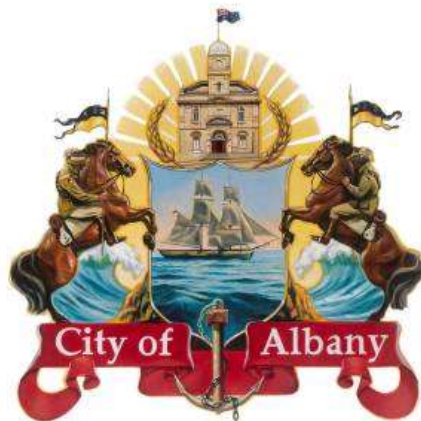




MINUTES

Ordinary Meeting of Council

Tuesday 28 May 2019

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**



ORDINARY COUNCIL MEETING
MINUTES 28/05/2019

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

E Doughty

Kalgan Ward

B Hollingworth

Vancouver Ward

J Shanhun

West Ward

S Smith

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development Services

P Camins

Acting Executive Director Infrastructure
& Environment

M Richardson

Manager Communications and Events

N Watson

Meeting Secretary

J Williamson

Apologies:

Vancouver Ward

Councillor Sleeman (Leave of Absence)

West Ward

A Goode JP (Apology)

Executive Director Community Services

S Kay (Apology)

Approximately 50 members of the public and two members of the media were in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	DIS160	Impartiality. The nature of the interest being that Councillor Smith owns and operates holiday accommodation in Albany. Councillor Smith remained in the Chamber and participated in the discussion and vote for this item.
Councillor Terry	CCS156	Impartiality. The nature of the interest being that Councillor Terry's partner works for a legal firm which tendered for the panel, but was unsuccessful. Councillor Terry remained in the Chamber and participated in the discussion and vote for the item.
Chief Executive Officer A Sharpe	PR006	Financial. The nature of the interest being that Mr Sharpe's employment contract is being discussed. Mr Sharpe left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Moir

Summary of key points:

- Attended the UWA Science Project hosted at Yakamia Primary School, and the Art of Participatory Community Building Workshop.

6.03pm Councillor Doughty

Summary of key points:

- Attended the Great Southern Regional Road Group meeting at Bremer Bay. An upgrade to the South Coast Highway should be prioritised.
- Congratulated the local community on their enthusiasm for the Wellstead Streetscape Project.

6.04pm Councillor Hollingworth

Summary of key points:

- Attended the 40th Anniversary of Albany Port Rotary Club.

6.05pm Councillor Stocks

Summary of key points:

- Addressed Council regarding the State Government's decision regarding Taxi deregulation. Stated that there had been some concession by the government with the introduction of a transition allowance.
- Councillor Stocks said that after July 1st Albany will have a diminished taxi service, and there may not be a taxi service in off peak times.

6.08pm Councillor Terry

Summary of key points:

- Attended the State Budget Breakfast ACCI.
- Congratulated the organisers of the Vancouver Street Festival for a successful event.
- Attended the Princess Royal Sailing Club Sailability volunteer acknowledgement.
- Thanked departing Executive Director of Corporate Services.

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

7. PUBLIC QUESTION TIME

6.11pm Mr Gregory Johnson, McKail

Summary of key points:

- Mr Johnson addressed Council regarding CCS152: Racewars Albany 2019-Post Event Report. Mr Johnson spoke against the Committee Recommendation.

6.13pm Mr Terry Hodgkinson Frenchman Bay Road, Albany

Summary of key points:

- Mr Hodgkinson addressed Council regarding DIS157: Food Organics and Garden Organics (FOGO). Mr Hodgkinson expressed concern that businesses could be disadvantaged by the pick-up schedule.

6.16pm Mr Tony Harrison, Little Grove

Summary of key points:

- Mr Harrison addressed Council regarding the Yakamia Creek Wetlands project, and also tabled a copy of a submission he had made to the Environmental Protection Authority regarding a mining free zone in the south of Western Australia.
- Mr Harrison's tabled document can be found at Appendix A.

6.21pm Mr Christopher Saurin, Jefferies Street, Mount Melville

Summary of key points:

- Mr Saurin addressed Council regarding 15.1: Notice of Motion by Councillor Goode. Mr Saurin spoke in support of Councillor Goode's Notice of Motion.

6.24pm Ms Stephanie Metcalf, Bayonet Head

Summary of key points:

- Ms Metcalf addressed Council regarding 15.1: Notice of Motion by Councillor Goode. Ms Metcalf spoke against the Notice of Motion by Councillor Goode.

6.27pm Ms Jacqueline Daniel, Bathurst Street

Summary of key points:

- Ms Daniel Addressed Council regarding 15.1: Notice of Motion by Councillor Goode. Ms Daniel spoke against the Notice of Motion by Councillor Goode.

There being no further speakers, the Mayor declared Public Question Time closed at 6.31pm.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TERRY

THAT Councillor Hollingworth be GRANTED Leave of Absence for the period 21 June 2019 to 28 June 2019 inclusive.

CARRIED 11-0

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR STEPHENS

THAT the minutes of the Ordinary Council Meeting held on 23 April 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings, pending the following inclusion:

15. Notices of Which Previous Notice Has Been Given.

These Notices of Motion will be dealt with at the May 2019 OCM in accordance with 3.6(1) of the Standing Orders Local Law 2014, which stipulates that “a notice of motion is to be given no less than ten days before the Meeting at which the motion is moved.”

CARRIED 11-0

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the minutes of the Special Council Meeting held on 15 May 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS145: FINANCIAL ACTIVITY STATEMENT – MARCH 2019

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS145: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Financial Activity Statement for the period ending 31 March 2019 be RECEIVED.
CARRIED 11-0

CCS145: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR STEPHENS

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

CCS145: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 March 2019 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 March 2019 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City's 2018/19 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 March 2019 has been incurred in accordance with the 2018/19 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS146: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2019

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

RECOMMENDATION

CCS146: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR TERRY

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2019 totalling \$7,717,501.77.

CARRIED 11-0

CCS146: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS146: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2019 totalling \$7,717,501.77.

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 April 2019. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$1,800.00
Credit Cards	\$15,372.95
Payroll	\$1,561,705.09
Cheques	\$86,434.71
Electronic Funds Transfer	\$6,052,189.02
TOTAL	<u>\$7,717,501.77</u>

As at 15 April 2019, the total outstanding creditors stands at \$575,228.16 and is made up as follows:

Current	\$380,396.12
30 Days	\$639,778.70
60 Days	\$23,825.15
90 Days	\$(3,949.78)
TOTAL	<u>\$1,040,050.19</u>
Cancelled Cheques	One

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 April 2019 has been incurred in accordance with the 2018/2019 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 April 2019 has been incurred in accordance with the 2018/2019 budget parameters.

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS147: DELEGATED AUTHORITY REPORTS – MARCH TO APRIL 2019

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

RECOMMENDATION

CCS147: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Delegated Authority Reports 16 March 2019 to 15 April 2019 be RECEIVED.

CARRIED 11-0

CCS147: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS147: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 March 2019 to 15 April 2019 be RECEIVED.

CCS148: CITY UPDATE (CITY SCORECARD) – QUARTER 3 - 2018/19

Proponent : City of Albany
Attachments : City Update-March Quarter 2019
Report Prepared by : Facilitator-Strategy and Improvement (S Grimmer)
Responsible Officer(s) : Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

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

- **Key Theme: 1** Leadership
- **Objective: 1.1** To establish and maintain sound business and governance structures
- **Community Priority: 1.1.1** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- The quarterly City Update reports progress against the Vision, Strategic Objectives and Operational Priorities as outlined in the City's integrated planning and reporting framework.

RECOMMENDATION

CCS148: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR DOUGHTY

THAT Council NOTE the Corporate Scorecard Report for the March 2019 quarter.

CARRIED 11-0

CCS148: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS148: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Corporate Scorecard Report for the March 2019 quarter.

BACKGROUND

2. The City Update provides a quarterly snapshot on how the City is performing against the priorities set in the Corporate Business Plan.
3. A simple traffic light system is used to report on the progress made against agreed performance targets.

SUMMARY OF FINDINGS

4. The format used aligns with the Our City brand.
5. The March 2019 report indicates that the City continues to meet its Integrated Planning & Reporting commitments and is meeting the key deliverables outlined in Business Unit Plans, Strategic Project Plans and the 2017/18 Key Performance Indicators (KPI's) as established by Council.

GOVERNMENT CONSULTATION

6. The City of Albany Scorecard is modelled on similar approaches from across the Local Government sector.

STATUTORY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

8. The risk identification and categorisation references the City's Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Council fails to deliver against it's commitments.	Unlikely	Moderate	Medium	Monitor & report performance quarterly and take appropriate action
Opportunity: To improve communication with the community on how the City is performing against it's commitments. Communication will be complimented by quarterly reporting to Council which will be uploaded onto our web-site.				

FINANCIAL IMPLICATIONS

9. While there are no direct financial implications in relation to this item the City monitor's financial trends monthly to confirm that services, strategic priorities and projects are delivered within the constraints of the Annual Budget.

CONCLUSION

10. The City Update provides a snapshot on how the City of Albany is performing against it's integrated planning and reporting framework.

Consulted References	:	<i>Local Government Act 1995</i> Western Australian - Integrated Planning and Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	Previous quarterly updates and OCM items which commenced in 2017/18

CCS149: NATIONAL ANZAC CENTRE – Q3 2018-19 REPORT

Proponent	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 3 (Q3) 2018-19 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Responsible Officer(s)	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies
 - **Key Theme:** Smart Prosperous and Growing.
 - **Strategic Objectives:** To strengthen our region's economic base; and
 - To develop and promote Albany as a unique and sought after destination.
 - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
 - Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- To provide Council with update on Q3 2018-19 performance of the NAC.

RECOMMENDATION

CCS149: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council RECEIVE the NAC Operational Report for Q3 2018/19.

CARRIED 11-0

CCS149: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS149: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the NAC Operational Report for Q3 2018/19.

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 Committee during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The first quarterly meeting for 2018/19 was held on August 15, 2018 in Perth with a follow up teleconference on 10 December 2018.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information as to its performance.

DISCUSSION

9. Q3 2018/19 achieved overall total visitation numbers of 300,445 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 66,765 visitors per year.
10. Total visitation for Q3 2018/19 was up by 4,491 visitors compared to the same period in 2017/18.
11. The visitation in Q3 2018/19 from the Great Southern Region totalled 392, consisting of 60% of visitors from Albany, 12% from Denmark, and a range of 2% - 9% from Lake Grace, Gnowangerup, Mt Barker, Katanning, Narrikup and Wellstead.
12. The total visitation in Q3 2018/19 originated from Western Australia (79%) and Interstate (21%).
13. Visitors from other States and Territories consisted of 34% from NSW, 27% from VIC, 23% from QLD, 11% from SA, followed by ACT, TAS and NT all with similar figures between 1-3%.
14. Of the total 10% of international visitors, 56% of these visitors originated from United Kingdom, 10% from USA, 8% from New Zealand, 6% from Canada and 2-3% from Germany, France, Netherlands and Singapore.
15. Revenue generated in Q3 2018/19 by the NAC was \$97,307 more compared to the same period in 2017/18. The Forts Store revenue also increased by \$25,078 compared to the same period in 2017/18.
16. Average retail spend per head for 2018/19 Q3 reached \$8.52, an increase from same period last year of \$7.85.
17. As at the end of Q3 2018/19, 3,658 local residents were members of the NAC League of Local Legends program, with 255 joining during Q3.
18. The NAC received 227 non-local paying visitors in Q3 2018/19 as a result of the NAC League of Local Legends program.
19. In Q3 2018/19 activities included the NAC packages and visitation connected to Field of Light, Honouring Albany's Own Exhibition and connections to Avenue of Honour, cruise ship visitation, Gun salutes and school holiday commencement.
20. The City of Albany is currently considering a sponsorship approach to sourcing and securing corporate sponsorship opportunities for the NAC.

GOVERNMENT & PUBLIC CONSULTATION

21. Not Applicable.

STATUTORY IMPLICATIONS

22. Not Applicable.

POLICY IMPLICATIONS

23. Not Applicable.

RISK IDENTIFICATION & MITIGATION

24. Nil.

FINANCIAL IMPLICATIONS

25. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at 31 Mar 2019, noting that it includes internal delivery cost allocations of \$17,174 (full year allocation \$22,857).

- a. Full year operating expenditure budget includes:
- i. \$217,000 of costs from accounts that are “shared” across the AHP. A total of \$798,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$798,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$89,000 of the \$217,000), marketing, education program, ground maintenance, internal service delivery, security, and insurance.

National ANZAC Centre	FY18/19 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$1,000,000	\$775,886	\$888,436	\$112,550
Operating Expenditure	\$(779,601)	\$(565,729)	\$(512,306)	\$53,422
Net Operating Surplus/ (Loss)	\$220,399	\$210,158	\$376,130	\$165,972
Capital Expenditure	\$0	\$0	\$0	\$0
Stock on Hand	\$0	\$0	\$0	\$0
Grand Total	\$220,399	\$210,158	\$376,130	\$165,972

LEGAL IMPLICATIONS

26. Nil.

ENVIRONMENTAL CONSIDERATIONS

27. Nil.

ALTERNATE OPTIONS

28. The Committee can request further development and refinement of the quarterly reporting tool including both content and frequency of reporting.

SUMMARY CONCLUSION

29. Overall Q3 2018/19 has seen an increase in numbers visiting the NAC. This increase has been assisted by the installation of the extremely popular Field of Light. Q3 has shown the highest numbers for January since 2016, 2nd highest February and March since opening in November 2014. Positive outcomes from marketing along with the community response to the League of Local Legends program also assisted with continued growth.

30. In October 2018, frequency of visits to the NAC, after 3pm, increased compared to past history. Anecdotal, the increase appears to be attributed to Field Of Light packages, with visitors choosing to visit the NAC later in the afternoon prior to moving onto the Field of Light in the evening. The visitation by the hour comparison report has shown that the time slot of 3-4pm increased and remained consistent until the end of March.
31. An increase in the retail spend per head in the Fort Store has seen the Q3 average \$8.52 up by \$1.41 since 2015/16 as the first full year of trading. This is a positive contribution to revenue for the AHP precinct as a whole and demonstrates that the Store merchandise is attracting visitors and staff are marketing merchandise of interest.
32. Interest in the Princess Royal Fortress and exhibitions also continues to generate visitation to the NAC. Supporting figures of Q3 2018/19 saw 1818 people take part in Princess Royal Fortress Tours.
33. Overall Q3 saw some record breaking days of attendance in the NAC and Fort Store sales. This is reflective of the high recorded numbers visiting the Field of Light during the summer period and school holidays.

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

**CCS150: ARMISTICE CENTENARY GRANTS PROGRAM (ACGP) -
HIDDEN STORIES OF THE FORTRESS – LINKING THE ANZAC SPIRIT
PROJECT**

Business Entity Name : City of Albany
Report Prepared By : Executive Director Community Services (S Kay)
Responsible Officers: : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
 - **Theme:** Community Health & Participation.
 - **Object:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

In Brief:

- An application was lodged for a Department of Veteran Affairs Major Commemorative Grant in July 2018 targeting the Princess Royal Fortress exhibition space.
- Subsequently, the City of Albany was notified of a successful outcome on 10 April, 2018.
- The grant total is \$228,368. The City of Albany contribution is \$22,837 (to be sourced from the Albany Heritage Park Infrastructure Cash Reserve).
- Total cost of the project is \$251,205.
- The funds will be used to improve and upgrade the visitor experience and exhibition space as well as strengthening the connection between the Princess Royal Fortress and the National Anzac Centre.

RECOMMENDATION

CCS150: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HOLLINGWORTH

1. THAT Council ACCEPT the amount of \$228,368 from Federal Government's Armistice Centenary Grants Program (ACGP) for the Hidden Stories of the Fortress – Linking the Anzac Spirit Project.
2. THAT Council APPROVE the expenditure amount of \$251,205 for Armistice Centenary - Hidden Stories of the Fortress project.
3. THAT Council REALLOCATE the amount of \$22,837 from the Albany Heritage Park Infrastructure Cash Reserve as Council's commitment to this project.

CARRIED 11-0
ABSOLUTE MAJORITY

CCS150: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS150: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council ACCEPTS the amount of \$228,368 from Federal Government's Armistice Centenary Grants Program (ACGP) for the Hidden Stories of the Fortress – Linking the Anzac Spirit Project.
2. THAT Council APPROVES the expenditure amount of \$251,205 for Armistice Centenary - Hidden Stories of the Fortress project.
3. THAT Council REALLOCATE the amount of \$22,837 from the Albany Heritage Park Infrastructure Cash Reserve as Council's commitment to this project.

BACKGROUND

2. The City of Albany application to Major Commemorative Grant from the Department of Veterans Affairs was first submitted in July 2018 (first round). This application was not successful however was submitted for consideration in the second round. Subsequently the grant application was reconsidered under the Armistice Centenary Grants Program and has been successful. The City of Albany was advised on the 10th of April 2019 that an amount of \$228,368 (GST exclusive) had been awarded.
3. The Executed Agreement has been countersigned and the Terms of Agreement state that the City will receive the money within 30 days of countersigning (30 May 2019). The City now needs to create a budget line for this money to be received.
4. The *Hidden Stories of the Fortress – Linking the Anzac Spirit Project* involves the development and improvement of interpretive experiences at the Princess Royal Fortress:
 - a. Refresh of content within the Military Museum and surrounding precinct. - creation of an interactive experience.
 - b. Linkage to curriculum outcomes for schools. - Improved display of artefacts in storage that require display cases and interpretive signage.
 - c. Improvement in the quality of the visitor experience.
 - d. Recognition of the 1,000+ individuals who have served at the Fortress in its life span from 1893-1956.
 - e. The significance of the role the Fortress played during the time the Anzac Convoys were in Albany and the link to the stories told within the National Anzac Centre.
5. To deliver these objectives the following activities are planned:
 - a. Painting and refresh of current museum display rooms.
 - b. Development and refresh of internal storyboards.
 - c. Procurement and installation of new display cases.
 - d. Fabrication of staging elements required to recreate the armoury to reflect how it was set up when in active service.
 - e. Refresh of interpretive elements and painting within the underground magazine.
 - f. Research and development of interpretive content.

GOVERNMENT & PUBLIC CONSULTATION

6. The delivery of the proposed project will result in engagement with a variety of stakeholder groups. Broadly these groups include but are not limited to:
- State and local RSL branches, to ensure project outcomes are consistent with required commemorative protocols.
 - The Western Australian Museum, to ensure historical accuracy and relevance of the content being created.
 - The local Noongar community, to provide input in to the further development of the 'Our Noongar Story' display
 - Local community groups, such as the Heritage Rose Group who maintain the rose garden and the HMAS Perth reunion group who assist in maintaining the HMAS Perth display to ensure improvements to the precinct are in keeping with the work they carry out.
 - Staff and volunteers at both the Princess Royal Fortress and the National Anzac Centre, to ensure project outcomes achieve a strong link between the two facilities.
 - Community and recreational users of the precinct and surrounding reserve, to ensure they are informed of the improvements taking place.
 - Tourists and visitors to the precinct, to ensure any works as part of the project do not disrupt their experience, and that project outcomes will add further value to the existing experience.
 - Local schools, who visit the precinct for education opportunities to ensure that project outcomes provide curriculum aligned learning opportunities.
 - Tourism Western Australia, to ensure project outcomes are in keeping with sound destination and attraction development principles.
7. The City of Albany maintains strong working relationships with all of the above mentioned groups. Both the Western Australian Museum and RSL WA are represented on the National Anzac Centre Advisory Group which provides advice with regards to the strategic development of the Precinct. Tourism Western Australia is also represented on this group along with the Department of Premier and Cabinet, the City of Albany and other tourism industry stakeholders.

STATUTORY IMPLICATIONS

8. Absolute Majority voting is required.

POLICY IMPLICATIONS

9. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Finance <i>Risk: Lack of funds to carried out intended works</i>	Possible	Moderate	Medium	<i>If the funding is not accepted, works will schedule over time subject to budget</i>
People Health and Safety <i>Risk: Missed opportunity to address any OSH issues as part of the upgrade.</i>	Possible	Moderate	Medium	<i>Occupational Safety and Health (OSH) issues are addressed as a matter of priority.</i>
Opportunity: <i>To upgrade the facilities of the Princess Royal Fortress to ensure standards and experience are commensurate with the whole Albany Heritage Park Precinct.</i>				

FINANCIAL IMPLICATIONS

11. The City of Albany application to Department of Veteran Affairs Major Commemorative Grants Program has been successful. The amount of \$228,368 (GST exclusive) has been awarded, with council's contribution being \$22,837 making the total project \$251,205. Council's contribution of \$22,837 will be funded from Albany Heritage Park Infrastructure Cash Reserve.

LEGAL IMPLICATIONS

12. Not Applicable

ENVIRONMENTAL CONSIDERATIONS

13. Not Applicable

ALTERNATE OPTIONS

14. Decline the funding opportunity.

CONCLUSION

15. The successful grant provides an opportunity to upgrade interpretive and display facilities to showcase the significance of the Princess Royal Fortress throughout the military history of Albany and to develop stronger links with the Albany Anzac story and the National Anzac Museum in partnership with the community and our key stakeholders.

Consulted References	:	City of Albany Risk and Opportunity Management Framework, May 2017.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	N/A

CCS151: MOVE IT AUS – BETTER AGEING PROJECT GRANT

Business Entity Name : City of Albany
Report Prepared By : Executive Director Community Services (S Kay)
Responsible Officers: : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
 - **Theme:** Community Health & Participation.
 - **Objective:** To build resilient and cohesive communities with a strong sense of community spirit
 - **Community Priority:** Promote and develop an authentic sense of community by developing programs and providing services that make people feel welcome, involved and connected to each other.
 - **Objective:** To develop and support a healthy inclusive and accessible community
 - **Community Priority:** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

In Brief:

- In October 2018 the City of Albany made a funding application to the Move It AUS Better Ageing Grant Program. The objective of this grant is to improve older Australians' overall health and wellbeing, particularly those less active by:
 - enhancing the understanding and benefits of regular physical activity;
 - improving access to sport and physical activity opportunities;
 - enabling regular engagement in sport and physical activity; and
 - enhancing the capability and capacity of organisations and staff to deliver age-appropriate activities.
- The City of Albany was successful with this funding application for the amount of \$436,463.
- The City of Albany now requires Council to:
 - a. ACCEPT the Move It AUS - Better Ageing Grant of \$218,231 being half of the \$436,463 grant agreement funding. The balance will be addressed within the draft 2019/20 Budget.
 - b. APPROVE the Expenditure of \$22,055 for the Move It AUS Better Ageing Long Live You Project.
 - c. APPROVE the transfer of \$196,165 to the Unspent Grants and Contributions Reserve.

RECOMMENDATION

CCS151: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SMITH

THAT Council:

- 1. ACCEPT the Move It AUS Better Ageing Program grant of \$218,231 being half of the \$436,463 grant agreement. The balance will be addressed within the draft 2019/20 Budget.**
- 2. APPROVE the Expenditure of \$22,055 for the Move It AUS Better Ageing - Long Live You Project.**
- 3. APPROVE the transfer of \$196,176 to the Unspent Grants and Contributions Reserve.**

CARRIED 11-0
ABSOLUTE MAJORITY

CCS151: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS151: COMMITTEE RECOMMENDATION

THAT Council:

- 1. ACCEPTS the Move It AUS Better Ageing Program grant of \$218,231 being half of the \$436,463 grant agreement. The balance will be addressed within the draft 2019/20 Budget.**
- 2. APPROVES the Expenditure of \$22,055 for the Move It AUS Better Ageing - Long Live You Project.**
- 3. APPROVES the transfer of \$196,176 to the Unspent Grants and Contributions Reserve.**

BACKGROUND

2. The City of Albany has been successful in its funding application to develop and trial a program that aims to deliver physical activity initiatives to encourage the positive benefits of regular physical activity to the senior community.
3. The trial program is also designed to complement the City of Albany's Age Friendly Strategy and current Better Ageing initiatives and programs.
4. Long Live You – Better Ageing Project is a partnership initiative of the Lower Great Southern Economic Alliance (City of Albany, Shire of Denmark and Shire of Plantagenet) offering a unique and innovative suite of programs, community education and organisational training designed to assist in creating more active, healthier lifestyles for the Lower Great Southern Community Senior Population (65+ years).
5. The program will be run through the support of Healthy Albany and Active Albany partners, volunteers and activity leaders who will each run a variety of activities, competitions and programs on a term-by-term basis.

DISCUSSION

6. The Project aims to build the communities understanding of the benefits daily physical activity can have on physical and mental wellbeing, and will be a partnership between the Lower Great Southern Economic Alliance Local Governments, Department of Local Government, Sport and Cultural Industries, local sport and recreation clubs and Curtin University (evaluation) to enhance the delivery of physical activity programs
7. Over a period of twenty four months, the Project will be delivered to complement and build upon existing Active Albany and Strong Seniors programming.
8. Active Albany, established following the highly successful SilverSport Pilot Project, has a strong level of senior participation but has never focused specifically on senior programming.
9. Relevant senior programs from the Active Albany will be merged with the Strong Seniors programming to form the Long Live You initiative, whilst leaving the Active Albany programming for other community age demographics.
10. This new suite of programs will specifically target senior members of the Lower Great Southern community, increasing the frequency of existing programs, introducing new, diverse and highly engaging programs and activities, targeting particularly at-risk or difficult to engage groups through outreach and education programs, and tailored education and communication programs to engage and inform all seniors and relevant Lower Great Southern organisational staff in program delivery and engagement.
11. Six key documents have informed the Long Live You - Active Seniors program design:
 - City of Albany Community Strategic Plan 2030;
 - City of Albany Public Health Plan 2018-2022;
 - City of Albany Report on Understanding Residents (market research insights);
 - The City of Albany Age Friendly Strategy;
 - The SilverSport Pilot Project Report; and
 - The Longevity Revolution; Creating a Society for all Ages

GOVERNMENT & PUBLIC CONSULTATION

12. The engagement and communications campaign within this plan responds to the preferred methods of engagement and communications identified by residents.
13. The Project will include a range of community education campaigns and promotions to increase the knowledge of the local community. Each campaign will include a call to action to participate in more regular physical activity. Residents across the Lower Great Southern will see, hear and view campaigns encouraging them to be active on a daily basis.
14. The Campaigns will include:
 - a. Targeted Radio Communication - The Alliance (via City of Albany) will engage a suitable radio companies to promote the Long Live You Better Ageing programs. Target for a promotional campaign around the positive benefits of physical activity.
 - b. Targeted TV Advertisements - The Alliance (via City of Albany) will engage a suitable contractor to create TV GWN local adverts promoting the Long Live You Better Ageing program. Target for a promotional campaign around the positive benefits of physical activity during day time TV to target the inactive community.
 - c. Targeted Cinema Advertisements - The Alliance (via City of Albany) will engage a suitable contractor to create cinema adverts promoting the Long Live You Active Senior program. Target for a promotional campaign around the positive benefits of physical activity. There is only one commercial cinema in the Lower Great Southern and has high attendance by the seniors community.
 - d. Social Media Promotion - Targeting the Long Live You campaign.

- e. Website - The City's website will host a dedicated Long Live You Better Ageing page providing access to health information, physical activity activities and programming resources for all clubs.
- f. Displays - set up at key facilities and community events
- g. Communication Methods - as a result of recent local market insight the preferred method for promoting and communicating the quarterly program will be through email, letterbox drop or newspaper.

STATUTORY IMPLICATIONS

15. Nil

POLICY IMPLICATIONS

16. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Risk: There is a risk that not funding will be available to deliver the program in full.	Possible	Moderate	Medium	Implementation in parts or re-scoped if not all funding provided Regular review of income received Additional external funding to be investigated as required.
Reputation Risk: Project is poorly implemented	Possible	Moderate	Medium	Appropriately qualified officers to be recruited Community consultation and education with support of professional City Officers and contractors Project Management
Human Resources Risk: Appropriate staff not recruited or retained	Possible	Moderate	Medium	City of Albany Human Resource Unit to assist with recruitment Support and training to be provided Governance structure in place to assist with continuity
Opportunity: To build on the success of the Active Albany and SilverSport programs and influence the health and wellbeing of the seniors' population in the Lower Great Southern.				

FINANCIAL IMPLICATIONS

18. Better Ageing Long Live You Project spans across 2 financial years with a total project value of \$737,027 consisting of the following:
- a) Grant Aus Sport \$436,463.
 - b) In-kind support \$125,134 of which \$29,632 will be resourced by Shire of Denmark & Shire of Plantagenet.
 - c) Brandenburg Foundation Funding \$40,000,
 - d) Every Club Funding \$21,000.
 - e) Projected income from fees and charged from this program \$94,430
 - f) Cash from the City of Albany \$20,000

LEGAL IMPLICATIONS

19. Not Applicable

ENVIRONMENTAL CONSIDERATIONS

20. Not Applicable

ALTERNATE OPTIONS

21. Decline the funding opportunity.

CONCLUSION

22. The Long Live You – Active Seniors program will contribute to the ongoing physical activity for older residents by increasing the capacity and capability of the individual and participating organisations, improving the communities understanding of the importance of physical activity and increasing the number of activities and programs on offer to seniors.
23. The project includes three core elements that aim to improve the well-being of our community including organisation development, a strong community education program and tailored sport and recreational activities.

Consulted References	:	City of Albany Risk and Opportunity Management Framework City of Albany Community Strategic Plan 2030; City of Albany Public Health Plan 2018-2022; City of Albany Report on Understanding Residents (market research insights); and The City of Albany Age Friendly Strategy; The SilverSport Pilot Project Report; The Longevity Revolution; Creating a Society for all Ages
File Number (Name of Ward)	:	All wards
Previous Reference	:	N/A

CCS152: RACEWARS ALBANY 2019 - POST EVENT REPORT

Proponent / Owner	: Racewars' Group Pty Ltd
Attachments	: Confidential: Racewars' Group Pty Ltd 2020 Initial Event Proposal
Report Prepared By	: Manager Governance and Risk (S Jamieson)
Responsible Officers:	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Smart, prosperous and growing.
 - **Objectives:**
 - Strengthen and grow our region's economic base.
 - Develop and promote Albany as a unique and sought after visitor location.
 - **Community Priorities:**
 - Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
 - Promote the "Amazing South Coast" region as a sought after and iconic tourism destination.

In Brief:

- Receive the Racewars 2019 Post Event Report and Proposal for 2020.

RECOMMENDATION.

CCS152: RESOLUTION (AMENDMENT BY COUNCILLOR STOCKS)

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR DOUGHTY

THAT Council:

1. **RECEIVES** the Racewars 2019 Post Event Report and **NOTES** the Racewars' Proposal for 2020; and
2. **REQUEST** a formal business plan/case including a detailed costing model for Racewars 2020 event and report back to Council no later than August 2019.
3. **REQUEST** the Chief Executive Officer seek advice on the City's potential Risk Exposure in regards to approving the conduct of future Motorsports Events.

CARRIED 11-0

Councillor Reason:

To ensure that the City is fully informed of its event approval obligations and responsibilities; noting that high risk events of a motorsport nature may require third party sanctioning such as the WA Speedway Commission.

Officer Comment: (Manager Governance and Risk): Source:

<http://www.waspeedwaycommission.com.au/>

The Commission is directly answerable to the WA State Government through the Department of Local Government, Sport and Cultural Industries.

The Commission is responsible for delivering safety oversight and training processes for the sport of Speedway in WA.

CCS152: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOUGHTY

THAT Council:

1. **RECEIVES** the Racewars 2019 Post Event Report and **NOTES** the Racewars' Proposal for 2020; and
2. **REQUEST** a formal business plan/case including a detailed costing model for Racewars 2020 event and report back to Council no later than August 2019.

CCS152: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR DOUGHTY)

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SMITH

THAT Council:

1. **RECEIVE** the Racewars 2019 Post Event Report and **NOTES** the Racewars' Proposal for 2020; and
2. **REQUEST** a formal business plan/case including a detailed costing model for Racewars 2020 event and report back to Council no later than August 2019.

CARRIED 11-0

Reason:

- An event business plan/case will help the Proposer review and illustrate the Racewars event short to long-term viability.
- The request is in keeping with the City of Albany's Regional Events Sponsorship framework and will help Council evaluate the Proposer's plan (resources and operating structure) going forward; which will in turn provide certainty prior to making any decisions on collaboration.

CCS152: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **RECEIVES** the Racewars 2019 Post Event Report and Proposal for 2020; and
2. **AUTHORISES** the Chief Executive Officer to negotiate a 3 year Funding Agreement from 2020 to 2022, consistent with the Albany Classic "Around the Houses" Financial Assistance Agreement, and to report back to Council in August 2019.

BACKGROUND

2. On 24 July 2018, Council resolved to consider additional funding support (cash or in-kind) for 2019 and 2020 being provided to hold the event.
3. The City of Albany successfully hosted the Racewars' Albany 2019, for the third year, providing event organisers with the exclusive use of the:
 - a. Albany (Harry Riggs) Regional Airport for two days of "Straight Line Racing "; and
 - b. Marine Drive, Middleton Beach carpark, Flinders Parade and Forts Road – as a temporary racetrack and competitor marshalling precinct.

DISCUSSION

4. The annual Racewars' event, similar to the Albany Classic "Around the Houses" event has evolved into what could be considered a major event on the City's event calendar.
5. Major regional events could be classified as an event that:
 - a. Generates significant immediate and long-term economic, social and cultural benefits to the Albany community;
 - b. Attracts significant numbers of out-of-region and interstate participants and spectators;
 - c. Has a national profile outside of the region and state in which it is being run;
 - d. Generates significant national and/or international media coverage in markets of interest for tourism and business opportunities.
6. Value of post-event reports: Post-event reports are a valuable information tool for assessing the benefits derived from the event, developing future events and to inform good practice. They:
 - a. ensure the event holder captures the learnings from the event;
 - b. help identify how the event can grow;
 - c. provide a business rationale on how future events can create opportunities such as:
 - Attracting more sponsorship; and
 - Developing other aspects/areas of the event.

POST EVENT REPORT

7. Attendance:
 - Total ticketed attendance was down on 2018 as a result of suspending the airport event on Sunday.
 - A post event survey was conducted by the Racewars Event Team. Based on 500 respondents, the visitation from outside The Great Southern was 71%, of this:
 - 63% came from Perth;
 - 6% "WA Other"; and
 - 2% Interstate / Overseas.
 - 84% of people stayed in Albany with 11% of those who did not reporting there was no available accommodation.
 - The number of people staying for 7+ days in the region rose to 12%. This was supported by 24% of people surveyed staying for between 4-6 nights.
 - Those only staying for 3 days fell to 42% down from 51% in 2018.
 - 61% of those surveyed said they stayed for The RW Sprint, with 14% of those who didn't stay saying it was because they weren't aware in time to arrange to stay.
 - 90% of those surveyed indicated they will stay for The RW Sprint in 2020.
 - 82% of respondents wished to see Cash Days return.
 - 96% of those surveyed will return for RW20 and 86% would return to the region for other non-motorsport related events.
 - The percentage of families attending held steady at 37%.
8. The increase in local attendance & engagement is positive but indicates growth is now local with the events external "pull" likely being constrained currently by a lack of accommodation available in the region.
9. Tourism & Economic Impact:
 - a. Visitors reported that accommodation in Albany and surrounding towns (i.e. Denmark, Mount Barker) was sold out over the long weekend.
 - b. Feedback from local businesses surveyed suggested it was the busiest they'd seen to date during the RW event period, for example: *Due South reported the RW Awards Evening had larger takings than their NYE celebrations.*

- c. It was observed that many local businesses were stretched to capacity over the weekend which is both a positive in terms of revenue generation but also indicates capacity constraints and a potential limit to future growth.
 - d. Feedback from attendees indicates that when they left the runway on Sunday they didn't curtail their plans to make the most of their weekend and spent accordingly.
10. City of Albany In-kind Support: The City:
- a. Constructed an additional emergency and competitor access road.
 - b. Continued to provide staff to assist with the provision of logistic and event management support through all phases of the event.
 - c. Implemented communication to community of the Sprint event and road closures;
 - d. Supported RW2019 marketing through its communication channels.
 - e. Financially supported the:
 - Relocation of the Fire Spotter Aircraft to Denmark, for the duration of the event.
 - Renting and installation of temporary fencing to provide for security of general aviation hangars and airport infrastructure.
 - Provision of traffic management.
 - Provision of mobile security for the protection of airport infrastructure.
 - Implementation of notification to residents and business owners for the sprint event (Middleton Beach – Marine Drive – Princess Royal Fortress Precinct) including variable message boards, public notification adverts and mail out to surrounding residents and businesses.
11. Lessons Learnt:
- a. Negative:
 - Event early closure: A number of items will be addressed on a technical and operational level as a result of the two incidents on the Sunday of the event to mitigate this occurrence in the future.
 - The RW Group considers the event is now too large, complex and important for the region and automotive community for the Racewars' Group to manage on their own.
 - b. Positive:
 - The set up and clean-up process at Albany Airport was professional, efficient and well managed by all parties.
 - The relocation of competitor access to Parkerbrook Road offered significant safety & operational improvements.

GOVERNMENT & PUBLIC CONSULTATION

12. Airport Operations: Through the Department of Transport's Community Consultation Group, which consists of stakeholders from industry, government, and the aviation community the City negotiated for the Albany Airport to be closed to aircraft movement from Friday evening to 12.00pm Monday midday. As previously communicated air transport on the Perth to Albany route is historically low on long weekends and it is usual for selected flights to be cancelled due to insufficient demand.
13. Royal Flying Doctor & Water Bombers: The Airport remained open for emergency flights for the Royal Flying Doctor Service. To facilitate emergency use of the airport, Albany Airport staff remained on duty to ensure safety and operational compliance needs were adhered to, and to respond to any emergency air service requirements. The Royal Flying Doctor Service in consultation with the Albany Hospital scheduled non-emergency flights to accommodate the event.
14. Community: The City of Albany – Events and Airport Team conducted community and stakeholder notification on behalf of Racewars Group Pty Ltd.

15. Complaints:

- a. Airport Event: A few airport General Aviation hangar owners and airport users requested to register their disapproval of the Race Wars Event being held at the Albany Airport:
 - Loss of business for Great Southern Aviation Flying School and Rainbow Coast Flying School; and
 - Hangar users unable to access hangars over the long weekend.
- b. To minimise disruption to Rex and all airport users, remedial safety works were scheduled and conducted during the nights of the Racewars' Event.
- c. Rex Airlines also supported the closing the airport for the long weekend and compensated with extra flights on the Friday and Tuesday.
- d. Racewars Sprint event at Middleton Beach: Four written complaints were received in regards to the Racewars Sprint event at Middleton Beach, relating to rubber being left on the road and noise.

16. It should be noted that this was a trial process, and feedback will be used to determine the events success and viability for the future.

STATUTORY IMPLICATIONS

17. Nil

POLICY IMPLICATIONS

18. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation & Financial. <i>Risk:</i> Accelerated wear and tear to the Albany Airport runway from chip seal loss.	Likely	Moderate	High	Continue to monitor the wear resulting from the event activity. Allocate additional funds.
Reputation. There is a potential risk that the event will continue to grow and existing resources may not be able to accommodate visitor expectations.	Almost Certain	Major	Extreme	Work with the event organisers to transition this event to be overseen by a dedicated event management entity. Note: A fully revised operational risk management plan will continue to be refined in partnership with the event organiser as part of the event approval process.
Legal & Reputation. Identified risk are not mitigated.	Unlikely	Severe	High	Work with incident reviewers and implement recommended works.
Safety & Liability: Council is the venue owner, but not a participant or the event organiser. As venue owner Council, Council (City of Albany), is responsible to ensure the venue is safe and suitable for purpose, and set out terms and conditions of use. Council is also responsible for ensuring the event organiser will run a safe event. As owner of the venue Council should establish a set of requirements, terms and conditions for the users to meet and comply with. This should include insurance and indemnity requirements. The same level of management for Council events should be required from the event organiser depending on the size of the event.	Unlikely	Severe	High	As a minimum the City requests: • Request full details of event including site plan and conduct its own risk assessment for suitability and safety risks • Obtain a risk assessment from organiser • Conduct a joint site inspection with organiser • Detail requirements in writing to the organiser • Provide written terms and conditions (including insurance and indemnity) • Check compliance with requirements • Establish contingencies.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Safety & Liability: Council is the venue owner, but not a participant or the event organiser. As venue owner Council, Council (City of Albany), is responsible to ensure the venue is safe and suitable for purpose, and set out terms and conditions of use. Council is also responsible for ensuring the event organiser will run a safe event. As owner of the venue Council should establish a set of requirements, terms and conditions for the users to meet and comply with. This should include insurance and indemnity requirements. The same level of management for Council events should be required from the event organiser depending on the size of the event.	Unlikely	Severe	High	As a minimum the City requests: - Request full details of event including site plan and conduct its own risk assessment for suitability and safety risks - Obtain a risk assessment from organiser - Conduct a joint site inspection with organiser - Detail requirements in writing to the organiser - Provide written terms and conditions (including insurance and indemnity) - Check compliance with requirements - Establish contingencies.
Reputational Risk: Due to event cancellation on the Sunday in 2019, Racewars' Group Pty Ltd owes creditors, including Albany businesses.	Almost Certain	Major	Extreme	Encourage the RW Group to secure a patron(s), sponsorship and/or funding support to pay creditors and fund the RW event in future years.
Legal, Reputation & Financial Risk: Future event cancellation results in financial loss.	Possible	Major	High	Seek advice from City's Insurer in regards to City's Risk Exposure. Ensure event is insured for cancellation.
Opportunity: To continue to promote Albany as a unique and sought after visitor location to attend and hold internationally recognised events and meet our Communities priority to encourage, support and deliver significant events that promote our region and have a positive economic and social benefit. It is still believed that there is the potential to develop this event into an internationally recognised event.				

FINANCIAL IMPLICATIONS

20. Previously the City estimated a conservative funding support of \$68,000.00 over a three year period.
21. This funding support has now been expended with 1 year remaining under the current 3 year agreement by Council. It is recommended a new 3 Year Funding Agreement from 2020 to 2022 be negotiated by the Chief Executive Officer.
22. It is recommended that additional funding is considered by Council to:
 - a. Improve the safety of conducting this event at the airport, in particular the potential installation of an "Arrestor Bed" at the end of the Runway. Noting this will mitigate the potential General Aviation runway over-runs. (Note: Estimated cost approximately \$20,000).
 - b. Improve the runway surface, by installing a concrete warm up pad. This will mitigate the possibility of damage to the runway surface.
23. The City of Albany experienced visitation and revenue loss to the National Anzac Centre and The Forts Store as a result of the Racewars Sprint on the Monday public holiday, despite the event organiser arranging and promoting shuttle buses for patrons to access the site.
 - a. Attendance figures to the National Anzac Centre for Monday, were only 51, compared to 127 in 2018.
 - b. Sales through the Forts Store totalled \$476.00 dollars, 50% lower than the previous lowest takings on this day in the past 4 years.
24. However, visitor numbers and takings for the Saturday, Sunday and Tuesday after the long weekend were similar.

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. Nil.

ALTERNATE OPTIONS

27. Nil.

CONCLUSION

28. The event supports the objectives of our Community Strategic Plan - Albany 2030 which were developed in consultation with our community, specifically to *"Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit"*.
29. The Racewars' Sprint event fits with our rich history of street car racing, which pioneered in Australia was here in Albany with the first round-the-houses car race known as the Albany Tourist Trophy in 1936. This event has evolved into what we now know as the Albany Car Classic which races through the streets in our CBD.
30. The Albany Vintage and Classic Motorcycle Club's hill-climb racing event up Marine Drive last November, and the annual hill climb up Apex Drive are further examples of the successful street-style racing events our City has hosted over the years.
31. Events like this help attract people to our city through participation and spectators.
32. The Racewars' event at the airport injected an estimated \$9.7 million into our economy in 2017 and 2018. Extending this year's Racewars to Middleton Beach meant those participants and their families, and visiting spectators stayed in Albany at least an extra night, adding further economic benefit. That is positive for our community.
33. Future Support: Consideration should be given to:
- a. Cash and/or in-kind support should be defined through a formal agreement;
 - b. The request from the RW Event Team's "off track" role support; and
 - c. The financial viability of expanding the RW Events.
34. THAT the Committee AUTHORISE the Chief Executive Officer to negotiate a funding agreement for a period of 3 years commencing 2020 with a further report to be submitted to Council for approval.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM July 2018, Resolution CCS066 OCM November 2017, Resolution CCS009

CCS153: MEMORANDUM OF UNDERSTANDING – CITY OF ALBANY AND ALBANY CEMETERY BOARD

Business Entity Name	: City of Albany
Attachments	: Memorandum of Understanding between City of Albany and Albany Cemetery Board
Report Prepared By	: Executive Director Corporate Services (M Cole)
Responsible Officers:	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.
 - **Theme:** Community Health & Participation.
 - **Object:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

In Brief:

- There is a Memorandum of Understanding (MOU) between the City of Albany (the City) and the Albany Cemetery Board (the Board).
- Under the MOU, the City makes an annual cash contribution to the Board for future capital works.
- Concerns have been raised about the appearance of the Albany Memorial Park Cemetery on Middleton Road, particularly during summer months.
- Minor works have been proposed to improve the appearance of the Albany Memorial Park Cemetery to be funded on a 50/50 basis by the City and the Board, with the City's contribution coming from the annual cash contribution to the Board for 2018/19.
- The MOU has been updated for consideration by Council.

RECOMMENDATION

CCS153: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR MOIR

THAT Council:

1. **ENDORSE** the revised Memorandum of Understanding with the Albany Cemetery Board; and
2. **APPROVE** a Budget variation to receive a contribution of \$29,203 (ex GST) from the Albany Cemetery Board for minor works at the Albany Memorial Park Cemetery.

CARRIED 11-0
ABSOLUTE MAJORITY

CCS153: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS153: RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. ENDORSES the revised Memorandum of Understanding with the Albany Cemetery Board; and
2. APPROVES a Budget variation to receive a contribution of \$29,203 (ex GST) from the Albany Cemetery Board for minor works at the Albany Memorial Park Cemetery.

BACKGROUND

2. The City of Albany (the City) and Albany Cemetery Board (the Board) signed a Memorandum of Understanding (MOU) in 2007.
3. The MOU was entered into on the basis that the Board relied on volunteer support and the City wanted to ensure if volunteer support waned it would not be left with assets in a poor state of repair.
4. Under the MOU the City paid an initial \$25,000 to establish a reserve and \$50,000 pa indexed to CPI annually for future capital works as identified in the Business Plan.
5. While the City was to create a reserve for future capital works, in practice the City paid the Board annually at a rate of \$50,000 per annum indexed to CPI.
6. The Board remained responsible for all operational aspects.
7. In addition, the City transferred ownership of a back-hoe that was due for disposal with the Board taking responsibility for it.
8. While the City made an annual contribution to future capital works, the City had no say in these works.
9. From time to time the City received feedback from the community that the Albany Memorial Park Cemetery on Middleton Road looked neglected at times, particularly during summer months. Some suggested the grounds should be reticulated.
10. During discussions with the Board, a proposal for minor improvements to the Albany Memorial Park Cemetery were proposed by the City, to be funded from the City's contribution for 2018/19. Advice provided by the City's Heritage consultants have also allowed the Board to modify and improve ground maintenance at the Albany Memorial Park Cemetery.
11. The Board have offered to match the City's contribution provided the City paid half the MOU contribution for 2018/19. The net result for the City is the same as budgeted for in 2018/19.
12. The City and the Board also agreed it was timely to review the MOU.
13. The MOU has been revised and changes include:
 - a. The Board maintaining the reserve account
 - b. The MOU has a term of 5 years, with the intention to review before its expiry
 - c. The City and Board sharing on an equal basis works proposed for 2018/19
 - d. The City may have input into the future operational and capital works
 - e. Acknowledgement that the Albany Memorial Park Cemetery is a highly visible site with historical significance and every effort should be made to maintain these grounds to an appropriate standard.

GOVERNMENT & PUBLIC CONSULTATION

14. The City have consulted with the Board and reached agreement on minor changes to the MOU.
15. The City has also consulted with the Heritage Council of WA and advised the Board on acceptable ground maintenance for the Albany Memorial Park Cemetery.
16. Member Councils of the Regional Capitals Alliance have also provided comment to the City of Kalgoorlie Boulder on support given to their local cemetery boards. The information has been shared by Member Councils.

STATUTORY IMPLICATIONS

17. Voting requirement is **Absolute Majority**.

POLICY IMPLICATIONS

18. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Appearance of Albany Memorial Cemetery reflects on the City of Albany</i>	Possible	Moderate	Medium	MOU agreed by Council and minor works completed to improve appearance of the Albany Memorial Cemetery.
Opportunity: To upgrade the appearance of the Albany Memorial Park Cemetery on Middleton Road and to allow the City to have input into future capital works of the Albany Cemetery Board.				

FINANCIAL IMPLICATIONS

20. The City has an allocation of \$55,785 in the Budget for 2018/19. The City has paid \$26,582 to the Board, leaving \$29,203 for the City to put towards minor works this year. If the Board matches the \$29,203, the total budget for the Albany Memorial Park Cemetery is \$58,406.
21. By way of comparison, a summary of financial contributions by Regional Capitals Alliance member councils to their cemetery boards is as follows:
 - a. City of Kalgoorlie Boulder \$260,000 pa - paid to Kalgoorlie-Boulder Cemetery Board as an annual contribution.
 - b. City of Greater Geraldton \$30,000 pa - paid to Geraldton Cemetery Board
 - c. Town of Port Hedland \$110,038 – internal operation managed by the Town of Port Hedland.
 - d. City of Karratha \$199,038 – internal operation managed by the City of Karratha.

LEGAL IMPLICATIONS

22. Not Applicable

ENVIRONMENTAL CONSIDERATIONS

23. Not Applicable

ALTERNATE OPTIONS

24. Decline to renew the MOU and future funding of the Board.

CONCLUSION

25. The City makes a significant contribution to future capital works of the Board. The MOU requires updating and changes proposed will see the City have a say in future works and ensure the Albany Memorial Park Cemetery, as a highly visible site with historical significance, every effort should be made to maintain these grounds to an appropriate standard.

Consulted References	:	Nil
File Number (Name of Ward)	:	FM.SPO.5
Previous Reference	:	Nil

CCS154: COMMUNICATIONS AND ENGAGEMENT STRATEGY

Proponent / Owner	: City of Albany
Attachments	: City of Albany Communications & Engagement Strategy
Report Prepared By	: Communications & Events Manager (N Watson)
Responsible Officers:	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

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

- **Theme:** Leadership
- **Objective:** To engage effectively with our community.
- **Community Priority:** Improve community engagement processes and platforms to provide our community with a variety of opportunities to be involved and contribute to decisions;

This item relates to the following elements of the Corporate Business Plan:

- **Key Organisational Criteria:** Develop a Council strategy to improve communication with residents and businesses.

In Brief:

- Adopt the City of Albany Communications & Engagement Strategy.

RECOMMENDATION

CCS154: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR SMITH

THAT Council:

1. **ENDORSE** the draft City of Albany Communications & Engagement Strategy for public comment; and
2. **Pending no objections being received during the public comment period, ADOPT** the City of Albany Communications & Engagement Strategy.

CARRIED 11-0

CCS154: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR STEPHENS

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

CARRIED 11-0

CCS154: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **ENDORSE** the draft City of Albany Communications & Engagement Strategy for public comment; and
2. **Pending no objections being received during the public comment period, ADOPT** the City of Albany Communications & Engagement Strategy.

BACKGROUND

2. A Communications Strategy was adopted by the Executive Management Team in May 2014, however this is now outdated and the City's communications activity has progressed beyond the scope of this strategy.
3. Officers began a review of the Strategy in 2018 with the aim of also incorporating strategic direction for Community Engagement in a new Communications & Engagement Strategy.
4. The goal of the review was to get a better understanding of the community's needs and wants so a clear direction could be set for communication and engagement.
5. This involved undertaking a range of research initiatives throughout the community. The research insights have provided in-depth segment analysis on the attitudes and behaviours of our residents and their preferred communication channels and engagement methods.
6. Among the research was an independent survey by Painted Dog Research, which reached 15,000 households and businesses and generated 519 responses.
7. The draft strategy was independently reviewed by Aha! Consulting and workshopped with Councillors, with feedback informing the final document.
8. Following a similar structure to the Community Strategic Plan – Albany 2030, the strategy details objectives and priorities for Engagement, Communications, and Media.

DISCUSSION

9. The new Strategy:
 - Provides a platform to build on the City's existing strengths in mass communication, using multiple channels to reach our community.
 - Focuses on proactive media and sharing clear, consistent and factual information in a timely manner; and
 - Aims to embed better engagement practice into the organisation to meet community expectations.
10. From the market research we gleaned the following insights:
 - A strong platform already exists, however the research gives us an indication on how to improve reach and engagement with our residents;
 - Almost a quarter of residents feel extremely engaged, however there are also a third who do not feel engaged, but half of our residents say they are happy with the level of engagement they get right now;
 - 7 out of 10 residents have accessed City information through our website in the past year, and residents think our mass communications and events are key strengths;
 - Residents are split on what motivates them to get involved, with six distinct segments emerging based on how engaged and involved they want to be going forward; and
 - Albany has a core group we can leverage who are extremely interested in engaging actively with the City.
11. Market research data collated will provide a benchmark for future review and analysis of the effectiveness of the Strategy and improvements achieved.
12. Information collated from the community has informed the objectives and priorities within the Strategy.
13. A key focus of the Strategy is to improve the City's engagement with the community to ensure residents have opportunities to give us feedback.
14. IAP2'S Public Participation Spectrum sets out the framework for achieving best practice community engagement and the Strategy uses this model as our preferred guideline for involving our community in our decision-making processes.
15. The Strategy is now ready for public comment and adoption.

16. An Action Plan will support this Strategy and allow for monitoring and reporting against its Objectives and Priorities. This Action Plan will also support the annual business planning process.

GOVERNMENT & PUBLIC CONSULTATION

17. The community engagement undertaken for this Strategy achieved the highest level of reach of any engagement project undertaken by the City to date, and the community's feedback has informed the focus of the Strategy and will have input into the development of the supporting Action Plan. The engagement activity included:
- Distributing survey invites to 15,000 households and businesses via letterbox within the City of Albany municipality;
 - Inviting 300 community groups and 270 online community groups to participate in the survey via email;
 - Six community pop-up consultation sessions with staff and Councillors at local shopping centres;
 - A community roundtable workshop at the library;
 - 16 staff workshops, and two workshops with local youth; and
 - Invited all local media organisations to provide feedback.

STATUTORY IMPLICATIONS

18. Nil

POLICY IMPLICATIONS

19. This Strategy will inform a review of the City of Albany's Social Media Policy & Guidelines.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: If community engagement expectations are not met due to budget, viability, funding agreements, safety or legislative constraints.	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
Reputational: If communications or engagement activity is ad-hoc, untimely, inaccurate or untargeted.	Unlikely	Major	Low	Follow best practice engagement framework and provide timely, informative and accurate communications to the community through effective channels as outlined in the Communications & Engagement Strategy.
Operational: Some aspirations of the Strategy may not be fully realised due to budget, funding or resource constraints.	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.

FINANCIAL IMPLICATIONS

21. Nil.

LEGAL IMPLICATIONS

22. Nil.

ENVIRONMENTAL CONSIDERATIONS

23. Nil.

ALTERNATE OPTIONS

24. Nil.

CONCLUSION

25. Our community is diverse both geographically and demographically, and this Strategy assists us in meeting that challenge through setting clear direction for the way we communicate to our community, when and how we engage with our residents, and what channels are most effective in reaching and involving them.

Consulted References	:	• <i>Painted Dog Research Report; Understanding Residents</i> • <i>IAP2 Quality Assurance Standards for Community & Stakeholder Engagement</i> • <i>profile.id.com.au/Albany</i> • <i>City of Albany Social Media Policy & Guidelines</i> • <i>City of Albany Communications Strategy 2014</i> • <i>City of Albany Community Strategic Plan – Albany 2030</i> • <i>Communications & Engagement Strategy, City of Ryde</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

CCS155: DRAFT FINANCIAL ASSISTANCE AGREEMENT – ALBANY ARTIFICIAL SURF REEF – PLANNING AND FEASIBILITY

Land Description	: Middleton Beach, Albany
Proponent / Owner	: City of Albany
Report Prepared By	: Revenue Development Officer (A Lacy)
Responsible Officers:	: 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:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provide positive leadership that delivers community outcomes.
 - **Theme:** Smart, prosperous and growing.
 - **Objective:** Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth.
 - **Community Priority:** There is wide ranging community support for our economic development strategies.

Maps and Diagrams:



In Brief:

- The City of Albany has a draft budget line item in the 2019/20 financial year to receive \$500,000 for the Albany Artificial Surf Reef – Planning and Feasibility Grant.
- The Department of Primary Industries and Regional Development (DPIRD) has drafted an agreement which allocates \$250,000 to be paid in the 2018/19 financial year and \$250,000 in the 2019/20 financial year.
- Council is requested to receive the funding amount of \$250,000.

RECOMMENDATION

CCS155: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR MOIR

THAT Council:

1. **AGREE to receive \$250,000 in the 2018/19 financial year and \$250,000 in the 2019/20 financial year from Albany Artificial Surf Reef Planning and Feasibility Grant from the Department of Primary Industries and Regional Development (DPIRD).**
2. **APPROVE the Expenditure of \$250,000 and amend the 2018/19 Budget.**

**CARRIED 11-0
ABSOLUTE MAJORITY**

CCS155: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. **AGREE to receive \$250,000 in the 2018/19 financial year and \$250,000 in the 2019/20 financial year from Albany Artificial Surf Reef Planning and Feasibility Grant from the Department of Primary Industries and Regional Development (DPIRD).**
2. **APPROVE the Expenditure of \$250,000 and amend the 2018/19 Budget.**

BACKGROUND

2. The City of Albany commissioned a Business Case for the development of an Artificial Surf Reef at Middleton Beach as per the resolution of Council at the 22 March 2016 OCM and 2016/17 adopted budget.

DISCUSSION

3. This project represents the detailed design phase of the project and will build upon the body of work and baseline data already completed by the CoA and produce a design that meets the needs of the target users and completed to a standard able to be released to the market for Construction Tenders.
4. Completion of the detailed design stage will result in a costed reef design that can be built with all risks appropriately defined with clear mitigation strategies identified. Tender ready documentation will be available at project completion.
5. A revised Business Case will be prepared for the Expenditure Review Committee to consider release of any future funding for this project.

GOVERNMENT & PUBLIC CONSULTATION

6. No consultation is required to receive the funding.

STATUTORY IMPLICATIONS

7. N/A

POLICY IMPLICATIONS

8. N/A

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Financial. Risk: Approval to receive the first payment prior to the end of this financial year is delayed.	Unlikely	Moderate	High	Ensure that Council is informed in timely manner to allow the Department to process the first payment prior to the end of this financial year.

FINANCIAL IMPLICATIONS

10. A budget line exists to receive the funding. The Department of Primary Industries and Regional Development require Council to accept the funding prior to the payment being made. The decision to accept the first payment of \$250,000 must be made as soon as possible to allow DPIRD time to process the payment before the end of the current financial year.

LEGAL IMPLICATIONS

11. N/A

ENVIRONMENTAL CONSIDERATIONS

12. N/A

CONCLUSION

13. It is recommended that Council agrees to receive the first grant payment of \$250,000.

Consulted References	:	N/A
File Number (Name of Ward)	:	EM.PLA.28 (Breaksea Ward)
Previous Reference	:	OCM – March 2016 – WS101 OCM – November 2016 – WS117

CCS156: C19009 PANEL OF SUPPLIERS – LEGAL SERVICES

Proponent / Owner : City of Albany
Report Prepared By : Manager Finance (D Olde)
Responsible Officers: : Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Key Theme: 1** Leadership
 - **Objective: 1.1** To establish and maintain sound business and governance structures
 - **Community Priority: 1.1.1** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- Council approval is sought to appoint preferred Firms to supply legal services.
- Contract is to commence on 7 June 2019, for a term of three years, expiring on 6 June 2022.

RECOMMENDATION

CCS156: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the tendered rates for Panel of Suppliers – Legal Services C19009 from the following Firms be ACCEPTED:

- **HHG Legal Group;**
- **Kott Gunning; and**
- **Latro Lawyers.**

CARRIED 11-0

CCS156: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the tendered rates for Panel of Suppliers – Legal Services C19009 from the following Firms be ACCEPTED:

- **HHG Legal Group;**
- **Kott Gunning; and**
- **Latro Lawyers.**

BACKGROUND

2. This Contract has previously been awarded to a panel of three (3) Firms. A panel gives multiple businesses the opportunity of providing the services.
3. This panel will be the City's preferred supplier list and requests for supply of legal services will be directed to members of this panel before all others.
4. Work will be allocated according to availability, background (previous) knowledge of the matter, the type of work, size of project and capacity of provider, the particular expertise required, recent experience, any unique requirements of the agency and possible conflicts of interest.

5. The City reserves the right to engage other Firms should members of the panel be unable to deliver. Due to the nature of legal services requirements, the City is unable to give any assurance or guarantee of the volume and/or value of services that may be requested from any Firm.

DISCUSSION

6. A total number of twenty three (23) documents were issued by the City of Albany.
7. Tenderers were asked to provide a schedule of rates for various staff with different experience and qualifications.
8. Tenderers were asked to indicate if they have expertise in the following areas:
- Administrative Law
 - Advocacy in various Legal forums and jurisdictions
 - Aviation Law
 - Building Control
 - Commercial Law
 - Competition and Market Regulation
 - Construction
 - Contracts Law
 - Corporate and Statutory Governance
 - Debt Recovery
 - Environmental Law
 - General Litigation and Dispute Resolution
 - Health and Environmental Health Law
 - Industrial Relations & Employment Law
 - Insolvency and Creditor Recovery
 - Intellectual Property
 - Local Government Law
 - Property Law
 - Taxation; and
 - Town Planning and other Statutory Planning Law.
9. The tenders were evaluated using the weighted attributed method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	35
Relevant Experience	30
Respondent's Resources	30
Corporate Social Responsibility	5
Total	100%

10. Twelve (12) completed tender documents were submitted on or before the stipulated closing date and time. The City intends to appoint up to three (3) Firms to the Panel of Suppliers.

11. The following table summarises the tenderers and overall evaluation score. The rates have not been included in the table as these are “commercial in confidence”, and will not be made publically available.

Tenderer	Total Evaluation Score
HHG Legal Group	728.15
Kott Gunning	666.13
Latro Lawyers	633.36
Tenderer D	617.50
Tenderer E	615.17
Tenderer F	613.78
Tenderer G	567.63
Tenderer H	507.74
Tenderer I	501.13
Tenderer J	499.32
Tenderer K	489.65
Tenderer L	464.60

GOVERNMENT & PUBLIC CONSULTATION

12. A request for tender was published in the West Australian on 3 April 2019 and the Albany Weekender on 4 April 2019. The tender closed at 2pm on Thursday 18 April 2019.

STATUTORY IMPLICATIONS

13. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$150,000.00.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance No City officer has the training or qualifications to undertake the required legal proceedings and/or give legal advice.	Possible	Moderate	Medium	Appoint an appropriately qualified legal firm to provide advice and undertake legal proceedings.
Legal & Compliance The City not obtaining sound legal advice..	Possible	Moderate	Medium	Panel of suppliers appointed to enable the City to seek a second opinion as needed.
Financial City not obtaining competitive pricing.	Possible	Moderate	Medium	Public tender process ensures competitive pricing.

FINANCIAL IMPLICATIONS

18. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration. Tenderers were required to provide a schedule of rates for a range of services.

LEGAL IMPLICATIONS

19. Nil

ENVIRONMENTAL CONSIDERATIONS

20. Nil

ALTERNATE OPTIONS

21. Council can accept or reject tenders as submitted.

CONCLUSION

22. The City has undergone a competitive process in line with the relevant legislation and established policies. All the Firms that submitted tenders have addressed the evaluation criteria and the evaluation team have assessed each of the nominated Firms as to the suitability to undertake the services.

Consulted References	:	• Local Government (Functions and General) Regulations 1995 • Council Policy – Purchasing Policy (Tenders & Quotes) • Council Policy – Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	C19009
Previous Reference	:	C16011

CCS157: FREEMAN OF THE CITY

Proponent / Owner	: City of Albany
Attachments	: Honorary Freeman of The City of Albany Policy CONFIDENTIAL-Nomination Forms
Report Prepared By	: Senior Team Leader/Council Liaison (J Williamson)
Responsible Officers:	: Chief Executive Officer (A Sharpe)

This report is confidential in accordance with section 5.23(2)(b) of the Local Government Act 1995, as relates to the personal affairs of any person. This report was discussed behind closed doors prior to making the resolution in the open meeting.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** Establish and maintain sound business and governance structures.
 - **Community Priority:** To provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

In Brief:

- Consider the appointment of two Freemen to the City of Albany, in accordance with the Honorary Freeman of the City of Albany Policy.

RECOMMENDATION

7.51pm

CCS157: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STEPHENS

THAT the meeting go behind closed doors to discuss Confidential Items CCS157: Freeman of the City, and PR006: Chief Executive Officer Contract Renewal.

CARRIED 11-0

7.58pm

CCS157: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the meeting come out from behind closed doors and be re-opened to the public.

CARRIED 11-0

CCS157: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR STEPHENS

THAT two Honorary Freeman of the City, Ms Alice Rule and Mr Terry Eaton, be APPOINTED in accordance with the Honorary Freeman of the City Policy.

CARRIED 11-0
ABSOLUTE MAJORITY

BACKGROUND

2. The Honorary Freeman of the City Policy (the Policy) states that at any one time, a maximum of four living persons only, unless otherwise decided by an Absolute Majority decision of Council, may hold the title “Freeman of the City of Albany.
3. The City currently has one living Freeman, Mr Stan Negri, leaving three vacant positions.
4. The title of Honorary Freeman is the most prestigious form of honour or recognition that can be conferred by Council. As such, the honour will only be conferred in rare and exceptional circumstances to maintain both the significance and prestige of the title.
5. Members of the Albany community who demonstrate outstanding commitment and contribution to the community should be acknowledged. In special circumstances, Council may recognise long standing and distinguished service to their community by choosing to award the title of “Honorary Freeman of the City of Albany”.
6. Two nominations for the position of Freeman, which comply with the requirements of the Policy, have been received from elected members.

DISCUSSION

7. The two nominations for Freeman of the City were considered at an Elected Member Focus Group meeting held on 2 April 2019.
8. Both nominees have given extensive and distinguished service to our community which is a matter of public record. Both nominees have identifiable and long standing connections with the community.
9. The nominations were supported by the required number of elected members, in accordance with the Policy.
10. The appointments will be discussed behind closed doors to maintain confidentiality prior to the appointment of the Freeman.

GOVERNMENT & PUBLIC CONSULTATION

11. Confidential consultation has been undertaken with the elected member group. The nomination process informs the selection process in accordance with Policy.

STATUTORY IMPLICATIONS

12. Nil.

POLICY IMPLICATIONS

13. This process is guided by Council’s policy position.

FINANCIAL IMPLICATIONS

14. Whilst the position of Freeman of the City is honorary and no remuneration is provided, a Civic Reception will be held in due course to honour the recipients. A budget line exists for the cost of the reception.
15. Invitations will be extended for attendance at future civic and ceremonial occasions.

LEGAL IMPLICATIONS

16. There are no direct legal implications associated with this report. The information received as part of the nomination process will not be subject to Freedom of Information and will remain confidential, unless approved through third party consultation.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. If an elected member expresses an objection to the nomination/s, they must give their reasons for the objection in writing to the Chief Executive Officer at least one week prior to the meeting at which the nominations are to be considered.
19. The Chief Executive Officer shall submit the objection together with any other relevant information to the Council meeting.

CONCLUSION

20. It is recommended that the nominations be accepted and the Freemen appointed.

Consulted References	:	<i>Honorary Freeman of the City of Albany Policy</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	N/A

AR059: INTERNAL AUDIT – APPOINTMENT OF INTERNAL AUDITOR

Business Entity Name : City of Albany
Proponent : AMD Audit & Assurance t/as AMD Chartered Accountants
Directors: Maria Cavallo and Tim Partridge
Report Prepared By : Manager Finance (D Olde)
Responsible Officers: : Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

RECOMMENDATION

AR059: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

THAT Council:

- 1) **ACCEPT** the quote from AMD Chartered Accountants and **AWARD Q19017 Provision of Internal Audit Services to AMD Chartered Accountants for a period of three (3) years.**
- 2) **NOTE** that the internal audit services will include, but not limited to, the following functions:
 - **Expenditure - salary and wage costs and other expenditure**
 - **IT Security - Password change regime, complexity (reduction in potential data breaches) and SPAM and Phishing emails/phones calls.**
 - **Human Resources - Pre-employment screening and OSH – Actions to resolve/mitigate reported hazards**
 - **Governance - Assessment of attractive asset control – i.e. phones, tablets and fraud awareness**
 - **Current Assets – bank, short term investments, receivables and cash handling**
 - **Non-Current Assets - property, plant and equipment and depreciation**
 - **Liabilities - creditors**
 - **Procurement – quotes, tenders and validation of authorised persons to commit expenditure**
 - **Statutory - fines and infringement management**
 - **Compliance with Local Government Act 1995 and local laws**
 - **Capital Commitments - management of major capital projects**
 - **Other functions and activities at the request of the Audit and Risk Committee**
 - **Certification & Grant acquittals as required.**

CARRIED 11-0
ABSOLUTE MAJORITY

AR059: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR059: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1) **ACCEPT** the quote from AMD Chartered Accountants and AWARD Q19017 Provision of Internal Audit Services to AMD Chartered Accountants for a period of three (3) years.
- 2) **NOTE** that the internal audit services will include, but not limited to, the following functions:
 - Expenditure - salary and wage costs and other expenditure
 - IT Security - Password change regime, complexity (reduction in potential data breaches) and SPAM and Phishing emails/phones calls.
 - Human Resources - Pre-employment screening and OSH – Actions to resolve/mitigate reported hazards
 - Governance - Assessment of attractive asset control – i.e. phones, tablets and fraud awareness
 - Current Assets – bank, short term investments, receivables and cash handling
 - Non-Current Assets - property, plant and equipment and depreciation
 - Liabilities - creditors
 - Procurement – quotes, tenders and validation of authorised persons to commit expenditure
 - Statutory - fines and infringement management
 - Compliance with Local Government Act 1995 and local laws
 - Capital Commitments - management of major capital projects
 - Other functions and activities at the request of the Audit and Risk Committee
 - Certification & Grant acquittals as required.

BACKGROUND

2. Internal audit is an important element of our governance structure. It gives Council and the Executive Management Team independent assurance that a robust internal control structure is in place and our outputs are operating effectively, efficiently and lawfully.
3. The objective of this report is to provide the Audit and Risk Committee with an opportunity to define the scope of the internal audit.
4. In addition, the Office of the Auditor General will be undertaking a performance audit in local governments (LGs) with different focus areas.
5. Many third party funding bodies require independent certification that grant monies have been spent according to the terms of the grant agreement or program.

DISCUSSION

6. Quotes were requested from seven (7) accounting firms, including four (4) local firms.
7. Two (2) completed quotation documents were submitted on or before the stipulated closing date and time.
8. The submission were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below.

Criteria	% Weighting
Cost	30%
Key Personnel Skills, Experience, and Availability of qualified staff	15%
Technical Compliance and Audit Methodology	20%
Project Understanding and Approach	10%
Demonstrated Local Government Experience	20%
Corporate Social Responsibility	5%
Total	100%

9. The following table summarises the top tenderers and their weighted scores:

Tenderers	Weighted Score
AMD Chartered Accountants	752.13
Tenderer B	632.87

10. The internal audit complements the Audit & Risk Committee's responsibilities prescribed under Regulation 17 of the *Local Government (Audit) Regulations 1996*.
11. It is considered good governance to appoint an internal auditor as an additional control and oversight on City operations.
12. The City has appointed internal auditors in the past. The most recent internal audit report was tabled at the Audit and Risk Committee held on 6 December 2016. The contract for this service has expired.
13. The recommendation is to enter into a contract for three years to allow the appointed internal auditor to gain a good understanding of the City operational environment.

GOVERNMENT & PUBLIC CONSULTATION

14. No government or public consultation was conducted in preparing this report.

STATUTORY IMPLICATIONS

15. The *Local Government Amendment (Auditing) Regulations 2017* states, in part:

16. Functions of audit committee: An audit committee has the following functions –

 - (a) to guide and assist the local government in carrying out –
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;

POLICY IMPLICATIONS

16. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial & Business Interruption. <i>Identified risks are not appropriately addressed resulting in the impairment of service delivery.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Ongoing: Risk management is integrated into the day to day decision making. Review of current process based on findings of probity audits from across the sector.</i>

FINANCIAL IMPLICATIONS

18. The 2018/19 Annual Budget has an allocation of funds for audit services of \$74 990, which includes the statutory audit, audits required for grant acquittals, and the internal audit.

LEGAL IMPLICATIONS

19. Nil.

ENVIRONMENTAL CONSIDERATIONS

20. Nil.

ALTERNATE OPTIONS

21. Nil.

CONCLUSION

22. That the Responsible Officer Recommendation be received.

Consulted References	:	- Local Government Act 1995 - Local Government Amendment (Auditing) Act 2017 - Auditor General Act 2006
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Audit & Risk Committee - 22/11/2018 – Report AR051 Audit & Risk Committee - 8/10/2018 - Report AR049 Audit & Risk Committee – 22/11/2018 – Report AR052

AR060: WASTE AMENDMENT LOCAL LAW 2019

Proponent / Owner	: City of Albany
Attachments	: Waste Amendment Local Law 2019
Report Prepared By	: Manager Governance and Risk (S Jamieson)
Responsible Officers:	: 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:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

In Brief:

- Council is requested to ADOPT the *City of Albany Waste Amendment Local Law 2019*.

RECOMMENDATION

AR060: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SHANHUN

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*:

- (1) Resolves to ADOPT the *City of Albany Waste Amendment Local Law 2019* as follows:

LOCAL GOVERNMENT ACT 1995
WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
CITY OF ALBANY

WASTE AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Albany resolved on (Insert Date) to make the following local law:

1. **Citation**
This local law may be cited as the *City of Albany Waste Amendment Local Law 2019*.
2. **Commencement**
This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.
3. **Principal local law amended**
This local law amends the *City of Albany Waste Local Law 2017*.
4. **Clause 1.5 amended**
Clause 1.5 amended as follows:
 - (a) Delete the definition of 'refuse'.
 - (b) In the definition for "general waste" delete "general waste" and replace with "General waste receptacle"; and
 - (c) In the definition for "occupier in relation to premises" delete "occupier in relation to premises" and replace with "Occupier"
5. **Clause 2.7 amended**
 - (a) Delete clause 2.7(1).

(b) Clause 2.7, amended as follows:

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) if a receptacle requires to be emptied of waste, take reasonable steps to place a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
 - (i) within 1 metre of the carriageway;
 - (ii) does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that an adequate number of receptacles are provided and used for those premises and that each is kept in good condition and repair; and
- (d) in the case of a receptacle that is supplied by the local government, if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

6. Clause 2.8 amended

Clause 2.8(1) is amended as follows:

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7 (a) or (b).

7. Clause 2.9 amended

Delete clause 2.9 of the City's *Waste Local Law 2017* and replace as follows:

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not:

- (a) damage, destroy or interfere with a receptacle; or**
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.**

8. Clause 3.3 amended

Clause 3.3 is amended as follows:

- (a) In subclause (b) delete “a receptacle provided for the use of the general public in a public”; and**
- (b) After subclause (b) insert “a receptacle provided for the use of the general public”**

9. Schedule 2 is amended as follows:

- (a) In item 11, delete “2.7(2)(a)” and insert “2.7(a)”;**
- (b) In item 12, delete “2.7(2)(b)” and insert “2.7(b)”;**
- (c) In item 13, delete “2.7(2)(c)” and insert “2.7(c)”;** and
- (d) In item 14, delete “2.7(2)(d)” and insert “2.7(d)”.**

Dated: [Insert Date]

The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of –

DENNIS WELLINGTON, Mayor

ANDREW SHARPE, Chief Executive Officer

Consent: MIKE ROW, Chief Executive Officer, Department of Water and Environmental Regulation

(2) Reaffirms, Council's current determination titled: Verge Collection for Commercial Purpose.

**CARRIED 11-0
ABSOLUTE MAJORITY**

AR060: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR060: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995*:

1. Resolves to ADOPT the *City of Albany Waste Amendment Local Law 2019* as follows:

LOCAL GOVERNMENT ACT 1995
WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
CITY OF ALBANY
WASTE AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Albany resolved on (Insert Date) to make the following local law:

1. Citation

This local law may be cited as the *City of Albany Waste Amendment Local Law 2019*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law amended

This local law amends the *City of Albany Waste Local Law 2017*.

4. Clause 1.5 amended

Clause 1.5 amended as follows:

- (a) Delete the definition of 'refuse'.
- (b) In the definition for "general waste" delete "general waste" and replace with "General waste receptacle"; and
- (c) In the definition for "occupier in relation to premises" delete "occupier in relation to premises" and replace with "Occupier"

5. Clause 2.7 amended

- (a) Delete clause 2.7(1).
- (b) Clause 2.7, amended as follows:

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) if a receptacle requires to be emptied of waste, take reasonable steps to place a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
 - i. within 1 metre of the carriageway;
 - ii. does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - iii. facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that an adequate number of receptacles are provided and used for those premises and that each is kept in good condition and repair; and

- (d) in the case of a receptacle that is supplied by the local government, if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.
6. Clause 2.8 amended
Clause 2.8(1) is amended as follows:
(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7 (a) or (b).
7. Clause 2.9 amended
Delete clause 2.9 of the City's *Waste Local Law 2017* and replace as follows:
2.9 Damaging or removing receptacles
A person, other than the local government or its contractor, must not:
(a) damage, destroy or interfere with a receptacle; or
(b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.
8. Clause 3.3 amended
Clause 3.3 is amended as follows:
(a) In subclause (b) delete "a receptacle provided for the use of the general public in a public"; and
(b) After subclause (b) insert "a receptacle provided for the use of the general public"
9. Schedule 2 is amended as follows:
(a) In item 11, delete "2.7(2)(a)" and insert "2.7(a)";
(b) In item 12, delete "2.7(2)(b)" and insert "2.7(b)";
(c) In item 13, delete "2.7(2)(c)" and insert "2.7(c)"; and
(d) In item 14, delete "2.7(2)(d)" and insert "2.7(d)".

Dated: [Insert Date]

The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of –

DENNIS WELLINGTON, Mayor

ANDREW SHARPE, Chief Executive Officer

Consent: MIKE ROW, [Chief Executive Officer](#), Department of Water and Environmental Regulation

2. Reaffirms Council's current determination titled: Verge Collection for Commercial Purpose.

BACKGROUND

2. On 27 February 2018, Council resolved to adopt the *City of Albany Waste Local Law 2017*.
3. On 26 June 2018, Council resolved to give a written undertaking to make amendments to the *City of Albany Waste Local Law 2017* as requested by the Joint Standing Committee on Delegated Legislation (JSCDL).
4. On 23 October 2018, Council resolved to MAKE the *City of Albany Waste Local Law 2018* to initiate the amendment process.
5. This process could not be completed until the City received feedback from the Department of Water and Environmental Regulation, which was received on the 7 March 2019.

DISCUSSION

6. Section 3.12 of the Local Government Act 1995 (the Act) requires the person presiding at a Council meeting ensures the purpose and effect of the proposed amendment local law is given.
 - a. **Purpose:** The purpose of the principal local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the City of Albany.
 - b. **Effect:** Amendments will enact the undertaking given to the Joint Standing Committee on Delegated Legislation.

7. The procedure for amending local laws requires Council to advertise state-wide advising of its intention to make amendment local laws/
8. Council is now required to consider all submissions prior to **adopting** the Amendment Local Law.

GOVERNMENT & PUBLIC CONSULTATION

9. A copy of the Amended Local Law was forwarded to the Department of Local Government and the Department of Water and Environmental Regulation (DWER).
10. In addition to the feedback received previously from the Joint Standing Committee on Delegated Legislation additional amendments were requested.
11. The Director General, DWER gave consent the City of Albany Waste Amendment Local Law 2019 on 9 April 2019.
12. No public submissions were received.

STATUTORY IMPLICATIONS

LG Act - final procedure for actual adoption:

13. Council adopts the local law which is considered not significantly different from what was proposed (by absolute majority).
14. After adopting the local law a copy of the gazetted local law will be provided to the Minister for Local Government and the Minister for Department of Water and Environmental Regulation.

POLICY IMPLICATIONS

15. There are no policy implication related to this report.
16. The current determination resolved by Council on 27 February 2018, will remain in effect:

DETERMINATION: VERGE COLLECTION FOR COMMERCIAL PURPOSE

Clause 2.10 (2) of the *City of Albany Waste Local Law 2017* is suspended to allow for the lawful collection of waste deposited on the verge for commercial purposes.

The removal of the waste must be conducted in accordance with clause 2.10(3), which states in part: *“a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.”*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance <i>Local law may be disallowed if undertakings are not complied with.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Adopted the amended local law as requested.</i>

FINANCIAL IMPLICATIONS

18. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Amendment Local Law. This cost is estimated to be approximately \$250 in addition to staff time.

LEGAL IMPLICATIONS

19. If the local law is not amended within a reasonable time frame, the JSCDL will report the non-compliance to Parliament.

ENVIRONMENTAL CONSIDERATIONS

20. There are no environmental consideration related to this report. The principal local law developed under the Waste Avoidance and Resource Recovery Act 2007 provides a framework for the City to manage its waste collection and disposal services to benefit community health and the environment.

ALTERNATE OPTIONS

21. No alternate options are proposed.

CONCLUSION

22. It is recommended to comply with the current undertaking and adopt the *City of Albany Waste Amendment Local Law 2019*.

Consulted References	:	• <i>Local Government Act 1995</i> • <i>Waste Avoidance and Resource Recovery Act 2007</i>
File Number (Name of Ward)	:	All Wards (LE.LOL.14)
Previous Reference	:	• OCM 23/10/2018 Resolution CCS099 • OCM 26/06/2018 Resolution DIS103 • OCM 27/02/2018 Resolution DIS078

AR062: PROPOSED JETTIES, BRIDGES, BOAT PENS AND SWIMMING ENCLOSURES LOCAL LAW 2019

Land Description	: (All Wards)
Attached	: Jetties, Bridges, Boat Pens and Swimming Enclosures Local Law 2019 (Proposed)
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officers:	: 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:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

Maps:

- Follow this report.

In Brief:

- To seek Council's approval to make the local law.

RECOMMENDATION

AR062: RESOLUTION VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

- (1) In accordance with section 3.12 of the *Local Government Act 1995* (the Act), COUNCIL resolves to **MAKE** the *City of Albany Jetties, Bridges, Boat Pens and Swimming Enclosures Local Law 2019* and **APPROVES** the giving of State-wide public notice in order to seek public comment.
- (2) It is **NOTED** that in accordance with section 3.6 of the Act, the Governor's consent is required for local laws that specify areas outside of the district.

CARRIED 11-0
ABSOLUTE MAJORITY

AR062: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY

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

CARRIED 5-0

AR062: RESPONSIBLE OFFICER RECOMMENDATION

- (1) In accordance with section 3.12 of the *Local Government Act 1995* (the Act), COUNCIL resolves to **MAKE** the *City of Albany Jetties, Bridges, Boat Pens and Swimming Enclosures Local Law 2019* and **APPROVES** the giving of State-wide public notice in order to seek public comment.
- (2) It is **NOTED** that in accordance with section 3.6 of the Act, the Governor's consent is required for local laws that specify areas outside of the district.

BACKGROUND

2. On 25 September 2018, Council resolved to remake the *City of Albany Jetties, Bridges & Boat Pens Local Law 2005* (As amended).
3. The Local Law Discussion Paper summarised submissions received and provided an Officer recommendation which was endorsed by Council.

DISCUSSION

4. Council is now requested to formally initiate the local law MAKING process; which will then seek additional public and government consultation.

JETTIES, BRIDGES, BOAT PENS AND SWIMMING ENCLOSURES LOCAL LAW 2019

5. This local law specifies the safety requirements, rules, regulations and enforcement provisions for public use of these facilities.
6. Council resolved to remake the Jetties, Bridges & Boat Pens Local Law.
7. Significant proposed changes to this local law are:
 - a. The inclusion of Swimming Enclosures (i.e. Ellen Cove Swimming Enclosure); and
 - b. The update of the Town Jetty location description, which has been transitioned to the Department of Transport as the controlling authority; and
 - c. The recommendation to not allow persons to live on board vessels moored in the Emu Point Pens, noting a Marina facility has now been built for this purpose.
8. Section 3.12 of the *Local Government Act 1995* (the Act) requires the person presiding at a Council meeting ensures the purpose and effect of the proposed amendment local law is given.
 - a. **Purpose:** To regulate the care, control and management of the Albany Jetties, Bridges, Boat Pens and Swimming Enclosures.
 - b. **Effect:** To control the use of and behaviour. Written approval from the local government is required for certain activities and some activities are restricted or prohibited. Offences are created for non-compliance with certain provisions. The local government may close the jetties or sections thereof under certain circumstances.
9. The procedure for making local laws requires Council to advertise state-wide advising of its intention to make the local law and seek submissions within a six-week period.
10. Council is then required to consider all submissions prior to adopting the Amendment Local Law.

GOVERNMENT & PUBLIC CONSULTATION

11. **Stakeholder engagement:** The local law making process enables members of the public and government departments to have their say on the current local laws and their relevance within the community.
12. A copy of the Local Law will be forwarded to the Department of Local Government and the Department of Transport.
13. Prior to presentation for final adoption, in accordance with section 3.6 of the Act, a copy of the local law will be provided and the Governor's consent sought.
14. Consultation has been conducted with the Department of Transport.

STATUTORY IMPLICATIONS

15. Section 3.12 of the Local Government Act prescribes the process on how to make a local law.
16. The resolution of Council to MAKE the local law must be carried by **Absolute Majority**.

17. Section 3.6 of the Act, stipulates that the Governor's consent is required for areas outside of the district prior to final draft of the local law being ADOPTED.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance & Reputation. A local government is to carry out reviews and updated local laws to ensure they remain relevant.	Likely	Moderate	High	By making new local laws, Council are mitigating potential compliance, service interruption and reputational risks.
Opportunity: The opportunity to seek comment from both the public and stakeholders ensures the local law meets its purpose.				

FINANCIAL IMPLICATIONS

20. An appropriate budget line exists for the cost of giving public notice, advertising and gazettal of local laws.
21. This cost is estimated to be approximately \$250 in addition to staff time.

LEGAL IMPLICATIONS

22. The previous local law, as approved by the Governor under section 3.6 of the Act per notice published in the *Government Gazette* of 10 February 2004, extended the area of application to areas located outside of the City of Albany's district, such as the:
- Albany Town Jetty Precinct; and
 - Emu Point Boat Pens.
23. The location defined area for the Albany Water Front Marina Precinct has now been updated; therefore the Governor's consent will re-applied for as part of the local law making process.
24. The Albany Water Front Marina Precinct (as detailed in the description in the proposed local law and the maps that follow the report) has been included to enable compliance action if required.

Legislative Environment

25. Local Laws (which were once known as 'By Laws') are subsidiary legislation, made by Local Governments. Local Laws must not contravene any State or Federal Act or Regulation, and in the event of any inconsistency, the Act or Regulation will override the Local Law to the extent of the inconsistency.

ENVIRONMENTAL CONSIDERATIONS

26. Environmental considerations are an essential criteria, in particular those laws relating to the protection of our natural environment.
27. This was a key consideration in regards to recommending not to allow persons to live on board vessels moored in the Emu Point Pens.

ALTERNATE OPTIONS

28. Council may:
- Proceed; or
 - Reconsider its position on the local law, in full or in part.

CONCLUSION

29. It is recommended that the Responsible Officer Recommendation be adopted.

Consulted References	:	- Local Government Act 1995 - Local Government Operational Guidelines Number 16 – November 2011 - Local Laws
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	OCM 25/09/2018 Resolution CCS087

Maps: (Note all maps are oriented grid north)



Albany Water Front Marina Precinct – Lot 1584, PRINCESS ROYAL DRIVE ALBANY WA 6330

PI Parcel: P065707 1584 | Certificate of Title: LR3021/41



Albany Water Front Marina Precinct – Lot 1583, PRINCESS ROYAL DRIVE ALBANY WA 6330

PI Parcel: P065707 1583 | Certificate of Title: LR3021/40



AR063: REVIEW OF DELEGATIONS & AUTHORISATIONS REGISTER

Proponent	: City of Albany
Attachments	: Delegations & Authorisations Register 2019
Report Prepared by	: Manager Governance & Risk (S Jamieson)
Responsible Officer(s)	: Chief Executive Officer (A Sharpe) Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - a. **Theme:** Leadership.
 - b. **Objectives:** To establish and maintain sound business and governance structures.
 - c. **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to our community.

In Brief:

- Council review and approve the Register of Delegations 2019.

RECOMMENDATION

AR063: RESOLUTION (AMENDED OFFICER RECOMMENDATION)
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR STOCKS

THAT Council:

- (1) **ADOPT** the Reviewed Register of Delegations & Authorisations 2019, subject to the following amendments:
 - a. **Delegation 2019:030 – Caravan Parks, Control of Vehicles & Camping on Public Land.**

The following designated persons are authorised to act under Part 3, Section 17 (1)(a) of the Caravan Parks and Camping Grounds Act, 1995:

 - Manager Building, Health & Compliance, and
 - Environmental Health Officers;
 - to enact delegated powers:
 - b. **Delegation 2019:008 – Legal Proceedings**

Delegated Power:

 1. Authorise Legal Expenses for Council Members, Employees and Volunteers.
 2. Enact legal proceedings, represent and authorise persons to represent the City in a Court.
 3. Authorise persons to administer any or all of the above functions.
- (2) **RESCIND** the Land Fill Subsidy Scheme (*noting the policy position and conditions are detailed in the delegation titled: 2019:009 - Grant Funding, Donations, Sponsorship and Subsidies*).

CARRIED 11-0
ABSOLUTE MAJORITY

Reason (Manager Governance and Risk):

- Delegation 2019:030 – Caravan Parks, Control of Vehicles & Camping on Public Land.
 - The *Caravan Parks and Camping Grounds Act 1995* does not contain a head of power to delegate the appointment of authorised persons to the CEO.
 - A delegated authority is required for Environmental Health Officers to enter and inspect caravan parks.
- Delegation 2019:008 – Legal Proceedings

Authorises the designated positions listed to represent the City of Albany by default, being: Chief Executive Officer, Executive and the Manager Governance & Risk | Manager Finance | Manager Ranger & Emergency Services | Team Leader Ranger Services | Manager Building, Health and Compliance | Senior Planning and Development Compliance Officer.

AR063: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the:

- 1) Reviewed Register of Delegations & Authorisations 2019 be ADOPTED; and
- 2) Land Fill Subsidy Scheme be RESCINDED, noting the policy position and conditions are detailed in the delegation titled: 2019:009 - GRANT FUNDING, DONATIONS, SPONSORSHIP AND SUBSIDIES.

AR063: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

AR063: RESPONSIBLE OFFICER RECOMMENDATION

That the:

- (1) Reviewed Register of Delegations & Authorisations 2019 be ADOPTED; and
- (2) Land Fill Subsidy Scheme be RESCINDED, noting the policy position and conditions are detailed in the delegation titled: 2019:009 - GRANT FUNDING, DONATIONS, SPONSORSHIP AND SUBSIDIES.

BACKGROUND

2. Under the provisions of the *Local Government Act 1995*, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committees of Council to help facilitate the many services it provides to the community.
3. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.

DISCUSSION

4. A register of Delegations of Authority is essential in order to inform the public of the activities, functions, powers and duties of the Local Government as well meeting the requirements of Section 5.46 of the *Local Government Act 1995* (the Act).

5. This Act requires the Chief Executive Officer (CEO) of the Local Government to keep a Register of Delegations made by the Council to a Committee or the Chief Executive Officer, and by the CEO to other employees.
6. The compilation of the content of this Register was prepared through references to the Act, the Complete Guide to The Local Government Act 1995 (which is a joint production of the Western Australian Municipal Association, the Institute of Municipal Management (WA Division) and the Western Australia Department of Local Government.
7. Section 5.42 of the Act allows Council to delegate to the Chief Executive Officer and/or Committee.
8. Proposed amendments are detailed in the document control section of the Delegations Register.
9. Council Policies and their associated delegation(s) are listed at attachment C to the Delegations Register.
10. Council may choose to identify and prioritise specific delegations and/or Council Policy Positions for separate review.

GOVERNMENT AND PUBLIC CONSULTATION

11. **Circular No. 03-2019 - LOCAL GOVERNMENT LEGISLATION AMENDMENT BILL 2019.** The Bill passed the Legislative Assembly on Wednesday, 10 April 2019, and was read into the Legislative Council on Thursday, 11 April 2019.
12. The Bill makes a number of amendments to the LG Act and other pieces of legislation administered by the Minister for Local Government, as a result the City has commenced activities to prepare for when the Bill passes, in particular:
Authorised persons
13. Currently a local government has the power to appoint persons to exercise powers under a number of pieces of legislation, including the LG Act. A valid appointment must be in writing and the person appointed provided with a certificate.
14. The requirement to issue a certificate is no longer considered the best practice method for establishing a person's identity or authority to exercise enforcement or other powers.
15. The Bill introduces a change to the appointment process so that when a local government appoints an authorised person under the LG Act, they must issue an identity card with the following:
 - a. the official insignia of the local government;
 - b. the name of the person;
 - c. a recent photograph; and
 - d. a list of each law that the person's appointment relates (on the rear of the card).
16. A detailed appointment certificate which lists each piece of legislation and the relevant section or regulation numbers will still need to be signed by the CEO and retained by the local government.
17. Transitional arrangements will ensure that current appointments remain valid.

STATUTORY IMPLICATIONS

18. Detailed in the discussion section of the report.
19. Voting Requirement: **Absolute Majority.**

Delegation to CEO

20. Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer:

“1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegation to Committees

21. Section 5.16 and 5.17 of the Act enables the delegation of some powers and duties to a committee:

“1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegations to be reviewed every financial year

22. Under the provisions of section 5.46 (2) of the Act, delegations must be reviewed by the delegator at least once every financial year.

Appointment of authorised persons

23. Section 9.10 of the Act. The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Transfer of Authority Due to Absence

24. Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.
25. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Executive Director or Senior Manager for the period of absence.

Proposed, Amended Delegations

26. New, deleted and proposed amendments are detailed in the version control section of the register.

POLICY IMPLICATIONS

27. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.	Unlikely	Moderate	Medium	Review and bring back to Council for adoption prior to 30 June 2019.

FINANCIAL IMPLICATIONS

29. Nil.

LEGAL IMPLICATIONS

30. Refer to statutory implication section of report.

ENVIRONMENTAL CONSIDERATIONS

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

SUMMARY CONCLUSION

32. That the reviewed delegations register (attached) be adopted and if required identify specific delegation and/or council policy positions for separate review.

Consulted References	:	• <i>Local Government Act 1995</i> • Local Government: Operational Guidelines Number 17.
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM May 2018 Resolution AR042

DIS157: FOOD ORGANICS AND GARDEN ORGANICS (FOGO)

Attachments	: Confidential FOGO Business Case
Report Prepared By	: Waste Project Officer (J Passmore)
Responsible Officers:	: Acting Executive Director Infrastructure & Environment (M Richardson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Council endorsement is sought to develop an operational plan for the roll-out of a kerbside Food Organics and Garden Organics (FOGO) service in 2020.
- Estimated costings for three service options are provided in the attached FOGO Business Case.

RECOMMENDATION

DIS157: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR MOIR

1. THAT Council APPROVE the commencement of a kerbside FOGO service in January 2020 to properties receiving a kerbside waste collection.
2. THAT Council APPROVE Option 3, being fortnightly collection of all bins (FOGO, commingled recyclables and general waste) with weekly FOGO collection for 8 weeks during December-February.

CARRIED 11-0

DIS157: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 12-0

DIS157: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council APPROVE the commencement of a kerbside FOGO service in January 2020 to properties receiving a kerbside waste collection.
2. THAT Council APPROVE Option 3, being fortnightly collection of all bins (FOGO, commingled recyclables and general waste) with weekly FOGO collection for 8 weeks during December-February.

BACKGROUND

2. In 2004, the City of Albany was one of the first Western Australian councils to introduce a three-bin kerbside service which includes collection of general waste, commingled recyclables and garden organics (GO). Garden waste is processed into compost by the City's green waste contractor.
3. Implementation of kerbside food scrap collection was identified for action in the City of Albany Strategic Waste Management Plan 2014-18. A FOGO service directs households to put food scraps in with garden waste for collection and processing into compost.
4. The City successfully applied for funding for a combined Behaviour Change Tools Development Project and Food Waste Diversion Trial through the Waste Authority Community & Industry Engagement Program and an 8-week Food Organics and Garden Organics (FOGO) collection trial was conducted in five streets in October and November 2018.
5. Introduction of a kerbside collection system that includes separation of FOGO from other waste categories in all Perth metropolitan and Peel local governments by 2025 was identified as a target of the State Waste Avoidance and Resource Recovery (WARR) 2030 Strategy.
6. The City of Bunbury was the first WA council to introduce a FOGO system in 2013 and the rate of diversion from landfill has increased from 24% to 65%. Councils planning to implement a kerbside FOGO service during 2019 and 2020 include Melville, Fremantle and Bassendean.
7. Public demand for kerbside food waste collection has grown in the past twelve months buoyed by increased media attention, including the ABC's War on Waste television series.

DISCUSSION

8. Implementing a FOGO service in Albany would adapt the current service so that food organics (FO) are included with garden organics (GO) in the green waste bin to be collected for composting by the green waste contractor.
9. Visual audits of household waste in Albany found approximately 30% of kerbside general waste bin contents are food and garden organics. This is consistent with the National Waste Report 2013 which indicated that 30-46% of the contents of household general waste bins in Australia is food waste.
10. The impact of food waste in landfill includes the production of greenhouse gases, such as methane and carbon dioxide, and polluting leachate. Leachate emissions from Hanrahan Landfill is an ongoing management consideration.
11. Collecting food waste together with garden waste has the potential to reduce greenhouse gas emissions and leachate run off, increase available landfill space and contribute to the circular economy by recycling food waste into valuable compost. Collecting food waste for composting could potentially divert more than 2,300 tonnes of waste from Albany's landfill per annum (which is equivalent to the amount diverted through kerbside recycling in 2017-18) and minimise the release of associated greenhouse gases and leachate.
12. Surveys following Albany's 2018 FOGO trial found that 95% of households who participated in the trial were supportive of the introduction of a FOGO service. Surveys of the general population showed that 68% of Albany residents were motivated by the idea of diverting food waste from landfill to a composting facility.
13. It is recommended that the implementation of a FOGO service directing households to place food scraps along with garden organics in green waste bins to be collected and processed into compost commence in January 2020.
14. Three potential collection options for a kerbside FOGO service have been identified, as detailed in the attached FOGO Business Case (p9-10).

- **Option 1:** Fortnightly collection of all bins (FOGO, recyclables and general waste)
 - **Option 2:** Fortnightly collection of all bins with weekly FOGO collection during December-March (12 weeks)
 - **Option 3:** Fortnightly collection of all bins with weekly FOGO collection during December-February (8 weeks)
15. Estimated costings indicate Option 1 would have significant ongoing cost savings compared to the current kerbside service, Option 2 would be slightly more expensive than the current service, and Option 3 would be cost-neutral.
- Option 1 and Option 2 would address potential concerns about increased odours during warmer weather and increased waste generation during the holiday period.
16. Consideration would be given to the provision of options such as additional bins for households with large waste output due to exceptional circumstances including households with high occupancy or specific medical needs. These services would be paid or unpaid depending on householder circumstances.
17. A comprehensive implementation strategy would be developed to inform and prepare residents for the transition to FOGO, assist with waste separation between the three bins and promote waste prevention and reduction. Appropriate internal staff, agencies and community groups would be consulted in the preparation of the strategy to minimise negative impacts and maximise positive outcomes for all residents.
18. The implementation strategy would include print, digital and social media advertising, face to face engagement, direct mail, email, signage and displays.
19. The proposed implementation would include delivery of kitchen caddies, compostable bin liners and information material such as bin stickers and fridge magnets to assist residents with sorting their waste.
20. Promotions and education would continue to encourage residents to recycle organic waste at home by composting and keeping poultry where appropriate, while recognising that these methods are not suitable for all households.
21. Adapting Albany's current three-bin service into a FOGO system will be a relatively simple process that will provide positive environmental, social and financial outcomes.
22. The proposed FOGO service will make use of proven waste diversion solutions while allowing time to research and consider developing waste processing technologies.

GOVERNMENT & PUBLIC CONSULTATION

23. There has been no government consultation in relation to this item, although the State Waste Avoidance and Resource Recovery Strategy 2030 has been considered in its preparation.
24. A Food Waste Diversion Trial supported by WA Waste Authority Community and Industry Engagement (CIE) funding was conducted in October-November 2018.
25. Community surveys and focus groups were conducted as part of the Food Waste Diversion Trial and Behaviour Research Project supported by Waste Authority CIE funding.
26. Future government consultation will be conducted to assist implementation of a FOGO service.
27. Future public engagement will be conducted during the planning and roll-out of a FOGO service.

STATUTORY IMPLICATIONS

28. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

29. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community: <i>Concern regarding changes to bin schedule and waste sorting.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>A comprehensive implementation strategy to equip and educate the community to encourage positive waste diversion behaviours will be essential.</i>
Reputation: <i>By not introducing a FOGO system, the City has not delivered one of the actions of the 2014-18 Strategic Waste Management Plan.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Introduction of a FOGO service will fulfil a commitment of the 2014-18 Strategic Waste Management Plan.</i>
Operations: <i>Uncertainty around incorporating food waste into current garden waste processing.</i>	<i>Possible</i>	<i>High</i>	<i>High</i>	<i>Work with contractors and relevant departments to ensure quality output and that processing adheres to licencing requirements.</i>
Opportunity: <i>Separation of food waste at source to recover for processing into compost has significantly better environmental outcomes than sending organic material to landfill. The introduction of a FOGO collection service demonstrates the City of Albany's commitment to sustainable waste management and is an obvious next step for the City of Albany's waste management services with potential for positive environmental, social and financial outcomes.</i>				

FINANCIAL IMPLICATIONS

31. There are no immediate financial implications related to this report although there will be a cost incurred in the implementation phase of the service to be considered for the 2019/20 budget.
32. Estimated costings for services and activities associated with FOGO service implementation and education are provided to Council for review in the attached business case.
33. An application for State Government Community and Industry Engagement funding to assist with costs associated with FOGO implementation, subject to Council endorsement, has been submitted. Assistance may also be available through the State Government's Better Bins program or Federal Emissions Reduction Funding.

LEGAL IMPLICATIONS

34. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

35. The City of Albany values a clean, green and sustainable environment, and works to deliver a sustainable and efficient waste management service. The proposed FOGO service has potential to increase diversion of waste from landfill, reduce gas and leachate emissions associated with decomposing food in landfill and improve community waste and recycling habits.

ALTERNATE OPTIONS

36. Continue current kerbside service with food waste going to landfill.
37. Consider other options for service provision frequency.

CONCLUSION

38. It is recommended that Council endorse the commencement of a kerbside FOGO service in January 2020.
39. It is recommended that Council endorse Option 3, being fortnightly collection of all bins (FOGO, commingled recyclables and general waste) with weekly FOGO collection for 8 weeks during December-February.

Consulted References	:	• <i>City of Albany Strategic Waste Management Plan 2014-18</i> • <i>State Waste Avoidance & Resource Recovery Strategy 2030</i>
File Number (Name of Ward)	:	CM.STD.6 (All Wards)
Previous Reference	:	Nil

DIS158: COMMUNITY WASTE RESOURCE STRATEGY 2019-2026

Attachments	: Draft Community Waste Resource Strategy 2019-2026 Waste Avoidance & Recovery (WARR) Strategy 2030 Proposed South Coast Sustainable Waste Alliance Strategic Vision
Report Prepared By	: Waste Project Officer (J Passmore)
Responsible Officers:	: Acting Executive Director Infrastructure & Environment (M Richardson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- The proposed Community Waste Resource Strategy 2019-2026 is an eight year plan designed to provide a framework for the management of waste minimisation and management in the City of Albany.
- The Strategy's objectives are to minimise waste to landfill, engage stakeholders, lead and advocate for best practice waste management, encourage innovation and provide cost-effective services.

RECOMMENDATION

DIS158: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR SHANHUN

THAT Council ADOPT the Community Waste Resource Strategy 2019-2026.

CARRIED 11-0

DIS158: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 12-0

DIS158: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Community Waste Resource Strategy 2019-2026

BACKGROUND

2. The Strategic Waste Management Plan adopted by Council in 2014 was flagged for review in September 2018.
3. The State Government released the Waste Avoidance and Resource Recovery (WARR) Strategy 2030 in February 2019.
4. The proposed South Coast Sustainable Waste Alliance Strategic Vision was prepared in March 2019.
5. The proposed Community Waste Resource Strategy was prepared by waste services staff in consultation with the Waste Management Working Group.

DISCUSSION

6. The proposed Community Waste Resource Strategy provides an innovative way forward to decrease waste generation and manage our community's waste.
7. The Strategy's timeline aligns with major organisational milestones and the anticipated timeframe to establish a new waste facility. The development of a new landfill site will require significant changes to logistical operations and types of services the City provides. Capturing the whole of this period of change is a practical approach.
8. The Community Waste Resource Strategy complements the proposed Strategic Vision for the South Coast Sustainable Waste Alliance and fits under the umbrella of the City of Albany's 2030 Community Strategic Plan to incorporate the Community Priority to 'Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments'.
9. The Strategy aligns with the goals and targets of the State Government's Waste Avoidance and Resource Recovery (WARR) Strategy 2030 which is guided by the priorities of the waste hierarchy to avoid and minimise waste, and the optimised use of resources through the circular economy model.
10. The Strategy acknowledges the need to ensure shared responsibility for waste management and minimisation between those who generate, produce and use goods and services and a preference to deal with waste as close to the place of production as possible.
11. Guiding Principles for the City's waste management innovations are:
 - i. Empower people
 - ii. Think creatively
 - iii. Build employment
 - iv. Manage waste as a resource
 - v. Plan for the future
 - vi. Regional focus
12. Five strategic objectives targeting key focus areas provide direction for the Strategy's associated priorities:
 - i. Minimise waste to landfill
 - ii. Engage stakeholders
 - iii. Lead and advocate for best practice waste management
 - iv. Encourage innovation
 - v. Provide cost-effective services
13. The Strategy's Actions and Key Performance Measures will be monitored on an Action Plan Scorecard and reported on quarterly.

14. The Strategy aligns with WARR Strategy 2030 Targets for waste reduction and resource recovery to improve current waste trends:

Resource Recovery Rate	2020	2025	2030
All sectors Western Australia		70%	75%
Municipal Solid Waste Perth metropolitan region	65%	67%	70%
Municipal Solid Waste Major regional centres	50%	55%	60%
Commercial and Industrial Western Australia	70%	75%	80%
Construction and Demolition Western Australia	75%	77%	80%

15. Significant innovation and collaboration with community, business and the State Government will be required to meet the ambitious goals. Federal Government leadership in the advancement of a sustainable circular economy model will also be essential.
16. Major projects to be delivered over the life of the Strategy include implementation of a Food Organics and Garden Organics (FOGO) collection service; identification, acquisition and approvals of a new landfill site; new waste facility construction; and closure of Hanrahan Landfill.

GOVERNMENT & PUBLIC CONSULTATION

17. No government consultation is required for this item, although the State Waste Avoidance and Resource Recovery Strategy 2030 has been considered in its preparation.
18. There has been no specific community consultation in relation to this item, although consideration has been given to outcomes of consultation for the City of Albany Community Strategic Plan 2030, and surveys and focus groups were conducted in conjunction with the Behaviour Change Tools Development Project and Household Food Waste Diversion Trial funded by the Waste Authority Community and Industry Engagement program.
19. Future government consultation and public engagement will be conducted in relation to actions associated with the Strategy.

STATUTORY IMPLICATIONS

20. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

21. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community: There is a risk community expectations raised by the Community Waste Resource Strategy are not met.	Possible	Moderate	Medium	If adopted, Council allocates resources to accommodate actions identified in the Strategies in a timely manner.
Operations: By not adopting the Strategy there is lack of clear direction for the City's future waste management and planning.	Likely	High	High	Adopt the Strategy and communicate progress regularly to Council and stakeholders.
Reputation: Future Council decisions inconsistent with the Community Waste Resource Strategy may result in lack of community confidence.	Possible	High	High	All future waste planning to be informed by current best-practice and up-to-date research, with Strategy reviewed as required.
Opportunity: Positive direction and clear plan for waste management with environmental and community benefits in the City of Albany.				

FINANCIAL IMPLICATIONS

23. There are no direct financial implications related to this report.
24. Proposed activities that have financial implications will be presented for Council review and decision separately.

LEGAL IMPLICATIONS

25. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

26. The City of Albany values a clean, green and sustainable environment, and works to deliver a sustainable and efficient waste management service. The proposed Community Waste Resource Strategy has been prepared with consideration of environmental outcomes and aims to reduce waste to landfill and improve community waste and recycling habits.

ALTERNATE OPTIONS

27. Council may elect to request amendments to the proposed Community Waste Resource Strategy 2019-2026.

CONCLUSION

28. It is recommended that Council adopt the proposed Community Waste Resource Strategy 2019-2026.

Consulted References	:	• <i>City of Albany Strategic Waste Management Plan 2014-18.</i> • <i>State Waste Avoidance & Resource Recovery Strategy 2030.</i>
File Number (Name of Ward)	:	CM.STD.6 (All Wards)
Previous Reference	:	Nil

DIS159: C19007 PANEL OF SUPPLIERS – CONSTRUCTION PLANT AND EQUIPMENT

Proponent / Owner : City of Albany
Report Prepared By : Acting Manager City Operations (T Rogister)
Responsible Officers: : Acting Executive Director Infrastructure and Environment (M Richardson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 3. Clean, Green & Sustainable
 - **Objective:** 3.2 To build, maintain and renew city assets sustainably.
 - **Community Priority:** 3.2.1 Deliver environmentally and financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community.

In Brief:

- Tender to appoint preferred contractors to “wet” and “dry” hire construction plant and equipment.
- Contract shall be for an initial period from 1 July 2019 to 30 June 2020, with a mutually agreed and price negotiated option for a renewal for a further twelve (12) months, and then a further option of another twelve (12) months.

RECOMMENDATION

DIS159: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, Contract C19007 from the following Suppliers:-

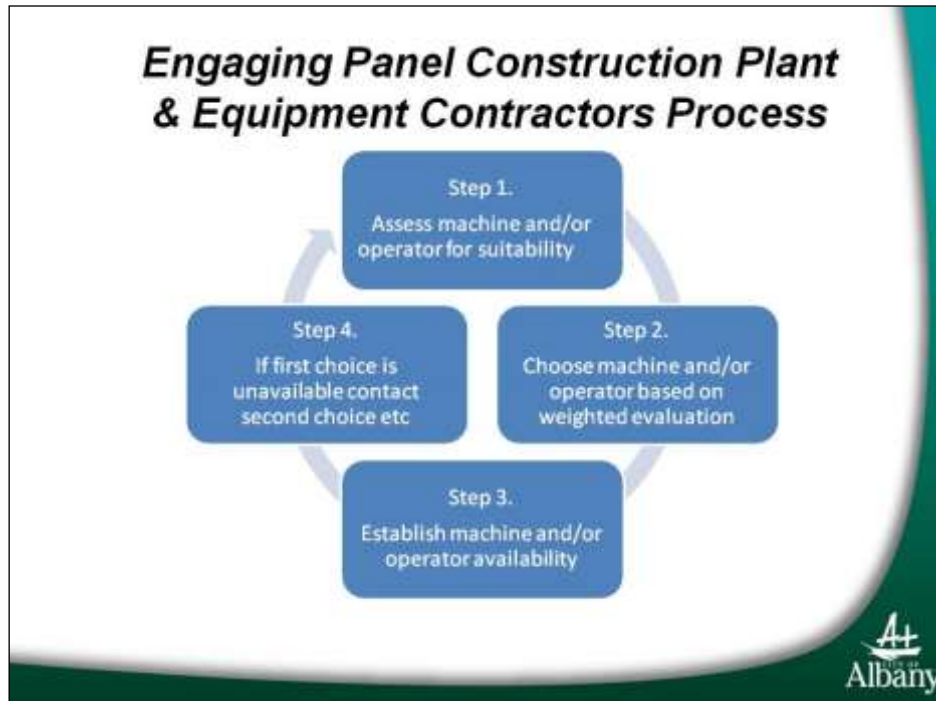
- **AD Contractors**
- **Albany Industrial Services**
- **Albany Bobcat Services**
- **Bill Gibbs Excavations**
- **Fred's Landscaping**
- **Great Southern Sands**
- **JCA Civil**
- **Nigel Palmer Earthmoving**
- **P&C Fulcher**
- **Palmer Civil**

CARRIED 11-0

BACKGROUND

2. The City of Albany is seeking to re-establish a ‘Panel of Suppliers’ for the supply of construction plant and equipment to augment the City of Albany’s current machinery base during peak construction and maintenance periods.
3. This Panel of Suppliers shall consist of Contractors prepared to “wet” and/or “dry” hire construction plant and equipment to the City of Albany. The term “wet” hire refers to the hire of equipment with an operator and “dry” hire refers to hire of equipment without an operator.

4. Four of the ten Contractors recommended are in a position to provide both wet and dry hire.
5. This Panel shall be Council's preferred suppliers and requests for hire of equipment and operators shall be directed to members of this Panel before all others.
6. Plant will be selected from the Contractor identified from the panel who is likely to be able to offer plant which is fit for purpose for the required works and the Contractor will be engaged by the following methodology.



7. In addition to the process map highlighted above, panel members will be engaged for a project after consideration has been given to job requirement, experience of operator (if known), any additional plant required to complete the works, efficient execution of the job, ability to meet the timeframe for the particular project, and best value for money for the City of Albany.
8. The City requires flexibility in this panel to negotiate and evaluate requirements for individual projects. To provide that flexibility we have asked the contractor to tender day rates.
9. During a wet hire period and in the event the machine hired is not being utilised at the time, the operator may be instructed by the City of Albany Representative to work on other tasks. This arrangement would maximise operator use and would only occur by agreement with the Contractor and the City of Albany Representative.

DISCUSSION

10. A total of 33 tender documents were issued.
11. Tenders were asked to provide hire rates for items of plant. These preferred suppliers will be used on an "as and when" required basis with no guarantee of the amount of work required by the City of Albany.
12. In addition, we gave the tenderers the opportunity of submitting prices for other plant we had not specified in the tender documents. This list enables us to consider other plant which may be fit for purpose and available for a given project. The tenderers understand these price submissions did not form part of the evaluation process as they were not common items.
13. To simplify engagement of the Contractors the mobilisation/demobilisation rates were changed to the "low loader wet hire rate".

14. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	50
Relevant Experience	15
Key Personnel Skills and Experience	15
Tenderer's Resources	15
Corporate Social Responsibility	5
Total	100

15. Eighteen (18) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City's intention was to appoint up to ten Contractors to the Panel of Suppliers.
16. The following table summarises the recommended tenderers and overall evaluation scores applicable to each category of plant. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are "commercial in confidence", and will not be made publicly available.

Small Excavator (CCF Class 2/3T)

Tenderer	Weighted Score
Tenderer A	595.11
Tenderer B	563.17
Tenderer C	472.63
Tenderer D	442.37
Tenderer E	419.03
Tenderer F	381.83

Small/Medium Excavator (CCF Class 6T)

Tenderer	Weighted Score
Tenderer A	557.93
Tenderer B	545.60
Tenderer C	463.34
Tenderer D	454.11
Tenderer E	421.17
Tenderer F	404.50
Tenderer G	324.40

Medium Hydraulic Excavator (CCF Class 15T)

Tenderer	Weighted Score
Tenderer A	574.64
Tenderer B	570.40
Tenderer C	437.51
Tenderer D	371.89
Tenderer E	346.89

Medium Hydraulic Excavator (CCF Class 20)

Tenderer	Weighted Score
Tenderer A	622.02
Tenderer B	575.56
Tenderer C	565.77
Tenderer D	542.84
Tenderer E	461.79
Tenderer F	379.28
Tenderer G	361.15

Long Reach Excavator (19m CCF Class 30)

Tenderer	Weighted Score
Tenderer A	
Tenderer B	
Tenderer C	

Dozer (CCF Class 25)

Tenderer	Weighted Score
Tenderer A	639.14
Tenderer B	622.47
Tenderer C	444.54
Tenderer D	356.47

Dozer (CCF Class 30)

Tenderer	Weighted Score
Tenderer A	627.36
Tenderer B	588.16
Tenderer C	351.66
Tenderer D	351.59

Dozer (CCF Class 40)

Tenderer	Weighted Score
Tenderer A	728.33
Tenderer B	688.51
Tenderer C	228.33

Wheel Loader (CCF Class 3.5 cubic metre bucket capacity)

Tenderer	Weighted Score
Tenderer A	593.80
Tenderer B	518.50
Tenderer C	491.84
Tenderer D	476.70
Tenderer E	432.47
Tenderer F	430.80

Wheel Loader (CCF Class 4)

Tenderer	Weighted Score
Tenderer A	614.38
Tenderer B	501.72
Tenderer C	486.99
Tenderer D	463.66
Tenderer E	455.36
Tenderer F	407.40

Wheel Loader (CCF Class 5)

Tenderer	Weighted Score
Tenderer A	588.88
Tenderer B	406.98

Rubber Tyre Backhoe Loader

Tenderer	Weighted Score
Tenderer A	617.09
Tenderer B	577.84
Tenderer C	456.62
Tenderer D	233.26

Grader (CCF Class 15)

Tenderer	Weighted Score
Tenderer A	577.46
Tenderer B	536.49
Tenderer C	517.28
Tenderer D	471.12
Tenderer E	399.56
Tenderer F	378.68

Self Propelled Vibrating Flat Drum Roller (CCF Class 12.5)

Tenderer	Weighted Score
Tenderer A	603.46
Tenderer B	550.01
Tenderer C	549.90
Tenderer D	533.23
Tenderer E	447.90
Tenderer F	365.91
Tenderer G	364.24

Self Propelled Pneumatic Tyre Compactor (Gross Weight 12-18T)

Tenderer	Weighted Score
Tenderer A	593.84
Tenderer B	539.71
Tenderer C	522.25
Tenderer D	483.99
Tenderer E	350.80

Self Propelled Pad Foot Roller

Tenderer	Weighted Score
Tenderer A	565.59
Tenderer B	509.44
Tenderer C	506.62

Skid Steer Wheeled (CCF Class 600)

Tenderer	Weighted Score
Tenderer A	566.95
Tenderer B	528.76
Tenderer C	527.23
Tenderer D	422.51
Tenderer E	400.84
Tenderer F	382.79
Tenderer G	334.73

Skid Steer Tracked (CCF Class 600)

Tenderer	Weighted Score
Tenderer A	612.75
Tenderer B	560.52
Tenderer C	559.97
Tenderer D	431.07
Tenderer E	382.18
Tenderer F	354.40

Low Loader

Tenderer	Weighted Score
Tenderer A	650.47
Tenderer B	587.37
Tenderer C	492.85
Tenderer D	469.87
Tenderer E	463.20
Tenderer F	443.32
Tenderer G	410.23
Tenderer H	340.82

Semi Tipper

Tenderer	Weighted Score
Tenderer A	595.35
Tenderer B	568.69
Tenderer C	512.92
Tenderer D	510.25
Tenderer E	504.47
Tenderer F	424.75
Tenderer G	400.14
Tenderer H	380.53

Tandem Tipper

Tenderer	Weighted Score
Tenderer A	585.87
Tenderer B	561.34
Tenderer C	515.68
Tenderer D	510.14
Tenderer E	462.75
Tenderer F	292.71

Water Truck

Tenderer	Weighted Score
Tenderer A	554.75
Tenderer B	554.75
Tenderer C	528.09
Tenderer D	512.42
Tenderer E	437.29
Tenderer F	435.62
Tenderer G	321.30

Stone Crusher

Tenderer	Weighted Score
Tenderer A	478.33
Tenderer B	456.67

Mobile Jaw Crusher

Tenderer	Weighted Score
Tenderer A	542.58
Tenderer B	504.74
Tenderer C	470.05
Tenderer D	352.64

Mobile Screener

Tenderer	Weighted Score
Tenderer A	674.98
Tenderer B	529.13
Tenderer C	429.04
Tenderer D	398.29
Tenderer E	389.95
Tenderer F	358.62

Mobile Impact Crusher

Tenderer	Weighted Score
Tenderer A	728.33
Tenderer B	691.46
Tenderer C	228.33

Crawler Mulcher

Tenderer	Weighted Score
Tenderer A	705.00
Tenderer B	382.18
Tenderer C	206.67

Reach Mulcher (Excavator Mounted)

Tenderer	Weighted Score
Tenderer A	597.68
Tenderer B	533.17
Tenderer C	437.49
Tenderer D	363.36

Road Widener

Tenderer	Weighted Score
Tenderer A	515.83
Tenderer B	456.67
Tenderer C	417.50

Road Train (Side Tippers)

Tenderer	Weighted Score
Tenderer A	594.20
Tenderer B	535.07
Tenderer C	454.55

Dump Truck

Tenderer	Weighted Score
Tenderer A	642.99
Tenderer B	598.73
Tenderer C	546.70
Tenderer D	492.44
Tenderer E	454.73
Tenderer F	254.87

17. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.

GOVERNMENT & PUBLIC CONSULTATION

18. A request for tenders was published in the West Australian on 27th March 2019 and the Albany Weekender on 28th March 2019.

STATUTORY IMPLICATIONS

19. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$150,000.00.
20. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
21. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations. Council does not award this Contract delays in achieving the capital works and maintenance programme may result.	Unlikely	Major	High	This Contract is awarded so additional plant and equipment are available for hire.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes.
Legal & Compliance. Non compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Reputation. The communities expectation of completion of capital works or maintenance programmes.	Possible	Insignificant	Low	Community are advised of any work delays.
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

25. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
26. Tenderers were required to provide a schedule of rates for their services. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

27. Nil.

ENVIRONMENTAL CONSIDERATIONS

28. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

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

Consulted References	:	<i>Local Government (Functions and General) Regulations 1995</i> Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C19007
Previous Reference	:	C16012

**DIS160: PROPOSED HOLIDAY HOUSE – 16 TAYLOR STREET
MIRA MAR WA 6330**

Land Description	: Lot 131, 16 Taylor Street, Mira Mar WA 6330
Proponent	: Hollie and John Hummerston
Business Entity Name	: N/A
Attachments	: Copy of Application
Report Prepared By	: Planning officer - (J Anderson)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The structure plan complies with strategic planning for the following reasons:
 - a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams: Subject Site – Lot 131, 16 Taylor Street, Mira Mar



In Brief:

- On January 25 March, 2019, the City of Albany received a planning application for a Holiday House at 16 Taylor Street, Mira Mar.
- The matter was subject to public advertising. Through this process, one submission raising concerns with the proposal was received.
- Due to the provisions of the City of Albany's Holiday Accommodation Policy, the proposal is required to be referred to Council for determination.
- Staff consider that the proposal is in accordance with City of Albany Holiday Accommodation policy and recommend the proposal be supported subject to conditions.

RECOMMENDATION

DIS160: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HAMMOND

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for a Holiday House at Lot 131, 16 Taylor Street, Mira Mar:

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190165 and dated XX XX 2019, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. The operation of the holiday house hereby approved shall be in accordance with the approved management plan, which shall be reviewed and updated at the time of any change of ownership or management, to the satisfaction of the City of Albany.
4. The holiday house hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
5. The holiday house hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any twelve month period.
6. The operator or manager of the holiday house hereby approved shall maintain an annual register of all guests to the satisfaction of the City of Albany. A receipt book must also be kept.
7. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
8. Each bedroom utilising beds shall have a floor space of not less than four square metres per person; each bedroom utilising bunks shall have a floor space of not less than 2.5 square metres; and a maximum of twelve persons are permitted to stay on the premises at any one time.
9. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice Condition 8:

Please refer to the City of Albany Local Planning Policy 2B – Signs for further information.

CARRIED 11-0

DIS160 COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 12-0

DIS160: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval, subject to the following conditions, for a Holiday House at Lot 131, 16 Taylor Street, Mira Mar:

Conditions:

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2190165 and dated XX XX 2019, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.**
- 3. The operation of the holiday house hereby approved shall be in accordance with the approved management plan, which shall be reviewed and updated at the time of any change of ownership or management, to the satisfaction of the City of Albany.**
- 4. The holiday house hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.**
- 5. The holiday house hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any twelve month period.**
- 6. The operator or manager of the holiday house hereby approved shall maintain an annual register of all guests to the satisfaction of the City of Albany. A receipt book must also be kept.**
- 7. All vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.**
- 8. Each bedroom utilising beds shall have a floor space of not less than four square metres per person; each bedroom utilising bunks shall have a floor space of not less than 2.5 square metres; and a maximum of twelve persons are permitted to stay on the premises at any one time.**
- 9. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.**

Advice Condition 8:

Please refer to the City of Albany Local Planning Policy 2B – Signs for further information.

BACKGROUND

3. Local Planning Scheme No. 1 was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes.
4. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. The site is located approximately 2.2km north east of the Albany CBD. The property is 440m² in size and zoned Residential R25 under Local Planning Scheme No.1.
6. The surrounding properties are also zoned Residential R25, with the exception of a Reserve to the West (Bluff Rock reserve).
7. The application was advertised for public comment for a period of 21 days, with nearby landowners directly notified by letter.
8. One submission was received during advertising which raised concerns in respect to the proposal. The concerns raised are summarised later in this item.
9. Council is now requested to consider the submission received during the public advertising period and determine whether to grant development approval.

DISCUSSION

10. The City of Albany *Local Planning Scheme No.1* defines Holiday House as “means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast”.
11. A dwelling on the subject lot is currently under construction. The applicant has advised that this has been done with the intention of using the property for holiday accommodation. While this may be the applicant’s intention, ultimately, it is immaterial to the matter before Council, as the dwelling under construction is a single house.
12. The applicant has provided the following (summarised) outline of how the proposed holiday house will operate:
 - The Property will be managed by the landowners, who live in close proximity
 - A security bond is required
 - Strict control on guest numbers
 - Guests will be met on-site by the landowners to ensure the correct number of people are checking in.
 - House rules will be provided to the guests
 - No parties being permitted, including or restrictions on additional visitors
 - Adjacent neighbours in close proximity will be given the landowners contact details should any problems arise.
 - Any disturbance issues will be dealt with immediately and eviction may occur.
 - Limitations and controls for pets on the premise

13. The main concerns raised and the proposed mitigation measures are addressed, as follows;
- The proposal potentially impacting upon the amenity and character of the area;
 - The proposal potentially impacting upon the viability of a future hotel within the City of Albany;
 - Not everyone within the street was notified;
 - Impacts on property values;
 - Pets should be secured; and
 - That notification should have occurred prior to the building being substantially commenced.
14. In respect to the amenity and character of the area, it is necessary to consider that the proposal is located within the preferred area for holiday accommodation within the City of Albany Holiday Accommodation Local Planning Policy. Further to this, the dwelling approved on the site has the built form of a regular dwelling and would be indistinguishable in that respect from the surrounding buildings. It is considered that with the implementation of a suitable management plan as a condition of approval, that the use will not detrimentally affect the character or amenity of the area.
15. While both land uses of Holiday House and Hotel come under the broader definition of holiday accommodation, the land uses are ultimately separate land uses with separate definitions. Notwithstanding that, both land uses are distinctly different, the impact of one development application on the viability of a separate land use is not classified as a matter to be considered under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.
16. Only nearby landowners were consulted, in accordance with the City of Albany procedure.
17. Property values are not a matter outlined within cl 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and is therefore not a matter which can be taken into consideration in the assessment process.
18. The keeping of domestic animals is permitted on a residential property. The proponent has amended the house rules to ensure that guests are only permitted one pet (which is approved at the time of booking). The pet must remain outside within the fenced area, and not be of disturbance to any neighbours.
19. As mentioned previously, while it may be the owner's intent to use the dwelling which is currently being developed for holiday accommodation, the development on the site is for a single dwelling. The proposal currently before council will enable the change of use if it is approved.

GOVERNMENT & PUBLIC CONSULTATION

20. The application was advertised for public comment for a period of 21 days, with nearby landowners directly notified by letter.
21. One submission was received during advertising which raised concerns in respect to the proposal. The broad issues are discussed in paragraph 12-18, above.

STATUTORY IMPLICATIONS

22. A Holiday House is classified as a "D" use within the 'Residential' zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
23. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

24. The proposal is subject to the City of Albany Holiday Accommodation Local Planning Policy.
25. The primary reason the matter has been referred to council for consideration is due to the position within this policy which states;
- “Where a neighbour objects to a proposal, the application is to be referred to the Council for deliberation and considered in view of the following:*
- a. The proximity of the holiday accommodation to key tourism attractions such as the beach or town centre/activity centre (typically a 5 minute walk – 400m);*
 - b. location within a street(s) which facilitates safe, efficient and pleasant walking, cycling and driving;*
 - c. location compatible with Figure A below (the areas illustrated are within close proximity to the town centre and popular swimming beaches).”*
 - d. A management plan designed to facilitate community concerns.*
26. The following comments are made in respect to the above matters of consideration:
27. Firstly, the subject lot is located on the end of a street, and only has one adjoining neighbour. Further to this, the property is in walking distance of the Spencer Park shopping centre and also in close proximity to footpaths which lead to Middleton Beach and the centre of town. It is considered that the location for the proposed development is suitable on the basis that it is located in a rather central area which is between the centre of town and the Middleton Beach tourism area.
28. As per Figure A of the Local Planning Policy, the proposal is located within the preferred area for Holiday Accommodation.
29. In accordance with the policy, the applicant has also submitted a management plan which controls the usage of the property and places clear guidance for its use. Measures to protect amenity through the management of the site include;
- The requirement for a security bond;
 - Strict control on guest numbers
 - No parties being permitted, including restrictions on additional visitors.
 - Limitations and controls for pets on the premise
30. In respect to management, the owners live in close proximity to the dwelling, and are ideally placed to respond to any issues on the property. Further to this, it is noted that the applicant has incorporated termination clauses in the event that there are ~~is~~ issues with users of the accommodation.
31. It is considered that the proposal meets the key matters of the Holiday Accommodation Local Planning Policy and is capable of approval subject to appropriate conditions.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>The approval may generate unacceptable impacts on the amenity on the area.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>The application and adherence of appropriate planning conditions will mitigate this risk.</i>
Opportunity: <i>Responds to market demand in a controlled fashion.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

34. As per the appeal rights conferred by the *Planning and Development Act 2005*, the decision on the matter can be appealed to the State Administrative Tribunal.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

- To resolve to refuse the proposal subject to reasons; and
- To resolve to approve the proposal subject to additional or modified conditions.

CONCLUSION

37. The proposal is considered to be consistent with the objectives of the zone and the requirements of the *City of Albany's Holiday Accommodation local planning policy*.
38. The matters raised in the public submissions received during the advertising period have also been broadly addressed by the proponent and can be mitigated through the application of appropriate planning conditions.
39. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No.1;</i> 2. <i>Holiday Accommodation local planning policy</i>
File Number (Name of Ward)	:	A238257 Frederickstown Ward
Previous Reference	:	Nil

DIS161: VANCOUVER ARTS CENTRE – ROOF CONDITION REPORT

Proponent / Owner	: City of Albany
Attachments	: 1. VAC – Memorandum – Roof Condition Report, 2019 2. Heritage Impact Assessment, Lynne Farrow, 2017
Report Prepared By	: Acting Team Leader Asset Management (R Westerberg)
Responsible Officers:	: Acting Executive Director Infrastructure & Environment (M Richardson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:-
 - **Theme:** 3. Clean, Green & Sustainable
 - **Objective:** 3.2 To build, maintain and renew city assets sustainably
 - **Community Priority:** 3.2.1 Deliver environmentally & financial sustainable long term
 - planning for infrastructure via a forward capital works program that meets the needs of our community

In Brief:

- To provide Council the requested additional information on the condition of the roof of the Vancouver Arts Centre and the required timing program for the roof re-cladding, together with reporting on external grant funding opportunities to reduce the direct cost to the City.

RECOMMENDATION

DIS161: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR STEPHENS

THAT Council:

1. **NOTE the attached condition report.**
2. **RECOMMEND re-cladding the roof on the original limestone Cottage Hospital building at the Vancouver Art Centre with flat grey tiles at a cost of \$240,000 ex-GST in the 2019/20 financial year.**

CARRIED 9-2

Record of Vote

Against the Motion: Councillors Stocks and Sutton

DIS161: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 9-3

Record of Vote

Against the Motion: Councillors Sutton, Stocks and Terry

DIS161: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **NOTE the attached condition report.**
2. **RECOMMEND re-cladding the roof on the original limestone Cottage Hospital building at the Vancouver Art Centre with flat grey tiles at a cost of \$240,000 ex-GST in the 2019/20 financial year.**

BACKGROUND

2. DIS149 Vancouver Art Centre Roof Re-Cladding was presented at the March 2019 Ordinary Council Meeting with a recommendation:-

That Council RECOMMEND re-cladding the roof on the original limestone Cottage Hospital building at the Vancouver Art Centre with flat grey tiles at a cost of \$240,000 ex-GST.

3. At the March Ordinary Council Meeting, under DIS149 Vancouver Art Centre Roof Re-Cladding, Council approved an alternate motion:-

THAT Council:

- a) *ADVISE the Heritage Council of the decision to use a flat grey tile on the roof of the original limestone Cottage Hospital building at the Vancouver Art Centre as the most prudent and feasible alternative to sheoak shingles.*
 - b) *That a further report be presented to Council on the condition of the roof and the required timing program for the roof re-cladding, together with reporting on external grant funding opportunities to reduce the direct cost to the City.*
4. Advice has been provided to the Heritage Council of the decision to use a flat grey tile on the roof of the original limestone Cottage Hospital building at the Vancouver Art Centre as the most prudent and feasible alternative to sheoak shingles.
5. A Heritage Impact Assessment was undertaken and a report prepared by Architect Lynne Farrow in 2017. Excerpts from this report are contained within the discussion section below and the complete report is attached.
6. A further and current condition assessment on the Vancouver Arts Centre roof was made by City of Albany's Building Infrastructure Officer with the findings of this assessment attached to this agenda item.
7. The Vancouver Arts Centre is now used to house the City of Albany's history collection. The level of protection over the history collection will be improved through the roof replacement programme.
8. The verandah on the south side of the Vancouver Arts Centre has previously suffered a total failure leading to the corrugated iron sheeting as a temporary repair. This verandah area houses some of the City of Albany's history collection.

DISCUSSION

Funding Opportunities

9. External funding opportunities that would reduce the City of Albany's direct costs have been explored with unsuccessful results. The fact that the VAC currently houses City of Albany employees severely limits funding opportunities.
10. Funding avenues will be monitored for any new funding models in the lead up to the replacement works. However, at this stage there is no funding available for these works.

Scheduling of Replacement Works

11. The Heritage Impact Assessment conducted by Architect Lynne Farrow in 2017 states:-

"The present timber shingles on the roof of the cottage hospital were laid over 30 years ago in approximately 1986. They replaced former shingles and the original architectural drawings show that the original roof material was shingles. These shingles are in very poor condition and photographs illustrate the extent to which they have slipped and are therefore leaking. They require replacement."

It goes on to say:-

"The shingle roof cladding on the limestone Cottage Hospital building requires replacement. It is now over 30 years since the existing shingles were laid, and the nails have rusted and the shingles slipped and a number are missing. The lapped jarrah board sarking has kept the roof relatively watertight, and although there is little leaking, continued water penetration will eventually damage the jarrah boarding. The roof needs re-cladding before the timber sarking boards deteriorate from exposure and leaking increases."

12. The Heritage Council have advised that in order to preserve the Jarrah Sark lining beneath the shingles a re-cladding exercise must be undertaken.
13. The current condition of the Jarrah Sark lining is good however there are signs of the commencement of rot as noted in the condition report by the City of Albany's Building Infrastructure Officer.
14. Failure to protect the Jarrah Sark lining will result in deterioration of the lining that will exacerbate current leaks and create further leaks into the roof space.
15. The necessity to commence the replacement program became more evident in during a recent storm event on Friday 19 April 2019. Water ingress was identified under the area of roof that is scheduled for replacement.

GOVERNMENT & PUBLIC CONSULTATION

16. Development Application, correspondence and Heritage Impact Statement.

STATUTORY IMPLICATIONS

17. Heritage of Western Australia Act 1990 s11(3)(c).

POLICY IMPLICATIONS

18. Heritage Protection Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Interruption <i>There is potential that, if left, roof will impact the City of Albany employees working from within the VAC.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The timely replacement of the shingles with the flat grey tile will remove this risk.</i>
Community <i>The VAC is a community facility. Reactive maintenance that comes about due to a failure of the roof will disrupt community use.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>The planned and controlled roof replacement program will significantly reduce, potentially remove, disruptions to community use of the facility.</i>
People Health & Safety <i>There exists a risk that the loose shingles could fall on people. The fallen shingles could also cause a trip hazard if they fall to the path.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Replacement of the shingles will remove the risk of falling shingles.</i>
Property <i>The VAC holds exceptional heritage value. In addition, the VAC currently stores the City of Albany's history collection.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Roof replacement will serve to protect both the building and the history collection.</i>

FINANCIAL IMPLICATIONS

20. As previously advised under DIS149, the cost analysis of the material options is below:-

Roof Material	Total Cost	Lifespan	Renewal Cost per year
<i>Shingles</i>	<i>\$640,000</i>	<i>25</i>	<i>\$25,600</i>
<i>Plain Tiles</i>	<i>\$240,000</i>	<i>50</i>	<i>\$ 4,800</i>
<i>Corrugated Galvanised</i>	<i>\$158,000</i>	<i>30</i>	<i>\$ 5,267</i>

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil

CONCLUSION

23. The current condition of the Vancouver Arts Centre roof is poor condition as evidenced by the third-party Heritage Impact Assessment and the condition report by City of Albany's Building Infrastructure Officer. Due to the poor condition and the requirement to preserve the Jarrah Sark lining, the roof is scheduled for replacement in the 2019/20 financial year with the grey coloured clay 'plain' tile. Funding opportunities for the roof replacement have been explored to ease the direct costs to the City of Albany with no success.

Consulted References	:	• Heritage Impact Assessment by Architect Lynne Farrow. • Condition Report by City of Albany's Building Infrastructure Officer
File Number (Name of Ward)	:	CP.MAI.7 (Frederickstown)
Previous Reference	:	DIS149 (March 2019 OCM)

DIS162: PLANNING AND BUILDING REPORTS APRIL 2019

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports April 2019
Report Prepared By : Administration Officer – Planning (J Ferrell)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Executive Director Development Services (P Camins)

RECOMMENDATION

DIS162: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SUTTON

THAT Council NOTE the Planning and Building Reports for April 2019.

CARRIED 11-0

**DIS163: BUSHFIRE RISK MANAGEMENT PROGRAM-BUSHFIRE
RISK MANAGEMENT COORDINATOR**

Proponent / Owner : City of Albany
Attachments : Nil.
Report Prepared By : Executive Director Development Services (P Camins)
Responsible Officers: : Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable
 - **Objective 4.1:** To protect and enhance our natural and built environment in a changing climate;
 - **Community Priority 3.1.1:** Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience.

In Brief:

- Department of Fire & Emergency Services (DFES) have offered the City of Albany grant funding for the purpose of employing a Bushfire Risk Management Coordinator on a fixed term, part time basis to start preparation of Albany's Bushfire Risk Management Plan.
- This funding must be accepted and received prior to June 30, 2019.

RECOMMENDATION

DIS163: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SUTTON

THAT Council ACCEPT Item DIS163: Bush Fire Risk Management Program-Bushfire Risk Management Coordinator for consideration as an urgent item.

CARRIED 11-0
ABSOLUTE MAJORITY

Officer Comment (Executive Director Development Services):

The City received notice of the funding opportunity post the DIS May Committee Meeting. Should Council wish to take advantage of this funding, it is recommended that this report be considered at the May Ordinary Council Meeting to ensure that the funding is accessed.

DIS163: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT Council:

1. **APPROVE** the acceptance of the grant for the purpose of funding a Bushfire Risk Management Coordinator to start preparation of Albany's Bushfire Risk Management Plan funded by Department of Fire and Emergency Services (DFES); and
2. **ENDORSE** the City of Albany's intention to enter into a Grant Agreement with DFES to host a project officer at the City of Albany for up to twelve months.

CARRIED 11-0
ABSOLUTE MAJORITY

BACKGROUND

2. Under the State Emergency Management Plan for Fire (Westplan Fire), local governments with significant bushfire risk are required to develop an integrated Bushfire Risk Management Plan (BRMP) outlining a strategy to treat bushfire-related risk across all land tenures.
3. Albany has been identified as a locality with high or extreme bushfire risk.
4. DFES has determined a priority list of local governments who require a Bushfire Risk Management Coordinator to prepare a BRMP for that local government.
5. The Shire of Denmark was identified as being at a higher bushfire risk and have already received funding for a similar position to the one proposed in this report.

DISCUSSION

6. The funding available is sufficient to fund a fixed term, part time position (38 hours per fortnight for a period of 12 months) at City of Albany Enterprise Agreement level 8.2.
7. Consideration could be made to allocate the funding in a different configuration, such as on a shorter fixed term, full time arrangement.
8. It is not expected that the term of this role will be sufficient to complete the City's BRMP, however, upon completion of the Shire of Denmark's BRMP, that officer will be available to work with the City's Bushfire Risk Management Coordinator to complete the City's BRMP.
9. The funding arrangement for this second officer currently working on the Shire of Denmark BRMP will be the subject of a future report to Council once funding arrangements are confirmed.
10. The acceptance of this grant will not impact upon the availability of the Denmark officer to work with the City of Albany.
11. When the Bushfire Risk Management Plan is completed and implemented, the City of Albany will be eligible to receive funding from DFES for mitigation works (e.g. fire breaks, mechanical reduction, prescribed burns) on City-managed Crown Reserves.

GOVERNMENT & PUBLIC CONSULTATION

12. DFES approached the City of Albany to inform staff of the availability of further funding opportunities to complement the grant which is the subject of this report.

STATUTORY IMPLICATIONS

13. Nil.

POLICY IMPLICATIONS

14. Full induction of the Officer to all aspects of City of Albany operational processes, procedures and policies including statutory compliance with occupational health and safety, environmental, industrial, information and human resource management requirements including Code of Conduct will occur.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Possible loss of reputation if the project does not meet funding objectives</i>	Unlikely	Minor	Low	Actively participate and support
Financial <i>Risk: Cost of the project</i>	Possible	Insignificant	Low	Accept the grant at the May 2019 OCM to ensure access to the funding prior to 30 June 2019. Any resources purchased will remain Council Property and be used for other projects
Opportunity: To commence development of a Bushfire Risk Management Plan for the City of Albany that will ultimately allow bushfire risk to be better managed in the community.				

FINANCIAL IMPLICATIONS

16. The Bushfire Risk Management Planning Coordinator will be located at the Mercer Road office with the Emergency Management team and in close proximity to the Reserves team under a formal Grant Agreement. The City of Albany will cover the cost of consumables such as stationary and printing, IT support and day to day support and provide a work station.
17. A similar arrangement was estimated to cost the City up to \$2000 to set up a functioning work space with ongoing costs for consumables and office overheads.
18. DFES would provide funding up front prior to June 30 2019.

LEGAL IMPLICATIONS

19. The City will be a signatory to a Grant Agreement for up to twelve months with DFES outlining the conditions for hosting a project officer at the North Road Office and the roles and responsibilities of both organisations.

ALTERNATE OPTIONS

20. To not accept the DFES Grant offer and wait for the current DFES-funded officer (currently in Denmark) to become available to commence preparation of Albany's BRMP.

CONCLUSION

21. It is recommended that the City accept the DFES Grant to employ a Bushfire Risk Management Coordinator on a fixed term, part time basis to start preparation of Albany's Bushfire Risk Management Plan.

Consulted References	:	Community Strategic Plan (Albany 2030)
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

PR006: CHIEF EXECUTIVE OFFICER CONTRACT RENEWAL

Attachments : **CONFIDENTIAL - Contract Renewal Request Letter received from CEO Andrew Sharpe**
Report Prepared By : Manager Human Resources (L Harding)
Responsible Officers: : Manager Human Resources (L Harding)

*This report was considered as CONFIDENTIAL in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee.
The existing contract for the CEO and the draft new contract will be tabled at the meeting, or can be viewed upon request to the Manager Human Resources.*

STRATEGIC IMPLICATIONS

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

In Brief:

- The Chief Executive Officer has requested that his employment contract be renewed for a period of five years commencing on 3 August 2019.

RECOMMENDATION

7.51pm

CCS157: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STEPHENS

THAT the meeting go behind closed doors to discuss Confidential Items CCS157: Freeman of the City, and PR006: Chief Executive Officer Contract Renewal.

CARRIED 11-0

7.58pm

CCS157: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the meeting come out from behind closed doors and be re-opened to the public.

CARRIED 11-0

PR006: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

Council APPROVE the request to renew the employment contract of the Chief Executive Officer for a further term of five years effective from 3 August 2019.

CARRIED 11-0

BACKGROUND

2. The position of Chief Executive Officer (CEO) is a designated Senior Employee position in accordance with section 5.37 of the Local Government Act 1995.
3. Mr Sharpe has been employed in the position of CEO since 3 August 2015. His current contract expires on the 3 August 2020.
4. Mayor Wellington has received on 3 April 2019 a written request from Mr Sharpe that Council consider an early renewal of his contract for a further period of five (5) years commencing 3 August 2019.
5. The early renewal, if supported by Council, will occur one year prior to the expiry of Mr Sharpe's current contract.
6. Mr Sharpe is not requesting any change to his remuneration or the timeframe of his performance review process. Mr Sharpe's next performance review is scheduled for July 2019.

DISCUSSION

Background to request

7. In March 2019 the Executive Director Infrastructure and Environment resigned from his position.
8. In May 2019 the Executive Director Corporate Services will resign from his position to return to Perth for family reasons.
9. Due to these recent resignations, the City may undergo significant change at executive level in 2019. Although turnover at any level of an organisation may be disruptive, when this occurs within an organisation's executive leadership team, staff may find the uncertainty this brings unsettling.
10. Mr Sharpe has suggested that the certainty of his ongoing employment as a result of the early renewal of his contract may provide stability to employees, as well as the wider community, in the lead up to the Local Government Ordinary election to be held in October 2019.

Organisational consequences

11. An extended CEO tenure can convey credibility of the organisation to potential investors, establishing a solid foundation to enhance the attraction of investment in the region.
12. In addition, CEO stability may contribute to employee confidence, and can lead to improved and consistent employee performance.
13. Community confidence can be closely linked to CEO tenure. There has been a considerable period since the City has had a long standing CEO and it is considered that Mr Sharpe has established good working relationships with the wider community, Council and staff.
14. The proposed contract renewal will provide Mr Sharpe with the opportunity to continue his career with the City of Albany, and work with Council to build on current success and maintain the momentum of the organisation.
15. CEO recruitment and selection processes have extensive time, effort and financial resource requirements. Mr Sharpe's contract renewal presents an opportunity for the City of Albany to minimise the effect on those resources and continue to build on the stability and resilience of the organisation

CEO Performance History

16. Mr Sharpe's performance history with the City of Albany has been formally recognised a satisfactory and meeting Council expectations.
17. Mr Sharpe provides regional local government leadership and has been instrumental in achieving a number of key outcomes for the City.

18. There are no indications Mr Sharpe's level of performance is likely to decrease, as his commitment to the City and its success remains strong.

GOVERNMENT & PUBLIC CONSULTATION

19. No consultation is required.

STATUTORY IMPLICATIONS

20. There are no statutory implications related to this item.
21. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal. <i>The contractual process may be compromised.</i>	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>Ensure Council is fully aware of the statutory and contractual process to be followed.</i>

FINANCIAL IMPLICATIONS

24. All costs associated with renewing the CEO's employment contract and the proposed remuneration package are within budget allocation.

LEGAL IMPLICATIONS

25. Refer to risk identification and mitigation section of this report, and the requirements of section 5.37 of the *Local Government Act* which governs the appointment of Senior Designated Employees.

ENVIRONMENTAL CONSIDERATIONS

26. Nil.

ALTERNATE OPTIONS

27. No alternate options are proposed, however, Council is not obligated to accept the request for an early contract renewal from Mr Sharpe.

CONCLUSION

28. It is recommended that Council adopt the Responsible Officer Recommendation.

Consulted References	:	<i>Local Government Act 1995</i> <i>Council Policy-CEO Performance Review Process</i>
File Number (Name of Ward)	:	Personnel File
Previous Reference	:	N/A

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 NOTICE OF MOTION BY COUNCILLOR GOODE - AMENDED

Date and Time Received: Original Notice Received: Tuesday 16 April 2019 at 12.03pm.

**15.1: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR HAMMOND**

That Council in accordance with clause 8.2 of the Standing Orders Local Law, suspend clause 3.6(4) to allow Councillor Hammond to move the Notice of Motion by Councillor Goode.

**CARRIED 7-4
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors Moir, Smith, Shanahun and Stocks

**15.1: MOTION BY COUNCILLOR GOODE
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR TERRY**

THAT:

- 1. Council RECONSIDER a commercial lease arrangement for a coffee kiosk in the Tourism and Information Hub.**
- 2. A Request for Proposal process be undertaken to call for expressions of interest to operate the coffee kiosk, in accordance with the previous conditions stated in the resolution of Council CCS080 at the Ordinary Council Meeting held on 28 August 2018.**

LOST 2-9

Record of Vote

Against the Motion: Mayor Wellington, Councillors Sutton, Stocks, Moir, Smith, Shanahun, Doughty, Hollingworth and Stephens

Councillor Reason:

Council, at the Ordinary Council Meeting held on 28 August 2018, considered and supported a proposal to lease a commercial space for a coffee kiosk in the Tourism and Information Hub in York Street.

As part of the statutory process, the proposed lease was advertised for public comment and one submission was received.

At the Ordinary Council Meeting held on 27 November 2018 the Committee Recommendation to adopt the Responsible Officer Recommendation (which recommended approving the lease) was lost.

An alternate course of action or proposal was not considered by Council. As such, Council simply made a decision to not award the lease to Mr Saurin.

A petition containing 299 signatures was subsequently received by Council. The petition requested that Council review its decision to reject a coffee kiosk in the Tourism and Information Hub.

Accordingly, this motion will allow the lease process to recommence, and call for expressions of interest in operating the coffee kiosk.

With the redevelopment of Alison Hartman Gardens and the construction of student accommodation on adjoining land, the coffee kiosk will benefit from increased foot traffic in the CBD. It could also provide a much needed service to patrons of the Library, some of whom may be mobility impaired and unable or unwilling to cross York Street to access other businesses.

Officer Comment: (Manager Governance and Risk)

Advice was also sought from the WALGA, Governance Support Team in relation to this matter.

The Council's vote on 27 November against the recommendation to grant a lease over a portion of 123 York Street, Albany effectively closed the disposal process under section 3.58(3) & (4) of the Local Government Act.

In consultation with Cr Goode, motion amended to ensure compliance with the *Local Government Act 1995* and good governance.

The Standing Orders Local Law does not preclude:

- An amendment being made to the original motion given notice at the Ordinary Council Meeting held on 23 April 2019.
- The amended motion being dealt with first.

Clause 3.6(4) of the Standing Orders Local Law does state:

- A motion of which notice has been given will lapse unless the Member who gave notice of it moves the motion when called on.
- However, it is considered appropriate that with agreement of Council, that as a result of Councillor Goode's approved leave of absence, Cr Hammond be permitted to move the motion, to allow this matter to be resolved.

15.2 NOTICE OF MOTION BY COUNCILLOR DOUGHTY

Date and Time Received: Tuesday 16 April 2019 at 9.43pm.

**15.2: NOTICE OF MOTION BY COUNCILLOR DOUGHTY
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council:

- 1. Takes no further action to award a commercial tenancy over the portion of Lot 123 York Street, being the Tourism and Information Hub, at this point in time.**
- 2. Requests a further report from the CEO to be provided by November 2019 providing possible non-commercial or commercial options for the 14m2 space in the Tourism and Information Hub.**
- 3. Those options are to be discussed at an Elected Member Strategic Workshop, prior to making a recommendation for consideration at the December 2019 Ordinary Council Meeting.**

CARRIED 9-2

Record of Vote

Against the Motion: Councillors Stocks and Hollingworth

Councillor Reason:

Council, at the Ordinary Council Meeting held on 28 August 2018, considered and supported a proposal to lease a commercial space specifically for a coffee kiosk in the Tourism and Information Hub in York Street.

At the Ordinary Council Meeting held on 27 November 2018 the Committee Recommendation to adopt the Responsible Officer Recommendation (which recommended approving the lease for a coffee kiosk) was lost.

However, an alternate course of action was not considered by Council, which has left the matter open.

At the Elected Member Strategic Workshop held on 16 April 2019, further discussion regarding other possible uses for this space occurred.

It was noted that significant capital works are currently underway for Alison Hartman Gardens and student accommodation which will potentially see an increase in foot traffic for the Central Business District.

The report to be prepared by the CEO should explore broader options for this space, including pop up enterprises, for example: supporting local artisans, producers or boutique tour operators. This report may also rely on evidence of increased use of Alison Hartman Gardens and the precinct in general following the completion of the capital works.

This space may provide options that do not compete with current existing retailers in the CBD.

Officer Comment (Executive Director Corporate Services):

Background

1. In May 2018 following a Request for Proposal (RFP) to lease the commercial space within the Tourism and Information Hub, one proposal was received for a coffee kiosk.
2. Following an assessment of the proposal, the City entered into discussions with the applicant, Mr Christopher Saurin and a proposal was prepared for Council's consideration.
3. Council considered the new lease request at its meeting held on 28 August 2018 and resolved THAT Council APPROVE a new lease over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:
 - a. Lease permitted use being Coffee Kiosk.
 - b. Lease area being approximately 14.25m².
 - c. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.
 - d. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.
 - e. Lease term being 5 years with an option for a further 5 year term.
 - f. Lease commencing as soon as practicable.
 - g. Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements, the new lease will be advertised.
 - h. All costs associated with the ongoing operations of the leased premises being payable by the tenant.
 - i. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.
 - j. Lease being consistent with Council Policy – Property Management (Leases and Licences).
4. As noted in (g) above, the new lease was required to be advertised for comment and during this comment period one submission was received from the Albany Chamber of Commerce & Industry (ACCI) on behalf of some York Street retail traders. The ACCI raised a number of concerns and City management met with representatives from the ACCI and a number of York Street retail traders to listen to their concerns.

5. At the November 2018 CCS meeting, the CCS Committee resolved as follows:

CCS110: COMMITTEE RECOMMENDATION

THAT Council:

NOTES its previous resolution of 28 August 2018 Item CCS080.

GRANTS the final lease approval for Coffee Kiosk over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:

- b. Lease area being approximately 14.25m².*
- c. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.*
- d. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.*
- e. Lease term being 5 years with an option for a further 5 year term.*
- f. Lease commencing as soon as practicable.*
- g. All costs associated with the ongoing operations of the leased premises being payable by the tenant.*
- h. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.*
- i. Lease being consistent with Council Policy – Property Management (Leases and Licences).*

CARRIED 8-4

6. However, when the item went to the 27 November 2018 meeting of Council, the motion as recommended by Committee was lost 5-6.
7. By not supporting the Committee recommendation, this matter is still open. In accordance with section 3.58(3)(b) Council is to consider any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
8. Council did not resolve to NOT SUPPORT the lease. Advice from WALGA following the meeting was that Council should have resolved an alternate motion to clarify it's position on this lease. To close the matter Council needs to:
- a. Resolve to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; or
 - b. Resolve to RECONSIDER the proposal.
9. At the December OCM, a petition was lodged by Petition lodged by Mr Christopher Saurin requesting that Council re-consider the decision regarding the Coffee Kiosk at the Tourism and Information Hub. The petition was considered by Council at the February 2019 OCM. At this meeting, Council resolved as follows:

THAT:

- 1. The Petition lodged by Mr Christopher Saurin requesting that Council re-consider the decision regarding the proposed Coffee Kiosk at the Tourism and Information Hub be RECEIVED.*
- 2. The Chief Executive Officer convene a further briefing/workshop regarding this matter as soon as practicable in order that the proposal for a coffee kiosk in the Tourism and Information Hub be clarified prior to any future consideration of this matter by Council.*

CARRIED 8-4

Councillor Reason:

In light of the number of residents who have signed the petition in support of a coffee kiosk in the Tourism and Information Hub, and support from several Councillors, I would request that this matter be discussed further and the City's position be clarified on this matter prior to any further consideration by Council.

Options

10. As recommended by WALGA, this matter can be closed by Council by resolving as follows:
 - a. Resolve to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; or
 - b. Resolve to RECONSIDER the proposal.
11. The motion proposed by Councillor Doughty is another option for Council to consider.
12. This matter is now a matter for Council's consideration.

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

CCS157: Freeman of the City.

PR006: Chief Executive Officer Contract Renewal.

18. CLOSURE

There being no further business the Mayor declared the meeting closed at 8.06PM.



Dennis W Wellington
MAYOR