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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 28 November 2017**

6.00pm

City of Albany Council Chambers

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

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING  
MINUTES 28/11/2017

**TABLE OF CONTENTS**

Item	Details	Pg#
1.	<b>DECLARATION OF OPENING</b>	<b>3</b>
2.	<b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	<b>3</b>
3.	<b>RECORD OF APOLOGIES AND LEAVE OF ABSENCE</b>	<b>3</b>
4.	<b>DISCLOSURES OF INTEREST</b>	<b>4</b>
5.	<b>REPORTS OF MEMBERS</b>	<b>4</b>
6.	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	<b>5</b>
7.	<b>PUBLIC QUESTION TIME</b>	<b>5</b>
8.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>6</b>
9.	<b>PETITIONS AND DEPUTATIONS</b>	<b>6</b>
10.	<b>CONFIRMATION OF MINUTES</b>	<b>6</b>
11.	<b>PRESENTATIONS</b>	<b>6</b>
12.	<b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</b>	<b>6</b>
	<b>MINUTES AND RECOMMENDATIONS OF COMMITTEES</b>	
<b>CCS</b>	<b>Corporate and Community Services Committee</b>	
CCS001	FINANCIAL ACTIVITY STATEMENT-SEPTEMBER 2017	7
CCS002	LIST OF ACCOUNTS FOR PAYMENT-OCTOBER 2017	9
CCS003	DELEGATED AUTHORITY REPORTS	11
CCS004	PROPOSED LEASE AND LICENCE-REGIONAL DEVELOPMENT AUSTRALIA GREAT SOUTHERN WA INC.-ALBANY CO-OPERATIVE SOCIETY BUILDING (FORMER)	12
CCS005	CORPORATE SCORECARD-SEPTEMBER QUARTER 2017-18	19
CCS006	ALBANY CAR CLASSIC-SUPPORT	28
CCS007	REGIONAL EVENTS SPONSORSHIP-2018	35
CCS008	ACCESS AND INCLUSION PLAN 2018-2022	39
CCS009	RACEWARS ALBANY 2018, 2019, 2020	44
CCS010	NATIONAL ANZAC CENTRE-Q1 2017-18 REPORT	50
CCS011	SPONSORSHIP POLICY AND GUIDELINE	54
CCS012	C17024-PANEL OF SUPPLIERS-SUPPLY OF INFORMATION TECHNOLOGY HARDWARE, SOFTWARE AND CONSULTANCY SERVICES	60
CCS013	LOT 8075 ALBANY HIGHWAY, DROME, LEASE PROPOSAL	65
<b>DIS</b>	<b>Development and Infrastructure Services Committee</b>	
DIS041	NELSON STREET AND BATHURST STREET LOCAL AREA TRAFFIC MANAGEMENT	70
DIS058	CONSIDERATION OF CITY OF ALBANY RIGHT OF WAY POLICY	76
DIS059	PROPOSED REALIGNMENT OF FLINDERS PARADE, MIDDLETON BEACH	81
DIS060	ACCEPTANCE OF GRANT FOR KING RIVER VOLUNTEER BUSH FIRE BRIGADE	86
DIS061	PLANNING AND BUILDING REPORTS-OCTOBER 2017	89
DIS062	PETITIONS RELATING TO THE GAZETAL OF LAKE MULLOCULLUP FOR WATER SKIING (RESERVE 16367)	90
DIS063	C17025 AWARD OF TENDER FOR UPGRADE OF MIDDLETON ROAD, ALBANY (SLK 0.12.57)	97
14.	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</b>	<b>101</b>
15.	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>101</b>
16.	<b>REPORTS OF CITY OFFICERS Nil</b>	<b>101</b>
17.	<b>MEETING CLOSED TO PUBLIC</b>	<b>101</b>
18.	<b>CLOSURE</b>	<b>101</b>
	<b>Appendix A-Tabled Addresses</b>	<b>102</b>

## 1. DECLARATION OF OPENING

[6:00:01 PM](#) The Mayor declared the meeting open.

## 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
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### **Councillors:**

Breaksea Ward	P Terry
Breaksea Ward	R Hammond
Frederickstown Ward	G Stocks (Deputy Mayor)
Frederickstown Ward	R Stephens
Kalgan Ward	B Hollingworth
Kalgan Ward	E Doughty
Vancouver Ward	J Shanhun
Vancouver Ward	T Sleeman
West Ward	S Smith
West Ward	A Goode JP
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
Executive Director Infrastructure and Environment	M Thomson
Executive Director Commercial Services	A Cousins
Executive Manager Community Service	S Stevens

Meeting Secretary	J Williamson
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Ten members of the public and two members of the media were in attendance.

**Apologies:** Nil.

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	DIS059	<b>Proximity.</b> The nature of the interest being that Councillor Smith is the joint owner of a property adjacent to the proposed realignment of Flinders Parade. Councillor Smith left the Chamber and was not present during the discussion and vote for this item.
Councillor Stocks	CCS004	<b>Financial.</b> The nature of the interest being that Councillor Stocks is the current Chairperson of Regional Development Australia Great Southern WA Inc. Councillor Stocks left the Chamber and was not present during the discussion and vote for this item.
Councillor Sleeman	CCS007	<b>Impartiality.</b> The nature of the interest being that Councillor Sleeman is a partner and member of the group involved in 'Food for Thought'. Councillor Sleeman remained in the Chamber and participated in the discussion and vote for this item.
Councillor Terry	CCS007	<b>Impartiality.</b> The nature of the interest being that Councillor Terry is a social, non-voting member of the Princess Royal Sailing Club. Councillor Terry remained in the Chamber and participated in the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### 6:02:03 PM Councillor Smith

##### Summary of key points:

- Attended the Annual General Meeting of the Torbay Catchment Group.
- One of the issues raised was the ongoing need for funding and resourcing for control of declared and invasive plants.

##### 6:03:00 PM Councillor Sleeman

##### Summary of key points:

- Urged Councillors to attend "Thank a Volunteer Day" in recognition of the contribution of volunteers to the community.

**6:03:27 PM Councillor Shanhun**

**Summary of key points:**

- Informed Council of the recent death of Mrs Roma Brand, and paid tribute to the contribution to the local community by the late Mrs Brand and Mr Brand.
- South Coast Volunteer Bush Fire Brigade have recently received a new fire appliance, just in time for the bush fire season.
- Congratulated the Lockyer Action Network on their community initiatives.

**6:04:40 PM Councillor Terry**

**Summary of key points:**

- Congratulated the City on a very successful Spencer Park Neighbourhood Party, and the community participation in “1,000 cups of coffee 100 conversations”.

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

**7. PUBLIC QUESTION TIME**

**6:06:01 PM Mr J Dale Roberts, 5/18 Cockburn Road, Albany**

**Summary of key points:**

- Mr Dale addressed Council regarding DIS062: Petitions Relating to the Gazettal of Lake Mullocullup for Water Skiing (Reserve 16367).
- Mr Dale opposes the gazettal of Lake Mullocullup for water skiing.

**6:10:26 PM Mr Tony Harrison, Little Grove**

**Summary of key points:**

- Mr Harrison tabled a written address to Council regarding coastal development and erosion, and a USB flash drive containing photographs and video to support his address.
- Mr Harrison's tabled address is detailed at Appendix A.

**6:14:48 PM Ms Jane Jefferies 1251 Warriup Road, Green Range**

**Summary of key points:**

- Ms Jefferies address Council regarding DIS062: Petitions Relating to the Gazettal of Lake Mullocullup for Water Skiing (Reserve 16367).
- Ms Jefferies opposes the gazettal of Lake Mullocullup for water skiing.

**6:18:27 PM Ms Carol Pettersen, PO Box 7016, Lower King**

**Summary of key points:**

- Ms Pettersen addressed Council regarding DIS062: Petitions Relating to the Gazettal of Lake Mullocullup for Water Skiing (Reserve 16367).
- Ms Pettersen opposes the gazettal of Lake Mullocullup for water skiing, and tabled a Summation of Objection (to resolution DIS035: Lake Mullocullup) 22 August 2217.
- Ms Pettersen's tabled address is detailed at Appendix A.

[6:22:15 PM](#) **Mr Bob Van Den Berg, 186 Rocky Crossing Road, Warrenup**  
**Summary of key points:**

- Mr Van Den Berg addressed Council regarding DIS062: Petitions Relating to the Gazettal of Lake Mullocullup for Water Skiing (reserve 16367).
- Mr Van Den Berg opposes the gazettal of Lake Mullocullup for water skiing.

[6:25:25 PM](#) There being no further speakers, the Mayor declared Public Question Time Closed.

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

**9. PETITIONS AND DEPUTATIONS Nil.**

**10. CONFIRMATION OF MINUTES**

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

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR SMITH**

**THAT the minutes of the Ordinary Council Meeting held on 31 October 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 13-0**

**11. PRESENTATIONS Nil.**

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

## CCS001: FINANCIAL ACTIVITY STATEMENT – SEPTEMBER 2017

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

### RECOMMENDATION

**CCS001: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR TERRY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2017.**

**CARRIED 13-0**

**CCS001: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR GOODE**

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

**CARRIED 13-0**

**CCS001: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2017.**

### BACKGROUND

1. The Statement of Financial Activity for the period ending 30 September 2017 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 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 September 2017 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS002: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 2017**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Senior Accounting Officer (P Martin)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS002: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2017 totalling \$5,757,811.65.**

**CARRIED 13-0**

**CCS002: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 13-0**

**CCS002: 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 October 2017 totalling \$5,757,811.65.**

**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 October 2017. Please refer to the Attachment to this report.

**Municipal Fund**

Trust	\$ 0.00
Credit Cards	\$ 17,556.38
Payroll	\$ 1,257,395.57
Cheques	\$ 39,758.36
Electronic Funds Transfer	\$ 4,443,101.34

**TOTAL** **\$ 5,757,811.65**

As at 15 October 2017, the total outstanding creditors, stands at \$647,740.88 and made up as follows:-

Current	\$ 427,339.38
30 Days	\$ 220,578.55
60 Days	\$ 0.00
90 Days	-\$ 177.05
<b>TOTAL</b>	<b><u>\$ 647,740.88</u></b>

Cancelled cheques - Nil

### 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 October 2017 has been incurred in accordance with the 2017/2018 budget parameters.

### FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 October 2017 has been incurred in accordance with the 2017/2018 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.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS003: DELEGATED AUTHORITY REPORTS**

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

**RECOMMENDATION**

**CCS003: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT the Delegated Authority Reports 16 September 2017 to 15 October 2017 be RECEIVED.**

**CARRIED 13-0**

**CCS003: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 13-0**

**CCS003: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 September 2017 to 15 October 2017 be RECEIVED.**

**CCS005: CORPORATE SCORECARD-SEPT QUARTER 2017/18**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Facilitator-Strategy and Improvement (S Grimmer)  
**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:
  - a. **Key Theme: 1** Leadership
  - b. **Objective: 1.1** To establish and maintain sound business and governance structures
  - c. **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 city has recently developed a Corporate Scorecard which reports progress against the City's integrated planning framework.
- The corporate scorecard is to be presented quarterly via an OCM item starting from the September quarter for the 2017/18 financial year.

**RECOMMENDATION**

**CCS005: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR TERRY**

**THAT Council RECEIVE the Corporate Scorecard Report for the September 2017 quarter.**

**CARRIED 13-0**

**CCS005: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT Council RECEIVE the Corporate Scorecard Report for the September 2017 quarter.**

**CARRIED 13-0**

**CCS005: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Corporate Scorecard Report for the September 2017 quarter.**

**BACKGROUND**

2. The City's "Corporate Scorecard" has been developed to provide a quarterly snapshot on how the City is progressing to achieve the strategic priorities established and approved by Council (CEOs Key Performance Indicators).
3. The City's performance reporting uses a simple traffic light system that indicates progress against performance targets for:
  - a. Service Delivery;
  - b. Finance;
  - c. People (Workforce Development Plan), and
  - d. Asset Management.

## DISCUSSION

4. The September 2017 report indicates that the City is successfully meeting its budget and asset management commitments and is making good progress against the deliverables outlined in Business Unit Plans and the CEO's 2017/18 Key Performance Indicators (KPI's) established by Council.
5. The corporate scorecard (which directly follows this report) provides a concise snapshot on how the City of Albany is performing against the integrated planning framework.

## GOVERNMENT & PUBLIC CONSULTATION

6. The City researched the approach taken across the Australian Local Government sector.
7. The City's Corporate Scorecard is specific to the City of Albany, but takes into account what is considered best practice from across the sector.

## STATUTORY IMPLICATIONS

8. The advisory standard, framework and supporting guidelines stress the importance of measuring progress and outcomes.
9. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is 'to plan for the future', by developing an Integrated, Planning and Reporting (IPR) framework, in accordance with the regulations.
10. Where a local government is reporting, or being reported, as non-compliant with legislative requirements and/or producing financial results below prescribed standards, the Department makes the organisation aware of the fact and provides advice on how to remedy the situation.
11. In these circumstances, officers will engage with elected members, via the Council's Audit & Risk Committee, so the council can be apprised of the situation and, as appropriate, develop strategies to:
  - a. address non-compliance;
  - b. initiate action plan(s) for continuing improvement; and
  - c. identify what council considers might be sound financial health for itself where that might be below sector standards or benchmarks.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>Delayed implementation or non-progress of commitments (performance).</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Active monitoring and reporting allows the City of Albany to take appropriate action in a timely manner. Commitments put on hold to be adequately communicated to all stakeholders.</i>
<b>Opportunity:</b> <i>To update our community on how the City is performing against commitments.</i>				

## FINANCIAL IMPLICATIONS

13. While there are no direct financial implications in relation to this item, failure to meet our statutory obligations in regards to Integrated Planning and Reporting (IPR) could affect our ability to attract future State Government funding as detailed in the Statutory Implications section of this report.

**CONCLUSION**

14. Noting the September 2017 report indicates that the City is successfully meeting its budget and asset management commitments and is making good progress against the deliverables it is recommended that the Responsible Officer's Report be received.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• Western Australian-Integrated Planning and Reporting Framework</li></ul>
<b>File Number (Name of Ward)</b>	:	CM.RVW.3 (All Wards)
<b>Previous Reference</b>	:	Councillor Strategic Workshop 2017

## CORPORATE SCORECARD SEPTEMBER 2017

### OUR VISION & VALUES





**PERFORMANCE SNAPSHOT  
SEPTEMBER 2017**

<b>Service Delivery (from the Business Unit Plans)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Total Number of Deliverables	352			
Number Complete	36			
Number On Track	266			
Number Monitor	42			
Number On-hold	8			

<b>Finance (Net Operating Costs v Budget)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Office of CEO				
Community Services				
Corporate Services				
Development Services				
Infrastructure & Environment				

**Status Legend**



Within Budget



Within 5% of budget



5% or more  
above budget

<b>People (HR Metrics)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Number of new Recruits	17			
Number of Lost time injuries (LTI's)	4			
Organisational Establishment (Number of FTE's)	285			
Staff Turnover % (for the quarter)	3.93%			

<b>Assets (Delivery Against Schedules)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
Strategic projects				
Capital works program				
Preventive maintenance program				

**Status Legend**



On Track



Monitor



On-hold

**CHIEF EXECUTIVE OFFICER**  
**KEY PERFORMANCE INDICATORS (KPIs)**  
**SEPTEMBER 2017**

Regional Focus	Required Outcomes	Status	Progress
<b>Regional Alliance</b>	Promote the Alliance, growth planning and tourism development.	On Track	Funding allocated in the state budget Amazing South Coast Tourism Development Strategy drafted.
	Explore and promote resource sharing arrangements.	Monitor	Increased co-operation occurring. Opportunities investigated as they arise.
<b>Economic Growth Plan</b>	Lead the City's contribution to develop a regional economic development strategy in consultation with the Alliance.	Monitor	Awaiting direction and funding from the state government re growth planning.
<b>Tourism</b>	Implement the Destination Marketing Strategy and Tourism Development Strategy as part of the Alliance.	On Track	Strategies developed with implementation on track.
	Provide Council and the Alliance with guidance and recommendations on the proposal to form a Local Tourism Organisation (LTO).	Monitor	City is awaiting feedback from industry participants. Report going to Council at October 2017 OCM.
	Ensure a smooth transition to the new Visitor Servicing Centre and explore a new operating model going forward.	On Track	Construction on track, operating model continues to be developed.

**Status Legend**



Complete



On Track



Monitor



On-hold

## CEO KPIs – SEPTEMBER 2017 (continued)

Major Projects	Required Outcomes	Status	Progress
External Funding	Continue to lobby and advocate with State Government to ensure that the \$120m of election commitments (attached) are delivered to the community.		City currently has 70 active funding agreements with 25 signed in the last quarter worth \$6million including \$3m for Centennial Park Stage 2, \$1.6m for Town Hall /Allison Hartman Gardens upgrade, 395k for ANZAC 2018 and 4 scholarships for the professional development of young staff members.
	Keep Council and the community informed and seek external funding to advance the Trails Concept Plan.		Currently with EPBC for environmental assessment prior to progressing of funding applications.
Albany Heritage Precinct Upgrade	Work with the National ANZAC Centre Advisory Group to develop and present a Albany Heritage Park Masterplan for consideration and adoption.		Master planning almost complete with plan to be presented to advisory group by the end of 2017.
	Identify opportunities for new project funding sources and report to Council		Funding opportunities currently being identified based on Masterplan.
Centennial Park Upgrade	Progress the Centennial Park development project and advocate for the release of Stage 2 funding (\$6.9M) plus the Environmental Wetlands/Water Catchment project.		Stage 2 funding agreement finalised. The wetlands project is currently with a consultant to prepare a business case.
Town Hall and Alison Hartman Gardens	Oversee community and Council engagement on the concept design and during project delivery.		Engagement Plan under development and to be rolled out in early 2018.

## Status Legend



Complete



On Track



Monitor



On-hold

**CEO KPIs – SEPTEMBER 2017 (continued)**

Governance	Required Outcomes	Status	Progress
<b>Community Strategic Plan</b>	Ensure adoption by September 2017 and provide ongoing reporting to Council on the agreed outcomes		IPR suite adopted in September 2017 and aligned with corporate scorecard.
	Align the CEO Key Results Areas to the key themes and deliverables within the Community Strategic Plan		Discussed with Elected Member Focus Group with support to be provided when developing 2018/19 KPI's.
<b>Albany Local Planning Strategy (ALPS)</b>	Finalise strategy and present to Council		To be presented at October 2017 OCM.
<b>Committees</b>	Work with Council to review the effectiveness of the Committee structure and processes		Changes implemented with feedback to be sought from Council in the 1 <sup>st</sup> quarter of 2018.
<b>Elected Member Development</b>	<p>Continue to develop and implement a program involving ongoing training and development sessions including</p> <ul style="list-style-type: none"> <li>October 2017 election induction program</li> <li>Working with the Alliance to deliver joint training</li> <li>Establishment of an Elected Member Focus Group for feedback on elected member development</li> </ul>		<p>Program evolving with input from Elected Member Focus Group.</p> <p>A number of events have been organised for after the Local Government Elections.</p> <p>Joint events organised as appropriate.</p> <p>Focus group established and meeting regularly.</p>

**Status Legend**



Complete



On Track



Monitor



On-hold

## CEO KPIs – SEPTEMBER 2017 (continued)

Organisational	Required Outcomes	Status	Progress
Containment of Recurrent Funding	Continue to explore alternative funding mechanisms that benefit the City's current operating budget.		Service delivery reviews scheduled as part of the business planning /budget build process.
	Use the business planning framework to review the overall cost of service delivery.		
	Present to Council on the Organisational Structure and recruitment for vacant ED role.		Organisational restructure finalised with appointment to be made shortly.
Communications Strategy	Develop a Council strategy to improve communication with residents and businesses.		Workshop with Joel Levin from Aha Consulting scheduled for Feb 2018.
Corporate Scorecard	Review and update Business Plans annually for all service delivery teams.		Business plans adopted as part of the Corporate Business Plan and subject to annual review.
	Align Business Plans with the Integrated Planning framework and Annual Budget.		Business plans form part of the integrated planning framework.
	Incorporate the Corporate Scorecard into Council reporting framework.		Corporate Scorecard presented to Council quarterly from Nov 2017.
Organisational Development Program	Continue to implement organisation development and the development of leaders.		Leadership (AIM) and Supervisor (LGIS) training organised for October 2017 with this year's focus on emotional intelligence.
	Conduct an annual staff engagement survey to measure employee satisfaction levels.		Survey scheduled for Dec each year with results shared with staff in early 2018.
Customer Service	Implement and monitor a Customer Service Charter and program that is informed by internal and external stakeholder feedback.		EMT to develop a framework and appoint a working group in first quarter of 2018

## Status Legend



Complete



On Track



Monitor



On-hold

## CCS006: ALBANY CAR CLASSIC - SUPPORT

<b>Proponent</b>	: City of Albany
<b>Attachment</b>	: Albany Car Classic Event 2017 Budget Acquittal (CONFIDENTIAL)
<b>Report Prepared By</b>	: Manager Communications and Events (N Watson)
<b>Responsible Officers:</b>	: Acting Executive Director Commercial Services (A Cousins)

### STRATEGIC IMPLICATIONS

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

#### In Brief:

- Confirm financial and in-kind support for the annual Albany Car Classic event.

### RECOMMENDATION

#### CCS006: RESOLUTION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

#### MOVED: COUNCILLOR HAMMOND

#### SECONDED: COUNCILLOR HOLLINGWORTH

#### THAT Council:

- (1) **APPROVE** a fixed annual cash sponsorship amount of \$25,000 to the Vintage Sports Car Club of WA for the purposes of the Albany Car Classic Event.
- (2) **APPROVE** annual in-kind support to a maximum value of \$15,000 to assist with the mobilisation and demobilisation of the Albany Car Classic Event.
- (3) **AUTHORISE** the Chief Executive Officer to enter into a sponsorship agreement with the Vintage Sports Car Club of WA Inc. (VSCCWA) for a period of no more than 5 years, for the above contributions, being:
  - Annual Sponsorship Contribution of \$25,000;
  - Annual In-Kind Support to the value of \$15,000.
- (4) **APPROVE** the TRANSFER of the Albany Classics Reserve balance of \$25,281 to the Vintage Sports Car Club of WA Inc. (VSCCWA) to be made available to the Albany Organising Committee (AOC) for the replacement and maintenance of barriers, and CLOSURE of the Albany Classics Reserve.
- (5) **AUTHORISE** the CEO to include the transfer of the Albany Classics Reserve balance within the sponsorship agreement, as outlined in (3), with the caveat that should the AOC become an incorporated body during the term of the agreement that the VSCCWA will transfer the balance of funds to the AOC.
- (6) **APPROVE** the once-off contribution of \$5,000 to the VSCCWA for the purpose of building a transportable pedestrian footbridge over York Street on the condition of the City of Albany having naming rights to the footbridge.
- (7) **NOTE** that during the period of the sponsorship Contract the City will not make any financial contribution for the replacement and/or maintenance of Course Barriers.

CARRIED 13-0  
ABSOLUTE MAJORITY

CCS006: COMMITTEE RECOMMENDATION (AMENDMENT BY MAYOR WELLINGTON)

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HAMMOND

THAT Council:

- (1) APPROVE a fixed annual cash sponsorship amount of \$25,000 to the Vintage Sports Car Club of WA for the purposes of the Albany Car Classic Event.
- (2) APPROVE annual in-kind support to a maximum value of \$15,000 to assist with the mobilisation and demobilisation of the Albany Car Classic Event.
- (3) AUTHORISE the Chief Executive Officer to enter into a sponsorship agreement with the Vintage Sports Car Club of WA Inc. (VSCCWA) for a period of no more than 5 years, for the above contributions, being:
  - Annual Sponsorship Contribution of \$25,000;
  - Annual In-Kind Support to the value of \$15,000.
- (4) APPROVE the TRANSFER of the Albany Classics Reserve balance of \$25,281 to the Vintage Sports Car Club of WA Inc. (VSCCWA) to be made available to the Albany Organising Committee (AOC) for the replacement and maintenance of barriers, and CLOSURE of the Albany Classics Reserve.
- (5) AUTHORISE the CEO to include the transfer of the Albany Classics Reserve balance within the sponsorship agreement, as outlined in (3), with the caveat that should the AOC become an incorporated body during the term of the agreement that the VSCCWA will transfer the balance of funds to the AOC.
- (6) APPROVE the once-off contribution of \$5,000 to the VSCCWA for the purpose of building a transportable pedestrian footbridge over York Street on the condition of the City of Albany having naming rights to the footbridge.
- (7) NOTE that during the period of the sponsorship Contract the City will not make any financial contribution for the replacement and/or maintenance of Course Barriers.

CARRIED 13-0

**CCS006: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- (1) APPROVE a fixed annual cash sponsorship amount of \$25,000 to the Vintage Sports Car Club of WA for the purposes of the Albany Car Classic Event.
- (2) APPROVE annual in-kind support to a maximum value of \$15,000 to assist with the mobilisation and demobilisation of the Albany Car Classic Event.
- (3) AUTHORISE the Chief Executive Officer to enter into a sponsorship agreement with the Vintage Sports Car Club of WA Inc. (VSCCWA) for a period of no more than 5 years, for the above contributions, being:
  - Annual Sponsorship Contribution of \$25,000;
  - Annual In-Kind Support to the value of \$15,000.
- (4) APPROVE the TRANSFER of the Albany Classics Reserve balance of \$25,281 to the Vintage Sports Car Club of WA Inc. (VSCCWA) for the replacement and maintenance of barriers, and CLOSURE of the Albany Classics Reserve.
- (5) APPROVE the once-off contribution of \$5,000 to the VSCCWA for the purpose of building a transportable pedestrian footbridge over York Street on the condition of the City of Albany having naming rights to the footbridge.
- (6) NOTE that during the period of the sponsorship Contract the City will not make any financial contribution for the replacement and/or maintenance of Course Barriers.

**BACKGROUND**

2. The Albany Car Classic is one of Albany's biggest and most iconic annual events and celebrates the rich motor-sport history of Western Australia.
3. The City of Albany has a long track record of providing support for the Albany Car Classic.
4. Traditionally held annually on the WA Day long weekend in June, the Albany Car Classic has a history dating back 81 years to 1936 when the first motor street race was held on the streets of Albany's town centre.
5. The overall event comprises two race days:
  - a. A Hill-Climb Race on Mt Clarence on the Saturday, re-enacting the Australian Hill-Climb Championship held at this location in 1957; and
  - b. The main Albany Car Classic Street Races on the Sunday.
6. According to the funding acquittal provided to the City by the VSCCWA, the 2017 Albany Car Classic involved 400 staff, contractors and volunteers, attracted 200 competitors and about 15,000 spectators.

**Governance:**

7. Governance of the Albany Car Classic is shared between the Vintage Sports Car Club of WA Inc. and the Albany Organising Committee.
  - a. The Vintage Sports Car Club of WA (VSCCWA) is an incorporated body of motoring enthusiasts who operate under the strict licencing and regulations of CAMS (Confederation of Australian Motor Sport). The VSCCWA manage the car racing component of the Classic event.
  - b. The Albany Organising Committee (AOC) is an unincorporated group of dedicated volunteers from Albany who are responsible for track layout, mobilisation and demobilisation, liaising closely with the VSCCWA to ensure compliance with CAMS street racing regulations and delivery of event festival components.



**Financial Assistance & Agreements:**

8. The City has traditionally provided financial and in-kind support for the Albany Car Classic, in recent years consisting of \$15,000 cash sponsorship and in-kind to a value of about \$15,000.
9. In 2017 officers prepared a one-year Financial Assistance Agreement for the 2017 Albany Car Classic sponsorship, which was signed by the VSCCWA and acquitted.
10. This agreement was prepared to provide transparency and accountability around the City's sponsorship consistent with other City-sponsored events.

**Event Administration:**

11. The VSCCWA employ an event coordinator. The event coordinator manages the administrative tasks associated with event planning and delivery and organises the festival component of the Albany Car Classic.

**City of Albany Municipal Budget Reserves: (Albany Classics Reserve):**

12. This reserve was established for the purpose of maintaining the event course (i.e. replacement of damaged concrete safety barriers etc.).
13. Funds are distributed from the City of Albany to the Albany Organising Committee accordingly.
14. The Albany Classics Reserve had a closing balance of **\$25,281** as of June 30, 2017.

**DISCUSSION**

15. Officers have met with members of the VSCCWA and AOC on multiple occasions over the past 18 months to discuss support, history and governance of the event and improve transparency around the City's sponsorship.

**Sponsorship & In-Kind Support:**

16. Tourism WA and the Great Southern Development Commission were sponsors of the 2017 Albany Car Classic. The availability of this funding support in the future is unclear.
17. The VSCCWA has requested a longer-term sponsorship agreement up to 5 years from 2018 to provide certainty around the City's support and avoid the need for entering annual agreements.
18. The VSCCWA has also requested City Officers consider assisting with some of the administration and coordination tasks around the event planning and delivery, however the City is not currently resourced to provide this level of support.
19. Members of the AOC have asked Officers if the Albany Classics Reserve can be replenished to ensure adequate funds are available for future barrier replacement and other course maintenance as required.
20. The AOC has also enquired whether the Reserve funds can be drawn upon to assist with funding a transportable footbridge for the York Street crossing, or for fencing.

**Albany Classics Reserve Account:**

21. The Albany Classics Reserve has not received any contributions from either Council, the VSCCWA or AOC outside interest payments earned since 2008-2009.
22. The opening balance of the Albany Classics Reserve for 2008-2009 financial year was \$15,843.
23. In 2008-2009 the City achieved a total income for the Albany Classic of \$90,542.72, mostly through various grants, sponsorships and gate receipts.

24. Albany Classic costs for the 2008-2009 year amounted to \$57,072.74, leaving a surplus of \$33,470. The City transferred this surplus to the Albany Classics Reserve taking it to a closing balance of \$49,313, which was the last non-interest contribution to this Reserve.
25. Since 2008-2009, there have been a number of drawdowns to the Reserve and its balance is currently \$24,864.
26. Since 2008-2009, the VSCCWA and AOC have been responsible for all grants, sponsorships, gate receipts and costs, however no further surplus payments have been made to the Albany Classics Reserve.
27. According to the VSCCWA's financial acquittal of the 2017 Albany Car Classic, only a small surplus was achieved (See Confidential Attachment).

**Event Administration:**

28. In 2008-2009 City officers were directly involved with administration of the event as the appointed event coordinator resigned, with responsibility for planning and delivery handed back to the event owners after this year.
29. The VSCCWA employed an event coordinator to manage the ongoing administrative workload which has subsumed some of the surplus costs that the City achieved in 2008-2009.
30. Post 2008-2009, City staff have only been involved in assessing and approving the Albany Car Classic event applications and facilitating in-kind support.

**GOVERNMENT & PUBLIC CONSULTATION**

31. Consultation with the VSCCWA and AOC are detailed in the discussion section of the report.
32. See statutory implications of report.

**STATUTORY IMPLICATIONS**

33. **Local Government Act 1995:** section 6.11 Reserve Accounts.

***“6.11. Reserve accounts***

*(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

*(2) Subject to subsection (3), before a local government —*

*(a) changes\* the purpose of a reserve account; or*

*(b) uses\* the money in a reserve account for another purpose,*

*it must give one month's local public notice of the proposed change of purpose or proposed use.*

***\* Absolute majority required.***

*(3) A local government is not required to give local public notice under subsection (2) —*

*(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*

*(b) in such other circumstances as are prescribed.*

*(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*

*(5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.”*

## POLICY IMPLICATIONS

34. Sponsorship of the Albany Car Classic has traditionally fallen outside of the City's grants and funding streams in recognition of its long tradition and iconic status within Albany's annual events.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation, Reputation &amp; Financial.</b>  <b>Risk:</b> The event has a national profile and is reliant on grant funding to maintain this standard. Without sufficient funding the future of the event being held to this standard could be jeopardised.	Possible	Moderate	Medium	If the proposal for City support is not endorsed, staff will review and address areas of concern.
<b>Opportunity:</b> Build on this historic and unique event as an annual visitor attraction.				

## FINANCIAL IMPLICATIONS

36. Set aside \$25,000 cash annually through the Budget process for the term of the Financial Assistance Agreement negotiated by the Chief Executive Officer as authorised.
37. This represents a \$10,000 increase on the sponsorship of \$15,000 budgeted for in 2017-2018, however is consistent with the level of cash sponsorship the City provides to other similar sized events.
38. Increasing the cash sponsorship amount will allow the VSCCWA and AOC to adopt a Budget model that allows the event to remain sustainable without ongoing administrative support from the City of Albany, and will save the City of Albany resource costs assisting with any administrative tasks.
39. Resource and contract costs associated with delivering in-kind support.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

41. The Albany Car Classic generates a high-level of noise however, based on historical feedback, the majority of residents, businesses and the public fully support the event.

## ALTERNATE OPTIONS

42. Continue the status-quo support provided by Council over recent years consisting of:
- \$15,000 cash sponsorship Budgeted annually;
  - In-kind support to a value of \$15,000 to assist event volunteers with mobilisation and de-mobilisation of race course;
  - Continuing to hold funds within the Albany Classics Reserve to cover costs of repairs and replacement of course concrete safety barriers.

NOTE: If Council's wish is to continue to hold and manage the Albany Classics Reserve, then a model for contributions to maintain the reserve will need to be considered. This model will also continue to incur resource costs on the City of Albany for providing administrative support to manage the Reserve.

## CONCLUSION

43. The Albany Car Classic is a popular annual event that has a national profile and attracts visitors to the region but has a challenging governance model.
44. Officers are recommending the City adopt a new contribution model for this event that reinforces its role as a sponsor only and removes itself from all administrative involvement.
45. The proposal allows the City and event owners, being the VSCCWA and AOC, to move forward with clarity and certainty, if Council wishes to continue to provide support to the event.
46. It is not considered the City's responsibility to top-up the Albany Classics Reserve and the City is not resourced to assume administrative responsibility for external events.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Financial Management) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	Frederickstown Ward
<b>Previous Reference</b>	:	Not applicable

## CCS007: REGIONAL EVENTS SPONSORSHIP - 2018

<b>Proponent</b>	: City of Albany
<b>Report Prepared By</b>	: Manager Communications & Events (N Watson)
<b>Responsible Officer(s)</b>	: Executive Manager Community Services (A Cousins)

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

### STRATEGIC IMPLICATIONS

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

### In Brief:

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

### RECOMMENDATION

**CCS007: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 16 – Table 1 of this report.**

**CARRIED 13-0**

CCS007: COMMITTEE RECOMMENDATION

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS007: RESPONSIBLE OFFICER RECOMMENDATION

That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 16 – Table 1 of this report.

## BACKGROUND

2. The City of Albany's Regional Events Sponsorship program is designed to attract and support the staging of Regional Events that are Regional economic drivers for Albany as a destination.
3. A Regional Special Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$65,000 in its 2017-2018 Budget for the Regional Events Sponsorship program.
5. Council also allocated \$10,000 in its 2017-2018 Budget for Taste Great Southern run by Denmark Tourism Inc. Denmark Tourism Inc. were invited to apply for funding through the Regional Events Sponsorship program.

## DISCUSSION

### Program Overview

6. The Regional Events Sponsorship Program 2018 objectives include:
  - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact);
  - b. Involve and inspire the local community (social benefits);
  - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact).
7. The Regional Events Sponsorship program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
8. Events must be held between 1 January 2018 and 31 December 2018. Applications for Regional Events Sponsorship were open between August 2017 and September 2017.
9. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

### Assessment

10. Applicants were encouraged to shape their proposed activities to the funding and event sponsorship criteria, and officers gave guidance to applicants who did not meet the eligibility criteria.
11. Applications were evaluated by City Officers using an event assessment tool developed to measure the economic value, visitor numbers and budget sustainability of each application.
12. A Regional Events Sponsorship Assessment panel then reviewed all applications. The assessment panel comprised Mayor Wellington, Councillor Sutton and Councillor Terry.
13. The Assessment Panel scored each event against the application criteria and based on the information supplied within the written applications.
14. A total of thirteen (13) applications for Regional Events Sponsorship were received for funding requests totalling \$213,025 with \$65,000 available for allocation. Noting that:
  - o An additional \$10,000 is allocated in the Budget for Taste Great Southern;
15. The panel recommended supporting seven (7) of the thirteen (13) applications.

**Panel Recommendations**

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

**Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations**

	<b>Applicant / Event</b>	<b>Event Type</b>	<b>Panel Comments</b>	<b>Amount Requested</b>	<b>Panel Recommendation</b>
1	<b>Albany Mountain Bike Club:</b> <i>Southern MTB</i>	<b><u>Extreme Sports Event:</u></b> Mountain Bike Festival including unique Urban Down Hill.	Supported subject to provision of documents required through the events approval process	\$23,500  (\$20,000 for Southern MTB and \$3,500 for new value-add event Munda Biddi Epic)	\$20,000
2.	<b>Denmark Tourism Inc.:</b> <i>Taste Great Southern</i>	<b><u>Culture Event</u></b> Regional Festival celebrating local produce with celebrity chefs	Supported subject to provision of documents required through the events approval process and a program plan demonstrating vendors and suppliers secured for the event.	\$20,000	\$20,000  (\$10,000 RES) (\$10,000 17/18 Budget)
3.	<b>Albany Speedway Club:</b> <i>Australian Super Sedan Title</i>	<b><u>Motorsport Event</u></b> National Speedway Event.	Supported subject to provision of documents required through the events approval process and a sponsorship benefits package articulating City naming rights allocation.	\$20,000	\$10,000
4.	<b>ArtsSouth WA:</b> <i>Southern Art and Craft Trail</i>	<b><u>Arts/Culture Event</u></b> Art and Craft trail across Great Southern.	Supported subject to provision of documents required through the events approval process and a sponsorship benefits package articulating high profile recognition.	\$12,000	\$10,000
5.	<b>RV Sport / Friendship Games:</b> Great Southern Invitational	<b><u>Sporting Event</u></b> Regional Basketball Carnival	Supported subject to provision of documents required through the events approval process and a sponsorship benefits package.	\$20,000	\$7,000
6.	<b>Princess Royal Sailing Club</b> <i>Sail Albany 2018</i>	<b><u>Sporting Event</u></b> Easter Sailing Regatta	Supported subject to provision of documents required through the events approval process and a sponsorship benefits package.	\$5,675	\$5,000
7.	<b>Sustain: The Australian Food Network:</b> <i>2018 Food for Thought Festival</i>	<b><u>Culture Event</u></b> Showcasing food culture and products in the Great Southern.	Supported subject to provision of documents required through the events approval process, and collaborating with Taste Great Southern for future years.	\$20,000	\$3,000
<b>Totals</b>				<b>\$121,175</b>	<b>\$75,000</b>

17. The Albany Mountain Bike Club has requested in-kind support over and above their cash sponsorship applications. All in-kind requests will be addressed within final Contract Agreements and subject to Council endorsed operational budgets.

**GOVERNMENT & PUBLIC CONSULTATION**

18. Not applicable.

**STATUTORY IMPLICATIONS**

19. Nil.

## POLICY IMPLICATIONS

20. Approval of Regional Events Sponsorship funding recommendations is required by Council.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> Funding recommendations not endorsed may result in negative feedback from the community and/or applicants.	Unlikely	Minor	Low	A Rigorous application and assessment process has been applied to ensure Council has confidence in assessment panel funding recommendations.
<b>Reputation:</b> Negative feedback from applicants declined for funding	Possible	Minor	Medium	Communicate the justification and reasoning to unsuccessful applicants.

## FINANCIAL IMPLICATIONS

22. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Commercial Services Team, within existing allocated budgets.
23. Council has allocated \$65,000.00 for Regional Events Sponsorship in 2017-2018.
24. Council has allocated \$10,000.00 for Taste Great Southern in 2017-2018.

## LEGAL IMPLICATIONS

25. Nil.

## ENVIRONMENTAL CONSIDERATIONS

26. Nil.

## ALTERNATE OPTIONS

27. Council could make alternative recommendations for funding including substitute dollar amounts for recommended applicants.

## SUMMARY CONCLUSION

28. The process for Regional Event Sponsorship Application Assessment is considered transparent and equitable.
29. It is recommended that the Responsible Officers recommendation be endorsed.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Council adopted budget 2017-2018 Resolution CCCS042</li> </ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	OCM 13/12/2016 Resolution ED042



**CCS008: ACCESS AND INCLUSION PLAN 2018 - 2022**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Community Engagement Report (Confidential) Access and Inclusion Plan 2018 - 2022
<b>Report Prepared By</b>	: Manager Community Development (R Param)
<b>Responsible Officers:</b>	: Executive Manager Community Services (S Stevens)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Community Health and Participation.
  - **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:**

- The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act (1993), to demonstrate how it intends to become more accessible to and inclusive of people with disability.
- Access and inclusion planning is the most appropriate way for public authorities, including local governments to address barriers people with disabilities face in accessing public services, information and facilities. This is consistent with the approach taken by other local governments.
- Planning for access does not just benefit people with disability, but the wider community, including seniors, parents with young children, and people from culturally diverse backgrounds.

**RECOMMENDATION**

**CCS008: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**  
**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR HOLLINGWORTH**  
**THAT Council ADOPT the Access and Inclusion Plan which will be implemented over the period 2018 to 2022 as outlined in Attachment 2.**  
**CARRIED 13-0**

**CCS008: COMMITTEE RECOMMENDATION**  
**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR HOLLINGWORTH**  
**THAT the Responsible Officer Recommendation be ADOPTED.**  
**CARRIED 13-0**

**CCS008: RESPONSIBLE OFFICER RECOMMENDATION**  
**THAT Council ADOPT the Access and Inclusion Plan which will be implemented over the period 2018 to 2022 as outlined in Attachment 2.**

## BACKGROUND

2. In order to meet its statutory obligations, the City is required to implement a Disability Access and Inclusion Plan, and to review this plan at least once every five years.
3. The City's existing Disability Access and Inclusion Strategy fell due for review in 2017.
4. The City's Community Development Team has now undertaken this review and developed an updated Access and Inclusion Plan 2018-2022 for Council's adoption.

## DISCUSSION

### The Importance of Access and Inclusion Planning

5. Access and Inclusion Plans assist public authorities identify access and inclusion issues that preclude people with disability from participating in the community.
6. In addition, Access and Inclusion Plans outline how a public authority will make its information, services and facilities accessible to people with disability. As such, Plans are an important mechanism for public authorities to be more accessible and inclusive of people with disabilities.
7. The Australian Bureau of Statistics' 2015 *Survey of Disability, Ageing and Carers* states that 18.3 percent of Australia's population live with disability, and around 10 percent of its population are carers.
8. In Western Australia around 14 percent of the population live with disability and an estimated 12 percent of people provide unpaid care and support to a family member or friend who requires help due to illness, disability or frail age.
9. When family of people with disability are included, this is a significant proportion of the population directly or indirectly affected by barriers to access and inclusion within the community.
10. There is a direct, linear relationship between disability and age; forty-six percent of Western Australians aged over 60 years live with disability, and this increases with age - nine in ten people aged over 90 live with a disability.
11. As a regional centre with a growing proportion of aged residents, it is in the City's interests to be more accessible to, and inclusive of people with disability, including seniors living with disability.

### Legislative Requirements for Access and Inclusion Planning

12. Since state Parliament passed the Disability Services Act (1993), public authorities in Western Australia have been required to implement Disability Service Plans. The City of Albany has had a Disability Service Plan in place since 1 September 1998 (since 1 January 1996 for the former Shire and Town of Albany).
13. In 2004 the Act was amended to require public authorities to implement Disability Access and Inclusion Plans which must be reviewed at least once every five years. The City of Albany implemented a Disability Access and Inclusion Strategy in 2007.
14. In accordance with the 2004 amendments, Plans are required to address six outcome areas, outlining how people with disability will have access to a public authority's:
  - a. Services and events;
  - b. Buildings and other facilities;
  - c. Information;
  - d. Same level and quality of service;
  - e. Consultations, and;
  - f. Employment.

15. The Act stipulates that public authorities are required to consult widely in the development and/or review of Plans.
16. The City is required to lodge its Access and Inclusion Plan with the Department of Communities (formerly Disability Services Commission) for final approval once adopted by Council, and to report annually to the Department on implementation progress. Plans and progress reports are tabled in State Parliament by the Minister for Disability Services.

#### **Review of the City's Existing Plan**

17. The City's Access and Inclusion Plan was due for review in 2017. As stipulated by the Act, public consultation underpinned the review process, led by the City's Community Development Officers. Consultation occurred with:
  - People with disability;
  - Families and carers of people with disability;
  - Agencies and organisations which provide services to people with disability;
  - The City's Access and Inclusion Working Group;
  - City of Albany staff, and;
  - Elected Members.
18. The review process also included identifying achievements under the Plan, and what barriers or issues remained outstanding.

#### **Development of the Draft Access and Inclusion Plan 2018-2022**

19. Using the feedback and information collected through the review process, a draft Access and Inclusion Plan for the next five year reporting period has been prepared. The Plan is in two sections: introductory material (about the City, people living with disability in Albany, strategic and legislative implications), and the strategies proposed to become more accessible and inclusive.
20. Once the Plan is adopted and has final approval, an internal, operational Action Plan will be developed to assist Directorates and Business Units implement the Plan.
21. In accordance with the Act, agents and contractors who have dealings with the public are required to implement the City's Plan in order to ensure that services provided to the public on behalf of the City are provided in an accessible manner.
22. The City is required by the Act to report on strategies used to inform agents and contractors about its Plan and to report annually on progress of the Plan's implementation by contractors and agents.

#### **Consequences of not implementing an Access and Inclusion Plan**

23. While the Disability Services Act does not prescribe any punishment to public authorities who do not implement Access and Inclusion Plans, the City would be in breach of the Act should Council not adopt the Plan. The Act states that public authorities must develop and implement a Disability Access and Inclusion Plan.
24. The Act requires the Disability Services Commission (DSC) to provide the Minister for Disability Services with a report on the effectiveness of Plans, which is tabled in Parliament each year. The information contained in annual progress reports submitted by public authorities is used to inform the Minister's report.
25. The State Government has a legal obligation to provide information on Plans, and those public authorities without a Plan in place can be identified to the Minister.
26. Importantly, adopting an Access and Inclusion Plan tells the community, in particular people with disability that the City is committed to reducing access and inclusion barriers to its services and facilities.

## GOVERNMENT & PUBLIC CONSULTATION

27. The Local Area Coordinators of the Disability Services Commission (now Department of Communities) were invited to participate in public consultation, and were also sent the survey to complete. As the survey is anonymous, it cannot be confirmed whether any staff participated.
28. Public consultation with members of the target community was undertaken by Community Development Officers. This included people living with disability, their families and carers, students at Albany Secondary Education Support Centre, and representatives from agencies which deliver services to people with disabilities. The Community Engagement Report (confidential) is at Attachment 1.

## STATUTORY IMPLICATIONS

29. The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act (1993). In addition, the following State and Commonwealth legislation also underpin the City's Access and Inclusion Plan:
  - WA Equal Opportunity Act (1984);
  - Commonwealth Disability Discrimination Act (1992);
  - Building Code of Australia, and;
  - Disability (Access to Premises – Buildings) Standards (2011).

## POLICY IMPLICATIONS

30. The Access and Inclusion Plan 2018-2022 is a City-wide Plan, and as such applies across the whole organisation. The policy implications in relation to this item are set out in the Plan, particularly the strategies designed to address the seven outcome areas.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational and Financial:</b> Implementation of the Access and Inclusion Plan 2018-2022 negatively impacts on the City's general operations and budget.	Unlikely	Minor	Low	Substantial internal consultation will occur in developing the operational Action Plan, designed to guide implementation. This will give Managers and Executive Directors opportunity to assess how proposed actions will impact on operational business and budget.
<b>Reputational:</b> The City is unable to complete the tasks outlined in the Access and Inclusion Plan 2018-2022.	Unlikely	Minor	Low	Directorates and Business Units will report regularly on their progress implementing the Access and Inclusion Plan.
<b>Opportunity:</b> Implementing an Access and Inclusion Plan signals to the community that the City is committed to addressing barriers to participation in community, social and civic life for people of all abilities.				

## FINANCIAL IMPLICATIONS

32. There are no direct financial implications in relation to this item.

## LEGAL IMPLICATIONS

33. Not applicable.

## ENVIRONMENTAL CONSIDERATIONS

34. Not applicable.

**ALTERNATE OPTIONS**

35. As a public authority, the City has a statutory obligation to implement an Access and Inclusion Plan. There is no alternative option.

**CONCLUSION**

36. The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act.
37. The City's current Access and Inclusion Plan has been reviewed and updated following consultation with the target community, agencies and service providers, internally, and having sought wider public comment.
38. It is recommended that Council **ADOPT** the Access and Inclusion Plan 2018-2022.

<b>Consulted References</b>	:	City of Albany Access and Inclusion Plan 2012-2017
<b>File Number (Name of Ward)</b>	:	CS.PLA.21 (All Wards)
<b>Previous Reference</b>	:	Not applicable

## CCS009: RACEWARS ALBANY 2018, 2019, 2020

<b>Proponent</b>	: City of Albany
<b>Report Prepared By</b>	: Manager Tourism Development Services Acting (M Hammond)
<b>Responsible Officer(s)</b>	: Acting Executive Director Commercial Services (A Cousins)

### 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.
  - **Objectives:** To develop and promote Albany as a unique and sought after visitor location.
  - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity;
    - Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit; and
    - Promote the “Amazing South Coast” region as a sought after and iconic tourism destination to increase the number of people visiting and the duration their stay.

### In Brief:

- To provide Council with update on negotiation of host destination rights for the Racewars annual event for the years 2018, 2019 and 2020.

### RECOMMENDATION

#### CCS009: RESOLUTION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

#### MOVED: COUNCILLOR STOCKS

#### SECONDED: COUNCILLOR HAMMOND

#### THAT Council:

1. **NOTE** current status of negotiations and **AUTHORISE** the Chief Executive Officer to finalise an agreement for host destination rights for the Racewars annual event for the years 2018, 2019 and 2020.
2. **APPROVE** in-kind support to a maximum of \$68,000 over three (3) years for the 2018, 2019 and 2020 Racewars events and that this be presented in the mid-year budget review for adoption with the funds to be drawn from the Airport Reserve.
3. **NOTE** changes to Regional Express Airlines flight schedules that have been planned to facilitate the 2018 Racewars event.
4. **A further report** be submitted to Council at the end of the 2018 event with Council having the ability to consider additional funding support (cash or in-kind) for 2019 and 2020.

**CARRIED 12-1  
ABSOLUTE MAJORITY**

### Record of Vote

Against the Motion: Councillor Goode

CCS009: AMENDED MOTION BY MAYOR WELLINGTON

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

1. NOTE current status of negotiations and AUTHORISE the Chief Executive Officer to finalise an agreement for host destination rights for the Racewars annual event for the years 2018, 2019 and 2020.
2. APPROVE in-kind support to a maximum of \$68,000 over three (3) years for the 2018, 2019 and 2020 Racewars events and that this be presented in the mid-year budget review for adoption with the funds to be drawn from the Airport Reserve.
3. NOTE changes to Regional Express Airlines flight schedules that have been planned to facilitate the 2018 Racewars event.
4. A further report be submitted to Council at the end of the 2018 event with Council having the ability to consider additional funding support (cash or in-kind) for 2019 and 2020.

CARRIED 12-1

**Record of Vote**

Against the Motion: Councillor Goode

CCS009: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. NOTE current status of negotiations and AUTHORISE the Chief Executive Officer to finalise an agreement for host destination rights for the Racewars annual event for the years 2018, 2019 and 2020.
2. APPROVE in-kind support to a maximum of \$68,000 over three (3) years for the 2018, 2019 and 2020 Racewars events and that this be presented in the mid-year budget review for adoption with the funds to be drawn from the Airport Reserve.
3. NOTE changes to Regional Express Airlines flight schedules that have been planned to facilitate the 2018 Racewars event.

**BACKGROUND**

2. The City of Albany successfully hosted the Racewars Albany 2017 event over the 4-6 March 2017 long weekend.
3. The City provided event organisers with exclusive use of the Albany Regional Airport for the two days of straight line racing on the 4 and 5 March.
4. 2017 was the inaugural event held in Albany and attracted 230 competitors, 40 event management personnel, and some 5,000 spectators (with 7,000 spectator gate entries recorded over the two days). Children under 12 were free admission and not included in above figures.
5. A post event survey was conducted by the City and event organisers using Survey Monkey. A total of 407 responses were received representing a strong sample size of competitors and spectators.
6. 68% of competitors and spectators were from outside the Great Southern region (60% from Perth, 6% from other WA and 2% from out of state). This equates to some 3,500 visitors to the region to attend the Racewars Albany event.

7. The event is estimated to have injected approximately \$4.42m of new visitor spend into the local economy over the March long weekend.
8. The City is now presented with the opportunity to continue to host the annual event for the years 2018, 2019 and 2020.
9. The following resolution from the CCCS committee went to the OCM on 26<sup>th</sup> April 2017 –  
*That Council:*
  - a. *RECEIVE the City of Albany post event evaluation report for hosting the Racewars Albany 2017 event.*
  - b. *AUTHORISE the Chief Executive Officer to negotiate the host destination rights for the Racewars annual event for the years 2018, 2019 and 2020 and to present a host bid proposal for council review and approval.*
10. Pursuant to the council resolution City officers are currently negotiating with event organisers the host destination rights for 2018 and to secure future hosting rights for years 2019, and 2020.
11. Regional Express (REX) Airlines has agreed to proposed airport closure for the 2018 event and has submitted to Department of Transport (DOT) for approval.
12. The event organiser and owner is The Racewars Group Pty Ltd.
13. Further background on previous event outcomes is available in 'CCS022 Racewars Albany 2017 – Post Event Evaluation Report'.

## DISCUSSION

14. The Racewars Group Pty Ltd strongly supports Albany as the host destination for the Racewars 2018, 2019 and 2020 events, subject to the provision of in-kind support that will assist in addressing issues identified during the 2017 event.
15. The bump-in and bump-out process during 2017 was more complex than first thought, requiring a longer airport shut down period. REX Airlines have agreed to a solution to address this, subject to DOT approval. This involves a slightly adjusted flight schedule on the Friday and Monday of the event weekend.
16. Traffic interaction and management on Albany Highway presented a variety issues in 2017, requiring a more focused approach to traffic management for 2018.
17. The unsealed staging lanes and return road that were utilised during the 2017 event were deemed not fit for purpose.
18. The arrival of non-urgent RFDS flights caused substantial delay and confusion, prompting the requirement to improve communication with RFDS and look to defer non-urgent or clinical transfer flights if possible.
19. Racewars 2018 entry sales will be capped at 250 with scope for an additional 50 reserve or invited entrants.
20. There will be a focus on expanding non-motorsport attractions throughout the event including the introduction of an Amazing South Coast showcase marquee profiling retail items from throughout the region.
21. To address lessons learned from 2017, the Racewars Group Pty Ltd have requested the following provision of in-kind support as part of negotiations to secure Albany as the host destination for 2018, 2019 and 2020:



- a. Construction of an internal utility road at Albany Regional Airport that can also act as a return road and staging lane circuit for the event;
  - b. Delivery of landside traffic management required on Albany Highway;
  - c. Negotiation with REX Airlines and other stakeholders, to agree upon airport closures required during Racewars event periods;
  - d. Provision of a storage facility that can be utilised and accessed by The Racewars Group Pty Ltd over the term of the agreement (3 years);
  - e. Provision, construction and de-construction of the City's semi-permanent marquee during event periods; and
  - f. Provision of marketing support via City of Albany social media channels.
22. In return for the in-kind support proposed, The City of Albany intends to seek a benefits package as part of the agreement, which will include but not be limited to recognition as a major partner in the 2018, 2019 and 2020 Racewars events.
23. The final agreement will be articulated in the form of a written contract which both parties must agree upon and sign.

#### GOVERNMENT & PUBLIC CONSULTATION

24. The Albany Regional Airport team is currently engaging with airport tenants and users.
25. The Department of Transport has provided advance notice to the Albany Aviation CCG advising that nine (9) flights will be cancelled on the Perth-Albany route in March 2018.
26. The City of Albany, REX and Department of Transport have supported the following flight changes:
- a. FRI 02 MAR 2018
    - ZL2133 Perth (1800) - Albany (1910) – **Rescheduled**
    - ZL2134 Albany (1940) - Perth (2050) – **Additional Flight**
  - b. SAT 03 MAR 2018
    - ZL2112 Albany - Perth – To be cancelled
    - ZL2113 Perth - Albany – To be cancelled
    - ZL2114 Albany - Perth – To be cancelled
  - c. SUN 04 MAR 2018
    - ZL2131 Perth - Albany – To be cancelled
    - ZL2132 Albany - Perth – To be cancelled
    - ZL2133 Perth - Albany – To be cancelled
  - d. MON 05 MAR 2018
    - ZL2112 Albany - Perth – To be cancelled
    - ZL2113 Perth - Albany – To be cancelled
    - ZL2114 Albany - Perth – To be cancelled
    - Normal schedules commence

## STATUTORY IMPLICATIONS

27. Not Applicable.

## POLICY IMPLICATIONS

28. Not Applicable.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> <i>If hosting this event does not proceed.</i>	<i>Almost Certain</i>	<i>Major</i>	<i>Extreme</i>	<i>Communicate rationale for not supporting the event.</i>
<b>Opportunity:</b> <i>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.</i>				

*Note: A full operational risk management plan will be required from the event organiser as part of the event approval process. The current proposed plan addresses previous lessons learnt (i.e. un-scheduled RFDS flights).*

## FINANCIAL IMPLICATIONS

30. The following estimated financial implications will exist for the City of Albany subject to providing requested in-kind support outlined in point 18:

- a. Construction of an internal utility road by COA resources will result in an estimated investment of up to \$30,000.00 by the City of Albany into the Albany Regional Airport. The road will add value to ongoing airport operations by providing greater vehicle access to infrastructure and runways at the southern end of the airport. A detailed costing is currently being undertaken by the COA Infrastructure and Environment Team.
- b. Delivery of land side traffic management currently estimated at up to \$5,000 per event year, to be delivered via existing City of Albany contract.
- c. Provision, construction and de-construction of the City's semi-permanent marquee during event periods estimated to carry an internal service cost of up to \$6,000 per event year.

31. Based on point 25 the total in-kind investment over three years is estimated conservatively at \$68,000.00 as outlined in the table below.

Cost Item	Cost Type	Year 1	Year 2	Year 3	Total
Return Road	Internal Service	\$30,000	\$2,500	\$2,500	\$35,000
Traffic Management	COA Contract	\$5,000	\$5,000	\$5,000	\$15,000
Marquee	Internal Service	\$6,000	\$6,000	\$6,000	\$18,000
		<b>\$41,000</b>	<b>\$13,500</b>	<b>\$13,500</b>	<b>\$68,000</b>

32. These costs are conservative estimates only and currently being refined as part of the negotiation process.

33. Funds are to be drawn from the Airport Reserve.

## LEGAL IMPLICATIONS

34. Nil.

## ENVIRONMENTAL CONSIDERATIONS

35. Nil.

## ALTERNATE OPTIONS

36. Council has two options, being: Support the event or not.

## SUMMARY CONCLUSION

37. Racewars 2017 proved to be a successful event and drew high visitation from outside of the region resulting in strong economic outcomes (as per 2017 post event report).
38. Successfully securing the right to hold the event in Albany for the next three years will allow the event to grow and become a marquee experience for Albany and the Amazing South Coast region. Officers will continue to negotiate host rights and present a draft agreement to Council for consideration before finalisation.

<b>Consulted References</b>	:	Nil.
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 26/4/2017 Resolution CCCS022

## CCS010: NATIONAL ANZAC CENTRE – Q1 2017-18 REPORT

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre – Q1 2017-18 Operational Report
<b>Report Prepared By</b>	: Manager Tourism Development Services Acting (M Hammond)
<b>Responsible Officer(s)</b>	: Executive Director Commercial Services Acting (A Cousins)

### 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 Q1 2017-18 performance of the National Anzac Centre.

### RECOMMENDATION

#### CCS010: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR TERRY**

**THAT Council RECEIVE the National Anzac Centre Operational Report for Q1 2017/18.**

**CARRIED 13-0**

#### CCS010: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR MOIR**

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

**CARRIED: 13-0**

#### CCS010: RESPONSIBLE OFFICER RECOMMENDATION

**THAT Council RECEIVE the National Anzac Centre Operational Report for Q1 2017/18.**

## **BACKGROUND**

2. The National Anzac Centre is the City of Albany's most significant tourism asset.
3. The National Anzac Centre is 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 the asset and understands the importance of generating economic outcomes for the region using the National Anzac Centre and the Albany Heritage Park (AHP) assets to encourage both increased visitation and extended stays to the region.
5. Key stakeholders will also receive this quarterly report in an effort to further develop the relationships and as recognition of their significant investment and commitment to the City of Albany.
6. The City established an independent National Anzac Centre 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 and attract both local repeat visitation and visitors from outside the region. The final quarterly meeting for 2016/17 was held on Wednesday 19 July. Minutes are currently being finalised. The first meeting for FY 2017/18 will be held in Albany On November 27.
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 will be reinvested and be used to leverage additional grant funding to improve the asset.
8. This report template is constantly being reviewed to ensure that the Commercial, Community & Corporate Services Committee and the National Anzac Centre Advisory Group receive all relevant information as to its performance.
9. Ongoing feedback from the Community & Corporate Services Committee and the National Anzac Centre Advisory Group is encouraged to ensure the report is meeting expectations.

## **DISCUSSION**

10. Q1 2017/18 saw the National Anzac Centre exceed visitation of 200,000 visitors since opening in November 2014. Total visitation as at end of Q1 2017-18 was 203,131. This equates to an average annual visitation of 69,645 visitors per year.
11. Total visitation in Q1 2017/18 was up by 621 visitors compared to the same period in 2016/17.
12. The National Anzac Centre achieved its best September visitation since opening, with September 2017 visitation being up by 626 visitors compared to the same period in 2016, and up by 667 compared to the same period in 2015.
13. The majority of visitation in Q1 2017/18 originated from intrastate (not including Albany) with 50% from within WA, followed by 14% from NSW, 11% from VIC and 10% from QLD.
14. Of the 4% of international visitors, 37% of these originated from New Zealand, 24% from the United Kingdom, 10% from the USA & Canada and 7% from Singapore.
15. Revenue generated in Q1 2017/18 by the Albany Heritage Park (National Anzac Centre and Forts Store combined) was up by \$2,747 compared to the same period in 2016/17, and up by \$77,222 compared to the same period in 2015/16.
16. As at the end of Q1 2017/18 1,468 local residents were members of the National Anzac Centre League of Local Legends program.

17. Local visitation for Q1 2017/18 was up by 50 visitors compared to the same period in 2016/17.
18. The National Anzac Centre received 147 non-local paying visitors in Q1 2017/18 as a result of the National Anzac Centre League of Local Legends program.
19. Q1 2017/18 saw the National Anzac Centre named #2 museum in Australia by Trip Advisor in ahead of the Melbourne Museum, Canberra's Questacon and Darwin's Museum and Art Gallery of the Northern Territory. The National Gallery of Victoria came in at number one.
20. The National Anzac Centre is a finalist in two categories at the upcoming Western Australian Tourism Awards. Categories include Tourist Attractions and Cultural Tourism.
21. The City of Albany is currently in discussion with a sponsorship consultant regarding an approach to sourcing and securing corporate sponsorship opportunities for the National Anzac Centre.

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

22. Not Applicable.

#### **STATUTORY IMPLICATIONS**

23. Not Applicable.

#### **POLICY IMPLICATIONS**

24. Not Applicable.

#### **RISK IDENTIFICATION & MITIGATION**

25. Nil.

#### **FINANCIAL IMPLICATIONS**

26. Refer to financial summary below for the Albany Heritage Park full year budget and YTD position as at September 30, 2017 noting that:
  - a. Operating expenditure budget includes:
    - i. \$55,000.00 allocated to the City reserves team for management of publicly accessible natural/developed reserves located within the boundary of the Albany Heritage Park.
    - ii. \$78,000 allocated to the City Operations team for maintenance of all City of Albany built infrastructure and building assets located within the boundary of the Albany Heritage Park.
    - iii. \$20,000 allocated to expenses relating to the National Anzac Centre Advisory Group.
    - iv. \$25,000 allocated to Major Projects for development of the Albany Heritage Park Master Plan.

	FY 2017-18 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Expenditure	\$1,828,621.00	\$390,769.00	\$313,726.00	\$77,043.00
Operating Income	\$1,781,000.00	\$351,360.00	\$347,858.00	-\$3,502.00
Net Operating Surplus/Loss	-\$47,621.00	-\$39,409.00	\$34,132.00	\$73,541
Capital Expenditure	\$265,000.00	\$12,495.00	\$0.00	\$12,495.00

## LEGAL IMPLICATIONS

27. Nil.

## ENVIRONMENTAL CONSIDERATIONS

28. Nil.

## ALTERNATE OPTIONS

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

## SUMMARY CONCLUSION

30. Q1 of 2017/18 has seen positive growth in visitation (comparative to previous years) over what is typically the quietest period of the year.

31. An increase in wholesale driven visitation has enabled greater revenue capture through the retail store resulting in steady growth in revenue for the AHP precinct as a whole. This demonstrates the importance of developing a variety revenue streams geared towards capitalising on the visitation generated by the National Anzac Centre.

32. Q1 results are considered positive as we move into the peak periods of Q2 and Q3.

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

## CCS011: SPONSORSHIP POLICY & GUIDELINE

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Proposed Draft Policy Position - Sponsorship Policy & Guideline
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: Executive Director Corporate Services (M Cole) 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.

#### In Brief:

- Review and consider the adoption of the proposed Sponsorship Policy & Guideline.

### RECOMMENDATION

#### CCS011: RESOLUTION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR SMITH**

**THAT Council ADOPT the proposed Sponsorship Policy & Guideline, subject to the following amendment being incorporated into the proposed policy and guideline:**

***“Ensure sponsorship received by the City support the aims of the City of Albany Public Health Plan, and does not promote:***

- ***the excessive consumption of fast food;***
- ***the use of tobacco products;***
- ***gambling; or***
- ***irresponsible drinking. “***

**CARRIED 13-0  
ABSOLUTE MAJORITY**

CCS011: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council ADOPT the proposed Sponsorship Policy & Guideline, subject to the following amendment being incorporated into the proposed policy and guideline:**

***“Ensure sponsorship received by the City support the aims of the City of Albany Public Health Plan, and does not promote:***

- ***the excessive consumption of fast food;***
- ***the use of tobacco products;***
- ***gambling; or***
- ***irresponsible drinking. “***

**CARRIED 13-0**



**CCS011: AMENDED RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ADOPT the proposed Sponsorship Policy & Guideline, subject to the following amendment being incorporated into the proposed policy and guideline:

*“Ensure sponsorship received by the City support the aims of the City of Albany Public Health Plan, and does not promote:*

- the excessive consumption of fast food;*
- the use of tobacco products;*
- gambling; or*
- irresponsible drinking. “*

**Officer Reason (S. Jamieson):**

The [City of Albany Public Health Plan \(PHP\)](#) was implemented in July 2016.

Currently the City of Albany ensures that all leases of City owned sporting facilities/public places such as halls include a phrase discouraging fast food advertising and prohibiting tobacco, alcohol and gambling advertising”.

It is proposed for the Committees consideration the adoption of the proposed sponsorship policy and guideline presents an opportunity to promote the objectives of the PHP.

Note:

It is not the intent of this statement to ban alcohol at City of Albany sponsored events.

The City of Albany would continue to support food and wine festivals that promote responsible drinking.

**CCS011: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ADOPT the proposed Sponsorship Policy & Guideline.

**BACKGROUND**

2. Government agencies face a number of corruption risks when engaging in sponsorship arrangements.
3. One of the main risks relates to conflicts of interest which could arise for a number of reasons, including differences between the goals of the agency and the sponsor, or the conflicting interests held by an agency staff member involved in the sponsorship.
4. Another risk is that the sponsorship arrangement could affect, or be perceived to affect, the way the agency operates.
5. For example, it could impose conditions that limit, or seem to limit, the agency’s ability to discharge its duties fully and impartially.

**DISCUSSION**

6. In August 2017, based on the recommendation of the Independent Commission Against Corruption (ICAC), a draft policy position and informing guideline was draft by the Governance & Risk Team for internal review.
7. This document has been used as a guide by staff when assessing sponsorship proposals since.

### Objective of the policy

8. The objective of the policy is to:

- a. Establish principles for sponsorship agreements entered into between the City of Albany and other parties. The policy also provides guidelines for how the City will go about seeking sponsorship.
- b. Sponsorship is the contribution of financial and/or “in kind” support that the City of Albany receives or provides for the purpose of, partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the City.
- c. Sponsorships are undertaken or entered into, in order to help achieve business or community objectives.”

### Guidelines for Seeking Sponsorship:

9. The guidelines for seeking sponsorship are:

- a. The public interest may be best served by Council making a particular sponsorship opportunity widely known for example, by calling for expressions of interest or by letters of invitation to submit sponsorship proposals to a number of prospective sponsors. However, it is recognised that in some circumstances this ideal would be impractical and Council’s request for sponsorship could be by invitation to specific potential sponsors.
- b. A sponsorship proposal should be developed which clearly outlines the nature of the project, why it is being proposed, the benefits to the proposed sponsor and to Council, and the type or value of sponsorship sought.
- c. Councillors interested in assisting with sponsorship arrangements should work through the relevant Council Directorate and not seek to negotiate sponsorship independently on behalf of the Council.
- d. It is inappropriate for any Councillors or Council staff members or their relatives or partners to receive personal benefit from sponsorship agreements.

### GOVERNMENT & PUBLIC CONSULTATION

10. The proposed policy position was based on recommendations made by the Independent Commission against Corruption (NSW) and the Integrity Coordinating Group (WA) Guidelines.
11. The following case study highlights the importance of being mindful of, and ensuring transparency and proper controls over, activities and ticket use in relation to sponsorship arrangements:

#### **Case Study: Proper governance and transparency is applied to ticket and corporate box use**

The Public Sector Commission (PSC) conducted a thematic review into the use of general admission tickets and VIP/corporate box access for events, received by authorities in relation to sponsored or financially supported arrangements with private and not-for-profit organisations.

The review analysed the arrangements reported by 17 authorities in relation to 406 events and 16 000 tickets. In addition, the review assessed the policies, procedures and registers of eight public authorities governing these arrangements. It was noted that 20 per cent of the total ticket use reported was for private use.

Overall, the review found many policy and procedure documents analysed were general in nature and lacked relevance to the subject of sponsored and financially supported arrangements and ticket use. This highlighted the need for authorities to be mindful of — and ensure transparency and proper controls over—activities and ticket use in relation to sponsorship and financial support.

In particular, the PSC recommended that authorities take into account relevant government policies and guidelines, including checklists developed by the PSC when developing policy in relation to sponsorship and financial support. It was also recommended that events should align to core business, and tickets should be used for a valid and defensible business reason, and be appropriately approved and recorded.

### **Sponsored travel**

12. Sponsored travel refers to transport, accommodation and hospitality for travel, which is funded or partially funded through means other than an authority's funds or an officer's own resources. In the course of performing their public role, an officer or authority may receive offers for sponsored travel to another state or country for an event or another purpose.
13. Sponsored travel is a benefit that can pose a significant risk to the integrity of an authority or an officer's reputation and should therefore be treated cautiously. Sponsored travel should only be approved where the authority and officer can resolve or manage, in a transparent way, any possible conflict of interest or perception of bias issues that arise.
14. An authority can avoid the risks of sponsored travel by paying for the work related travel expenses of its officers.

### **Gifts, benefits and hospitality Risk and reputation**

15. Decisions about sponsored travel need considerable thought, parameters and documented approval processes.
16. To assist in managing sponsored travel authorities should consider:
  - referring offers of sponsored travel to the authority head for approval and ensuring that appropriate independent approvals are in place for any travel or benefits enjoyed by the authority head if they are the person travelling
  - requiring the preparation of a business case that demonstrates benefits to the authority, government or wider community, rather than benefits to an individual officer
  - adhering to any requirements to disclose sponsored travel. This may include obtaining
  - and retaining receipts of flights, accommodation and hospitality.
17. The following case study outlines the importance of an officer and authority maintaining knowledge of, and complying with, the record keeping and disclosure obligations for sponsored travel.

**Case study: Acceptance of, and failure to declare, gifts, benefits and hospitality can place the reputation of the authority and the individual at risk**

The Corruption and Crime Commission (CCC) conducted an investigation to determine whether an elected member or any other employee of a local government authority had engaged in serious misconduct with respect to the elected member's acceptance and disclosure of gifts and travel contributions.

Elected members and local government employees are governed by rules about receipt and disclosure of gifts and third party contributions to travel, including when it is prohibited to accept them. Local government elected members are required to make annual returns disclosing these activities.

In particular, the CCC's investigation considered the acceptance of a hospitality package, including overseas travel, provided by a third party (aspects of which constituted a prohibited gift under the authority's Code of Conduct). Of further interest was the timing of this elected member's role in voting on a decision related to the third party.

The CCC formed the opinion that the elected member's acceptance of the hospitality package was misconduct, and the deliberate failure to disclose the gifts or travel in the elected member's annual return constituted serious misconduct, though the elected member's actions were not deemed to be corrupt.

Acceptance of a prohibited gift by any local government employee could adversely affect, or could be perceived to adversely affect, the honest or impartial performance of an elected member or employee's functions. The recording of offers and the acceptance of gifts is therefore an important accountability measure.

## STATUTORY IMPLICATIONS

18. The adoption of the proposed policy position supports the City's obligation to implement reg 34B of the *Local Government (Administration) Regulations 1996*.
19. Voting Requirement: **Absolute Majority**

## POLICY IMPLICATIONS

20. *Local Government Act 1995*, section 2.7(2)(b) Council determines local government policies
21. For the naming of buildings, infrastructure and facilities, compliance with the Policies and Standards for Geographical Naming in Western Australia is required.

## 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
<b>Compliance, Reputation &amp; Financial.</b> <b>Risk:</b> There is a risk that by not establishing clear guidelines inconsistent sponsorship arrangements may be made.	Likely	Moderate	High	If the proposed policy is not endorsed, staff will review and address areas of concern.
<b>Opportunity:</b> Consistency and understanding of rules for both councillors and staff that pertain to sponsorship.				

## FINANCIAL IMPLICATIONS

23. No direct financial implications are associated with this report; however it is noted that sponsorships are undertaken or entered into, in order to help achieve business or community objectives.

## LEGAL IMPLICATIONS

24. There are no direct legal implications associated with this report.
25. The Regulations referred to in the attached proposed policy are the *Local Government (Rules of Conduct) Regulations 2007*, which apply only to council members.
26. The same rules apply to employees through your local government's Code of Conduct, *Local Government (Administration) Regulations 1996*.

## ENVIRONMENTAL CONSIDERATIONS

27. Nil

## ALTERNATE OPTIONS

28. The Committee and or Council may choose to either adopt the proposed policy, adopt with modification or refer to back to the Executive for further development.

## CONCLUSION

29. It is recommended that the proposed policy position is adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• Independent Commission Against Corruption (NSW) – Sponsorship in the public sector.</li><li>• <a href="#">The Integrity Coordinating Group – Gifts, benefits and hospitality guidelines</a></li><li>• <i>State Supply Commission (2001) Sponsorship in Government: a handbook to assist public authorities</i></li><li>• <a href="#">Conflicts of Interest - Scenario 6: Gifts, benefits and hospitality</a></li></ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil

**CCS012: C17024-PANEL OF SUPPLIERS: SUPPLY OF INFORMATION TECHNOLOGY, HARDWARE, SOFTWARE AND CONSULTANCY SERVICES**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Manager IT (A Catterall)  
**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:
  - a. **Key Theme:** Leadership.
  - b. **Objective:** To establish and maintain sound business and governance structures.
  - c. **Community Priority:** 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 accept tendered rates for Contract C17024 – Panel of Suppliers – Supply of Information Technology Hardware, Software and Consultancy Services from date of award for an initial three (3) year period, with two (2) further one (1) year extension options.
- For each item the highest weighted tenderer will be the default contractor with subsequent tenderers (in order) approached when default contractor is unavailable.

**RECOMMENDATION**

**CCS012: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT Council ACCEPT the tendered rates for Panel of Suppliers – Supply of Information Technology Hardware, Software and Consultancy Services from:**

- **KLB Systems;**
- **R-Group International;**
- **Ramped Technology;**
- **Saxxon IT; and**
- **Solutions IT.**

**CARRIED13-0**

**CCS012: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 13-0**

CCS012: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Supply of Information Technology Hardware, Software and Consultancy Services from:

- KLB Systems;
- R-Group International;
- Ramped Technology;
- Saxxon IT; and
- Solutions IT;

**BACKGROUND**

2. The current contract for Supply of IT Infrastructure Support and Equipment expired on 16 October 2017.
3. The City of Albany is seeking to re-establish a “Panel of Suppliers” to provide reliable, experienced and knowledgeable contractors to support the IT Team to provide solutions which are “fit for purpose, scalable and cost effective” for the City. The tender is for the supply of hardware, software and associated consultancy services in relation to the IT systems at the City of Albany. It is not expected that tenderers will be able supply all requirements. As such, tenderers were encouraged to tender for the area of their expertise.
4. The Panel will be Council’s preferred suppliers and requests for IT support shall be directed to members of this Panel before all others.
5. The intention is that collectively, the panel of tenderers will satisfy the varied and changing IT requirements for City of Albany.
6. Contractors will be engaged by the following methodology:-
  - a. **For the supply of hardware and software only;** the most cost effective panel supplier will be contacted in the first instance following by the second choice and so on. The IT Team qualify the supplier pricing through internet research and/or comparison quotes from WALGA Panel and ICTS2015 CUA panel suppliers.
  - b. **For the supply of Consultancy** (either with or without hardware or software); the knowledge, experience and reliability of the panel suppliers are taken into account in conjunction with the cost of the services in determining the most appropriate and cost effective panel supplier. The IT Team qualify the supplier pricing through internet research and/or comparison quotes from WALGA Panel and ICTS2015 CUA vendors.
  - c. **For specialist equipment or consultancy services;** there may be IT requirements that the City of Albany determines, cannot be confidently delivered by a panel supplier. In these circumstances, the IT Team may elect to obtain equipment of services through a tender process, or WALGA/CUA Panel.

**DISCUSSION**

7. A total of 47 tender documents were issued by the City of Albany.
8. Nine (9) completed tender documents were submitted on or before the stipulated closing date and time.
9. The 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.
10. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weighs their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	30%
Certification, Training and Experience	20%
Vendor Relationships	10%
Experience with Local Government	20%
Technical Training/Knowledge Transfer	15%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

11. Nine (9) suppliers submitted for the Consultancy Services portion of the Contract and the following table summarises the tenders and overall evaluation scores applicable to each submission:

Tenderer	Total Evaluation Score
Ramped Technology	656.85
KLB Systems	609.87
Solutions IT	605.85
R Group International	586.14
Saxxon IT	511.47
Tenderer F - Unsuccessful	483.18
Tenderer G - Unsuccessful	479.27
Tenderer H - Unsuccessful	473.12
Tenderer I - Unsuccessful	459.24

12. KLB Systems, R-Group International, Ramped Technology, Saxxon IT and Solutions IT are recommended to be added to the Panel of Suppliers for Consultancy Services as they scored the highest Total Evaluation Scores for this portion of the Contract.
13. Seven (7) suppliers submitted for the Hardware and Software portions of the Contract and the following table summarises the tenders and overall evaluation scores applicable to each submission:

Tenderer	Total Evaluation Score
R Group International	601.79
Solutions IT	597.06
Ramped Technology	584.66
Saxxon IT	560.86
KLB Systems	521.45
Tenderer E - Unsuccessful	520.11
Tenderer F - Unsuccessful	489.08

14. KLB Systems, R-Group International, Ramped Technology, Saxxon IT and Solution IT are recommended to be added to the Panel of Suppliers for Hardware and Software Services as they scored the highest Total Evaluation Scores for this portion of the Contract.



## GOVERNMENT & PUBLIC CONSULTATION

15. Public Consultation. A request for tenders was published in the West Australian on Wednesday 30 August 2017 and the Albany Weekender on Thursday 31 August 2017.

## STATUTORY IMPLICATIONS

16. 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.

17. Regulation 18 of the Regulations outlines the requirements relating to choice of tender.

18. Council:

- a. Is required to decide which of the acceptable tenders is the most advantageous to Council.
- b. May also decline to accept any tender.

19. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operation &amp; Financial:</b> <i>Non-compliance with contract or business failure.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract as outlined in the tender process allow for contract termination on the basis of failure to supply goods and services.</i>

## FINANCIAL IMPLICATIONS

22. The value of this tender is expected to be approximately \$2 million over 5 years, therefore the approval is referred to Council for consideration.

23. The cost per job will be included in the specific budget line item.

## LEGAL IMPLICATIONS

24. There are no legal implications related to report.

## ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations related to report.

## ALTERNATE OPTIONS

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

## CONCLUSION

27. Following the tender evaluation process, the submissions from KLB Systems, R-Group International, Ramped Technology, Saxxon IT and Solutions IT are recommended to be added to the Panel of Suppliers - Supply of Information Technology Hardware, Software and Consultancy Services, based on their evaluation scores which took into account their past performance (where applicable).

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1995</i></li> <li>• Council Policy – Purchasing</li> <li>• Council Policy – Buy Local (Regional Price Preference)</li> </ul>
<b>File Number (Name of Ward)</b>	:	C17024 (Across all Wards)
<b>Previous Reference</b>	:	Not applicable.

## CCS013: LOT 8075 ALBANY HIGHWAY, DROME – LEASE PROPOSAL

<b>Land Description</b>	: Lot 8075 Albany Hwy, Drome on deposited plan 160500 comprised in Certificate of Title Volume 3118 Folio 600
<b>Owner</b>	: City of Albany (Management order or vest crown land)
<b>Proponent</b>	: Blue Planet Developments Ltd (BPD)
<b>Attachments</b>	: Nil
<b>Report Prepared By</b>	: Manager Finance ( D Olde)
<b>Responsible Officers:</b>	: 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. Provider positive leadership that delivers community outcomes.

### Maps and Diagrams:







**In Brief:**

- The City has been approached by Blue Planet Developments Ltd (BPD) seeking an exclusivity for lease arrangement over an approximately 19 hectare portion of a City managed crown reserve.
- BPD is requesting an initial 3 year exclusivity over the subject lot, prior to entering into any lease agreement.
- If BPD decide to take up the option of a lease within the 3 year period, they are seeking a 25 year and 6 month lease term, with 3 successive 5 year options to renew.
- The lease template supplied by the proponent is not to standard City terms, and would need to be reviewed by City lawyers.
- The lease term and purpose are currently outside permitted use and length.

**RECOMMENDATION**

**CCS013: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT CCS013: Lot 8075 Albany Highway, Drome-Lease Proposal, be DEFERRED in order that Council may receive a briefing from City staff on the proposal received from Blue Planet Developments Pty Ltd on the future opportunities for solar power generation in the City of Albany.**

**CARRIED 13-0**

**CCS013: ALTERNATE MOTION BY COUNCILLOR STOCKS**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT CCS013: Lot 8075 Albany Highway, Drome-Lease Proposal, be DEFERRED in order that Council may receive a briefing from City staff on the proposal received from Blue Planet Developments Pty Ltd on the future opportunities for solar power generation in the City of Albany.**

**CARRIED 13-0**

**Councillor's Reason:**

The deferral of this item will allow Council to be better informed on the proposal received by Blue Planet Developments Ltd and better understand the opportunities for solar power energy generation in the City of Albany.

**CCS013: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council NOTE the request from Blue Planet Developments Ltd, but DECLINE to enter into any contractual arrangement at this point in time to allow further due diligence to be undertaken on the use of the lot and solar power generation.

**BACKGROUND**

2. BPD have approached the City seeking exclusivity for lease arrangements over an approximately 19 hectare portion of City managed crown reserve for the purposes of solar power generation.
3. The site is currently leased by a community group, Apex Club of Albany Inc. This lease expired in November 2016. Apex have requested a renewal for another 10 years but this was not granted. Their lease is in a holding over period.
4. The lot is also being assessed as a potential site for motocross.

**DISCUSSION**

**Planning and Land use**

5. The lot is reserved for the purpose of: "Recreation & State Emergency service radio facility". The reserve purpose will therefore have to be changed to include "power generation /solar farm" to enable a planning approval for a solar farm.
6. This is a "C" class reserve and although a change to the vesting would be fairly straight forward it may take some time.
7. The lot falls within the Albany airport special control area and is in close proximity to the Airport. The proposed development and use of the lot as a solar farm would therefore be referred to Civil Aviation Safety Authority (CASA) for comment.
8. The lot is also listed as having Aboriginal heritage: King river camp site and will therefore have to go through the appropriate referral process.
9. Any lease term cannot exceed 21 years, and is subject to Minister of Lands approval.
10. This site has also been identified as a potential location for motocross.

**Current Tenancy**

11. The State Emergency Services (SES) local radio network transmitter aerial is currently on this reserve.
12. The site is currently leased by a community group, Apex Club of Albany Inc. This lease expired in November 2016, and Apex requested a renewal for another 10 years. This was not granted, but have been granted a holding over period.
13. The reason for only granting a holding over period was to allow the City time to undertake a long term strategic review of the Albany Regional Airport, including City owned and/or managed land with vicinity, including this lot.
14. Apex currently have a shed and maintain the fences on this site. Apex graze stock on this lot for fundraising to finance community projects. Apex use of this land has been in place since the early 1960's.

**Proponent's proposal**

15. BPD are seeking a number of conditions for any lease.
- a. An initial exclusivity period of three (3) years in which the City is unable to accept or solicit an offer to lease the proposed lease area. It must be noted that this area is currently leased to Apex.
  - b. This exclusivity extends to a radius of five (5) kms from this site. This covers all of the airport land.
  - c. If BPD take up the lease within three (3) years, the exclusivity clause continues for the term of the lease.
  - d. The initial term of the lease is 25 years and 6 months. This would exceed the Department of Lands maximum lease term of 21 years.
  - e. BPD have suggested a lease of \$750 per hectare, indexed to CPI, giving an annual lease of \$14 250 if all 19 hectares are leased. No market appraisal has been made to determine fair market rent.
  - f. A suggested option to renew is 3 successive options of 5 years, giving a maximum possible lease of 40 years and 6 months.

A number of these proposed terms are not agreeable to the City.

- g. The maximum term allowable to 21 years under the management order on this site.
- h. Any exclusivity for such a long term hinders potential future projects.
- i. Market rent is unknown.

**GOVERNMENT & PUBLIC CONSULTATION**

16. None undertaken to date, however if a lease was to progress extensive consultation would need to be undertaken with Department of Lands, Civil Aviation Safety Authority due to proximity to the airport, Apex Club of Albany, and adjacent landowners.
17. Section 3.58 of the *Local Government Act 1995 (the Act)* outlines the requirements for the disposal of property, including leased/licenced land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.

**STATUTORY IMPLICATIONS**

18. None undertaken to date, however if a lease was to progress extensive consultation would need to be undertaken with Department of Lands, Civil Aviation Safety Authority due to proximity to the airport, Apex Club of Albany, and adjacent landowners.
19. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licenced land and buildings including advertising requirements.

**POLICY IMPLICATIONS**

20. Nil

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <b>Risk:</b> There is a risk that accepting the proposal without proper due diligence will reflect negatively on the Council.	Likely	Moderate	High	Administration undertake appropriate due diligence
<b>Opportunity:</b> There are other solar energy generators that have expressed an interest in developing solar power generation in Albany.				

## FINANCIAL IMPLICATIONS

22. The proposal from BPD is an annual lease of \$750 per hectare for a term 25 years. The area is approx. 19 hectares, i.e. potentially \$14,250 per annum. An annual CPI adjustment as well as three options each to extend for further term of 5 years.

23. A market valuation would be required before Council could consider this offer.

24. All costs associated with the development and finalisation of the lease and licence would be met by BPD.

## LEGAL IMPLICATIONS

25. Lease documentation will be prepared by the City's lawyers with enforceable terms and conditions.

## ENVIRONMENTAL CONSIDERATIONS

26. Nil.

## ALTERNATE OPTIONS

27. That Council seek expressions of interest in using this site for the generation of solar power.

## CONCLUSION

28. A decision on the proposal is required. As there are a number of matters requiring further attention it is recommended the proposal be declined at this time.

<b>Consulted References</b>	:	Local Government Act 1995
<b>File Number (Name of Ward)</b>	:	LP.RES.2 (Kalgan Ward)
<b>Previous Reference</b>	:	Nil

**DIS041: NELSON STREET AND BATHURST STREET LOCAL AREA  
TRAFFIC MANAGEMENT.**

<b>Land Description</b>	: Road Reserve – Nelson and Bathurst Streets
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Concept Layout Plan
<b>Report Prepared By</b>	: Manager City Engineering (D King)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Key Theme: 5.** A Connected Built & Safe Environment
  - b. **Objective: 5.2.** To advocate, plan and build friendly and connected communities.
  - c. **Community Priority: 5.2.1.** Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

**In Brief:**

- Issues concerning traffic speed on Bathurst and Nelson streets have been ongoing since 2010.
- Speed cushions were installed in 2010 but noise concerns have since seen them removed in early 2015.
- Options to realign the road in line with the Local Area Traffic Management (LATM) Plans have been proposed but unsupported by Council.
- This report proposes an alternative LATM treatment that will reduce traffic speeds whilst minimising additional noise.

**RECOMMENDATION**

**DIS041: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council:**

1. **SUPPORT** the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street and Nelson Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. **NOTE** that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

**CARRIED 13-0**

**DIS041: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR MOIR**

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

**CARRIED 13-0**



**DIS041: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street and Nelson Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018

**DIS041: RESOLUTION**

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR GOODE

THAT this matter be deferred for two months to allow officers to present further options for the consideration of Council.

CARRIED 10-2

**Record of Vote**

Against the Motion: Councillors Terry and Moir

**DIS041: COMMITTEE RECOMMENDATION**

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR

SECONDED: COUNCILLOR SHANHUN

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

**DIS041: COMMITTEE RECOMMENDATION**

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**DIS041: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

## BACKGROUND

2. Issues concerning the geometry of the intersection of Bluff, Nelson and Bathurst Streets resulted in the intersection being reconfigured in 2009/10. Ongoing concerns led to the installation of rubberised speed cushions in 2012.
3. Whilst effective at reducing traffic speeds, the City received a number of complaints due to the excessive additional noise created by the cushions. In addition, a number of erratic traffic actions in attempt to avoid the cushions were observed. This prompted further consultation and ultimately to their removal in early 2015.
4. Since the removal of the speed cushions traffic speeds have increased to previous levels. Initiatives such as campaigned speed enforcement have not resulted in any long lasting impacts.
5. Traffic numbers and speeds have been monitored continually throughout the period 2009 to present, and City officers have continued to receive public complaints about speeding on Bathurst and Nelson Streets.
6. The installation of Local Area Traffic Management treatments (such as traffic calming devices) are often effective however their installation can have unintended consequences and therefore careful consideration needs to be given before installing any treatments on a permanent basis.

## DISCUSSION

7. The 85<sup>th</sup> percentile speed is the standard measure that is analysed to determine if a road environment and associated speed zone is appropriate. Typically, the 85<sup>th</sup> percentile speed should be on or around the posted speed limit.
8. Without Local Area Traffic Management (LATM) treatments, Bathurst and Nelson Streets have 85<sup>th</sup> percentile speeds of 62km/hr and 55.8km/hr respectively.
9. Whilst not uncommon for streets in Albany to record speeds in this range, they are usually found on long, straight, wide streets where the environment is conducive to higher operating speeds.
10. In this case Bathurst and Nelson Street are narrow with variable vertical and horizontal geometry which indicated the measured operating speeds are at a point where intervention is warranted.
11. In these cases, City officers often receive requests to support a reduced speed limit to Main Roads Western Australia (MRWA). However, this is generally not the solution and MRWA often do not support this as usually the only outcome is an increased non-compliance.
12. LATM's or traffic calming devices are often the preferred solution and can be a number of different treatments. LATM's attempts to reduce the speed environment and therefore 85<sup>th</sup> percentile speeds.
13. City Engineers have investigated alternatives and given the constraints of the site the most appropriate treatment is slow points as shown in the attachment.
14. Six (6) temporary slow points were installed as a two week trial between 06/02/2017 and 20/02/2017 to gauge both traffic and public reaction to the treatment.
15. The slow points are a treatment that can be installed between the kerbs which essentially narrows the road to a single lane width, and gives priority of movement in a particular direction.
16. By staging a number of the devices in succession, travelling vehicles have to give way at some point therefore reducing speed and encouraging more cautious driving. The slow points were effective at reducing both speed and vehicle numbers as shown in table A below:

TABLE A

	Location	Post Trial	During Trial
VPD (Average)	Bathurst	1012	995
	Corner	951	875
	Nelson	937	862
85%ile Speed (Km/h)	Bathurst	62.0	52.2
	Corner	47.2	46.1
	Nelson	55.8	50.4
VPD (avg) 50-60 km/hr	Bathurst	479	193
	Corner	68	46
	Nelson	353	130
VPD (avg) 60-70 km/hr	Bathurst	197	28
	Corner	3	3
	Nelson	53	14
VPD (avg) >70 km/hr	Bathurst	31	4
	Corner	0	1
	Nelson	4	3

Note: **VPD** denotes vehicles per day.

17. During the trial there was one minor incident. A rear end collision caused by the forward vehicle braking heavily for a give way sign with the following vehicle not responding in time.
18. The incident was considered driver error, and was not considered a result of insufficient signage or advance warning of LATM devices.
19. Prior to installation of any permanent treatments, a Road Safety Audit of the design will be undertaken by an accredited auditor.

#### GOVERNMENT & PUBLIC CONSULTATION

20. Community feedback was directed at major stakeholders, those being the immediate residents and property owners on Bathurst and Nelson Streets. Consultation was in the form of a letter drop requesting comment and a number of community workshops post-trial to discuss any issues, advantages and disadvantages.
21. 88% of the respondents that lived on Bathurst and Nelson Streets were supportive of the trial and wanted to see the slow points installed permanently and cited reduced speed and increased safety of the Street.
22. However, seven (7) residents from the wider area contacted officers to register their opposition to the treatments. It is thought that these respondents use Bathurst and Nelson as a through route, and as such it is not surprising to receive negative feedback.
23. Given the overwhelming support from street residents, and the positive reduction in speeds, particularly on the corner of Bluff and Bathurst, it is considered appropriate to proceed with a permanent installation.
24. If permanent installation is supported, a further detail design and additional consultation will be undertaken with the street residents to determine the best locations, and to finalise a resolution to minor issues with the placement of the trial treatments discussed at the workshops.

25. Consultation with MRWA will be required to support permanent regulatory signage required in the installation of the treatments.
26. Extensive consultation including letters and two on site workshops have been undertaken with the residents of Bathurst and Nelson Street (Bathurst to Seymour).

### STATUTORY IMPLICATIONS

27. The plans of the proposed LATM require approval from Main Roads Western Australia as the agency that is responsible for regulatory line marking.
28. There are no other statutory implications.

### POLICY IMPLICATIONS

29. Nil

### 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
<b>Reputational:</b> A vehicle accident occurs because of excessive speed exposing council to negative publicity.	Possible	Moderate	Medium	Address the unresolved safety issues by completing the LATM process and installing identified treatment.
<b>Financial:</b> An inappropriate LATM strategy is chosen and an accident occurs increasing council liability.	Unlikely	Major	Medium	Conduct a post design road safety audit to identify any outstanding issues.
<b>Reputational Opportunity:</b> There is an opportunity to positively respond to the continued concerns being raised by residents on this street.				

### FINANCIAL IMPLICATIONS

31. The cost of the treatment is approximately \$25,000 and will require a capital budget line allocation. At this stage, there is no allocation made. If the permanent installation is supported by Council, City Engineers will progress the full design and approvals process and will look to seek Council's approval to allocate funds through the budget review process.

### LEGAL IMPLICATIONS

32. There are no direct legal implications related to this item.

### ENVIRONMENTAL CONSIDERATIONS

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

### ALTERNATE OPTIONS

34. Nil.

### CONCLUSION

35. The proposed LATM treatment option is to install up to six (6) slow points on Bathurst and Nelson Streets in order to reduce the incidence of excessive traffic speeds.
36. A trial has been conducted and resulted in a reduction of speed.
37. The trial received positive feedback from the street residents but a lack of support from local residents that do not live on the street.

38. This report recommends that Council support a permanent installation subject to relevant approvals being obtained through Main Roads Western Australia.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	RD.PRG.2 (Breaksea and Frederickstown Wards)
<b>Previous Reference</b>	:	OCM 19/04/2011 - Item 3.1 OCM 25/02/2014 – Item WS027 OCM 27/05/2014 – Item WS039

## DIS058: CONSIDERATION OF CITY OF ALBANY RIGHT OF WAY POLICY

<b>Land Description</b>	: Land parcels within the City of Albany that have a purpose of Right of Carriageway
<b>Proponent / Owner</b>	: City of Albany / Private freehold, City of Albany freehold & Crown
<b>Attachments</b>	: <ul style="list-style-type: none"><li>• Draft <i>Right of Way</i> policy</li><li>• <b>CONFIDENTIAL</b> Right of Way Inventory (<i>Commercial in Confidence</i>)</li></ul>
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Responsible Officers:</b>	: 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:
  - **Themes:** 1. Leadership & 5. A connected and safe built environment.
  - **Objectives:**
    - **1.2** To provide strong, accountable leadership supported by a skilled and professional workforce
    - **5.1** To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priorities:**
    - **1.2.1** Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - **5.1.2** Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

### In Brief:

- Council is requested to consider whether it wishes to adopt the draft *Right of Way* policy.
- The main objective of this policy is to provide a consistent approach to managing the future use of land parcels that currently have a primary purpose as a right of carriageway.
- City Staff are supportive of proceeding with the draft *Right of Way* policy, as it will ensure a consistent approach to resolving customer enquiries on these land parcels and provide a starting point for resolving matters relating to ownership and maintenance.
- It is requested that Council resolves to adopt the draft *Right of Way* policy.

### RECOMMENDATION

**DIS058: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT the Draft Right of Way Policy be ADOPTED without modification, and the Right of Way Inventory be NOTED.**

**CARRIED 13-0**

DIS058: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 13-0**

DIS058: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Draft Right of Way policy be ADOPTED without modification, and the Right of Way Inventory be NOTED.

**BACKGROUND**

2. Creation of land parcels (lots) with the purpose of right of carriageway stem from historical subdivision practices. Often these lots were created to facilitate sanitary collections from the rear of properties, prior to the installation of reticulated sewerage.
3. This has created issues relating to the responsibility for maintenance of these often now landlocked and alienated lots, many of which remain in the ownership of the original developers from the late 1800s to the early 1900s, who are now deceased.
4. In 2008 the Works and Services Directorate put a *Right of Way Strategy* to Council, which was adopted at the Ordinary Council Meeting on 21 October 2008. This document identified 124 lots with the purpose of right of carriageway.
5. The Strategy attempted to address matters around responsibility for maintenance and future planning and development, highlight potential risks and understand mitigation strategies relating to these lots. Some of the key processes were to;
  - a. Identify those lots in private ownership (hence landowner responsibility for maintenance) and assess suitability for dedication as public roads;
  - b. Identify and assess Crown and City owned lots for suitability for dedication as public roads; and
  - c. Highlight lots within the City's Central Business District for attention.
6. It was intended that this would facilitate the creation of a spreadsheet of priority ranked lots for attention and create a works program to resolve land tenure relating to these identified lots. The final spreadsheet listed 132 lots, of which 35 were given a priority ranking from 1-35 for dedication as public roads. To date, only one lot has been dedicated (Kwernt Lane) with two other lots (Goss Street & Connelly Street) pending dedication within the next two years.
7. Council adopted the *Albany City Centre: Parking Strategy* at the Ordinary Council Meeting on 26 November 2013 to address those lots identified in the *Right of Way Strategy* as being of priority within the Central Business District.
8. The *Right of Way Strategy* was handed over to the Planning Directorate's Lands Officer in October 2013. A comprehensive review was deemed necessary due to the age of the original document and upgrades to the Geographical Information Systems within both the City of Albany and Landgate.
9. A thorough review process has been undertaken and is now complete.
10. The reviewed document will now be used as an internal *Right of Way* Inventory.
11. The City now considers that a right of way policy is a more appropriate format than a strategy, given the often complex and lengthy process required to investigate and then dedicate these type of lots as public roads. There is also the need to consider the budget allocation for both the proposed dedication and ongoing future maintenance of any new roads created from this process.

## DISCUSSION

12. There are a number of lots in private freehold ownership that are being used by adjoining landowners as the primary access to their properties, despite having legal frontage to a public road.
13. For some of these properties, access from the legal frontage is problematic (generally due to steeply sloping blocks) and poses road safety concerns (line of sight). However, the cost to dedicate, upgrade and maintain these lots as public roads has historically been deemed not to the benefit of the greater community; therefore, they have remained in private ownership.
14. These landowners regularly contact the City and have been given conflicting information as to the responsibility for ongoing maintenance and future plans for upgrading or dedicating as a public road.
15. There is a need for the City to have a consistent approach to resolving customer enquiries on these type of lots and having documentation that details future management options and is readily accessible by City employees will assist in this regard.
16. There is also a need for a process where these lots can be further investigated and, if deemed in need of dedication as a public road, a budget can be allocated and the proposed dedication scheduled for attention.
17. The previous *Right of Way Strategy* was incomplete and unrealistic in its intentions. Additionally, the responsibility for proposed road dedications was managed on an ad hoc basis.
18. This revised document will now be used as a *Right of Way* inventory and assist with decision making in accordance with the *Right of Way* policy
19. The draft *Right of Way* policy will allow for jobs arising from the policy to be scheduled into the Lands budget for further investigation.

## GOVERNMENT & PUBLIC CONSULTATION

20. The Department of Lands, Planning & Heritage have been informally consulted. The actions relating to proposed right of carriageway closures for amalgamation into adjoining lots, which are referred to in Appendix 2, are the result of these discussions.
21. No public consultation is required at this time. Customer enquires relating to specific lots have been recorded. Initial responses have been provided by the City to these landowners, as per the recommendations made in Appendix 1, pending further investigation once the draft *Right of Way* policy has been considered by Council.

## STATUTORY IMPLICATIONS

22. Under Section 3 of the Land Administration Act 1997 a private road means “any alley, court, lane, road, street, thoroughfare or yard on alienated land which is shown on a plan or diagram deposited with the Registrar and which;
  - a. is not dedicated, whether under written law or at common law, to use as such by the public;
  - b. forms a common access to land, or premises, separately occupied; or
  - c. is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under written law or at common law, to use as such by the public.”
23. Under Section 52 of the *Land Administration Act 1997* a local government may request the Minister for Lands to acquire as Crown land any private road.
24. Under Section 56 *Land Administration Act 1997* and Regulation 8 of the *Land Administration Regulations 1998* the local government may request the Minister for Lands to dedicate private roads.



25. Under Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998* allows for a local government to request the Minister for Lands to close a right-of-way for ceding to the Crown as an unencumbered lot. This lot can then be disposed of by the Crown, amalgamated into adjoining lots.

### POLICY IMPLICATIONS

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

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Organisational Operations</b> <i>Risk: By not proceeding with the draft Right of Way policy, the City risks continuing on with an ad hoc assessment and prioritisation process for right of carriageway road dedications.</i>	Likely	Minor	Moderate	Adopting the draft Right of Way policy to allow the City to make informed decisions on the future management of rights of carriageway and will ensure that consistent information is provided to customers.
<b>Reputation</b> <i>Risk: By not proceeding with the draft Right of Way policy, the City risks a lack of consistency in addressing customer enquiries regarding rights of carriageway</i>	Almost certain	Minor	High	Adopting the draft Right of Way policy to ensure that consistent information is provided to customers.  Creating a process for registering customer enquiries against these land parcels for future reference will allow for prioritising of problem land parcels and keep track of customer queries and City responses.
<b>Opportunity:</b> Developing a reference document that can be used when assessing a right of carriageway for proposed road dedication, and clearly defining the process for dealing with right of carriageway enquiries.				

### FINANCIAL IMPLICATIONS

28. The Lands budget has limited scope to pursue multiple proposed road dedications from this policy each financial year. Should it be considered necessary to prioritise and expedite any proposed actions from this draft policy, a specific budget for this work will be required. The Works and Services Directorate will also have to be consulted regarding the ongoing maintenance of any proposed road dedications.

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental considerations directly relating to this item.

### ALTERNATE OPTIONS

31. Council may consider alternate options in relation to this item, such as:
- Proceeding with the draft *Right of Way* policy with modification; or
  - Not proceeding with the draft *Right of Way* policy.

### CONCLUSION

32. The City receives a number of enquiries relating to parcels of land that have the primary purpose of a right of carriageway. The previous *Right of Way Strategy* from 2008 has been in need of review, particularly in light of advances in GIS technology.

33. The *Right of Way* inventory has identified an additional 48 land parcels and contains up-to-date information on the land tenure. Additionally it will provide recommendations for future use, in accordance with the policy, that is readily available to any City staff member.
34. A new process for registering customer queries or internal staff discussions over future use of specific rights of carriageway is being created in addition to the information contained in the *Right of Way* inventory.
35. Adoption of the draft *Right of Way* policy will allow the City to make informed decisions on the future management of these rights of carriageway and will ensure that consistent information is provided to Customers.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i> <i>City of Albany Strategic Community Plan 2023</i> <i>Albany City Centre: Parking Strategy</i>
<b>File Number (Name of Ward)</b>	:	NP1767212 (All Wards)
<b>Previous Reference</b>	:	O.C.M 21/10/2008 – Item 13.8.1 O.C.M 26/11/2013 – Item WS017

## DIS059: PROPOSED REALIGNMENT OF FLINDERS PARADE – MIDDLETON BEACH

<b>Land Description</b>	: Flinders Parade between Barret Street and Adelaide Crescent.
<b>Proponent / Owner</b>	: Landcorp.
<b>Attachments</b>	: Middleton Beach Activity Centre Structure Plan.
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

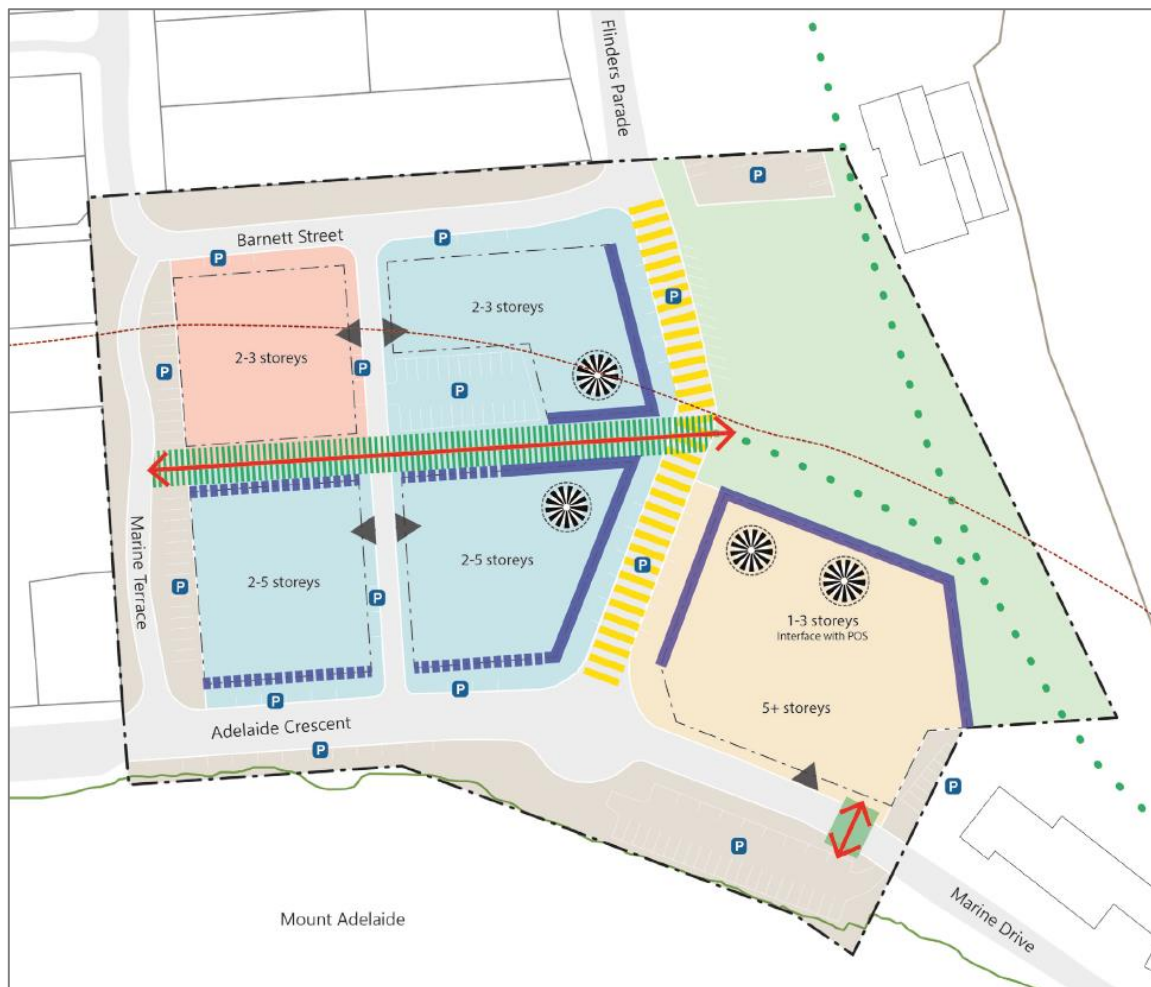
[6:40:36 PM](#) Councillor Smith left the Chamber after declaring a Proximity Interest in this item.

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** 1. Leadership & 5. A connected and safe built environment.
  - **Objective:**
    - **1.2** To provide strong, accountable leadership supported by a skilled and professional workforce
    - **5.2** To advocate, plan for and build friendly and connected communities.
  - **Community Priorities:**
    - **1.2.1** Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.
    - **5.2.1** Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.
    - **5.2.2** Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage

Maps and Diagrams:





**In Brief:**

- Council is asked to formally resolve to close portion of Flinders Parade between Barnett Street and Adelaide Crescent in order to allow the proposed new road being constructed through Lot 8888 to be named Flinders Parade.
- This supports Council's adoption of the Middleton Beach Structure Plan at the Ordinary Council Meeting held on 24 May 2016 which detailed the realignment of Flinders Parade.

**RECOMMENDATION**

**DIS059: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Moir**

**Seconded: Councillor Goode**

**THAT the portion of Flinders Parade between Barnett Street and Adelaide Crescent, Middleton Beach be CLOSED.**

**CARRIED 12-0**

**DIS059: COMMITTEE RECOMMENDATION**

**Moved: Councillor Stocks**

**Seconded: Councillor Sutton**

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

**CARRIED 12-0**

**DIS059: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the portion of Flinders Parade between Barnett Street and Adelaide Crescent, Middleton Beach be CLOSED.

**BACKGROUND**

2. The City of Albany Council adopted the Middleton Beach Structure Plan in May 2016.
3. In adopting the Plan, the City agreed to facilitate realignment of portion of Flinders Parade, being Stage 1, as described in the Structure Plan.
4. For the realignment to occur, the current portion of Flinders Parade adjacent to Lot 8888 now needs to be closed.

**DISCUSSION**

5. Section 58 of the *Land Administration Act 1997* requires public advertising of any proposed road closure for a period of 35 days.
6. The public advertising period has been completed and the City now refers this matter to Council for formal resolution, as required under delegation 2017:036 of the City of Albany Delegations Register.
7. Until Stage 2 of the Middleton Beach Activity Centre is constructed, the section of closed road will continue to be used for public parking.

**GOVERNMENT & PUBLIC CONSULTATION**

8. The proposal was advertised in the local newspapers and also via the public comments page on the City of Albany website on August 24 2017. Submissions closed on 29 September 2017. No submissions were received

**STATUTORY IMPLICATIONS**

9. There are no statutory implications directly related to this item

**POLICY IMPLICATIONS**

10. There are no policy implications directly related to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Organisation's Operations</b> <b>Risk:</b> There is a risk that by not closing this portion of Flinders Parade, the Middleton Beach Structure Plan will not be able to proceed.	Almost Certain	Major	Extreme	Resolve to close this portion of Flinders Parade so the road realignment can take place.
<b>Reputation</b> <b>Risk:</b> Public perception that the City of Albany and Council are unable to deliver on community expectations for development of the Middleton Beach site.	Almost Certain	Major	Extreme	Resolve to close this portion of Flinders Parade so Stage 1 of the Middleton Beach Structure Plan can be delivered upon.
<b>Opportunity:</b> Demonstrate the City of Albany and Council are committed to the Middleton Beach Structure Plan and can follow through with community expectation for development to occur on the old Esplanade site.				

### FINANCIAL IMPLICATIONS

12. There are some minor administration costs associated with advertising of the road realignment which are able to be met by the current Lands budget.

### LEGAL IMPLICATIONS

13. There are no legal implications directly in relation to this item.

### ENVIRONMENTAL CONSIDERATIONS

14. There are no environmental considerations in relation to this item.

### ALTERNATE OPTIONS

15. Keep the current portion of Flinders Parade open.

### CONCLUSION

16. As Stage 1 of the Middleton Beach Structure Plan, the realignment of portion of Flinders Parade is required.
17. The City has complied with the relevant section of the *Land Administration Act 1997* and now requires a formal resolution from Council in order to finalise the realignment.

<b>Consulted References</b>	:	<i>Middleton Beach Activity Centre Structure Plan</i> <i>Land Administration Act 1997</i> <i>City of Albany Delegations Register</i>
<b>File Number (Name of Ward)</b>	:	RD.RDC.2 (Frederickstown)
<b>Previous Reference</b>	:	PD125. OCM 24/05/2016

[6:41:30 PM](#) Councillor Smith returned to the Chamber. Councillor Smith was not present during the discussion and vote for this item.



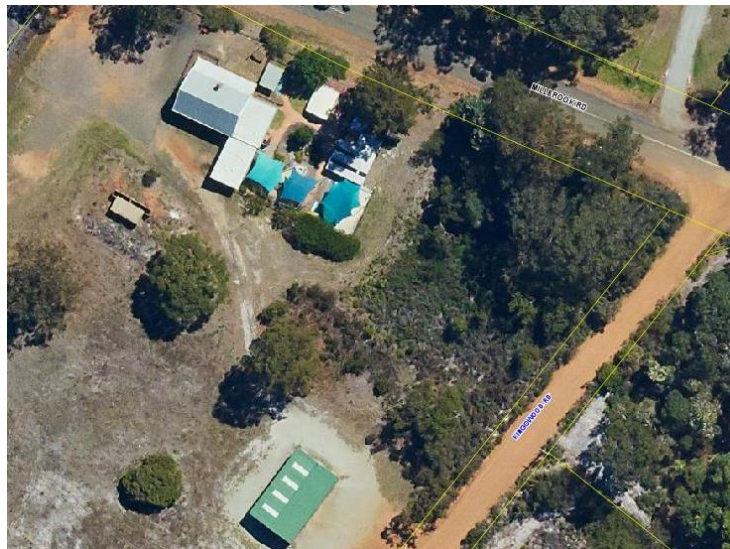
## DIS060: ACCEPTANCE OF GRANT FOR KING RIVER VOLUNTEER BUSHFIRE BRIGADE

<b>Land Description</b>	: King River Volunteer Fire Brigade – Millbrook Rd
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Plan of additions King River Volunteer Fire Brigade Project Budget No.2 Letter of endorsement from King River Fire Brigade
<b>Report Prepared By</b>	: Community Emergency Service Manager (B Gordon)
<b>Responsible Officers:</b>	: 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: 4.** Community Health & Participation & **5.** A Connected and Safe Built Environment
  - **Objective:**
    - **4.3.** To develop and support a healthy inclusive and accessible community.
  - **Community Priority:**
    - **4.3.2** Encourage and support volunteers and community groups to grow an active volunteer base that is supported and valued.
    - **5.3.1** Plan for and monitor community safety via effective ranger and emergency services.

### Maps and Diagrams:



### In Brief:

- Council is asked to formally resolve to accept a Local Government Grants Scheme funding allocation of \$148,500 for extensions to the King River Bushfire Brigade building.



**RECOMMENDATION**

**DIS060: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

**That Council ACCEPT the grant of \$148,500 offered by the Local Government Grants Scheme for extensions to the current King River Fire Brigade building.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**DIS060: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY**

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

**CARRIED 13-0**

**DIS060: RESPONSIBLE OFFICER RECOMMENDATION**

**That Council ACCEPT the grant of \$148,500 offered by the Local Government Grants Scheme for extensions to the current King River Fire Brigade building.**

**BACKGROUND**

2. King River Bushfire Brigade operates from a three bay facility which is located on the corner of Kingswood Road and Millbrook Road.
3. The current facility is approximately 20 years old.
4. The brigade has greatly expanded both its operations and volunteer membership during this time and have outgrown the current facility.
5. The City of Albany applied on behalf of the brigade for funding under the Resource to Risk program for extensions to the King River Fire Brigade building.
6. The extensions requested by the brigade incorporate training and bathroom facilities.
7. The Local Government Grants Scheme (LGGS) allocated the full request of \$148,500 to the City of Albany for the extensions to the existing building.

**DISCUSSION**

8. Brigade infrastructure and replacement facilities are eligible through the LGGS program.
9. The City of Albany was also successful in obtaining another facility funding of \$135,500 for the replacement of the Wellstead Fire station. A report on this will be presented to the committee at a future meeting.
10. Costs to the City of Albany will be minimal as the members of the King River Bush Fire Brigade have committed funds and in-kind donations to do all site work and project management. These costs are not funded by the LGGS and would often be borne by the Local Government.

**GOVERNMENT & PUBLIC CONSULTATION**

11. Initial consultation was conducted with the King River Bush Fire Brigade, the City of Albany Emergency Services Team and the Chief Bushfire Control Officer.
12. Consultation with the Department of Fires and Emergency Services (DFES) was also facilitated through the Resource to Risk program which was then forwarded to a panel for determination.

## STATUTORY IMPLICATIONS

13. There are no statutory implications directly related to this item.

## POLICY IMPLICATIONS

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

## 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
<b>Reputation.</b> <i>Risk: There is a risk that by not accepting the funding there will be substantiated public embarrassment, moderate impact and moderate news profile.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Resolve to accept the grant for the extension of the fire station.</i>
<b>Opportunity:</b> <i>Demonstrate the City of Albany and Council are committed to the Volunteer Bushfire Brigades, and the importance of volunteer members to our community.</i>				

## FINANCIAL IMPLICATIONS

16. There will be some minor costs to the City Of Albany associated with the extensions however the King River Fire Brigade have pledged to contribute \$16,000 and also an additional \$7,600 of in-kind contribution toward site works.
17. Costs incurred by the City of Albany would primarily be in-kind and in relation to permits and other subsidiary costs that the City have expertise.

## LEGAL IMPLICATIONS

18. There are no legal implications as the site concerned is owned by the City of Albany.

## ENVIRONMENTAL CONSIDERATIONS

19. None

## ALTERNATE OPTIONS

20. Not to accept the grant which will limit the brigade's opportunity to expand.

## CONCLUSION

21. The LGGS has allocated \$148,500 to the King River Bushfire Brigade. The Brigade members have committed funds and in-kind donations to do all site work and project management that would normally would be borne by the Local Government under the Local Government Grants Scheme. This will minimise the cost to the City and provide for the future viability for the expanding membership base of the Brigade. Accepting this grant will provide a greatly improved facility for the King River Bush Fire Brigade and broader King River community.

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

**DIS061: PLANNING AND BUILDING REPORTS OCTOBER 2017**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports October 2017  
**Report Prepared By** : Administration Officer – Planning (V Martin)  
Administration Officer – Development Services (J Corcoran)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS061: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT Council NOTE the Planning and Building Reports for October 2017.**

**CARRIED 13-0**

**DIS061: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: MAYOR WELLINGTON**  
**SECONDED: COUNCILLOR DOHERTY**

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

**CARRIED 13-0**

**DIS061: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council NOTE the Planning and Building Reports for October 2017.**

## DIS062: PETITIONS RELATING TO THE GAZETAL OF LAKE MULLOCULLUP FOR WATER SKIING (RESERVE 16367)

<b>Land Description</b>	: City of Albany Managed Reserve 16367 (Lake Mullocullup).
<b>Proponent / Owner</b>	: City of Albany (Land vested in the care and control of the City of Albany).
<b>Attachments</b>	: <ul style="list-style-type: none"><li>• Management Order</li><li>• CALM Report 1980</li></ul>
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson) Executive Director Infrastructure & Environment (M Thomson)
<b>Responsible Officers:</b>	: Executive Director Infrastructure & Environment (M Thomson)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Themes:** 1: Leadership & 3: Clean, Green and Sustainable
  - **Objectives:**
    - 1.3: To engage effectively with our community.
    - 3.1: To protect and enhance our natural and built environment in a changing climate.
  - **Community Priorities:**
    - 1.3.1: Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.
    - 3.1.2: Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.

### In Brief:

- To note further information in relation to petitions and submissions received objecting to the gazettal of Lake Mullocullup for water skiing.

### Maps and Diagrams:



*Lake Mullocullup – off Warriup Road, Green Range*

**RECOMMENDATION**

**DIS062: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the Responsible Officer Report be NOTED.**

**CARRIED 11-2**

**Record of Vote**

Against the Motion: Councillors Sleeman and Terry

**DIS062: ALTERNATE MOTION BY COUNCILLOR TERRY**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council:**

1. NOTES the concerns raised in the petitions received and DIRECTS the Chief Executive Officer to suspend any further work on progressing the gazettal of Lake Mullocullup for water skiing until a Management Plan is completed for the Reserve.
2. SUPPORT the implementation of a Management Plan for Reserve 16367 that is consistent with the City's Natural Reserves Strategy and includes appropriate consultation with the Noongar Consultative Committee as outlined in the Natural Reserves Strategy; and
  - a) A section of the proposed Management Plan should address the effects that water skiing and jet skiing activities have on the lake and make appropriate recommendations in relation to that activity.

**LOST 5-8**

**Record of Vote**

For the Motion: Councillors Terry, Moir, Hammond, Hollingworth and Sleeman

**Councillor Reason:**

I do not consider that the Responsible Officer Report adequately addresses the concerns raised in the petitions, and the current proposed course of action, being to engage an independent consultant to consult with the Noongar community in relation to gazettal of water skiing activities on Lake Mullocullup, is likely to be a waste of valuable City resources both in terms of expense and staff time.

In addition, adequate Noongar consultation should already have taken place prior to DIS035 coming to Council in August 2017.

I say the consultation is a waste of time because on the petition submitted by Carol Pettersen exists six of the ten members of the new proposed Noongar Consultative Committee, and there are two more signatures of people closely related to two other proposed members of that committee. So we effectively have eight of the local Noongar families and their elders already objecting to the gazettal of Lake Mirrabeen (Mullocullup). Why do we need to engage a consultant to come up with an answer that is most likely already known? It seems ludicrous to me.

Further, there have been other concerning matters that have been raised in the petitions that have not been adequately addressed in the Responsible Officer Report. I brought up one of these at this month's Development and Infrastructure Services Committee. That is the right to water ski on the lake. As I pointed out at that committee meeting the Navigable Waters Regulations 1958 is the relevant legislation. Regulation 48 states:

*"A person shall not, in navigable waters, water ski without the approval of the Department in any water having a depth of less than 3m or within 50m of the water's edge".*

So the water skiers have NEVER had the right to water ski on the lake. However, in saying that it hasn't been policed by the relevant department, being the Department of Transport, and that's mainly due to resources. However, I put it to you would you approve gazettal of the lake for water skiing activities on the lake now if there hadn't been any water skiing on the lake prior to now?

Back in the 1970's we didn't understand the sensitivities of the fragile ecosystems that exists on the fringes of freshwater lakes and the importance of the ecosystem of the interaction between the sedges and rushes on the edge of the lake. We do now. We must protect that sensitive ecosystem. We must also institute a Management Plan on the Reserve and that Management Plan should, amongst other things;

- Include appropriate engagement with the Noongar community, as outlined in the Natural Reserves Strategy; and
- Address the effects that water skiing and jet skiing activities would have on the lake.

#### **Purpose of the Reserve.**

Another area of concern raised in the petitions is the purpose of the Reserve. The report on DIS035 did not mention what the purpose of the Reserve was. Subsequent to the meeting it has been found that the purpose of the Reserve is for "Water, Camping and Conservation of Flora and Fauna".

This reports notes the response from the Department of Planning, Lands and Heritage. It mentions that recreational activities is an ancillary use for Water, Camping and Conservation of Flora and Fauna. I'm sorry but I don't see that link and I reject it outright. How is it ancillary?

Ancillary means "providing necessary support to the primary activities or operation of an organisation, system". How does water skiing provide necessary support to a use of Water, Camping and Conservation of Flora and Fauna?

The historical purpose of Water is for the watering of stock as the lake was on a stock route. Similarly, the purpose of Camping was for the stockmen to camp at the site. As for an ancillary use for Conservation of Flora and Fauna, well that's just laughable and pure Yes Minister bureaucratic rubbish. I reject that interpretation by the Department outright.

#### **Officer Comment (Executive Infrastructure and Environment):**

The points raised are noted.

Council officers are obligated to implement the decisions of Council. City staff are currently progressing the August 2017 resolution (DIS035), in particular, City staff have commenced the process of seeking expressions of interest from appropriately qualified consultants to undertake Noongar consultation as resolved.

In relation to the legality of water skiing at the lake, it is noted that historically this activity has occurred illegally however it has not been enforced by the relevant agency. The City may permit the activity under its Local Government Property Local Law as is the intent of the August DIS035 resolution, however advice from the Department of Transport is that this there is no precedent of a Local Government taking this action as ski areas are generally set aside through gazettal.

On this basis, item 4 of the August resolution which is to temporarily permit the use of speed boats on Lake Mullocullopp pending its gazettal will not be actioned as is could potentially leave the City exposed to risks associated with the complexity in management of such activities.

The use of speed boats for water skiing is therefore prohibited until the area is gazetted for the purpose by the Department of Transport.

The preparation of a Management Plan for the reserve can be undertaken however it will require the allocation of internal resources. A timeframe for its completion will require some further consideration.

**DIS062: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Report be NOTED.

CARRIED 10-3

**Record of Vote:**

Against the Motion: Councillors Hammond, Terry and Moir

**DIS062: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the Responsible Officer Report be NOTED.

**BACKGROUND**

2. On 22 August 2017 Council resolved:

*“THAT Council SUPPORT the gazettal of Lake Mullocullopp by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:*

- That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;*
- That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;*
- An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;*
- That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.”*

3. Subsequent to this resolution, Council has received submissions and petitions objecting to the proposed gazettal.

4. On 31 October 2017 Council resolved:

*“THAT:*

- The Petition lodged with the City of Albany by Ms Carole Pettersen objecting to the proposed gazettal of Lake Mullocullopp, and requesting suspension of any further move to have Lake Mullocullopp gazetted for motorised water vehicles be RECEIVED;*
- The submission signed by 25 members of the public opposing gazettal of Lake Mullocullopp be NOTED; and*
- The Petition lodged with the City of Albany by VJ Van Den Berg to rescind the resolution of Council to gazette Lake Mullocullopp to allow power boats and water skiing be RECEIVED.”*

5. The first petition lodged by Ms Carol Pettersen, a local Noongar Elder and signed by 21 other 'Old Peoples' with ancestral connections, cited the following concerns:
  - *The Councillors had not been fully informed of the connection the Noongar peoples have to the lake and its surrounds.*
  - *The term 'meeting place' used by Councillors, due to the lake being used for skiing for 30 years, could be misinterpreted and misleading.*
  - *No satisfactory or full consultation was undertaken with the local Noongar community.*
6. The second petition was lodged by VJ Van Den Berg and 45 others who consist of land owners, environmental specialists and members of the public expressed the view that Council:
  - *Have been ill informed of the history of the reserve and Lake Mullocullop.*
  - *Is in breach of the Land Administration Act 1997 as the reserve is currently gazetted for camping and conservation of flora and fauna. Historically the lake has been used for water and camping for the movement of stock.*
  - *Do not have management plan for the reserve and the conservation, environmental and heritage issues have not been considered relating to the use for water skiing which presents an unacceptable threat to the environment of the land and reserve as a whole.*

## DISCUSSION

7. Reserve (16367) is vested in the City of Albany's care and control in accordance with the listed land uses detailed on the Management Order (copy attached).
8. The City Officers believe there is no current legal impediment for allowing water skiing on the body of water located on the Mullocullup Nature Reserve (16367) as it is consistent with its existing land use.
9. This land use has been documented as being used for water skiing for many years (see CALM reported dated 1980 attached).
10. On 10 November 2017, the City was advised by the Department of Planning, Lands and Heritage:

*"The Office of the Minister for Lands has received a number of submissions on Council's resolution with respect to seeking to manage water skiing/motorised watercraft activities within the reserve. My comments below reflect the position taken by the Department in providing information to the Minister on those submissions.*

*I note that in some documents reference is made to the reserve purpose being "Camping and Conservation of Flora and Fauna". The current designated purpose of the reserve is "Water, Camping and Conservation of Flora and Fauna".*

*The Land Administration Act 1997 (LAA) enables a management body (in this case the City) to manage a reserve for the designated purpose and for purposes ancillary or beneficial to that purpose. Given the overall purpose of the reserve, recreation is viewed as an ancillary use and is considered appropriate. The Department acknowledges it is clear the City is attempting to manage a recreational use that has occurred unrestricted over many years.*

*In responding to individual approaches it receives the Department will encourage those parties to work with the City in seeking appropriate management arrangements which can*



*limit the impact on conservation, heritage and other values of the reserve while enabling the ongoing access to and use and enjoyment of the reserve by the community.*

*It seems appropriate that going forward the City at some stage consider the development of a management plan for the reserve (if that does not already exist) which guides the longer term management of the site.”*

11. In respect to the concerns raised in the petitions the following comments are provided for information:

**a. Noongar Consultation:**

- In accordance with Council’s resolution, City officers are bound to conduct consultation with local Noongar people and address concerns raised.
- At the time of writing this report the City Officers are in the process of engaging an independent consultant to facilitate this consultation.
- The outcome of this consultation will inform the process as to whether to proceed with the gazettal.

**b. Assertion of Council not being informed:**

- Councillors have been presented with multiple reports and have had the opportunity to attend a site visit.

**c. Compliance with *the Land Administration Act 1997*:**

- The City Offices have formerly requested clarification from the Department of Lands concerning the reserves purpose.
- The purpose of this letter is to seek clarification from the Department, to ensure there are no current legal or other impediments (i.e. Native Title) that would preclude the gazettal process from being advanced.
- It is agreed that a management plan for the reserve is required, however until the City has conducted appropriate environmental monitoring, a management plan is not likely to be well informed.

**GOVERNMENT & PUBLIC CONSULTATION**

12. Detailed in discussion section of the report.

**STATUTORY IMPLICATIONS**

13. There are no statutory requirements related to this item.

**POLICY IMPLICATIONS**

14. Not applicable to this report.

**RISK IDENTIFICATION & MITIGATION**

15. It is acknowledged that it is vital for Councils establish a framework to effectively, efficiently and transparently manage areas of public land vested in their care and control.
16. There are no risks associated with Council noting this report.
17. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial &amp; Community:</b> <i>Non consideration of the subject reserves first use and current use could result in inappropriate or unmanageable conditions, which may expose the City to being legally and physically challenged.</i>	Likely	Moderate	High	<i>Note the concerns raised.</i>  <i>City staff to follow up on the actions as previously resolved and report back to Council if there matters which cannot be addressed.</i>
<b>Reputation:</b> <i>Considering the concerns raised in the petitions and submissions in isolation may be perceived negatively by some community members.</i>	Likely	Moderate	High	<i>Note the concerns raised and acknowledge that Crown Land Management is an emotive issue that generates significant community interest.</i>  <i>City staff to follow up on the actions as previously resolved and report back to Council if matters raised cannot be addressed.</i>
<b>Opportunity:</b> <i>The opportunity to clarify and seek an independent assessment of the City actions will inform both Council and staff.</i>				

#### FINANCIAL IMPLICATIONS

18. Not applicable.

#### LEGAL IMPLICATIONS

19. Not applicable.

#### ENVIRONMENTAL CONSIDERATIONS

20. Noting previous reports on this matter, there are no additional or new environmental implications.

#### ALTERNATE OPTIONS

21. This report is for information only, therefore there are no alternate options.

#### CONCLUSION

22. The petitions and submissions raise a range of concerns concerning water skiing activities on Lake Mullocullop.

23. Council's previous resolution addresses the concerns through consultation and monitoring.

24. The City has sought advice and has confirmed that it has not breached the reserve purpose and non-compliance with the *Land Administration Act 1997*.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Land Administration Act 1997</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• Management Order</li> <li>• CALM Reports</li> </ul>
<b>File Number (Name of Ward)</b>	:	CR.COC.42 (Kalgan Ward)
<b>Previous Reference</b>	:	OCM 22 August 2017, Resolutions DIS035 & DIS036

## DIS063: C17025 AWARD OF TENDER FOR UPGRADE OF MIDDLETON ROAD, ALBANY (SLK0.19 - 2.57)

Land Description	: Middleton Road - Centennial Park, Mount Clarence, Mira Mar, Middleton Beach.
Proponent / Owner	: City of Albany.
Business Entity Name	: City of Albany.
Supplementary Information & Councillor Workstation	: <i>Confidential Briefing Note has been distributed under separate cover.</i>
Report Prepared By	: Senior Civil Engineering Officer (A Greenwood)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

*Note: A Confidential Briefing Note was distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the local government.*

### 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 and Sustainable.
  - **Objective:** 3.2 - To build, maintain and renew city assets sustainably.
  - **Community Priority:** 3.3.2 - Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

### Maps and Diagrams:

Location Plan.



**In Brief:**

- Tender award for the upgrade of 2.4km of Middleton Road (SLK 0.19 - 2.57), Dog Rock to Adelaide Crescent.
- 4 complying tenders received with Tricoast Civil the recommended contractor.
- Construction is scheduled to commence in January 2018 with completion by early April 2018.

**RECOMMENDATION**

**DIS063: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR STEPHENS**

**THAT DIS063: C17025 Award of Tender for Upgrade of Middleton Road, Albany (SLK 0.19-2.57) be ACCEPTED as an Urgent Item for consideration by Council.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**DIS063: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council:**

1. **ACCEPT** the tender from Tricoast Civil and award Contract C17025 Middleton Road, Albany (SLK0.19 - 2.57) upgrade.
2. **AUTHORISE** over budget expenditure as described in the report to be addressed at the mid-year budget review.
3. **NOTE** that City staff will write to the Great Southern Regional Road Group and advise them of the funding shortfall for this project and request that any unspent funds from the 2017/2018 funding pool, should it become available, be directed to this project.

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**BACKGROUND**

2. Middleton Road is the main connector road between Albany CBD and the suburb of Middleton Beach. The road is one of the oldest in Western Australia having been constructed in the 1830s. It is also a major tourism route and a key link to the Emu Point tourist precinct.
3. The road carries approximately 11,000 vehicles per day between Dog Rock and Campbell Road and 7,000 vehicles per day east of Campbell Road.
4. The proposed work involves the renewal of the existing road surface which has reached the end of its life. Many of the drainage pits and kerbing also require replacement. Red asphalt cycles lanes and centre median with kerbed islands are also to be installed.
5. Provision is made in the design for additional tree planting in future.
6. Design and specification documentation was prepared by City of Albany to the stage of 'Issue for Tender'. The tender was open from 4 October to 25 October 2017.

## DISCUSSION

7. A total of 21 tender documents were issued by City of Albany.
8. Four (4) completed tender documents were submitted on or before the stipulated closing date and time.
9. The tenderers 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	25%
Relevant Experience	20%
Key Personnel Skills & Experience	10%
Tenderer's Resources	20%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

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

Tenderers	Weighted Score
Tricoast Civil	682.20
Tenderer B	608.34
Tenderer C	597.25
Tenderer D	417.21

## GOVERNMENT & PUBLIC CONSULTATION

11. All relevant Government departments including the Department of Indigenous Affairs and SWALSC have been consulted on the project.
12. A request for tenders was published in the West Australian on Wednesday 4 October 2017 and the Albany Weekender on Thursday 5 October 2017.

## 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.
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. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

## 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
<b>People Health and Safety.</b> A vehicle accident occurs due to poor road conditions.	Possible	Major	High	Continue upgrading road as funding is available.
<b>Reputation.</b> The standard of Middleton Road reflects poorly on the City as one of its major tourist roads.	Likely	Minor	Medium	Upgrade of the road will improve road safety conditions and improve visual amenity.
<b>Finance.</b> Non-compliance with contract.	Unlikely	Moderate	Medium	Standard general conditions of contract protect the City by allowing for contractual remedies on the basis of failure to execute works in accordance with contract.

## FINANCIAL IMPLICATIONS

18. The value of this tender is in excess of \$500,000 and therefore the recommended tenderer requires approval from Council.
19. The budget for the project is \$2,000,000 (ex-GST) which is made up of Regional Road Group (RRG) funding (\$1,000,000) with the remaining fund coming municipal funds.
20. The preferred tender price exceeds the budget by approximately \$240,000.
21. This shortfall will be addressed in the mid-year budget review with funds either drawn from the road reserve funds or the deferral of other road projects. Funds may be offset from savings in other project however this will not be known until the budget review.
22. Council officers will advise the RRG of the funding shortfall as there may be an opportunity to access unspent funds from other Local Government projects, subject to these funds being made available. City officers will write to the RRG to keep them informed and to request that consideration be given to redirect any unspent funds to this project.

## LEGAL IMPLICATIONS

23. There are no legal implications associated with this item.

## ENVIRONMENTAL CONSIDERATIONS

24. No clearing of vegetation is proposed as part of this project.

## ALTERNATE OPTIONS

25. Council can accept or reject tenders as submitted.

## CONCLUSION

26. On reviewing the submissions, the evaluation team assessed Tricoast Civil as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, key personnel and experience, tenderer's resources, demonstrated understanding and corporate social responsibility. Tricoast Civil is recommended to be awarded the Middleton Road contract.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Local Government (Functions and General) Regulations 1995</li> <li>Council Policy – Purchasing</li> <li>Council Policy – Buy Local (Regional Price Preference)</li> </ul>
<b>File Number (Name of Ward)</b>	:	C17025 (Fredrickstown Ward)
<b>Previous Reference</b>	:	Not applicable

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

There being no further business the Mayor declared the meeting closed at [7:13:34 PM](#)



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Dennis W Wellington  
**MAYOR**

**TABLED ADDRESS BY MR TONY HARRISON**

Tony Harrison  
34 Gordon Street  
Little Grove, Albany  
WA 6330

Albany 22/08/2017

Dear Ministers

Over the years I have written a number of submissions on coastal development projects that have been proposed by various agencies which have asked for public input. The projects I am concerned about are the Groyne at Whale World in Albany, the beach in front of the A.E.C. and the newly constructed groyne inside the boat harbour at Bremer Bay (Fisheries Beach).

When the Department of Transport and Environmental Protection Authority asked for written submission on all of their various proposals, I have done this in great detail outlining all of the issues that will occur once constructed. Over the years I have received the same old two page response from E.P.A., D.O.T. and the proponents. "Thanks for your input, you have raised some interesting issues or points and we will 'monitor' any problems in the future once the project has been constructed." This happens all the time.

My submission against the Groyne at Whale World was written two years before it was built. I sat before Allana McTiernan one year before it was built and told her exactly what was going to happen, then in August 2005 it was built and it was not long after that, that the problems started and now no one wants to fix these issues which have occurred since 2005.

As for the Bremer Bay Boat Harbour - that was built prior to me having any input or written submission. What I have been doing over the years is taking photos, videos and written submissions on the erosion caused by the construction of the boat harbour groyne. I have sent copies to the Shire of Jerrumungup, D.O.T. and the media. Once again I get told that the coastal engineers know what they are doing and everything has been carried out in accordance with the Environmental Protection Act or the Dumping at Sea Act, so therefore the projects will go ahead.

When the environment is changed or destroyed due to the construction of such projects, no one wants to fix them, and when I write and complain I get told "Our experts know what they are doing." I could easily challenge that statement.

As for Bremer Bay, sand has eroded from end of the beach and keeps coming around and covering the public boat ramp. Everyone knows what is causing this problem. Whale World has the same sand moving problems, only the sand is covering over the groyne and footpath that goes out to the end of the groyne, lucky for them there is no boat ramp in the way.

The proposal for Bremer Bay is to construct a small groyne inside the boat harbour so as to stop or reduce the amount of sand that is covering the boat ramp. This option was proposed by D.O.T. as it was



**TABLED ADDRESS BY MR TONY HARRISON**

the cheapest, quickest and easiest option to fix this problem for the short term, as in the long term, other problems "HAVE and WILL" occur. I have detailed them in my submission to all the agencies and again had no response from them.

In the long term the people of Bremer Bay are going to loose a small, safe and protected beach that they have had the rights and privileges to use over the many years. This same scenario happens all along our coast. You ask for our input, we voice concerns about the environmental problems that will occur, you ignore them, you construct what you want, the problems occur one or two years later and then we have to fight like hell to try and get you to fix up these environmental problems.

This has been going on for years and you still refuse to be held accountable for the loss of life style, the ability to use that beach, the damage to the coast, the distruction of the underwater eco systems and the financial loss to the City and Shires that are affected - Esperance, Bremer Bay and Albany - just to name a few locations.

The most current environmental problem is in front of the Albany Entertainment Centre. Late last year, October 2016, I met with the Minister for Transport, Deputy Mayor and the owner of the Tavern (Due South) to discuss the ongoing seagrass build up and a way to fix that problem by constructing a beach.

As the Harbour tidal currents had already started to show where the beach line should start from, as a sand bar was already forming up, therefore trapping the seagrass in behind up against the rock wall. Over time this seagrass started to rot and smell, not a good look for the AEC and the tavern or the City of Albany.

In February 2017 an attempt to take away the weed and consturct a beach was carried out. It was not done as was instructed and now by August 2017 some \$30 000 later and we are back to where we started from, sand eroding and the weed is coming back.

Once again you have ignored the public input and have done it your way. We are the ones to suffer financially, environmentally and recreationally.

When are you going to listen and learn as to how the ocean currents work and to stop these stuff ups?

Awaiting your replies,

yours sincerely,



Minister for Transport  
Minister for Environment  
Environment and Protection Authority  
City of Albany  
Shire of Jerrumungup  
Southcoast NR

TABLED ADDRESS BY MS CAROL PETTERSEN

CAROL PETTERSEN  
P.O. Box 7016 Lower King River WA 6330

To

His Worship, Mr Dennis Wellington – Mayor City of Albany

Elected Councillors- City of Albany

Mr Andrew Sharpe - CEO City of Albany

Mr Matt Thompson-ED/I&E, City of Albany

Re - Summation of Objection (to Resolution DIS035 - Lake Mullocullup) 22<sup>nd</sup> August 2017

(Quote from Mr Bill Hassell -as a 90 year old frail Pioneer, his parting words to me were,  
*'do whatever you can...don't let them ruin Mirrambeen, it's a special place'*

1/

- I attended Council Meeting of 22<sup>nd</sup> August 2017 and gave verbal presentation of local Noongar traditional connection and significance to Mirrambeen, known as Lake Mullocullup Lake and urged a vote against the Motion as per agenda

2/

- 9<sup>th</sup> September 2017, wrote and submitted a letter of 'Objection' with research advice attached  
(see further attached)

3/

- 29<sup>th</sup> September 2017, Letter submitted to Minister Rita Saffioti, seeking intervention.

4/

- Attended Delegation to Peter Watson MLA, seeking intervention.

5/

- 28<sup>th</sup> September submitted a letter to CEO, seeking a Motion of 'Rescission'
- 28<sup>th</sup> September 2017, submitted a Petition of 21 names, representing descendants of those families with traditional connections to Mirrambeen (Lake Mullocullup), seeking a 'Rescission

6./

- Sought Letter-of- Support from Noongar Reference Group of South Coast Natural Resource (SCNRM) signed by Justin Bellanger.

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ZZ.

- The CEO in his reply letter, makes claims that 'Consultation with local Noongars was conducted (see email below)
- Copy of Email to Michael Cole

----- Original Message -----

**From:**  
carolpettersen@westnet.com.au

**To:**  
"Michael Cole" <michael.cole@albany.wa.gov.au>

**Cc:**  
<andrews@albany.wa.gov.au>

**Sent:**  
Tue, 10 Oct 2017 17:29:29 +0800

**Subject:**  
Lake Mullocullup

Mike

*Re - Mullocullup Lake and corro from Andrew.  
The 'Noongar Consult' that Andrew stated took place is as follows:*

*The 'consult' that Andrew refers to, was not a 'Noongar Consultation', but a meeting of four People with interest in the issue, with City of Albany staff in attendance and was held at the CoA Mercer Rd Depot.  
The 'meeting' in early February 2017, was called by Bob Vandenburg to obtain information from Mark Ford about an organised public meeting to be held at Wellstead.  
Bob wanted to prepare for a presentation at this public meeting planned for 7th February 2017 and organised by Mark Ford.*

*When I raised the issue of Aboriginal Heritage and the need for a formal heritage assessment, Mark stated that he knew of the required process and that he' would follow through'. This comment was witnessed by those present.*

*I took it that he understood the Aboriginal Heritage Act and that he would follow through the discussion with the Albany office of the DAA for action.  
On the same day, I went down to the Albany DAA office and spoke to Harley Coyne, Heritage Officer with the (then) DAA.  
I briefed Harley on our Noongar position in the issue and further advised that Mark Ford would get in touch with him.  
To date and since then I have had not had contact or response from either City of Albany or the DAA office. I took it that the process was still in progress.*

Carol Pettersen

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Note:

- The only meeting that I attended and was made aware of was in early February this year where I was invited to attend a meeting instigated by Bob Vanderberg.

Mr Vanderberg was concerned about the issue and wanted a 'briefing' from City Staff, Mark Ford.

At this meeting I brought the issue of Aboriginal Heritage requirements to Mr Fords attention, which he acknowledged and advised that he would follow up with Dept. Of Indigenous Affairs Local Office.

These requirements are for consideration of the **Noongar Standard Heritage Agreement** with Dept. of Indigenous Affairs, **Aboriginal Heritage Act and the Due Diligence Guidelines**, as well as any consideration or understanding given of the legal Documents signed off by the State on the **Single Noongar Claim**.

No consideration given to the understanding about **Sect 46-47 of the Land Administration Act 1997, para 46 (1); para 46 (7) and Para 49(3)**.

I also am of the belief that the Staff have no understanding of the **International Charter of 'U.N. Rights of Indigenous Peoples'** which Australia is a signatory through the Human Rights Commission.

The Charter has Articles from **Section 1 through to section 46**, all which clearly points out that Indigenous Peoples like us Noongar Peoples must be treated with a process of Equity and Fairness with consideration of our Heritage and Cultural beliefs and in particular our association with our Lands.

It is clear from my perspective, that Council also ignored the Charter of its own **Aboriginal Accord** of which the City co-signed with us local Noongar Peoples, along with a signed **MOU with Southwest Aboriginal Land and Sea Council**.

From my understanding, The City appears to ignore consideration of these various Aboriginal Heritage and Cultural Acts as this was not followed through.

Z./

- Letter from (Birdlife Australia, Community Member South Coast Management Group).

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING 13  
NOVEMBER 2017

**TABLED ADDRESS BY MS CAROL PETTERSEN**

4AGENDA ITEM : MULLOCULLOP LAKE

*We write to express our strong opposition to the proposal to formally (by gazettal) allow water skiing on Mullocullop Lake.*

*Mullocullop L. is part of the critically important south coastal wetland chain that provides feeding and breeding habitat for a wide variety of waterbird species, some of which are "threatened" and all of which are protected either under state or federal legislation.*

*Although the City has previously received reports on the ecology and the avian use of the lake and surrounds these represent snapshot surveys and are by no means comprehensive or contain the detail necessary to understand the sensitivity of the Lake to impacts that would occur from recreational use such as the severe disturbance from water skiing.*

*As the Lake lies within a chain of scarce, relatively fresh/brackish wetlands, it forms a staging site for many waterbirds as they move along the coast in response to seasonal variations in water levels. More of these movements can occur in summer /autumn as drying water levels elsewhere force waterbirds to move to the coastal wetland refuges. This is also the time that activities such as water skiing are most active which are clearly incompatible with waterbird usage of the Lake at any time.*

*The Endangered Australasian Bittern (listed under the EPBC Act) is known to use these coastal lakes in its movements (eg at nearby Cheynes Lake) and its staging use at Mullocullop cannot be discounted. The Lake may also provide limited habitat for the Little Bittern and both species, as are other known cryptic species using the Lake, are highly sensitive to disturbance.*

*The fact that water skiing has occurred at the Lake in the past is not a reason for it to continue when the comprehensive surveys necessary to determine its full values have not been undertaken. Without this knowledge, the Lake's potential as a high value wetland cannot be determined while the activities currently permitted preclude optimal benefit to waterbirds.*

*Whilst acknowledging the City does not have the resources to undertake the necessary comprehensive surveys of the Lake, this is not a reason to ignore their necessity and proceed to allow high impact activities. This is not the responsible action expected from the City, nor is it to.... "build, maintain, enhance the natural environment" ..... Further, it is certainly **not** the use of the "best practice" which the City promotes.*

*The City has an opportunity now to at least demonstrate good faith and support its vision, best practice and responsibility here by rescinding the proposal for gazettal of water skiing.*

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*But not to stop there - until the required surveys are completed and assessed, all water skiing and allied intrusive activities should be suspended, if not cancelled permanently.*

***Brad Kneebone and Jill Williams***

*(Birdlife Australia, Community Member South Coast Management Group).*

**8/.**

- **Advertisement in GS Weekender November 23<sup>rd</sup> 2017**

*(Local Government Property Local Law 2011)*

Motorised Watercraft on Local Government Property Determination.

22<sup>nd</sup> August Council resolved to make the following determination under above Law....'Under the Navigable Waters Regulation 1958'.....

**9/.**

- **Attachment to letter to CEO- from Carol Pettersen.**

Mullocullop Nature Reserve (Reserve 16367) is a small Crown reserve of about 57 hectares situated on Warriup Road some 75km east of Albany. The reserve encompasses a small but environmentally significant freshwater lake. Since 1968 the purpose of the reserve has been for the conservation of flora and fauna.

The lake in the Mullocullop Nature Reserve supports a large and diverse population of water birds as well as being a breeding area for the long-necked turtle (*Chelodina Oblonga*)

The lake, known as Mirrambeen to the traditional owners, is important to the Wilomin and Minang Noongar people as a meeting place and food gathering area.

A small but vocal group of water skiers has persuaded the City of Albany to pass a resolution at the Council meeting of the 22<sup>nd</sup> of August 2017, gazetting the lake as a water ski area against the wishes and advice of local land owners, environmental specialists and the Noongar community.

**History of the Reserve.**

First gazetted in 1916 for camping and water as a stopping place on the stock route from Albany to farming settlements at Cape Riche, Bremer Bay and Jerramongup.

Vested initially in the Albany Roads Board (1923), then the Shire of Albany (1968) and finally the City of Albany (2001).

Gazetted purpose changed from camping and watering place to conservation of flora and fauna in 1968

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Gazetted name change to the Mullocullop Nature Reserve in 1981.

**Management under the Land Administration Act 1997**

By order of the Minister, the Mullocullop Nature Reserve has been under the management of the City of Albany and its predecessors.

Under the Land Administration Act 1997:

Paragraph 46. (1) of the Act states that.....The Minister may by order place with any one person or jointly with any two or more person

.....the care, control and management of a reserve *for the same purposes that for which the relevant Crown land is reserved under section 41 and for purposes ancillary and beneficial to that purpose* and may in that order subject that care, control and management to such conditions as the Minister specifies.

In short, the Act states that a person or persons entrusted with the management of a reserve may only allow that reserve be used for the purpose for which it was gazetted.

The purpose for which the Mullocullop Reserve is gazetted in the Government Gazette of 26<sup>th</sup> April 1968 is for Camping and the Conservation of Flora and Fauna.

It would appear that the proposal by the City of Albany to approve the use of the Reserve for water skiing would be contrary to the purpose for which the Reserve is gazetted, that is for the conservation of flora and fauna, and such a use would not be ancillary and beneficial to that purpose.

Paragraph 46 (7) of the Act in part states that,

*A person with whom the care, control and management of a reserve is placed by order.....deal with the reserve in a manner consistent with the order*

Reinforcing the intent that the Reserve be used only be for the purpose for which it was gazetted.

Further, under Section 49 (3) of the Act,

*A management body must, before submitting a (management) plan to the Minister.....*

*(a) consider any conservation, environmental or heritage issues relevant to the development, management or use of the Crown land in its managed reserve for the purpose of that managed reserve, and*

*(b) incorporate in that plan a statement that it has considered those issues in drawing up the plan.*

The City of Albany has not produced any management plan for this reserve, nor has it considered the conservation, environmental and heritage issues relating to its use for water skiing.

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**9.1**

• **Points for consideration and discussion.**

1. Water skiers have been illegally using the lake in the Mulloculop Reserve for some years. Transport Department regulations stipulate that water skiing shall only take place in gazetted water ski areas.

The request by the water skiers to the City of Albany is for the City to approve water skiing on the lake, so allowing them to continue their previously illegal activity.

There are five gazetted water ski areas already in the City of Albany, however the City and the Department of Transport indicate that they have no resources to police skiing outside those five areas.

2. The use of large powerful ski boats on this small lake presents an unacceptable risk to people and to the environment. Noise pollution disturbs and drives away the bird life. Wash from the boats damages reed beds and swamps waterfowl nests. Powerful prop wash churns up the shallow lake bottom and increases water turbidity. Oil pollution from the boats is a real risk, as capsizing of ski boats is not uncommon. Documented photographic evidence of littering by water skiers shows bottles, cans, cardboard, food waste and even soiled babies nappies and human excrement.

3. The City of Albany has never had a management plan for the Mulloculop Nature Reserve and has never commissioned an ecological study of the reserve to establish any sort of ecological baseline, however there have been recent ecological surveys of the lake undertaken by bodies other than the City of Albany.

Tracey Calvert from the Department of Water surveyed the lake in 2008.

Sylvia Leighton of the Great Southern Institute of Technology conducted an extensive survey in 2014.

Both these surveys highlight the significance of the lake to the wide diversity of wildlife that inhabit the reserve.

Birds Australia compiled an extensive bird sighting list in 2008 which identified 78 bird species on and around the lake.

An ITC Fauna Survey in 2009 by GreenSkills Inc. of the nearby land area recorded 36 species of mammals, reptiles and amphibians. (See copies attached)

All these surveys identified the lake as unique as it is one of the two remaining freshwater lakes between Albany and Esperance, all the other lakes in the South Stirling area are naturally salt or have become salt as a result of land clearing for agriculture.



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10/.

- Interview with Mr Bill Hassell – Descendant of the original owners of Warriup Station

(Warriup Station/Farm is immediately adjacent to the Lake)

I spoke with Mr Hassell (90 yrs old) to confirm my knowledge with his facts , I found Mr Hassell to be clear of mind and his conversation flowed easily – his memory incredible

His family were the third owners of the farm and took possession in 1895

Prior to the Hassell Family according to Mr Hassell, the original owner was Mr Coopers, who died and his Widow took over the Lease with a Mr Pettitt, later the lease was then taken over by a Mr John Wray

My grandfather – Johnny Knapp worked for many years with the Hassell Family at Warriup from about the turn of the century until about 1920, when Johnny left to work for Cleaver Moir at Chillinup Station (farm

Mr Hassell also confirmed that my mother Kathleen Gray - nee Knapp was indeed born on the farm in 1917. He stated that he remembered me as a child with my parents.

Mr Hassell said that many Noongar families moved through the property on seasonal basis, but many took on work and stayed for many many years..Mr Don McEvory worked for 24 years.

I showed him the surnames on the Petition and he agreed that they were the names of the Noongar People who were part of Mirrambeen. I asked him if there were any conflicts among the different families and he stated there were none whatsoever as everyone lived in harmony

He talked about sites, stories and sources of traditional foods harvested by the Noongar Peoples, particularly the quokkas as being a great source of food. Whilst the turtle were a totem for some families the others enjoyed catching and eating the turtles.

He recited the importance of the Lake to Noongar People as being a place that was of great significance to Noongars

He told me that all the Noongar People related to each other very well and there were never any conflicts

***As a 90 year old frail Pioneer, his parting words to me were, 'do whatever you can...don't let them ruin Mirrambeen, it's a special place'***

Private Conversation- 26<sup>th</sup> November 2017

  
Carol Pettersen

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11/.

- **Conclusions.**

1. The City of Albany's actions in allowing water skiing on the lake in the Mulloculop Nature Reserve appear to be in conflict with Sections 46 and 49 of the Land Administration Act 1997 which states that the reserve can only be used for the purpose for which it was gazetted, that is the conservation of flora and fauna

2. Water skiing presents an unacceptable threat to the environment of the lake and reserve as a whole, and should not be a permitted activity in a gazetted nature reserve.

3. That the Minister should be made aware of the non-compliance of the City of Albany with the Land Administration Act of 1997 in relation to the Mulloculop Nature Reserve.

4. That the Minister be requested to use her powers under the Act to prevent the City of Albany approving water skiing in the Mulloculop Nature Reserve



Carol Pettersen 27<sup>th</sup> November 2017