developed to inform the public and key stakeholders.

## STATUTORY IMPLICATIONS

26. N/A

## POLICY IMPLICATIONS

27. N/A

## 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>Property.</b> <b>Risk:</b> If the Fig is not removed there will be further damage to the Old Gaol	Likely	Severe	Extreme	Remove the Fig Tree
<b>Reputation.</b> <b>Risk:</b> The community will be passionate about retaining the tree and/or the Old Gaol.	Likely	Moderate	High	Implement a communications plan to inform the community
<b>Opportunity:</b> To protect Albany's heritage buildings.				

## FINANCIAL IMPLICATIONS

29. The cost of removal of the two Fig trees and replanting is in the order of \$10,000. The Reserve's Operational Budget will be utilised for this.

## LEGAL IMPLICATIONS

30. N/A

## ENVIRONMENTAL CONSIDERATIONS

31. While all *trees* are valuable, the Fig trees in this location are not considered a native species that provide significant environmental benefits.

## ALTERNATE OPTIONS

32. Council *may* choose not to support the removal of the Fig trees.

## CONCLUSION

33. To *protect* the Old Gaol from further damage, it is recommended the Fig trees are removed and replaced with more suitable species.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Old Gaol Wall Damage Structural Assessment Report (Stantec)</li> <li>Old Gaol Fig Tree Arborist Report (Greenman Trading Co)</li> <li>Synergy Records</li> </ul>
<b>File Number</b>	:	A96861
<b>Previous Reference</b>	:	N/A

## DIS406: PROPOSED PERMANENT ROAD CLOSURE – PORTION CUTHBERT STREET ALBANY ADJOINING LOT 13 NO. 5 CUTHBERT STREET

<b>Land Description</b>	: Portion Cuthbert Street Albany
<b>Proponent / Owner</b>	: Mr Neville Davidson
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Authorising Officer:</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:
  - **Pillar:** Place. A safe, sustainable and efficient transport network
  - **Outcomes:** 10.1 Improve road safety, connectivity and traffic flow

### Maps and Diagrams:



### In Brief:

- The owner of Lot 13 No. 5 Cuthbert Street has approached the City of Albany to purchase portion of Cuthbert Street, adjoining their property.
- Council resolution is required to permanently close this portion of Cuthbert Street in order for this land to be amalgamated with the adjoining freehold lot.



## RECOMMENDATION

**DIS406: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR McKINLEY**  
**SECONDED: COUNCILLOR TERRY**

**THAT Council RESOLVES to permanently close a 135m<sup>2</sup> portion of Cuthbert Street pursuant to section 58 of the Land Administration Act 1997 contingent to this land being amalgamated with Lot 13 No. 5 Cuthbert Street, Albany.**

**CARRIED 10-0**

**DIS406: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 10-0**

**DIS406: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council RESOLVES to permanently close a 135m<sup>2</sup> portion of Cuthbert Street pursuant to section 58 of the Land Administration Act 1997 contingent to this land being amalgamated with Lot 13 No. 5 Cuthbert Street, Albany.**

## BACKGROUND

2. The landowner of Lot 13 No 5 Cuthbert Street wrote to the City of Albany in December 2023 to purchase portion of Cuthbert Street, adjoining their property.
3. This land has been used by the current and previous landowners of this property as a driveway and garden since the 1970's.

## DISCUSSION

4. The City of Albany investigated the request to purchase portion of Cuthbert Street Road reserve and determined this land is not required to upgrade or widen Cuthbert Street.
5. Pursuant to Regulation 9 of the *Land Administration Regulations 1998*, the City of Albany publicly advertised the proposed road closure. No submissions were received.
6. The City now presents this matter to Council for resolution.

## GOVERNMENT & PUBLIC CONSULTATION

7. The proposed road closure was advertised in the Extra on the 24 May 2024 for a period of 35 days. The proposal was also made publicly available via the Public Comments page on the City of Albany website.
8. Submissions closed Friday 28 June. No responses were received.
9. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper	24 May – 28 June 2024	District reach	yes
Consult	City of Albany website	24 May – 28 June 2024	Open to the public	yes

## STATUTORY IMPLICATIONS

10. Section 58 of the *Land Administration Act 1997*.
11. Regulation 9 of the *Land Administration Regulations 1998*.

## POLICY IMPLICATIONS

12. There are no policy implications relating 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>Operational Risk:</b> <i>Deciding to dispose of the land at this stage is premature and could potentially hinder future planning and expansion of the road.</i>	Rare	Insignificant	Low	<i>Considering the current historical developments and the character of the street a widening is not required nor feasible.</i>
<b>Opportunity:</b> <i>Resolve land tenure to align with current and projected use of this land into the future.</i>				

## FINANCIAL IMPLICATIONS

14. All costs to close the road are to be borne by the proponent. Final disposal of the land will be the responsibility of the Department of Planning Lands & Heritage.

## LEGAL IMPLICATIONS

15. There are no legal implications relating to this item.

## ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental considerations relating to this item.

## ALTERNATE OPTIONS

17. Council may choose to:
  - Refuse the proposal;
  - Support the proposal with modifications.

## CONCLUSION

18. The owner of Lot 13 No. 5 Cuthbert Street has approached the City of Albany to purchase portion of Cuthbert Street, adjoining their property.
19. The City of Albany has determined that this land is not required for use as a public road.
20. The City of Albany has advertised the proposal with no submissions received.
21. Council resolution is required to permanently close this portion of Cuthbert Street in order for this land to be amalgamated with the adjoining freehold lot

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
<b>File Number</b>	:	RD.RDC.2
<b>Previous Reference</b>	:	Nil

## DIS407: PROPOSED PERMANENT ROAD CLOSURE – PORTION CUTHBERT STREET ALBANY ADJOINING LOT 2 NO. 18 CUTHBERT STREET

Land Description	: Portion Cuthbert Street Albany
Proponent / Owner	: Mr Brett Sutton
Report Prepared By	: Lands Officer (A Veld)
Authorising Officer:	: 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:
  - **Pillar:** Place. A safe, sustainable and efficient transport network
  - **Outcomes:** 10.1 Improve road safety, connectivity and traffic flow

### Maps and Diagrams:



### In Brief:

- The owner of Lot 2 No. 18 Cuthbert Street has approached the City of Albany to purchase a portion of Cuthbert Street, adjoining their property.
- Council resolution is required to permanently close this portion of Cuthbert Street for this land to be amalgamated with the adjoining freehold lot.



**RECOMMENDATION**

**DIS407: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH**  
**SECONDED: COUNCILLOR McKINLEY**

**THAT Council RESOLVES to permanently close a 450m<sup>2</sup> portion of Cuthbert Street pursuant to section 58 of the Land Administration Act 1997 contingent to this land being amalgamated with Lot 2 No. 18 Cuthbert Street, Albany.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Baesjou

**DIS407: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR LIONETTI**  
**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 8-2**

**Record of Vote**

Against the Motion: Councillors Baesjou and MacLaren

**DIS407: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council RESOLVES to permanently close a 450m<sup>2</sup> portion of Cuthbert Street pursuant to section 58 of the Land Administration Act 1997 contingent to this land being amalgamated with Lot 2 No. 18 Cuthbert Street, Albany.**

**BACKGROUND**

2. The landowner of Lot 2 No 18 Cuthbert Street wrote to the City of Albany in December 2023 to purchase portion of Cuthbert Street, adjoining their property.
3. This portion of Cuthbert Street has remained as vacant land since the 1970's.

**DISCUSSION**

4. The City of Albany investigated the request to purchase portion of Cuthbert Street and determined this land is not required to upgrade or widen the current Cuthbert Street road reserve.
5. Pursuant to Regulation 9 of the *Land Administration Regulations 1998*, the City of Albany publicly advertised the proposed road closure. No submissions were received.
6. The City now presents this matter to Council for resolution.

**GOVERNMENT & PUBLIC CONSULTATION**

7. The proposed road closure was advertised in the Extra on the 24 May 2024 for a period of 35 days. The proposal was also made publicly available via the Public Comments page on the City of Albany website.
8. Submissions closed Friday 28 June. No responses were received.
9. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper	24 May – 28 June 2024	District reach	Yes
Consult	City of Albany website	24 May – 28 June 2024	Open to the public	Yes

## STATUTORY IMPLICATIONS

10. Section 58 of the *Land Administration Act 1997*.
11. Regulation 9 of the *Land Administration Regulations 1998*.

## POLICY IMPLICATIONS

12. There are no policy implications relating 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>Operational Risk:</b> <i>Deciding to dispose of the land at this stage is premature and could potentially hinder future planning and expansion of the road.</i>	<i>Rare</i>	<i>Insignificant</i>	<i>Low</i>	<i>Considering the current historical developments and the character of the street a widening is not required nor feasible.</i>
<b>Opportunity:</b> <i>Resolve land tenure to align with current and projected use of this land into the future.</i>				

## FINANCIAL IMPLICATIONS

14. All costs to close the road are to be borne by the proponent. Final disposal of the land will be the responsibility of the Department of Planning Lands & Heritage.

## LEGAL IMPLICATIONS

15. There are no legal implications relating to this item.

## ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental considerations relating to this item.

## ALTERNATE OPTIONS

17. Council may choose to:
  - Refuse the proposal;
  - Support the proposal with modifications.

## CONCLUSION

18. The owner of Lot 2 No. 18 Cuthbert Street has approached the City of Albany to purchase portion of Cuthbert Street, adjoining their property.
19. The City of Albany has determined that this land is not required for use as a public road.
20. The City of Albany has advertised the proposal with no submissions received.
21. Council resolution is required to permanently close this portion of Cuthbert Street in order for this land to be amalgamated with the adjoining freehold lot

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
<b>File Number</b>	:	RD.RDC.2
<b>Previous Reference</b>	:	Nil

## DIS408: DRAFT LOCAL PLANNING POLICY 1.2: SHIPPING CONTAINERS

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: <ul style="list-style-type: none"><li>• Draft Local Planning Policy 1.2: Shipping Containers</li><li>• <a href="#">Addendum – Response to Questions “Taken on Notice” post committee meeting.</a></li></ul>
<b>Supplementary Information &amp; Councillor Workstation</b>	: Non-Habitable Structures Local Planning Policy Proposed LPS2 Shipping Container Exemptions
<b>Report Prepared By</b>	: Senior Planning Officer (D Ashboth)
<b>Authorising Officer:</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 its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcomes:**
    - Interesting, vibrant and welcoming places.
    - Responsible growth, development and urban renewal.
    - Local history, heritage and character is valued and preserved.

#### In Brief:

- To assist the implementation of LPS2, staff have identified specific provisions under LPS2 that may require further guidance through the preparation of a new local planning policy.
- LPS2 outlines the requirement to obtain development approval from the local government for the temporary or permanent placement and/or development of a shipping container.
- Draft Local Planning Policy 1.2 Shipping Containers (LPP 1.2) has been prepared to guide the assessment of applications for the permanent or temporary placement of shipping containers in accordance with LPS2.
- Council is requested to endorse the draft LPP1.10 for advertising.

### DIS408: ADDENDUM

**Responses to questions taken on notice at the DIS Committee Meeting held on 14 August 2024 are attached.**

***Note: Responses were provided to Elected Members by the Manager Development Services by email (Document Reference EF24184476).***

**RECOMMENDATION**

**DIS408: RESOLUTION:  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council resolves to ADVERTISE Local Planning Policy 1.2 Shipping Containers, in pursuance of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED 8-2**

**Record of Vote:**

Against the Motion: Councillors Lionetti and McKinley

**DIS408: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR SUTTON**

**THAT the Authorising Officer Recommendation be ADOPTED**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor McKinley

**DIS408: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council resolves to ADVERTISE Local Planning Policy 1.2 Shipping Containers, in pursuance of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**BACKGROUND**

4. The City of Albany Local Planning Scheme No. 2 (LPS2) was published in the Government Gazette in February 2024.
5. LPS2 requires development approval from the local government for the temporary or permanent placement and/or development of a shipping container, irrespective of the permissibility of the land use and/or any existing approved use on site.
6. Officers have also prepared draft LPS2 exemptions from the requirements to obtain development approval for shipping containers in the Rural and Priority Agriculture Zones. These exemptions will form part of a proposed omnibus amendment to LPS2 and will be subject to the approval of Council and the Western Australian Planning Commission (refer Councillor Workstation).
7. Prior to the preparation of LPS2, shipping containers were assessed against provisions applicable to the overarching land use (e.g. storage) with no additional criteria specific to the assessment of the structure (shipping container).
8. One exception to this statement relates to shipping containers proposed for use as outbuildings under the City's Non-habitable Structures Local Planning Policy which required applications involving shipping containers to be advertised to adjoining landowners and redevelopment measures to be undertaken.

9. The content of the *Non-Habitable Structures Local Planning Policy*, minus the specific provisions relating to shipping containers, has been incorporated into LPS2 and the policy has subsequently been revoked.
10. It was proposed that the provisions concerning shipping containers be expanded to cover a broader range of land uses, not just outbuildings, and be managed through a Local Planning Policy.
11. In addition to development approval, a building permit is required for the permanent (and sometimes temporary) placement of shipping containers to ensure the structure is placed on appropriate foundations and tied down for safety.
12. There is, however, a common misconception within the community that no approvals are required for the placement of shipping containers.
13. This misconception has resulted in a significant compliance burden for City of Albany Compliance Officers and has safety implications with several unapproved shipping containers being placed on uneven ground / foundations and/or constructed without tie downs.

## **DISCUSSION**

14. Developing a specific Local Planning Policy for shipping containers will clarify approval requirements, thereby reducing compliance burdens and safety concerns.
15. With the rising number of shipping containers being installed on properties without proper approvals, the City frequently finds them in inappropriate locations, such as over services or easements, which obstructs access to and the functionality of these services and easements.
16. Shipping containers are often placed across designated parking bays or vehicle manoeuvring areas required by site development approvals. This reduces parking availability, negatively impacts vehicle manoeuvrability and sight lines, and can lead to conflicts with development approval conditions.
17. Shipping containers can also affect local amenity when placed in front setback areas, required landscaping zones, designated bin storage areas (forcing bins to be relocated to unsuitable locations), or on sites lacking approved buildings or dwellings.
18. Considering the need for development approval and the common issues with the placement of shipping containers identified, it is appropriate for draft LPP1.2 to include assessment criteria for the on-site location of shipping containers.
19. Additional safety concerns arise with shipping containers because they cannot be opened from the inside, leading to potential entrapment.
20. To address this, it is proposed that shipping containers be modified to allow interior access, in line with requirements from other local governments. This condition will be applied to development approvals.
21. Draft LPP1.2 includes provisions requiring redevelopment measures to improve the appearance and minimise the amenity impacts of shipping containers, given their industrial nature.
22. These measures will be necessary only if the container is visible from adjoining properties or public areas and must be detailed in any development approval application.
23. Due to their industrial nature, shipping containers are generally consistent with the expected amenity of industrial zones.
24. Therefore, redevelopment measures may be waived by the City of Albany for containers in industrial zones unless they are visible from adjoining properties or public spaces in non-industrial zones.

25. Consistent with the former *Non-Habitable Structures Policy*, draft LPP1.2 requires that proposals for permanent shipping containers in residential zones be advertised to address amenity concerns.
26. Outside residential zones, advertising may be at the discretion of the City of Albany if the proposal might negatively impact neighbouring landowners.
27. Draft LPP1.2 proposes to exempt the temporary placement of shipping containers from development approval requirements, including for construction sites or temporary loading/unloading purposes.
28. Instead of a development application, the City will accept a formal request for temporary approval of a shipping container, provided the temporary nature and need for the structure are confirmed.
29. A site plan will be required to show that the shipping container meets required setbacks, does not impact pedestrian or vehicle movement, and does not obstruct vehicle sight lines.
30. The site plan will also ensure containers are located within property boundaries, as temporary containers are often placed on verges outside lot boundaries without approval, affecting verge maintenance, obstructing footpaths, and creating hazards.
31. Draft LPP1.2 allows the City to consider waiving redevelopment measures for the temporary placement of shipping containers at the officer's discretion. Redevelopment measures would be required only if the container is prominently located and needed for an extended period.
32. Further exemptions for shipping containers in Rural and Priority Agriculture Zones will be addressed through an omnibus amendment to LPS2 (refer to Councillor Workstation).
33. It is recommended that the Council endorse the *draft Local Planning Policy 1.2 Shipping Containers* for the purpose of advertising.

#### **GOVERNMENT & PUBLIC CONSULTATION**

34. Approval is sought to advertise the draft LPP2.1 in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
35. If the Council resolves to support the draft LPP2.1 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
36. The policy will also be published on the City of Albany website for 21 days.
37. Both the newspaper and the website will give details of:
  - a) Where the draft Local Planning Policy can be inspected.
  - b) The subject and nature of the draft Local Planning Policy; and
  - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
38. A copy of the policy will also be made available for inspection at the City of Albany.
39. After expiry of the period within which submissions may be made, the Local Government is to:
  - a) Review the draft Local Planning Policy in light of any submissions made; and
  - b) Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

#### **STATUTORY IMPLICATIONS**

40. Consideration of draft new LPPs requires resolution of Council for endorsement to advertise and final adoption following advertising, with or without modifications, in accordance with the Planning Regulations.
41. Should Council resolve to adopt draft LPP2.1, with or without modification, a notice must be published as per cl.87 of the Planning Regulations.

**POLICY IMPLICATIONS**

42. There are no policy implications relating to endorsing the proposed LPP1.2 for advertising.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational</b> <i>Not approving draft LPP1.2 for advertising could result in inconsistent advice and/or assessment of applicable development proposals, leading to undesired outcomes.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Policy provisions are consistent with the scheme standards and requirements, to provide guidance and supporting information for the consideration of applicable proposals.</i>
<b>Opportunity:</b> <i>To ensure shipping containers do not detract from the amenity of the area in which they are situated, or effect the existing operation of the site.</i>				

**FINANCIAL IMPLICATIONS**

44. There are no financial implications beyond what will be used for advertising.

**LEGAL IMPLICATIONS**

45. There are no legal implications relating to endorsing the proposed draft LPP1.2 for advertising.

**ENVIRONMENTAL CONSIDERATIONS**

46. There are no environmental implications relating to endorsing the proposed draft LPP1.2 for advertising.

**ALTERNATE OPTIONS**

47. Council has the following alternate options in relation to this item, which are:

- To resolve to proceed with advertising the policy without modification;
- To resolve to proceed with advertising the policy subject to modification; and
- To resolve not to proceed with advertising the policy.

**CONCLUSION**

48. Staff recommend Council resolve to endorse the draft LPP 1.2 Shipping Containers for advertising.
49. Upon agreement, a notice of the proposed policy will be placed in a newspaper and on the City's website for 21 days.
50. After expiry of the period within which submissions may be made, the Local Government is to:
- Review the draft local planning policy considering any submissions made; and
  - Resolve to adopt policy positions with or without modification, or not to proceed.

<b>Consulted References</b>	:	1. Draft Local Planning Scheme No. 2 2. Planning and Development (Local Planning Schemes) Regulations 2015 3. City of Albany Non-Habitable Structures Local Planning Policy.
<b>File Number</b>	:	LP.POL.2
<b>Previous Reference</b>	:	Nil

**DIS409: PLANNING AND BUILDING REPORTS JULY 2024**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports July 2024  
**Report Prepared By** : Technical Support Officer (P Ruggera)  
**Authorising Officer:** : Manager Development Services  
(J van der Mescht)

**RECOMMENDATION**

**DIS409: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR TRAILL**

**THAT the Planning and Building Reports for July 2024 be NOTED.**

**CARRIED 10-0**



## PR015: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

<b>Proponent / Owner</b>	: City of Albany.
<b>Attachments</b>	: <b>CONFIDENTIAL CEO Annual Appraisal Report prepared by Learning Horizons.</b> Including the Team Plan – Chief Executive Officer KPI's for 2024-2025.
<b>Report Prepared By</b>	: PA to Mayor and Councillors (D Clark). Confidential CEO Annual Appraisal Report prepared by Learning Horizons.
<b>Authorising Officer:</b>	: Manager People and Culture (D Waugh) Manager Governance & Risk (S Jamieson)

7.59pm Mr Sharpe left the Chamber after declaring a Financial interest in this item.

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcomes:** Proactive, visionary leaders who are aligned with community needs and values
  - **Objectives:** Provide strong, accountable leadership

#### In Brief:

- Consider the CEO Performance Review Committee recommended CEO Key Performance Indicators for the period 2024-2025.

### RECOMMENDATION

#### PR014: RESOLUTION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR MCKINLEY**

**SECONDED: DEPUTY MAYOR TERRY**

**THAT Council:**

1. **ACCEPT** that Mr Andrew Sharpe's annual performance review as Chief Executive Officer for the City of Albany for 2023/24 has been undertaken.
2. **ACCEPT** the Chief Executive Officers Performance Review Committee's recommended CEO Key Performance Indicators for the period 2024-2025 and associated recommendations contained in the attached confidential CEO Annual Appraisal Report.

**CARRIED 10-0  
ABSOLUTE MAJORITY**

## BACKGROUND

2. The *Local Government (Administration) Regulations 1996* prescribes the Model Standards for CEO Recruitment, Performance and Termination (Part 4 – Local government employees).
3. The City of Albany's CEO Performance Review Process Policy and Clause 8, Performance Criteria and Review of Performance of the CEO's employment contract are in accordance with the Model Standards, contain the requirements of an annual review of the CEO's performance and define the review process.

## DISCUSSION

### Review Panel

4. The CEO Performance Review Committee Process and Policy describes the composition of the Performance Review Panel as consisting of the Mayor and three Councillors appointed by resolution of Council.
5. The CEO Performance Review Committee members for the 2023/24 review period are:
  - Mayor Stocks;
  - Councillor Terry;
  - Councillor Traill; and
  - Councillor McKinley.

### Independent Facilitator

6. For the purposes of increased transparency, the CEO Performance Review Committee determined to engage Ms Helen Hardcastle of Learning Horizons for the 2023/24 review.
7. In addition to facilitating the CEO Performance Review Committee meetings, Ms Hardcastle's services included the distribution of the appraisal questionnaire to all Councillors, collation of appraisal responses and preparation of the Committee's report to Council.

### Review Process

The key milestones of the review process are summarised below:

Date	Action
18 June 24	The Mayor & the CEO Performance Review Committee met with the consultant to discuss expectations and finalise the process including dates.
25 June 24 OCM	The Mayor advised Councillors of the commencement of the CEO Performance Review process.
16 July 24	The CEO completed his self-assessment and it was provided to Elected Members.
16 July 24 Strategic Workshop	The CEO provided an in-person "Year in Review" presentation to Councillors and the CEO Performance Review Committee. This consisted of a high-level overview of current and past organisational performance and his performance against the agreed CEO's KPIs.
17 July 2024	The consultant distributed the questionnaire to Councillors and sought feedback on CEO performance and the proposed KPIs for 2024/2025.
18 to 26 July 24	The questionnaire closed on Friday 26 July 2024. The consultant collated elected member feedback and prepared a report for the CEO Performance Review Committee's review.
13 August 2024	The CEO Performance Review Committee met with the consultant to review the written report and set the new KPI's for year ahead.
20 August 24	The CEO Performance Review Committee briefed the Council as part of the August Strategic Workshop.
27 August 2024	The Final report has been prepared for presentation to Council for endorsement.

8. Elected Members were provided with the appraisal questionnaire and the opportunity to provide feedback. Feedback was received from eleven (11) elected members.
9. An aggregated summary of the feedback, ratings and comments from Elected Members was presented at a briefing for the Performance Review Committee meeting held on 13 August 2024
10. The CEO's formal appraisal meeting was held on 13 August 2024. In addition to the Committee Ms Helen Hardcastle, Consultant, Learning Horizons and Mr Andrew Sharpe were present at the meeting.

#### Review Outcomes

11. The CEO's performance rating for the 2023/24 performance period, based on the aggregated Elected Member feedback summary and the formal performance review, Elected Members unanimously agreed that the CEO had met expectations or provided a high level of performance overall.
12. The CEO Performance Review Committee's full recommendations are detailed in the confidential attachment to this report.

#### Key Performance Indicators (KPIs)

13. Discussion of the CEO's KPIs for the 2024/25 period was held during the CEO Performance Review Committee Strategic Briefing to Council on 13 August 2024.
14. All Councillors were provided with the opportunity to discuss and prioritise outcomes for the City for the next review period. The CEO Performance Review Committee considered the feedback of all Councillors in the development of the 2024/25 CEO KPIs.
15. The proposed CEO KPIs for the 2024/25 review period are provided in the CEO Key Performance Indicators Statement included as an attachment to this report.

### **GOVERNMENT & PUBLIC CONSULTATION**

16. Not Applicable.

### **STATUTORY IMPLICATIONS**

17. The CEO Performance Review has been conducted per the Model Standards for CEO Recruitment, Performance and Termination of the Local Government (Administration) Regulations 1996.
18. Voting requirement for this item is **ABSOLUTE MAJORITY**.

### **POLICY IMPLICATIONS**

19. Nil. Process conducted following the CEO Performance Review Process Policy.

### **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>Legal. Risk:</b> The statutory and contractual process compromised	Unlikely	Major	High	Ensure the Council is fully aware of the statutory and contractual process to be followed. Guidance sought from an external performance specialist.

## FINANCIAL IMPLICATIONS

21. The CEO's remuneration package is included in the current 2024-25 budget.

## LEGAL IMPLICATIONS

22. Refer to the risk identification and mitigation section of this report, and the requirements detailed in the *Local Government Act 1995* (s. 539A(1)) and the *Local Government (Administration) Regulations 1996*.

## ENVIRONMENTAL CONSIDERATIONS

23. Not applicable.

## ALTERNATE OPTIONS

24. Council may endorse (accept) the review, with or without modification, or reject the recommendations of the CEO Performance Review Committee.

## CONCLUSION

25. It is recommended the CEO Performance Review Committee report is noted and all recommendations, including the Key Performance Indicators for the 2024/25 period, are adopted.

Consulted References	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Local Government (Administration) Regulations 1996</i></li><li>• <a href="#">CEO Performance Review Process Policy</a></li></ul>
File Number	:	Personnel File
Previous Reference	:	OCM Report Item PR014

**8.06pm:** Mr Sharpe returned to the Chamber. Mr Sharpe was not present during the discussion and vote for this item.

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** Nil
18. **CLOSURE**

There being no further business the Presiding Member declared the meeting closed at **8:07pm**.

A handwritten signature in black ink that reads "Greg Stocks". The signature is written on a light blue rectangular background. A horizontal dotted line is positioned just below the signature.

---

Gregory B Stocks  
**MAYOR**

## Questions to Albany Council

6pm

27 August, 2024

Person 1 Sue Ashton (Susanne)

1. Are the Mayor and councillors aware that Albany Pride issued a statement in connection with Albany Pride week, which stated: *"Albany Pride is proudly and unapologetically inclusive of the entire spectrum of the Queer community"*? and that this statement continues to be on their website? (<https://albanypride.com.au/network/spectrum/>)
2. Can the Mayor confirm that he, along with councillors, received a letter via email on or about 12th of March 2024, from the Australian Christian Lobby state director Peter Abetz, which provided links to articles in the media and research journals, demonstrating that some of the leading LGBTIQA+ activists, both in Australia and overseas, have a history of advocating that paedophilia should be regarded as a legitimate and normal sexual orientation?

[If the Mayor answers 'No', a print-out of the email will be handed over]

Person 2 Jurien Dekker

3. Can the Mayor confirm that the email that he received from Peter Abetz, along with the Albany City councillors, on or about 12<sup>th</sup> of March, contained this paragraph which is a ~~[OR]~~  
~~Is the mayor aware of the~~  
quote from a University issued statement by Latrobe University, released on the retirement of Prof Gary Dowsett:

*"Professor Dowsett has been an active member of the LGBTIQ+ community since the early days of gay and lesbian liberation movement in the 1970s. In 2018, Professor Dowsett was awarded a life membership of Sydney's Gay and Lesbian Mardi Gras, recognising his contributions to the LGBTIQ community.... His work is recognised internationally and nationally as central in the historical response to HIV in the 80s and discussion of post-AIDS in the 90s.*

- 4 Would the Mayor and councillors agree, that in light of the glowing statement issued by Latrobe University, referred to in the previous question, Prof Dowsett is a respected senior person in the Queer advocacy movement?



Person 3 Ian 't Hart

5. Given Albany Pride's statement about it being inclusive of the entire spectrum of the Queer community, would the Mayor agree that a reasonable person would interpret this statement to imply that persons who hold views similar to those of Prof Gary Dowsett would be accepted as part of the Albany Pride community?
6. Can the Mayor confirm that the email letter that was received by him and councillors on or about March 12, 2024 from Peter Abetz, WA State Director of the Australian Christian Lobby, contained the following quote from an article written by the highly regarded, long time LGBTQIA+ activist, Prof. Gary Dowsett, who was the Deputy Director of the Australian Research Centre in Sex, Health & Society (ARCSHS) at Latrobe University for 22 years until his retirement in June 2019.

And I quote Professor Dowsett:

*First we have three legal/social questions to win: custody rights for gay men and lesbians; **the legal right of paedophiles and their young lovers; and finally the sexual rights of children as a whole....***

I further quote Professor Dowsett:

***'How different then is that gentle, tentative sexuality between parent and child from the love of a paedophile and his/her lover? From all their accounts and from many academic studies (some worse than others) that kind of love, warmth, support and nurture is an important part of the paedophilic relationship. I am not saying that mothering/fathering is paedophilic; but I am saying they are not mutually exclusive...'***

And a final quote from Professor Dowsett:



*'...The current paedophilia debate is then crucial to the political processes of the gay movement: **paedophiles need our support, and we need to construct the child/adult sex issue on our terms.**'*

These quotes appeared in the periodical *Gay Information*, issue 11, pp 34-38 (1982) and was entitled: *"Boiled Lollies and Band-aids: Gay Men and Kids."*

Can you confirm that the letter contained this quote please?

**Person 4** Amy Ullrich

7. Would the Mayor agree that the quotes in the emailed letter from Peter Abetz, combined with the glowing endorsement of Professor Gary Dowsett, given by Latrobe University on his retirement (referred to in an earlier question), is clear evidence that there are people within the Queer community who consider paedophilia to be just another sexual orientation?
8. Is the Mayor aware that the term 'minor attracted persons' is a euphemism for persons who experience sexual attraction to children, which in common usage is referred to as 'paedophilia'?
9. Given that the Council has ordered Cr Brough to undertake gender sensitivity training, can the Mayor please advise what alternative wording he would have found acceptable for Cr Brough to use to draw attention to the fact that within the Queer community there are persons who are sexually attracted to minors?

**Person 5** Lynette Schoof

10. Did the Panel that investigated the allegation that Cr Brough had breached the Code of Conduct make a finding as to the factual accuracy or otherwise of Cr Brough's statement to council on Feb 27, 2024?
11. Given that the Mayor is not at liberty to divulge the <sup>report</sup> outcome of the Panel investigation into whether Cr Brough breached the Code of Conduct or not, how can the other councillors and the City of Albany public, have any confidence in the appropriateness, or not, of the sanction that has been imposed on Cr Brough?

**Person 6** Glenn Schoof

12. Given that the documentation provided by Peter Abetz in his email to the councillors, demonstrated that that Cr Brough's statement was factually correct, what is the Mayor's response to me and fellow ratepayers, who consider the sanction against Cr Brough as a form of bullying, and intended to send a clear message to Cr Brough and any other councillor, that they should refrain from bringing matters of fact to the attention of Council, if it might upset a favoured lobby group within the City?
13. Given that the Mayor and councillors were provided with documentary evidence that Cr Brough's statement to Council on Feb 27<sup>th</sup> 2024 was factually correct, did the Mayor or any of the councillors
  - a. provide this information to the panel that considered the complaints against Cr Brough?
  - b. make any effort to have the Albany Advertiser and the ABC to remove from their websites the false claim that what Cr Brough said was factually incorrect?

**Person 7** Michael Walmsley

14. Given the information the council now has, will the Mayor move a motion to rescind the sanction on Cr Brough?

END