



MINUTES

Ordinary Meeting of Council

Tuesday 01 July 2025

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

G Stocks

Councillors:

Councillor

A Cruse

Councillor

P Terry (Deputy Mayor)

Councillor

C McKinley

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Traill

Councillor

D Baesjou

Councillor

M Lionetti

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellon

Executive Director Infrastructure, Development
& Environment

P Camins

Meeting Secretary

J Williamson

Apologies/Leave of Absence:

Councillor

L MacLaren (Apology)

Councillor

T Brough (Apology)

Executive Director Community Services

N Watson (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor McKinley	CCS719	Impartiality. The nature of the interest being that Councillor McKinley's sons are members of North Albany Football Club. Councillor McKinley remained in the Chamber and participated in the discussion and vote for this item.
Councillor Sutton	CCS719	Impartiality. The nature of the interest being that Councillor Sutton is a Life Member of the North Albany Football Club. Councillor Sutton remained in the Chamber and participated in the discussion and vote for this item.
Mayor Stocks	CCS719	Impartiality. The nature of the interest being that Mayor Stocks is a member of the Albany Golf Club. Mayor Stocks remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.02pm Councillor Lionetti

Summary of key points:

- Attended the State Budget Briefing.
- Commented on the promise from WA State Government for expansion to Albany Health Campus and the need for a hydrotherapy pool.
- Funding for a Rehabilitation Centre to service the Great Southern Region.

6.04pm Councillor Sutton

Summary of key points:

- Pleased that North Albany defeated Royals on 28 June 2025, and congratulated City staff for the preparation of the grounds which were in perfect condition despite recent rain.
- Attended a Motorsport Park Meeting and tour of the first stage of the black track which was very impressive. This facility is an important venue for motorsport tourism.

6.07pm Councillor Traill

Summary of key points:

- Represented the Mayor at the Opening of the 2025 State Conference of the Country Women's Association.
- Attended Citizenship Ceremony.

6.10pm Councillor Baesjou

Summary of key points:

Councillor Baesjou attended the following events:

- Represented the Mayor at the Albany Radio Sailing Club hosted Great Southern International One Metre Regatta on Centennial Lake.
- Breaksea performance of Aliwah Bardinar, with Noongar language and song being brought to life.
- ACCI Marketplace
- CWA Conference
- Met with Cast of 21 Hearts, the story of Vivian Bullwinkel
- Southern Edge Showcase

6.14pm: Councillor Grimmer

Summary of key points:

- Thanked the rural road maintenance crew for their work
- Commented on the Strategic Community Plan review

6.15pm Deputy Mayor Terry

Summary of key points:

- Classic Car Event
- Attended the Opening of Scott Leary's Office and noted that all National Party MLA's and MLC's were in attendance and also visited Denmark
- Travelled on board the Machiavelli to visit the Southern Ocean Surf Reef
- Attended Budget Briefing
- Attended the Albany Maritime Foundation Launch of St Ayles Skiffs
- Attended National General Assembly in Canberra

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on Tuesday 27 May 2025, the Mayor read the following prepared question during Public Question Time from Phil Harding. Mr Harding was not present at the meeting.

Question from Phil Harding

"The Bitumen track at the Albany Motorsport Park is under construction. It is advertised that this track will be used for non-race events and driver training. Drifting is a motorsport activity whereby vehicles are driven at speed around bends whilst spinning the wheels in a controlled slide. Drifting emits significant noise and smoke emissions. Many WA driver training businesses, such as Driver Risk Management, advertise a 'Drifting Experience' or 'Hot Laps' in their commercial offering. Will this track be used for Drifting or Hot Laps or similar?"

This question was taken on notice and the following response is now provided:

Response

Once fully developed the Albany Motorsport Park (AMP) will comprise a ~3.3km sealed, configurable, multi-use circuit designed to accommodate motor car racing, motorcycle racing, drifting, driver training and cycling. The facility is:

- Designed in accordance with the Motorsport Australia Track Operator's Safety Guide and Motorcycling Australia (MA) Track Guidelines; and*
- Intended to be licensed by Motorsport Australia for Fédération Internationale de l'Automobile (FIA) Grade 2 and Fédération Internationale de Motocyclisme (FIM) Grade B, enabling up to second-tier international motor racing.*

Stage 1B, currently under construction, consists of a 1km northern circuit which will feature a 12-metre-wide sealed track with deceleration run-offs. It will not include race kerbing, barriers or the final surface seal. As a result, it will be limited to Motorsport Category C activities (i.e. non-race speed events), driver training and cycling.

Due to these limitations, AMV Inc. is not yet certain whether drifting will be feasible on Stage 1B. AMV Inc. confirms that any such use would be subject to:

- Assessment against the approved management plans including noise emission thresholds and operational controls;*
- Consultation with the City of Albany and relevant regulatory authorities including the Department of Water and Environmental Regulation (DWER) where applicable; and*
- Community engagement, particularly in cases where the proposed activities may differ materially from those currently approved or anticipated.*

AMV remains committed to ensuring that all activities at AMP are managed responsibly and transparently.

Synergy Reference EF25343724 GO.COM.3

7. PUBLIC QUESTION TIME

Conduct of Persons at Meetings: Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

Prevention of Disturbance:

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
 - Refrain from interrupting the meeting through approval, dissent or conversation.
 - Conduct themselves appropriately and follow directions if asked to leave.
 - Avoid obstructing access to the meeting or causing disturbances.

Public Question Time. In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
 - The same or a similar question was asked at a previous meeting.
 - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

Contents of Minutes As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of any response provided.

Documents Tabled at Meetings. Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

6.21pm Glennys Kelly Summary of key points:

Ms Kelly addressed Council regarding tourism promotion. Ms Kelly's tabled address can be referenced at GO.COM.3/ICR25578210.

Ms Kelly asked the following questions which were taken on notice:

1. With regard to declining levels of service by local bus operators, what alternate plan is in place to provide transport for cruise ship visitors?

The City will continue to work with local bus operators to provide a shuttle bus service for cruise ship visitors.

2. What are we doing to promote Albany and the Great Southern and what funding has been allocated to this end for 2025/2026?

The City of Albany partners with the government through Australia's South West and also with other organisations such as the Albany Chamber of Commerce and Industry and Great Southern Wine Growers for the promotion of Albany as a tourism destination. Significant funds are allocated in the budget for destination marketing, visitor servicing such as through the Albany Visitor Centre, tourism experiences such as the National Anzac Centre, trails, surf reefs and our many events and special projects such as Albany 2026.

3. Given the sad reflection of multiple vacant store fronts not only on York Street, but throughout the CBD, what is the Council doing to encourage new businesses to come to Albany?

The City is collaborating with the Albany Chamber of Commerce and Industry to look at ways to increase the activation of the CBD. Funding to implement these initiatives will be included in the 2025-26 Financial Year budget.

6.23pm Robin Bollard
Summary of key points:

Ms Bollard addressed Council regarding Rose Gardens Beachside Holiday Park relocation of permanent residents.

6.27pm Reg Hoyling
Summary of key points:

Mr Hoyling addressed Council regarding Rose Gardens Beachside Holiday Park relocation of permanent residents.

6.29pm Annabel Paulley
Summary of key points:

Ms Paulley addressed Council regarding the Albany North Structure Plan. Ms Paulley's tabled address may be referenced at GO.COM.3/EF25577876

6.33pm Jon Doust
Summary of key points:

Mr Doust addressed Council regarding the Albany North Structure Plan. Mr Doust's tabled address may be referenced at GO.COM.3/EF25577875

6.36pm Mark Allen
Summary of key points:

Mr Allen addressed Council regarding the Albany North Structure Plan. Mr Allen's tabled address may be referenced at GO.COM.3/EF25577877.

6.40pm Michael Pemberton
Summary of key points:

Mr Pemberton addressed Council regarding supporting local businesses.

6.46pm Michelle Kinsella, on behalf of Keeping Children Safe Albany
Summary of key points:

Ms Kinsella addressed Council regarding her Freedom of Information Application and decision.

There being no further speakers the Mayor declared Public Question Time closed at **6.50pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR TRAILL

THAT Councillor Cruse be GRANTED leave of absence effective 02 July 2025 to 30 September 2025 inclusive.

CARRIED 9-0

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: DEPUTY MAYOR TERRY

THAT the minutes of the Ordinary Council Meeting held on Tuesday 27 May 2025, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS715: MONTHLY FINANCIAL REPORT – APRIL 2025

Proponent / Owner : City of Albany
Attachments : Monthly Financial Report – April 2025
Report Prepared By : Manager Finance
Authorising Officer: : Executive Director Corporate & Commercial Services

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 30 April 2025 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 30 April 2025 is preliminary and has not yet been audited.

RECOMMENDATION

CCS715: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL

THAT the Monthly Financial Report for the period ending 30 April 2025 be RECEIVED.

CARRIED 9-0

CCS715: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS715: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 30 April 2025 be RECEIVED.

DISCUSSION

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
 - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the *Local Government (Financial Management) Regulations 1996*);
 - (b) Statement of Financial Position (satisfying Regulation 35 of the *Local Government (Financial Management) Regulations 1996*);
 - (c) Basis of Preparation;
 - (d) Explanation of material variances to year-to-date budget;
 - (e) Net Current Asset & Funding Position;
 - (f) Investment Portfolio Snapshot;
 - (g) Receivables; and
 - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS647, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2024/2025.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City's 2024/25 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 April 2025 has been incurred in accordance with the 2024/25 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

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

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

CCS716: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2025

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance
Authorising Officer: : Executive Director Corporate and Commercial Services

STRATEGIC IMPLICATIONS

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

IN BRIEF

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

RECOMMENDATION

CCS716: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 30 April 2025 totalling \$8,023,837.03 be RECEIVED.

CARRIED 8-1

Record of Vote

Against: Councillor Lionetti

CCS716: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS716: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 30 April 2025 totalling \$8,023,837.03 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 30 April 2025. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)	%
Municipal	Electronic Funds Transfer	\$6,926,804.36	86.33%
Municipal	Payroll	\$1,066,886.81	13.30%
Municipal	Credit Cards	\$30,145.86	0.38%
Municipal	Cheques	\$0.00	0.00%
Trust	N/A	\$0.00	0.00%
TOTAL		\$8,023,837.03	100%

3. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$0.00.
4. The table below summaries the total outstanding creditors as at 30 April 2025.

Aged Creditors	Amount (\$)
Current	\$1,064,144.65
30 Days	\$439,080.91
60 Days	\$18,426.03
90 Days	\$4,283.22
TOTAL	\$1,525,934.81

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

9. Expenditure for the period to 30 April 2025 has been incurred in accordance with the 2024/2025 budget parameters.

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 30 April 2025 has been incurred in accordance with the 2024/2025 budget parameters.

LEGAL IMPLICATIONS

11. Nil

ENVIRONMENTAL CONSIDERATIONS

12. Nil

ALTERNATE OPTIONS

13. Nil

CONCLUSION

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

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

CCS717: DELEGATED AUTHORITY REPORTS – 16 APRIL 2025 TO 15 MAY 2025

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared By	: PA to Mayor and Councillors
Authorising Officer:	: Chief Executive Officer

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS717: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BAESJOU

THAT the Delegated Authority Reports 16 April 2025 to 15 May 2025 be RECEIVED.

CARRIED 9-0

CCS717: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS717: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 April 2025 to 15 May 2025 be RECEIVED.

BACKGROUND

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

CCS718: WRITE-OFF GENERAL DEBT REPORT AS AT 30 JUNE 2025

Proponent	: City of Albany
Attachments	: General Debtors Write-Off Report
Report Prepared by	: Manager Finance
Authorising Officer	: Executive Director Corporate and Commercial

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS718: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BAESJOU
SECONDED: DEPUTY MAYOR TERRY

THAT the General Debtors Write Off Report as at 30 June 2025 be RECEIVED.

CARRIED 9-0

CCS718: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS718: AUTHORISING OFFICER RECOMMENDATION

THAT the General Debtors Write Off Report as at 30 June 2025 be RECEIVED.

CCS719: RATES SUBSIDY - SPORTING & COMMUNITY ORGANISATION RECIPIENT LIST FOR 2024/25

Business Entity Name : City of Albany
Attachments : Rating Subsidy: Sporting & Community Organisations
Recipient List for 2024/25 financial year.
Report Prepared By : Manager Finance
Authorising Officers: : Executive Director Corporate & Commercial Services

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

Mayor Stocks, Councillor McKinley and Councillor Sutton declared an Impartiality Interest in this item. Mayor Stocks, Councillor McKinley and Councillor Sutton remained in the Chamber and participated in the discussion and vote for this item.

CCS719: RESOLUTION VOTING REQUIREMENT SIMPLE MAJORITY

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY**

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations
Recipient List for 2024/25.**

CARRIED 9-0

CCS719: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS719: AUTHORISING OFFICER RECOMMENDATION

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations Recipient List
for 2024/25.**

CCS720: NEW LEASE – DEPARTMENT OF FIRE & EMERGENCY SERVICES – PORTION OF RESERVE 1948

Land Description	: Portion of Crown Reserve 1948, Lot 8075 on Deposited Plan 160500, the subject of Certificate of Title LR3118 Folio 600, Drome
Proponent	: FES Ministerial Body (Department of Fire & Emergency Services)
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property & Leasing
Authorising Officer:	: Executive Director Corporate & Commercial Services

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** 1 People – A safe community.
 - **Outcome:** 1.3.1 Improve community safety.

Maps and Diagrams:



In Brief:

- Council is requested to approve a new lease to the Department of Fire and Emergency Services (DFES) to formalise their occupation over portion of Crown Reserve 1948, located on Albany Highway, Drome.
- DFES currently occupies this site, where it has installed a communications tower and equipment hut used to support fire and emergency service operations.
- DFES requests a term of 21 years, with an annual peppercorn rent of \$10 plus GST in recognition of their essential community service role.
- It is recommended that the new lease to formalise DFES's continued use of the site be approved.

RECOMMENDATION

CCS720: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR GRIMMER

THAT Council APPROVE the new lease over portion of Crown Reserve 1948 Drome to FES Ministerial Body (DFES), subject to the terms and conditions outlined in section 12 in this report.

CARRIED 9-0

CCS720: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS720: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the new lease over portion of Crown Reserve 1948 Drome to FES Ministerial Body (DFES), subject to the terms and conditions outlined in section 12 in this report.

BACKGROUND

2. Crown Reserve 1948 is under Management Order issued to the City for the purpose of "Recreation and State Emergency Service Radio Facility" with power to lease for up to 21 years, subject to approval by the Minister for Lands.
3. The 'C' class reserve, an area of 36.98ha is located on Albany Highway, Drome.
4. The reserve is currently shared with Albany Apex Club Inc. (Apex) which occupies a portion of the reserve area under a lease agreement with the City.
5. DFES communication infrastructure is located within the same reserve but outside the Apex lease area. DFES is required to traverse through the Apex lease area to access their site.
6. To formalise their ongoing use of the site, DFES has requested a new lease with the City.

DISCUSSION

Access to Site

7. DFES acknowledges that their access route crosses Apex lease area and accepts they are required to provide notice to Apex prior to accessing the site.
8. Apex has been consulted and has confirmed their agreement to allow DFES access through their lease area to reach the DFES site.

Lease terms

9. The City's Property Management – Leases and Licences Policy provides that the rent for Government leases is generally based on a market valuation provided by a licensed Valuer.
10. However, the policy also allows for a reduced rental where services delivered by the tenant provide benefit to the community.
11. In recognition of its essential role in providing emergency services, DFES has requested a peppercorn rent of \$10 plus GST per annum. This request is consistent with the terms of DFES's existing lease at the City's Mt Melville telecommunications facility. Council's support is sought for the proposed lease and associated terms.
12. The table below outlines the key terms of the proposed lease.

Item	Details
Tenant	FES Ministerial Body (DFES)
Land Description	Part of Crown Reserve 1948, Lot 8075 on Deposited Plan 160500, the subject of Certificate of Title LR3118 Folio 600, Albany Highway, Drome
Land Ownership	Crown (City of Albany under Management Order)
Lease Areas	Approx 106m ²
Permitted Use	Communications Facility for Fire and Emergency Services and All Other Ancillary Uses, in accordance with and limited by the Management Order over the Land
Fee	\$10 + GST per annum
Term of Licence	21 years from commencement date
Outgoings	Tenant responsible for all outgoings, including insurance, utilities and any maintenance
Minister for Lands	Section 18 of the <i>Lands Administration Act 1997</i> , the Minister for Lands consent being obtained
Special Conditions	Tenant must provide prior notice to Apex when accessing their site through Apex lease area

GOVERNMENT & PUBLIC CONSULTATION

13. Section 18 of the *Land Administration Act 1997* provides that interests in Crown land cannot be assigned, sold, transferred or otherwise dealt with without the prior written approval of the Minister for Lands.
14. Section 3.58 of the *Local Government Act 1995* governs property disposal, including leases.
15. Clause 30(2)(c) of the *Local Government (Functions and General) Regulations 1996* exempts certain disposal from public notice, including those to government entities.
16. The proposed lease is exempt from public notice requirements.

STATUTORY IMPLICATIONS

17. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including both leased and licensed land and buildings.
18. Section 18 of the *Land Administration Act 1997* requires Ministerial approval for any dealings with interests in Crown land, including lease agreements.
19. The proposed new lease complies with the statutory requirements for property disposal and interests in Crown land.

POLICY IMPLICATIONS

20. The Property Management (Leases and Licences) Policy supports equitable access and efficient management of City owned and managed properties in line with relevant legislation and statutory procedures.
21. Under the policy, leases with Government agencies are generally subject to rent determined by market valuation. However, a reduced rental can be applied where there is community service benefit.
22. In line with this provision, DFES has requested a peppercorn rent reflecting their essential role in delivering emergency services. Council's support is sought for this request.
23. All other terms of the proposed lease will be consistent with the requirements of the policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: New lease not approved	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Reputation: New lease not approved – DFES radio communication services disrupted	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction to support continuity of essential services
Governance / Legal: No formal lease in place increases risk to the City and Minister for Lands	Unlikely	Major	Medium	Formalise lease to ensure enforceable terms and compliance with legislative requirements
Opportunity: Continue to support DFES with essential radio communication infrastructure for emergency response				
Opportunity: Supports the City's Strategic Community Plan 2032 objective to improve community safety				

FINANCIAL IMPLICATIONS

25. All costs for preparation of lease documentation will be covered by DFES.

LEGAL IMPLICATIONS

26. The lease documentation will be prepared by DFES, reviewed by City's lawyers to ensure enforceable terms to minimise risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

27. There are no environmental implications.

ALTERNATE OPTIONS

28. Council may:

- Approve the new lease to DFES; or
- Support some elements of the new lease although not in its entirety; or
- Decline the new lease request.

29. Should Council decline the new lease, DFES radio services could be disrupted and negatively affect emergency response capabilities and compromise community safety.

30. Additionally, without a formal lease in place, DFES would continue to occupy a portion of Crown Reserve 1948 without legal tenure, meaning there are no enforceable terms or clear responsibilities for either party, increasing risk to both the City and the Minister for Lands.

CONCLUSION

31. DFES currently occupies a portion of Crown Reserve 1948 for essential fire and emergency communications infrastructure.

32. A new lease is required to formalise their ongoing use of the site and ensure appropriate legal and operational arrangements are in place.

33. The proposed lease term of 21 years with a peppercorn rent of \$10 + GST per annum reflects DFES's community service role and is consistent with other similar arrangements.

34. Albany Apex Club Inc, who lease the surrounding area, have been consulted and support DFES's continued access through their lease area.

35. The lease aligns with the City's Property Management Policy, subject to Council approval of the reduced rent.

36. Formalising the lease will reduce legal and reputational risk, support critical emergency services infrastructure and align with the City's strategic goal of improving community safety.

37. It is recommended that the proposed new ground lease be approved.

Consulted References	:	<ul style="list-style-type: none">• Council Policy – Property Management – Leases and Licences• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number	:	PRO484, A173817
Previous Reference	:	Nil

CCS721: COMMUNICATIONS AND ENGAGEMENT STRATEGY PROGRESS REPORT

Proponent / Owner	: City of Albany
Attachments	: City of Albany Communications & Engagement Strategy 2024-2027 Progress Report (Quarter 1, 2025) City of Albany Engagement Register (Quarter 1, 2025)
Report Prepared By	: Community Development Coordinator
Authorising Officer:	: Executive Director Community Services

STRATEGIC IMPLICATIONS

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

In Brief:

- Note the City of Albany Communications & Engagement Strategy Progress Report for Quarter 1 of 2025.

RECOMMENDATION

CCS721: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR BAESJOU

THAT the City of Albany Communications & Engagement Strategy progress report for Quarter 1 of 2025 and its endorsement by the Communications & Engagement Advisory Group be NOTED.

CARRIED 9-0

CCS721: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS721: AUTHORISING OFFICER RECOMMENDATION

THAT the City of Albany Communications & Engagement Strategy progress report for Quarter 1 of 2025 and its endorsement by the Communications & Engagement Advisory Group be NOTED.

BACKGROUND

2. Council adopted the revised Communications & Engagement Strategy at the June 2024 OCM. The Strategy sets a clear direction for communication and engagement activities by the City. The Strategy is underpinned by an action plan.
3. The Strategy implementation and annual action plan is overseen by a Communications and Engagement Advisory Group comprising community representatives, Elected Members and City officers. The Advisory Group meets quarterly to review and endorse the progress report.

DISCUSSION

Progress Report

4. The Communications and Engagement Advisory Group endorsed the progress report for Quarter 1 of 2025 at its meeting on Monday, 28 April 2025.
5. The Advisory Group also noted the Engagement Register Report, noting that staff are still working refining the process for collecting data from teams across the organisation.
6. This current action plan includes 31 actions, with 27 ongoing or underway and 4 on hold.
7. The group also provided feedback on two Communications & Engagement projects for staff to consider in their planning. Those projects were:
 - Lange Park: Engagement with residents surrounding Lange Park to identify mitigations for anti-social behaviour and provide recreational opportunities for the whole community.
 - Future of Waste: Management of Albany's waste now and into the future.
8. The group also noted the report on two past projects brought to the group for feedback. Those projects were:
 - Community Scorecard Survey: Biennial bench-marking survey undertaken to inform the review of the City's Strategic Community Plan.
 - Rural Road Shows: Engagement with rural communities about rural roads and other City services.

GOVERNMENT & PUBLIC CONSULTATION

9. The revised Strategy was developed using existing data collected as part of the reviews for the Corporate Strategic Plan, Age Friendly Albany Plan, Youth Friendly Albany Plan and the Access and Inclusion Plan.
10. The revised Strategy was also developed in collaboration with the City's former Communications and Advisory Group, who worked closely with staff on the drafting of the Strategy and Action Plan.
11. The progress report has been reviewed and supported by the Advisory Group, which includes community representatives.

STATUTORY IMPLICATIONS

12. Nil

POLICY IMPLICATIONS

13. This item aligns with the Council's adopted policy position: Community Engagement Policy.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

15. Nil.

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. Nil.

CONCLUSION

19. The Communications and Engagement Strategy is overseen by an Advisory Group comprising the community, Elected Members and City staff.
20. Community representation on the Advisory Group ensures that community needs and priorities remain central to the implementation of the Communications and Engagement Strategy.
21. Regular progress reports of achievements against the Strategy are endorsed by the Advisory Group and submitted to Council for information.
22. The City of Albany Communications and Engagement Strategy Progress Report for Quarter 1 of 2025 is submitted to Council for noting.

Consulted References	:	City of Albany Communication and Engagement Strategy 2024-2027 Council Policy – Community Engagement
File Number	:	CR.MEE.52
Previous Reference	:	OCM 25 March 2025 CCS698

CCS722: APPOINT THE WAEC TO CONDUCT ORDINARY AND EXTRAORDINARY ELECTIONS

Business Entity Name	: City of Albany
Attachments	: Cost Estimate from WAEC to Conduct Elections by Postal Vote Agreement from WA Electoral Commissioner 2025 Election Timeline
Report Prepared By	: Senior Team Leader
Authorising Officer:	: Chief Executive Officer

STRATEGIC IMPLICATIONS

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

In Brief:

- Council is requested to declare that the Electoral Commissioner be responsible for the conduct of all elections until the end of 2025; and
- Decide that method of conducting elections will be by postal vote.

RECOMMENDATION

CCS722: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR TRAILL

THAT Council:

1. **DECLARE**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election, together with any other elections or polls which may be required; and
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a Postal election.

CARRIED 8-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Baesjou

BACKGROUND

2. The current agreement between the City of Albany and the WA Electoral Commissioner to conduct elections expired at the end of 2023.
3. In order that the WAEC can conduct elections in 2025, Council must declare the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election and any other polls or elections which may be required and decide that the method of conducting the election will be by postal vote.

DISCUSSION

4. The WA Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts elections upon request under the Local Government Act 1995 (the Act).
5. There is no alternative provider to conduct elections by postal vote.
6. Making the WAEC responsible for the conduct of ordinary and extraordinary elections in 2025 ensures that the elections are conducted by professional, experienced staff that are independent and impartial.
7. Council must advise the WA Electoral Commissioner of their decision to appoint the WAEC to conduct postal elections in 2025 no later than 30 July 2025.

GOVERNMENT & PUBLIC CONSULTATION

8. N/A

STATUTORY IMPLICATIONS

9. Section 4.20 (4) of the Act states that:
“A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections”.*
**Absolute majority required.*
10. Section 4.61 of the Act states that:
(1) The election can be conducted as a –
postal election *which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day.*
and
(2) The local government may decide to conduct the election as a postal election.*
**Absolute majority required.*

In-Person Voting

11. If Council does not resolve to conduct a postal election and does not appoint the WA Electoral Commissioner to conduct the election, then in-person voting is the default method under s. 4.61(1) of the Act.
12. Council must formally resolve to conduct the election as an in-person election (i.e. not to conduct it by postal vote).
13. If conducting an election by in-person voting, the City must appoint its own Returning Officer as per s 4.20 of the Act.
14. Voting requirement for this item is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal and Compliance <i>Risk: Appointment of the WAEC to conduct postal elections on behalf of the City is not supported</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The election would be conducted as in-person voting by the City of Albany.</i>

FINANCIAL IMPLICATIONS

17. The cost estimate provided by the WAEC to conduct the 2025 Ordinary Local Government Election for the City of Albany is \$174,260 (ex GST).
18. The cost of conducting the 2025 election is included in the 2024-25 Budget.
19. The cost estimate is based on the following assumptions:
- The method of election will be postal.
 - 4 Councillor vacancies.
 - 30,200 electors.
 - Response rate of approximately 42%.
 - Appointment of a local Returning Officer.
 - Count to be conducted at City of Albany using CountWA.

LEGAL IMPLICATIONS

20. There are no direct legal implications related to this item other than complying with the specific provisions relating to the conduct of elections in accordance with the Act and associated Regulations.

ENVIRONMENTAL CONSIDERATIONS

21. N/A

ALTERNATE OPTIONS

22. Council may choose to retain the current conduct of elections by postal vote, or change the method of voting to in-person, in accordance with the relevant legislation.
23. Should Council choose the method of in-person voting it is recommended that a further report be presented to Council outlining the financial, logistical and reputational considerations of an in-person election.
24. It should be noted that electors on the owner/occupier roll may require access to postal voting if they do not reside in the district.

CONCLUSION

25. That the WA Electoral Commissioner be appointed to conduct Ordinary and Extraordinary Local Government Elections for the City of Albany by postal vote until the end of 2025.

Consulted References	:	Local Government Act 1995 Local Government (Election) Regulations 1997
File Number	:	GO.ELE.3
Previous Reference	:	Report Item CCS278 OCM 25/08/2020 Report Item CCS478 OCM 27/09/2022

CCS723: APPOINTMENT OF COMMITTEE CHAIRS

Business Entity Name	: City of Albany
Attachments	: DLGSCI Fact Sheet: Reforms to Governance and Committees
Report Prepared By	: Senior Team Leader
Authorising Officer:	: Chief Executive Officer

STRATEGIC IMPLICATIONS

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

In Brief:

- Local Government reforms specify that Committees established under Section 5.8 of the *Local Government Act 1995*, excluding the Audit, Risk and Improvement Committee and committees established under other Acts, are required to appoint Committee Chairs by Absolute Majority at an Ordinary Meeting of Council.

RECOMMENDATION

CCS723: RESOLUTION VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BAESJOU

THAT:

1. Nominations for Chair and Deputy Chair be invited for the following committees:
 - **Community and Corporate Services Committee**
 - **Development and Infrastructure Services Committee**
 - **Chief Executive Officer Performance Review Committee**

AND

2. The following nominees be **APPOINTED** as Chair and Deputy Chair of the:
 - **Corporate and Community Services Committee:**
 - **Chair: Councillor Grimmer (Elected Unopposed)**
 - **Deputy Chair Councillor Traill (Elected Unopposed)**
 - **Development and Infrastructure Services Committee:**
 - **Chair: Councillor Traill Deputy (Elected Unopposed)**
 - **Chair Councillor Sutton (Elected Unopposed)**
 - **Chief Executive Officer Performance Review Committee:**
 - **Chair: Mayor Stocks (Elected Unopposed)**
 - **Deputy Chair Deputy Mayor Terry (Elected Unopposed)**

CARRIED 9-0
ABSOLUTE MAJORITY

BACKGROUND

2. This report outlines the recent legislative changes to the *Local Government Act 1995* requiring that the appointment of committee chairs be made by absolute majority.
3. These changes are part of broader reforms introduced by the Western Australian State government to improve governance, transparency and consistency across the local government sector.
4. The reforms are being implemented through the *Local Government Amendment Act 2023* and associated updates to the *Local Government (Administration) Regulations*.
5. The appointment of Chair and Deputy Chair for committees by absolute majority ensures that Chairpersons are elected by the majority of the Council, rather than those present at a committee meeting.

DISCUSSION

6. Previously, appointment of a Chair and Deputy Chair of each committee has taken place at the first meeting of that committee.
7. All committee memberships cease on polling day of the 2025 Ordinary Local Government election to be held on Saturday 18 October 2025.
8. Appointments to committees will be made at the Ordinary Council Meeting to be held on Tuesday 28 October 2025.
9. Committee chairs must now be appointed by an absolute majority decision of the full Council.
10. This applies to committees established under section 5.8 of the Act, and where the Terms of Reference of those committees specifies that the Chair and Deputy Chair are to be appointed from within the elected member group.
11. This applies to the following committees:
 - Community and Corporate Services Committee;
 - Development and Infrastructure Services Committee; and
 - CEO Performance Review Committee.

Audit, Risk and Improvement Committee

12. Audit and Risk Committees will be renamed the Audit, Risk and Improvement Committees (ARIC) as a result of local government reform.
13. The ARIC must have an independent presiding member and deputy presiding member. The presiding member and deputy presiding member must not be a council member or employee of the local government.
14. Expressions of interest will be called for the position of independent presiding member and deputy presiding member of the ARIC for appointment following the Local Government Ordinary Election 2025.

GOVERNMENT & PUBLIC CONSULTATION

15. N/A

STATUTORY IMPLICATIONS

16. An absolute majority is defined as a majority (one more than half) of all elected members whether or not they are present at the meeting.

POLICY IMPLICATIONS

17. The Governance and Meeting Framework will be reviewed and updated to reflect changes to the current Audit and Risk Committee and any other changes associated with the introduction of local government reforms as they occur.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation: Risk: Council does not appoint Committee Chairs by absolute majority.	Unlikely	Moderate	High	Ensure that Council are fully briefed on the reforms to local government and that they must appoint Committee Chairs by absolute majority.

FINANCIAL IMPLICATIONS

19. N/A

LEGAL IMPLICATIONS

20.

ENVIRONMENTAL CONSIDERATIONS

21. N/A

CONCLUSION

22. That the Authorising Officer Recommendation be ADOPTED and appointments of Chair and Deputy Chair are made to the Committees specified in this report by absolute majority of Council.

Consulted References	:	Local Government Act 1995 Local Government (Administration) Regulations 1996
File Number	:	GO.CM.12 GO.COM.13 FM.MEE.3
Previous Reference	:	N/A

CCS724: REX PROPOSED PARTNERSHIP AGREEMENT- CONFIDENTIAL

Proponent / Owner : City of Albany
Report Prepared By : Executive Director Corporate and Commercial Services
Authorising Officer: : Chief Executive Officer

CONFIDENTIAL REPORT

This report is considered confidential in accordance with section 5.23(2) of the Local Government Act 1995, being: a contract which may be entered into by 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:
 - **Pillar:** 3. Place. A responsibly planned city that is attractive, vibrant and well connected.
 - **Outcomes:** 3.4 A safe, sustainable and efficient transport network.

In Brief:

- The current agreement with Regional Express Holdings Limited (Rex) is due to expire on 30 June 2025.
- The agreement was originally signed with Rex and has continued following the appointment of Administrators to the airline.
- Rex is still currently under administration, with the period of administration recently being extended to December 2025.
- It has been communicated to Rex that any agreement will only be for the period that Rex is under administration, with a new agreement to be formed after that period (if applicable).

RECOMMENDATION

CCS724: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: DEPUTY MAYOR TERRY

THAT Council DELEGATE AUTHORITY to the CEO to negotiate this agreement with REX in accordance with the conditions detailed in the confidential version of this report.

CARRIED 8-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Lionetti

DIS443: PLANNING AND BUILDING REPORTS MAY 2025

Proponent / Owner : City of Albany
Attachments : Planning and Building Reports May 2025
Report Prepared By : Senior Information Officer – Development Services
Authorising Officer: : Manager Development Services

RECOMMENDATION

DIS443: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR TRAILL

THAT the Planning and Building Reports for May 2025 be RECEIVED.

CARRIED 9-0

DIS444: ELLEN COVE SWIMMING ENCLOSURE STORM DAMAGE REPAIRS

Land Description	: Swimming Enclosure at Middleton Beach
Proponent / Owner	: City of Albany
Business Entity Name	: Engineering & Assets
Attachments	: GME Monitoring & Maintenance Stabilisation Report (June 2025)
Report Prepared By	: Manager Engineering & Assets
Authorising Officer:	: Executive Director Infrastructure, Development and Environment

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People - A welcoming, healthy and inclusive community, with pride in our rich history and heritage.
 - **Outcomes:** 1.2 - A happy, healthy and resilient community.

Maps and Diagrams:



In Brief:

- The Ellen Cove swimming enclosure at Middleton Beach sustained damage during the large swell event on 26 May 2025.
- The damage has been assessed, and temporary repairs have been completed. A cost estimate for full repairs has also been prepared.
- Council approval is sought to authorise expenditure for the required repairs; and to initiate community engagement to assess the long-term viability and future options for the enclosure.
- This is an additional budget review outside the normal budget review process.

RECOMMENDATION

DIS444: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR LIONETTI

THAT Council:

- 1. APPROVE an increase to the 2025/2026 Capital Works Budget by \$100,000 to enable the repair of the Middleton Beach swimming enclosure with the proposed funding from the Parking, Bridges & Marine Infrastructure Reserve ; and**
- 2. INSTRUCT the CEO to undertake stakeholder and community engagement to explore future options for the long-term viability of the Ellen Cove swimming enclosure, with a further report to be presented to Council following the completion of the engagement process by the end of December 2025.**

CARRIED 9-0
ABSOLUTE MAJORITY

BACKGROUND

2. In March 2016, the City of Albany installed a swimming enclosure at Ellen Cove, Middleton Beach, with support from a \$200,000 grant provided by the State Government through the Department of the Premier and Cabinet.
3. Global Marine Enclosures (GME) was awarded the contract to design and install the enclosure following a competitive tender process. GME has continued to deliver ongoing routine and capital maintenance services since its installation.
4. Due to the progressive deterioration of the structure, a full replacement of the enclosure was completed in the 2020/21 financial year, again by GME, at a cost of \$343,000. The State Government contributed \$200,000 towards the replacement works.
5. In March 2024, the enclosure's back wall was replaced following reports of significant damage caused by sediment build-up, which had buried the bottom chain in several sections. The total cost of these works was \$182,715.
6. On the evening of Sunday, 26 May 2025, the South Coast experienced a major swell event. Preliminary data from Beacon 4 in King George Sound indicates this event produced the highest recorded swell wave height since 2017.
7. The swell, with a significant 15-second wave period, contributed to widespread coastal erosion along the South Coast. Initial analysis suggests the event corresponds to a 5–10 year Average Recurrence Interval (ARI).
8. As a direct result of this event, the Ellen Cove swimming enclosure sustained substantial damage. A subsequent inspection by GME confirmed structural compromise and recommended immediate repair works.

DISCUSSION

9. The enclosure has sustained significant damage, as determined through a detailed inspection. Key findings:
 - A large rock, estimated to weigh 2–3 tonnes, has dislodged near the southern land-based connection point and come to rest on the enclosure, causing damage at that location.
 - A substantial tear has been identified along the bottom of the enclosure, extending for a length of approximately 50m.
 - Additional significant damage is evident along the enclosure, particularly from the 150m mark toward the beach.
10. An inspection and preliminary stabilisation works were undertaken on 6–7 June 2025 to prevent further deterioration of the enclosure, particularly in light of forecast adverse weather conditions.
11. As part of the repair preparation, it is recommended that Norwegian floats be attached to the enclosure and additional chain placed on the seabed between the 150-metre mark and the beach. This will assist in lifting the chain out of the sand and enable the enclosure to be drawn back onto the beach for repairs.
12. A five-day repair program is currently in development, with works expected to commence around 7 July 2025. Repairs will focus on the damaged section between the 150-metre mark and the beach, including the replacement of spirals, struts, and clips. Upon completion, the enclosure will be repositioned and reinstated.
13. GME has provided a quote of approximately \$90,000 to remove the 150-metre section of the enclosure, undertake beachside repairs, and reinstall the section.
14. An additional \$10,000 is estimated for City-supplied equipment and local support, including the engagement of Albany-based divers under GME's direction. This brings the total estimated cost to \$100,000.
15. The cost estimate reflects a worst-case scenario. Should the works be completed more efficiently, any savings will be returned. The quotation aligns with unit rates under GME's existing contract with the City

GOVERNMENT & PUBLIC CONSULTATION

16. Relevant authorities and the local community will be notified of any planned works and the associated implementation timeframe.
17. Consultation will be undertaken with the Department of Transport and the Southern Ports Authority (Albany) as part of any repair works and/or associated activities.

STATUTORY IMPLICATIONS

18. The award of any related contract will be subject to the Local Government Act 1995 and regulations.

POLICY IMPLICATIONS

19. The City of Albany Purchasing Policy is applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People, Health and Safety Risk: The damaged enclosure poses a risk to swimmers and beach users, with temporary rope ties not providing adequate protection or long-term stability.	Likely	Moderate	High	Proposal to repair the net enclosure be endorsed.
Finance Risk: Delays in rectification could result in further deterioration and increased repair costs	Likely	Major	High	Proposal to repair the net enclosure be endorsed.
Community: Risk: Prolonged inaction may damage community confidence and trust in the City's maintenance of public assets.	Likely	Moderate	High	Proposal to repair the net enclosure be endorsed. Alternative solutions can be assessed to prevent further maintenance issues.

FINANCIAL IMPLICATIONS

21. Ongoing maintenance and operation of the infrastructure requires approximately \$75,000 per annum in capital expenditure and a further \$75,000 per annum in operational expenditure.
22. The damage seen in the reports by GME require an additional \$100,000 to be added to the FY25/26 budget to allow for repairs to be carried out.
23. GME has provided a quote of approximately \$90,000 to remove the 150-metre section of the enclosure, undertake beachside repairs, and reinstall the section.
24. An additional \$10,000 is estimated for City-supplied equipment and local support, including the engagement of Albany-based divers under GME's direction.
25. Should the repair works be endorsed, a budget review to consolidate the staged figures will be required, subject to Council approval.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

28. **Do Nothing – Rely on Temporary Repairs.** Leave the enclosure in its current condition: the primary concern is a 50m section that has become detached from the bottom chain. While temporary rope ties have been used to secure this section, they are not a long-term solution and are expected to fail in the short term. Additionally, the enclosure is not providing the same level of protection as a fully intact system.
29. **Remove the Enclosure.** Complete removal of the swimming enclosure: while this would eliminate ongoing maintenance concerns, it is likely to be an unpopular decision within the community and would also come at a significant financial cost.
30. **Undertake Recommended Repairs (Preferred Option).** proceed with the necessary repairs, as recommended by GME. This approach would restore the integrity and function of the enclosure and ensure it continues to serve its intended purpose for the community.
31. Should Council wish to seek alternate options to repairing and maintaining the swimming enclosure, officers seek an endorsement to undertake relevant stakeholder and community engagement on future options for the long-term viability of the swimming enclosure.

CONCLUSION

32. The Ellen Cove swimming enclosure sustained significant damage during the severe swell event of 26 May 2025, requiring urgent repair to restore its structural integrity and maintain public safety. Temporary measures have stabilised the enclosure, but permanent repairs are necessary to prevent further deterioration and higher future costs.
33. Given the high community value placed on this asset and the risks associated with inaction, it is recommended that Council support the immediate repair works and allocate funding in the 2025/2026 budget.
34. Furthermore, community engagement on the long-term viability of the enclosure will ensure transparency and help inform future strategic decisions.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Local Government (Functions and General) Regulations 1996• City of Albany Policies:<ul style="list-style-type: none">○ Purchasing Policy (Tenders and Quotes)○ Tender Procedure○ Evaluation Procedure (Tenders and Quotations)○ Buy Local Policy (Regional Price Preference)• Adopted Budget 2023/2024
File Number	:	<ul style="list-style-type: none">• PR.DEC.56
Previous Reference	:	<ul style="list-style-type: none">• OCM - 25 Aug 2015 – Item WS084.• OCM - 27 Oct 2015 – Item WS091.• OCM – 15 Dec 2015 – Item WS098• OCM Oct 2015 – Resolution WS091 (Shark Barrier Feasibility)• OCM June 2016 – Resolution DIS028 (Ellen Cove Swimming Enclosure – Three Year Trial• Elected Member Briefing – Feb 2017• Elected Member Briefing – Sep 2018• OCM Jun 2020• Elected Member Briefing - Jul 2025

AR168: POLICY 1.72: MANAGEMENT OF COMPLAINTS OF ALLEGED BREACHES OF BEHAVIOUR POLICY

- Attachments** :
 - 1.72 Management of Complaints of Alleged Breaches of Behaviour Policy
 - Addendum: Report AR168
 - [1.72 Management of Complaints of Alleged Breaches of Behaviour Policy \(Amended post committee meeting\)](#).
- Report Prepared By** : Manager Governance & Risk
- Authorising Officer:** : Chief Executive Officer

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan, informing plans or strategies:
 - **Pillar:** Leadership. A well-governed city that uses resources wisely to meet local needs.
 - **Outcomes:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- Adoption of a policy outlining procedures for managing complaints of alleged behavioural breaches under the City's Code of Conduct.
- Ensures a clear and consistent process for managing behavioural complaints under the Local Government (Model Code of Conduct) Regulations 2021.

RECOMMENDATION

AR168: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR TRAILL

THAT:

1. Policy 1.72: Management of Complaints of Alleged Breaches of Behaviour Policy, as detailed in the attachment to this report, be **ADOPTED**, noting the changes requested from the Audit & Risk Committee held in May 2025; and
2. With the following amendment to the last sentence on page 2 of the Policy:
“Following Council’s determination a summary of the complaint and the findings (if it determined that a breach has occurred) will be published on the City’s website”; and
3. With the following amendment to the last dot point under Confidentiality of Complaints: *“Post Council decision, a summary of the complaint and finding (only if it is determined that a breach has occurred) will be published on the City’s website”.*

CARRIED 7-2

Record of Vote

Against the Motion: Councillor McKinley and Councillor Lionetti

Reason for Amendment

The Chief Executive Officer Mr Andrew Sharpe proposed a minor amendment as detailed in the resolution above in order to clarify the procedure for making public, if it is determined that a breach has occurred, the details of an Alleged Breach of Behaviour.

AR168: ADDENDUM

The following is a summary of the key differences between version 4 and version 5 of the Proposed Council Policy: *1.72 Management of Complaints of Alleged Breaches of Behaviour Policy*.

Section	Version 4	Version 5
Assessment of the Complaint	Described as a procedural list without explicit reference to the <i>Model Code of Conduct</i>	Now explicitly references <i>Schedule 1, Division 3 of the Local Government (Model Code of Conduct) Regulations 2021</i>
Prescribed Actions for Behavioural Breaches	Listed as: Minor, Moderate, Serious — with examples and actions	Same structure, but now prefaced with a formal reference to <i>Schedule 1, Division 3 — Behaviour</i>
Council Findings	No change in structure, but version 5 improves clarity and formatting	Clarified language and structure for better readability
Post-Council Publication	“Post Council decision, a copy of the complaint and finding will be published...”	Reworded to: “Following the Council’s determination, a copy of the complaint and the findings will be published...”
Compliance Reporting	“Non-compliance must be reported to the Council.”	Reworded to: “The Council is to be informed of non-compliance.”

AR168: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Policy 1.72: Management of Complaints of Alleged Breaches of Behaviour Policy, as detailed in the attachment to this report, be ADOPTED, noting the changes requested from the Audit & Risk Committee held in March 2025.

AR168: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: DEPUTY MAYOR TERRY

THAT Policy 1.72: Management of Complaints of Alleged Breaches of Behaviour Policy, as detailed in the attachment to this report, be ADOPTED, noting the changes requested from the Audit & Risk Committee held in March 2025.

CARRIED 4-1

Record of Vote

Against the Motion: Councillor McKinley

AR168: AUTHORISING OFFICER RECOMMENDATION

THAT the Committee RECOMMENDS that:

- (1) Policy 1.72: Management of Complaints of Alleged Breaches of Behaviour Policy, as detailed in the attachment to this report, be ADOPTED, noting the changes requested from the Audit & Risk Committee held in March 2025; or
- (2) The proposed policy be presented for discussion at an Elected Member workshop.

AR168: ADDENDUM

An addendum to the Previous Committee report is attached. The addendum summarises the updates made in the May 2025 draft of the *1.72 Management of Complaints of Alleged Breaches of Behaviour Policy*.

Summary of Intent Behind Changes: The May 2025 version reflects a shift toward:

- Greater Council oversight (removing assessment discretion from the Complaints Officer).
- Streamlined and enforceable processes (shorter timeframes, clearer roles).
- Consistency and transparency (prescribed actions aligned with the Model Code of Conduct Regulations).
- The independent assessor report and suggested action plan (if applicable) are provided to the respondent before presentation to Council for determination.

RESOLUTION

MOVED: MAYOR STOCKS

SECONDED: COUNCILLOR MCKINLEY

THAT:

1. Consideration of this policy be DEFERRED until the next Audit and Risk Committee Meeting; and
2. The draft policy be re-presented to the next Audit and Risk Committee Meeting, incorporating the changes requested by the committee.

CARRIED 5-0

AR168: AUTHORISING OFFICER RECOMMENDATION

THAT Policy 1.72: Management of Complaints of Alleged Breaches of Behaviour Policy, as detailed in the attachment to this report, be ADOPTED.

BACKGROUND

2. Local governments are legislatively required to address complaints of behavioural breaches under the Local Government (Model Code of Conduct) Regulations 2021.
3. The City's draft policy establishes processes for handling complaints transparently and consistently. It aligns with statutory and governance frameworks and reflects the City's commitment to maintaining high ethical standards.
4. The draft has undergone internal review, incorporating governance best practices to ensure fairness for all parties.

DISCUSSION

5. The draft policy outlines a structured complaint-handling process, including:
 - a. Submission and acknowledgment of complaints using prescribed forms.
 - b. Mediation options as an alternative to formal assessment.
 - c. Independent assessment for determining breaches.
 - d. Development and monitoring of action plans for substantiated breaches.
6. Key Features:
 - a. Timely and structured handling of complaints (within specified timeframes).
 - b. Confidentiality provisions to safeguard involved parties.
 - c. Alignment with the City's strategic focus on ethical leadership and governance.
7. This policy aims to enhance trust in the Council's decision-making processes by providing clarity and consistency in addressing complaints.

GOVERNMENT & PUBLIC CONSULTATION

8. The draft policy was reviewed internally and aligns with:
 - a. Local Government Act 1995.
 - b. Local Government (Model Code of Conduct) Regulations 2021.
9. No additional public consultation was deemed necessary.
10. Post the committee meeting held in March 2025, additional revisions were applied based on informal feedback from elected members, facilitated through the CEO.

STATUTORY IMPLICATIONS

11. The proposed draft policy is consistent with the legislative framework under:
 - a. Local Government Act 1995.
 - b. Local Government (Model Code of Conduct) Regulations 2021.
12. All statutory obligations under these instruments are incorporated into the policy to ensure compliance.

POLICY IMPLICATIONS

13. Adoption of this policy formalises the City's approach to managing behavioural complaints, providing a standard framework for consistent application.

RISK IDENTIFICATION & MITIGATION

14. Risk identification and categorisation rely on the City's Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation and Legal: <i>Inconsistent handling of complaints.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Adoption of the policy ensures a clear process.</i>
Reputation and Legal: <i>Breaches of confidentiality during the complaint process.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Confidentiality obligations apply only to elected members. The complaint process will continue as outlined in the policy, regardless of a breach.</i>

FINANCIAL IMPLICATIONS

15. Costs associated with implementing the policy, such as mediator or assessor fees, will be managed within the existing governance budget.

LEGAL IMPLICATIONS

16. The policy aligns with statutory requirements under the Local Government Act 1995 and associated regulations, ensuring enforceable and defensible decision-making.

ENVIRONMENTAL CONSIDERATIONS

17. Without this policy, unresolved complaints and disputes could distract the Council from focusing on its core responsibilities, including environmental management and decision-making.

ALTERNATE OPTIONS

18. Council may:
- Resolve to reject the draft policy and seek amendments.
 - Postpone consideration for further consultation.

CONCLUSION

19. Adopting this policy provides a robust framework for managing alleged behavioural complaints, ensuring the City's governance practices remain transparent, consistent, and fair.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995. Local Government (Model Code of Conduct) Regulations 2021
File Number	:	CM.STD.7
Previous Reference	:	Audit & Risk Committee, March 2025, Report AR168.

AR173: INTERNAL AUDIT REPORT – REGULATION 17 REVIEW

Business Entity Name : City of Albany
Attachments : Regulation 17 Review Report
Report Prepared By : Manager Finance
Authorising Officer: : Chief Executive Officer

STRATEGIC IMPLICATIONS

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

In Brief:

- Under the Local Government (Audit) Regulations, namely Regulation 17, the CEO is required to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control, and legislative compliance, at least once every three years.
- This review under Regulation 17 was undertaken by external accounting firm, AMD Chartered Accountants ("AMD").
- This agenda item and attachment provide the findings in relation to this review.

RECOMMENDATION

AR173: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Regulation 17 Review Report prepared by AMD be RECEIVED.

CARRIED 9-0

AR173: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 5-0

AR173: AUTHORISING OFFICER RECOMMENDATION

THAT the Regulation 17 Review Report prepared by AMD be RECEIVED.

BACKGROUND

2. Internal auditing is an important element of our governance structure. It gives Council and the Executive Management Team independent assurance that a robust internal control structure is in place and our outputs are operating effectively, efficiently and lawfully.
3. In February 2024, the City went to market seeking to engage a suitably qualified Contractor to supply internal audit services for a period of three (3) financial years.
4. As part of the Scope of Works, the City stated that they could not commit to a definitive schedule of work to be completed over the three-year period, as this would require ongoing discussions with Council as to where the focus should reside, however, at a minimum, the request to contractors asked to commit to the following modules (at a minimum):
 - a. System and Procedures Review related to Risk Management, Internal Control and Legislative Compliance, required to be conducted in accordance with Regulation 17 of the Local Government (Audit) Regulations 1996, required by the City in the 2024/25 financial year;
 - b. Financial Management System and Procedures Review, required to be conducted in accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996, required by the City in the 2026/27 financial year.
5. In June 2024, it was decided to award the internal audit services to AMD Chartered Accountants. This was a decision of the Audit & Risk Committee and Council, reference agenda item AR151.
6. At a Council workshop on 17 September 2024, it was discussed and agreed that for FY2024/25, the internal audit modules to be assessed are:
 - a. Regulation 17 report: “The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to risk management; internal control; and legislative compliance.”; and
 - b. Internal Audit of Fees & Charges, and Revenue Management.
7. AMD Completed their audit work over the months of January and February 2025, with the report received by the City on 24 March 2025

DISCUSSION

8. A summary of AMD’s findings on the Regulation 17 Review are listed in the below table. Further information regarding the findings and associated recommendations are contained in the attachment AR173:

Regulation 17 Review		
AMD Report Ref	Issue	Risk Rating
Focus Area: Risk Management		
2.2.1	Tender and Contract Management There is no organisation wide documented tender and contract management framework in place, or an organisation wide proforma compliance checklist used to manage tenders and contracts.	High
2.2.2	Post Tender and Contract Performance Review Formal post tender and post contract performance evaluation processes are not completed following the completion of significant or critical tenders or contracts.	High
2.2.3	Risk Management Policies and Procedures – Related Party Disclosures We identified that there is no documented policy or procedure in place to address the identification and reporting of related party disclosures.	Medium

Regulation 17 Review		
AMD Report Ref	Issue	Risk Rating
2.2.4	Risk Management Policies, Procedures and Plans – Potential Out of Date Documents A review of the policies, procedures and plans indicated various documents potentially out of date.	Low
2.2.5	Policy Manual Currently no overarching register or index exists summarising the City's policies, procedures, plans and guidelines in place including implementation date and last review date.	Low
Focus Area: Internal Controls		
3.2.1	Access to Motor Vehicles, Depot Plant and Equipment Our observations identified that there is minimal security over the key for the general use vehicles and that there is no sign in/out register maintained at the Depot	Medium
3.2.2	Masterfile Changes Our review procedures identified that the creditor masterfile changes reports are not being signed to evidence independent review.	Medium
3.2.3	Procurement Testing – Exceptions Our testing of the procurement processes identified a number of Purchasing Policy exceptions.	Medium
3.2.4	Credit Card Acknowledgement Forms There was one instance where an Executive Director's credit card approval and acknowledgement form was not signed by the cardholder, rather by his Executive Assistant.	Low
3.2.5	Fixed Asset Stocktakes Periodic fixed asset stocktakes are not carried out.	Low
Focus Area: Legislative Compliance		
4.2.1	Complaints Register The complaints register as published on the City's website states it is current as at 2023.	Low

9. The City's management has reviewed the findings and recommendations, added comments and proposed completion dates for each of the findings with the report.
10. It is the intention for the status of these findings and recommendations to be reported to the audit & risk committee on an ongoing basis to demonstrate progress made on the findings.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

12. The Local Government (Audit) Regulations 1996 states, in part:

Regulation 17. CEO to review certain systems and procedures:

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

POLICY IMPLICATIONS

13. There are no direct policy implications related to this report; however, findings of the internal audit may require the formulation of new and/or amended policy positions and associated guidelines and procedures.

RISK IDENTIFICATION & MITIGATION

14. Not applicable, information only report.

FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

15. Not applicable, information only report.

ALTERNATE OPTIONS

16. The recommendation is for the report to be RECEIVED. While management's responses and anticipated completion dates for the findings and recommendations are noted, they are to be discussed with Council and are not necessarily endorsed at this stage.
17. It is suggested that no alternative Authorisation Officer Recommendation is required; however, actions arising from the report remain open for discussion and may result in alternate agreed outcomes.

CONCLUSION

18. That the Authorising Officer Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Audit) Regulations 1996</i>• <i>Auditor General Act 2006</i>
File Number	:	FM.MEE.3
Previous Reference	:	<ul style="list-style-type: none">• Audit & Risk Committee - 03/05/2022 - Report AR115• Audit & Risk Committee - 10/06/2024 - Report AR151

AR174: INTERNAL AUDIT REPORT – FEES, CHARGES & REVENUE MANAGEMENT REVIEW

Business Entity Name : City of Albany
Attachments : Fees, Charges & Revenue Management Review Report
Report Prepared By : Manager Finance
Authorising Officer: : Chief Executive Officer

STRATEGIC IMPLICATIONS

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

In Brief:

- Under the Local Government Act 1995 and Financial Management Regulations 1996, local governments can impose fees and charges for goods, services, and use of facilities, with requirements around cost, council approval, and public notice.
- The legislation also provides broader revenue management powers, including concessions, debt recovery, and ensuring transparency in financial decisions.
- The City's Audit and Risk Committee requested a review of the City's administrative processes related to the setting and management of fees and charges, along with broader revenue management practices.
- This review was undertaken by external accounting firm, AMD Chartered Accountants ("AMD").
- This agenda item and attachment provide the findings in relation to this review.

RECOMMENDATION

AR174: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Fees, Charges & Revenue Management Review Report prepared by AMD be RECEIVED.

CARRIED 9-0

AR174: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 5-0

AR174: AUTHORISING OFFICER RECOMMENDATION

THAT the Fees, Charges & Revenue Management Review Report prepared by AMD be RECEIVED.

BACKGROUND

2. Internal auditing is an important element of our governance structure. It gives Council and the Executive Management Team independent assurance that a robust internal control structure is in place and our outputs are operating effectively, efficiently and lawfully.
3. In February 2024, the City went to market seeking to engage a suitably qualified Contractor to supply internal audit services for a period of three (3) financial years.
4. As part of the Scope of Works, the City stated that they could not commit to a definitive schedule of work to be completed over the three-year period, as this would require ongoing discussions with Council as to where the focus should reside, however, at a minimum, the request to contractors asked to commit to the following modules (at a minimum):
 - a. System and Procedures Review related to Risk Management, Internal Control and Legislative Compliance, required to be conducted in accordance with Regulation 17 of the Local Government (Audit) Regulations 1996, required by the City in the 2024/25 financial year;
 - b. Financial Management System and Procedures Review, required to be conducted in accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996, required by the City in the 2026/27 financial year;
5. In June 2024, it was decided to award the internal audit services to AMD Chartered Accountants. This was a decision of the Audit & Risk Committee and Council, reference agenda item AR151.
6. At a Council workshop on 17 September 2024, it was discussed and agreed that for FY2024/25, the internal audit modules to be assessed are:
 - a. Regulation 17 report: “The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to risk management; internal control; and legislative compliance.”; and
 - b. Internal Audit of Fees & Charges, and Revenue Management.
7. AMD Completed their audit work over the months of January and February 2025, with the report received by the City on 24 March 2025

DISCUSSION

8. A summary of AMD's findings on the Fees, Charges & Revenue Management Review Report are listed in the below table. Further information regarding the findings and associated recommendations are contained in the attachment AR174:

Fees, Charges & Revenue Management Review		
AMD Report Ref	Issue	Risk Rating
Focus Area: Fees and Charges Review		
2.2.1	Standard City Wide Guidelines For Fees and Charges Setting The City currently has no standard guidance document outlining guidelines for fees and charges setting across the City.	High
2.2.2	Cost Versus Income Analysis Not Completed Consistently A cost versus income analysis is not carried out for some departments when fees and charges are being set.	Medium
2.2.3	Lack of Documentation of Methodology Used For Setting of Fees and Charges Documentation is not retained supporting the methodology utilised for the setting of fees and charges for some departments.	Medium
2.2.4	Waste Services Fees and Charges We noted some enhancements to the waste services fees and charges.	Low
Focus Area: Revenue Collection Management		
3.2.1	Debtor Collection Policy We identified there is currently no formal policy in place in respect to revenue collection and debtor management.	Medium
3.2.2	Debtor Management Procedure While there is a debtor management procedure in place, it is currently not being followed.	Medium
Focus Area: Customer Credit Arrangements		
4.2.1	Customers Exceeding Credit Limits A review of the sundry debtors listing identified two customers who had exceeded their credit limit, additionally, we identified that there are no alerts nor stop credit applied when customers exceed their credit limits.	High
4.2.2	Customer Credit Policy / Procedure / Guidance We identified that there are no documented policy nor guidance in place to assist when determining the amount of the customer credit limit.	Medium
4.2.3	Credit Application Testing – Exceptions One instance of the credit application not being signed by the City as evidence of approval was noted within our testing.	Low
Focus Area: Revenue Leakage Analysis		
5.2.1	Waivers and Discounts Policy We identified that there are no documented policies and procedures in place to address the approval and granting of fee waivers and discounts.	High
5.2.2	Recording of Waivers and Discounts Recording Our enquiries of management indicated that there is no documentation in respect to fees and charges being waived nor when discounts are applied to fees and charges.	High
5.2.3	Interest on Overdue Accounts It was identified that interest is not currently being charged on overdue sundry debtor accounts.	Medium

9. The City's management has reviewed the findings and recommendations, added comments and proposed completion dates for each of the findings with the report.
10. It is the intention for the status of these findings and recommendations to be reported to the audit & risk committee on an ongoing basis to demonstrate progress made on the findings.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

12. Sections 6.16 to 6.19 of the Local Government Act 1995 outline the framework for imposing and managing fees and charges by local governments in Western Australia.
 - a. Section 6.16 empowers local governments to impose fees and charges for Goods or services they provide as well as the use of any property or facility under their control.
 - b. Section 6.17 requires that the amount of a fee or charge be set with consideration to:
 - i. The cost of providing the service or facility.
 - ii. The importance of the service or facility to the community.
 - iii. The pricing of comparable services or facilities in the market.
 - c. Section 6.18 states that fees and charges must be imposed by a resolution of council passed by an absolute majority, unless set by legislation.
 - d. Section 6.19 requires local governments to give public notice of any new or amended fee or charge introduced after the annual budget has been adopted.
13. Sections 6.32 to 6.60 of the Local Government Act 1995 cover broader aspects of revenue management beyond just rates and service charges, including:
 - a. Revenue Powers - Local governments are empowered to raise revenue through means other than rates, including fees, charges, and borrowings.
 - b. Concessions and Waivers: Councils can grant concessions or waive fees and charges in certain circumstances, supporting flexibility in revenue collection (Section 6.47).
 - c. Penalties and Interest: Interest and penalties can be applied to unpaid amounts, creating incentives for timely payment (Section 6.51).
 - d. Debt Recovery: Local governments have the authority to pursue unpaid debts through legal means (Section 6.56), including court recovery processes.
 - e. Debt Management: Councils may write off small or irrecoverable debts where appropriate, providing flexibility in financial management (Section 6.12 and Section 6.60).
 - f. Transparency and Accountability: these provisions ensure that all revenue-related decisions are made in accordance with proper governance, budgeting processes, and public accountability standards.

POLICY IMPLICATIONS

14. There are no direct policy implications related to this report; however, findings of the internal audit may require the formulation of new and/or amended policy positions and associated guidelines and procedures.

RISK IDENTIFICATION & MITIGATION

15. Not applicable, information only report.

FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

16. Not applicable, information only report.

ALTERNATE OPTIONS

17. The recommendation is for the report to be RECEIVED. While management's responses and anticipated completion dates for the findings and recommendations are noted, they are to be discussed with Council and are not necessarily endorsed at this stage.
18. It is suggested that no alternative Authorisation Officer Recommendation is required; however, actions arising from the report remain open for discussion and may result in alternate agreed outcomes.

CONCLUSION

19. That the Authorising Officer Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Financial Management) Regulations 1996</i>• <i>Auditor General Act 2006</i>
File Number	:	FM.MEE.3
Previous Reference	:	Audit & Risk Committee - 10/06/2024 - Report AR151

AR178: REVIEW OF DELEGATIONS & COUNCIL POLICY REGISTERS

Proponent	: City of Albany
Attachments	: <ul style="list-style-type: none">• Delegations & Authorisations Register 2025• Council Policy Register 2025
Report Prepared by	: Manager Governance & Risk
Authorising Officers	: Executive Director Corporate & Commercial Services Chief Executive Officer

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Leadership.
 - **Outcomes:** Strong workplace culture and performance.

In Brief:

- Council review and approve the Register of Delegations & Authorisations.

RECOMMENDATION

AR178: RESOLUTION VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR MCKINLEY
SECONDED: COUNCILLOR TRAILL**

THAT:

1. The reviewed and amended Register of Delegations & Authorisations be **ADOPTED**.
2. The list of Council Policies as per the Council Position Register be **ADOPTED**.

**CARRIED 9-0
ABSOLUTE MAJORITY**

AR178: COMMITTEE RECOMMENDATION

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

THAT: The Authorising Officer Recommendation be **ADOPTED**.

CARRIED 5-0

AR178: AUTHORISING OFFICER RECOMMENDATION

THAT:

1. The reviewed and amended Register of Delegations & Authorisations be **ADOPTED**.
2. The list of Council Policies as per the Council Position Register be **ADOPTED**.

BACKGROUND

2. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.
3. Without delegated authority, most decisions of the City would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allows day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.
4. The Act requires local government to keep a register of its delegations and review this register once every financial year.
5. The last review was adopted by Council on 25 June 2024 and a review is now due.

DISCUSSION

6. Since the last review the register has been completely reviewed and aligned to the WALGA-preferred template.
7. Previous references are detailed in brackets next to the new reference number.
8. Council Policies are referenced in the Delegations Register.
9. Council may choose to identify and prioritise specific:
 - Delegations; and/or
 - Council Policy Positions for a separate review.

GOVERNMENT & PUBLIC CONSULTATION

10. The Executive Management Team and relevant staff have been provided with an opportunity to review their respective delegations.

STATUTORY IMPLICATIONS

Legislative powers for delegations in local government

11. The Local Government Act 1995 (the Act) has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'council' is used, then it is the council itself which must carry out that function.
12. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.
13. It is a requirement of section 5.18 of the Act, that Council review the delegations at least once every financial year.
14. Voting requirement: **Absolute Majority**.

POLICY IMPLICATIONS

15. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.	Unlikely	Moderate	Medium	Review and bring back to Council for adoption prior to 30 June 2025.

FINANCIAL IMPLICATIONS

17. Nil.

LEGAL IMPLICATIONS

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

SUMMARY CONCLUSION

19. That the reviewed registers be received for review and adoption.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• Local Government Operational Guidelines
File Number	:	PE.AUT.1
Previous Reference	:	OCM 25/06/2025 Resolution AR152

AR179: RECEIVE THE MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 17 MARCH 2025

Proponent / Owner : City of Albany
Attachments : **Confirmed Minutes of Audit and Risk Committee Meeting held 17 March 2025 - CONFIDENTIAL**
Report Prepared By : Senior Team Leader
Authorising Officer: : Chief Executive Officer

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

AR179: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY

THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 17 March 2025 be RECEIVED.

CARRIED 9-0

BACKGROUND

2. The Audit and Risk Committee meeting is not open to the public and as such the minutes are not required to be published on the City's website, in accordance with section 13 (1) (a) of the *Local Government (Administration) Regulations 1996*.
3. Report items requiring a decision of Council will be presented to an Ordinary Meeting of Council for consideration.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Number	:	FM.MEE.3
Previous Reference	:	OCM 23/08/2022 Resolution AR123 OCM 28/03/2023 Resolution AR133 OCM 27/06/2023 Resolution AR137 OCM 25/06/2024 Resolution AR154 OCM 25/03/2025 Resolution AR173

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

There being no further business the Mayor declared the meeting closed at **7.43PM**

(Unconfirmed Minutes)

Gregory B Stocks
MAYOR