

MINUTES

Ordinary Meeting of Council

Tuesday 25 February 2025

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032

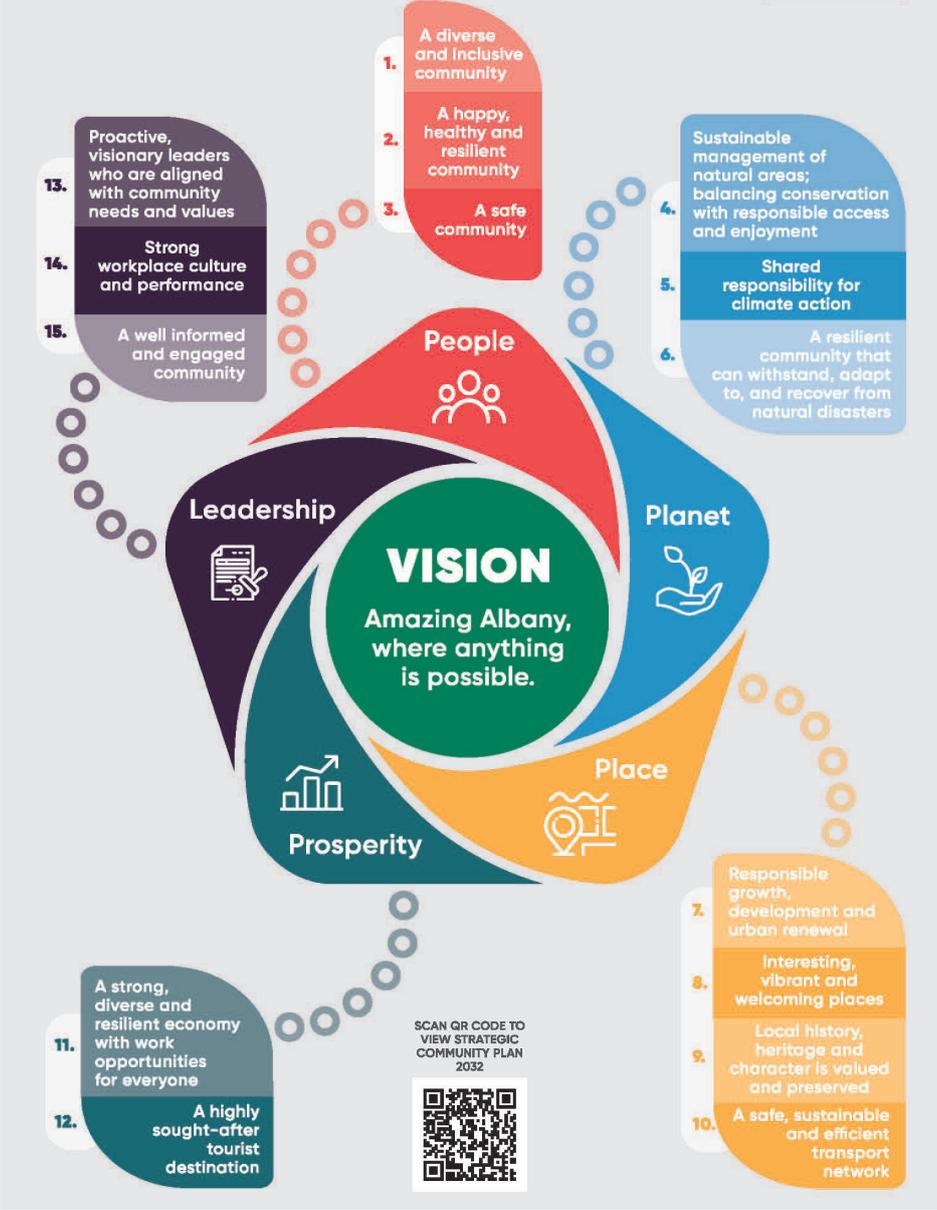


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1. DECLARATION OF OPENING

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	P Terry (Deputy Mayor)
Councillor	A Cruse
Councillor	C McKinley
Councillor	S Grimmer
Councillor	R Sutton
Councillor	M Traill
Councillor	D Baesjou

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	M Gilfellon
Executive Director Infrastructure, Development & Environment	P Camins
Executive Director Community Services	N Watson
Manager IT	A Catterall

Meeting Secretary J Williamson

Apologies/Leave of Absence:

Councillor	L MacLaren (Apology)
Councillor	M Lionetti (Apology)
Councillor	T Brough (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

6.01pm Councillor Sutton

Summary of key points:

Councillor Sutton attended the opening of the Green Range Country Club Bowling Greens and said that it was good news that Albany MLA Rebecca Stephens had made an election commitment for funding to complete phase two of the Tennis Centre in the Centennial Park Sporting Precinct.

6.02pm Councillor Traill

Summary of key points:

Councillor Traill reported that two new light tankers for the Bornholm and Young Siding Volunteer Bush Fire Brigades had arrived, and that it is important to recognise the contribution made to community safety by volunteer fire fighters.

Councillor Traill said that there had been 68 fires this year, less than the 2023-24 fire season but with some time left in this fire season it was important to remain vigilant and be prepared.

Councillor Traill also commented on the Rural Roadshows coming to Green Range, Napier and Redmond which will provide an opportunity for community members and Elected Members to meet and discuss any issues.

6.06pm Councillor Baesjou

Summary of key points:

Councillor Baesjou attended the following engagements:

- Official Opening of the Regional Tennis Centre;
- Australia Day Citizenship Ceremony and Awards;
- ACCI Social Sundowner;
- Annual Meeting of Electors’;
- Albany Sub Branch of the RSLWA special service to commemorate and recognise the service of the Australian Defence Force over the past 50 years.
- Opening Night of Pride Festival; and
- “*The Huxleys: Fantastic Voyage*” opening night at the Town Hall.

6.09pm Councillor Grimmer

Summary of key points:

Councillor Grimmer attended two Homelessness Working Group meetings. Councillor Grimmer said that he was looking forward to the Rural Roadshow, and reminded Council that more funding should be allocated to rural roads. Councillor Grimmer said that he was looking forward to working as part of the Communications and Engagement Advisory Group.

6.12pm Councillor McKinley

Summary of key points:

Councillor McKinley attended the Official Opening of the Regional Tennis Centre as part of the Centennial Park Sporting Precinct. Councillor McKinley also attended the Australia Day events at Middleton Beach and congratulated the City’s Events Team on a wonderful day.

Councillor McKinley said that he held concerns for the future of recreational fishing in the waters off Albany with the creation of marine parks and no-catch sanctuary zones.

6.14pm Deputy Mayor Terry

Summary of key points:

Deputy Mayor Terry welcomed those viewing the livestream of the meeting.

Deputy Mayor Terry said that the City of Albany had advocated strongly to political parties in the WA State election, resulting in election promises to discontinue plans for a desalination plant to be constructed in the environmentally sensitive and pristine waterways of Albany, provide funding for the development of a Master Plan for McKail North, Albany Health Campus expansion, headworks for housing developments, South Coast Highway upgrades and extension of pathway networks.

Deputy Mayor Terry attended Australia Day at Binalup and congratulated the City's Events Team for a wonderful event. Deputy Mayor Terry also congratulated Aunty Averil Dean who received the Annette Knight Community Leadership Medal for her years of cultural leadership, and the winners of the 2025 Community Citizens of the Year awards:

- Community Citizen of the Year Award 2025: Jennifer McRae;
- Young Citizen of the Year Award 2025: Felicity Ericsson;
- Senior Citizen of the Year Award 2025: Steve Marshall; and
- Active Citizenship Award 2025: Two Rivers Garden Group.

Deputy Mayor Terry also attended the Sounds of Albany at the Historic Whaling Station which featured outstanding entertainment by the WA Symphony Orchestra.

6.18pm Mayor Stocks

Mayor Stocks thanked Council for their commitment and support in progressing the City's opposition to the location of a proposed Water Corporation desalination plant. Mayor Stocks acknowledged that the work would now begin to source alternative water resources to meet future demands.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held Tuesday 17 December 2024, Mr Cliff Richards asked the following questions which were taken on notice:

1. [In the event of another directive from our state government to mandate the use of the mRNA injections, will the Council, in light of the information it now has, follow that directive and risk the health of its employees and future litigation?](#)
2. [Likewise, would it insist on Councillors complying to be able to attend Council meetings?](#)

The following responses to those questions on notice are detailed below and included in the minutes of the Ordinary Council Meeting 17 December 2024:

Whilst the City appreciates the proactive approach by Mr Richards in advocating for public health and safety, it is important that these matters are raised with the local Member of Parliament and the Minister for Health.

The matters raised are not within the remit of local government. Matters related to the regulation, safety and administration of vaccines fall under the jurisdiction of federal agencies such as the Therapeutic Goods Administration (TGA) and the Federal Department of Health and Aged Care.

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 Mr Paul O'Donnell, on behalf of Albany Mountain Bike Club Summary of key points:

Mr O'Donnell spoke in support of Report Item DIS426: Albany Heritage Park Link Trails Project-Environmental Offset Requirements.

6.24pm Henry Dykstra, Harley Dykstra Land Development Services WA Summary of key points:

Mr Dykstra addressed Council regarding the proposal to develop a North McKail Master Plan.

There being no further speakers the Mayor declared Public Question Time closed at **6.27pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MCKINLEY
SECONDED: COUNCILLOR GRIMMER

THAT the four applications for Leave of Absence by Councillors Cruse, Brough, Lionetti and MacLaren be APPROVED en bloc.

CARRIED 8-0
EN BLOC

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor MacLaren be GRANTED leave of absence for the remainder of the Ordinary Council Meeting 25 February 2025 until 09 March 2025 inclusive.

CARRIED EN BLOC

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Brough be GRANTED leave of absence for the remainder of the Ordinary Council Meeting 25 February 2025 until 09 March 2025 inclusive.

CARRIED EN BLOC

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Lionetti be GRANTED leave of absence for the remainder of the Ordinary Council Meeting 25 February 2025 until 09 March 2025 inclusive.

CARRIED EN BLOC

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Cruse be GRANTED leave of absence from 01 March 2025 to 01 June 2025 inclusive.

CARRIED EN BLOC

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: DEPUTY MAYOR TERRY

THAT the minutes of the Ordinary Council Meeting held on 17 December 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 8-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS686: MONTHLY FINANCIAL REPORT – DECEMBER 2024

Proponent / Owner : City of Albany
Attachments : Monthly Financial Report – December 2024
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 31 December 2024 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City’s Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 December 2024 is preliminary and has not yet been audited.

RECOMMENDATION

CCS686: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY

THAT the Monthly Financial Report for the period ending 31 December 2024 be RECEIVED.

CARRIED 8-0

CCS686: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS686: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 31 December 2024 be RECEIVED.

DISCUSSION

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
 - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the *Local Government (Financial Management) Regulations 1996*);
 - (b) Statement of Financial Position (satisfying Regulation 35 of the *Local Government (Financial Management) Regulations 1996*);
 - (c) Basis of Preparation;
 - (d) Explanation of material variances to year-to-date budget;
 - (e) Net Current Asset & Funding Position;
 - (f) Investment Portfolio Snapshot;
 - (g) Receivables; and
 - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item 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 31 December 2024 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. The Authorising Officer's recommendation be adopted.

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

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

CCS687: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2024

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

CCS687: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2024 totalling \$11,496,095.93 be RECEIVED.

CARRIED 8-0

CCS687: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS687: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2024 totalling \$11,496,095.93 be RECEIVED.

DISCUSSION

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

Fund	Transaction Type	Amount (\$)	%
Municipal	Electronic Funds Transfer	\$9,372,576.92	81.53%
Municipal	Payroll	\$2,101,945.01	18.28%
Municipal	Credit Cards	\$21,574.00	0.19%
Municipal	Cheques	\$0.00	0.00%
Trust	N/A	\$0.00	0.00%
TOTAL		\$11,496,095.93	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: \$51,005.87.
4. The table below summaries the total outstanding creditors as at 15 December 2024.

Aged Creditors	Amount (\$)
Current	\$38,954.96
30 Days	\$17,249.59
60 Days	\$(2,160.58)
90 Days	\$165.00
TOTAL	\$54,208.97

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 15 December 2024 has been incurred in accordance with the 2024/2025 budget parameters.

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 15 December 2024 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

CCS688: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 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

CCS688: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR BAESJOU

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2025 totalling \$7,201,143.14 be RECEIVED.

CARRIED 8-0

CCS688: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS688: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2025 totalling \$7,201,143.14 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the City’s Municipal and Trust funds for the period ending 15 January 2025. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)	%
Municipal	Electronic Funds Transfer	\$4,859,006.21	67.48%
Municipal	Payroll	\$2,323,380.62	32.26%
Municipal	Credit Cards	\$18,356.31	0.25%
Municipal	Cheques	\$400.00	0.01%
Trust	N/A	\$0.00	0.00%
TOTAL		\$7,201,143.14	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: \$1,052.57.
4. The table below summaries the total outstanding creditors as at 15 January 2025.

Aged Creditors	Amount (\$)
Current	\$763,251.47
30 Days	\$1,408,600.00
60 Days	\$20,866.34
90 Days	\$3,106.26
TOTAL	\$2,195,824.07

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 15 January 2025 has been incurred in accordance with the 2024/2025 budget parameters.

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 15 January 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

**CCS689: DELEGATED AUTHORITY REPORTS – 16 NOVEMBER 2024 to
15 JANUARY 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

**CCS689: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the Delegated Authority Reports 16 November 2024 to 15 January 2025 be RECEIVED.
CARRIED 8-0**

CCS689: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS689: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 November 2024 to 15 January 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)

CCS690: TENDERS AWARDED REPORT – OCTOBER TO DECEMBER 2024

Proponent	: City of Albany
Attachments	: Tenders Awarded Report – October to December 2024
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:** A well informed and engaged community.

RECOMMENDATION

CCS690: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY

THAT the Tenders Awarded Report – October to December 2024 be RECEIVED.

CARRIED 8-0

CCS690: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS690: AUTHORISING OFFICER RECOMMENDATION

THAT the Tenders Awarded Report – October to December 2024 be RECEIVED.

**CCS691: CORPORATE SCORECARD – OCTOBER TO DECEMBER
2024 QUARTER**

Attachments : Corporate Scorecard: Q1 2024-25: CBP Actions
Corporate Scorecard: Q1 2024-25: CEO KPIs

Report Prepared By : Business Planning and Performance Coordinator

Authorising Officer: : Manager Finance

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany’s Strategic Community Plan 2032 or Corporate Business Plan 2024-2028 informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

IN BRIEF

- The Strategic Community Plan 2032 (SCP) and the first Corporate Business Plan (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of strategic actions that effectively form Council’s priority commitments to the community.
- The ‘Corporate Scorecard’ provides a summary overview of these actions, while adding commentary on those that are not ‘on track’.
- Also included within the Corporate Scorecard is an update on the Chief Executive Officer’s (CEO) Key Performance Indicators (KPIs) for the 2024/25 financial year.

RECOMMENDATION

CCS691: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: DEPUTY MAYOR TERRY

THAT the ‘Corporate Scorecard: Q2 2024-25: CBP Actions’ and ‘Corporate Scorecard: Q2 2024-25: CEO KPIs’ for the July to September 2024 quarter be NOTED.

CARRIED 8-0

CCS691: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS691: AUTHORISING OFFICER RECOMMENDATION

THAT the ‘Corporate Scorecard: Q2 2024-25: CBP Actions’ and ‘Corporate Scorecard: Q2 2024-25: CEO KPIs’ for the July to September 2024 quarter be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. In addition, Council has assigned the CEO with KPIs for the 2024-25 financial year, that have been incorporated into the existing quarterly corporate reporting framework to improve transparency, efficiency and consistency.
4. Delivery of these actions are monitored through the City's strategy management software 'CAMMS', which defines the associated project milestones for the current financial year and enable reporting against them.

DISCUSSION

5. The attached 'Corporate Scorecard' report provides an update on the status of CBP actions and CEO KPI's for the October to December 2024 quarter.
6. These reports retain the general traffic-light model, with the following threshold specifications:
 - 'Off Track' (red) actions are less than 70% complete relative to the established project milestone.
 - 'Monitor' (amber) actions are more than 70% but less than 90% complete relative to the established project milestone.
 - 'On Track' (green) actions are 90% or more complete relative to the established project milestone.
 - 'No Target Set' actions are yet to commence or are ongoing services with no milestone.
 - Completed actions are subsumed within the 'On Track' actions.

GOVERNMENT & PUBLIC CONSULTATION

7. N/A.

STATUTORY IMPLICATIONS

8. There are no direct statutory implications, however the Report supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in *accordance with section 5.56*, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.**
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

POLICY IMPLICATIONS

9. N/A.

RISK IDENTIFICATION & MITIGATION

10. Risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational/Business Operations: Loss of reputation from not following through on commitments outlined in the CBP.	Likely	Minor	Moderate	Staff to review and address areas of concern prior to reconsideration by Council.
Opportunity: Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.				

FINANCIAL IMPLICATIONS

11. N/A.

LEGAL IMPLICATIONS

12. N/A.

ENVIRONMENTAL CONSIDERATIONS

13. N/A.

ALTERNATE OPTIONS

14. Council may choose not to review progress of commitments made in the CBP through the Report, and delegate this oversight to the City’s Executive.

CONCLUSION

15. It is recommended the ‘Corporate Scorecard: Q2 2024-25’ be noted.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995, s5.56 • Local Government (Administration) Regulations 1996, Reg. 19D • IPR Framework and Guidelines 2019
File Number	:	CM.RVW.9
Previous Reference	:	<ul style="list-style-type: none"> • OCM 23/07/2024 - Report Item CCS643 • OCM 22/10/2024 – Report Item CCS665 • OCM 26/11/2024 – Report Item CCS676

**CCS692: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 DECEMBER 2024**

Proponent : City of Albany
Attachments : Budget Review for the period ending 31 December 2024
Report Prepared by : Business Analyst/Management Accountant
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

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996.
- This review is for the period ending 31 December 2024, and achieves a Balanced Budget (nil surplus or deficit as at 30 June 2025) inclusive of the proposed Budget Review allocations

RECOMMENDATION

**CCS692: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT the Budget Review for the period ending 31 December 2024 be ADOPTED.

**CARRIED 8-0
ABSOLUTE MAJORITY**

CCS692: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS692: AUTHORISING OFFICER RECOMMENDATION

THAT the Budget Review for the period ending 31 December 2024 be ADOPTED.

BACKGROUND

2. The Department of Local Government, Sport and Cultural Industries (“DLGSCI”) recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual. This was completed by the City in September 2024 under agenda item CCS657.
3. Under legislation (regulation 33A(1) of the Local Government (Financial Management) Regulations 1996, Local Governments are required to conduct a budget review between 1 January and the last day of February each financial year.
4. Council adopted the FY2024/25 budget on 23 July 2024 (CCS647). The total adopted budget expenditure of \$156.3m was comprised of:
 - a. \$59.0m capital works;
 - b. \$1.3m debt reduction; and
 - c. \$96.0m in operating expenditure.
5. The current budget (inclusive of budget amendments already endorsed by Council throughout FY2024/25) has expenditure totalling \$162.4m.

DISCUSSION

6. Key elements of this proposed budget review include:
 - a. An increase in funds required of \$5.834m to complete the proposed amendments, sourced as follows:
 - i. \$3.236m: Reduction in expenditure
 - ii. \$5.066m: Increase in grants and general revenue.
 - iii. \$2.468m: Reduction in net reserves funding required.
 - iv. The total of which is \$5.834m.
 - b. This Review maintains Council's Budget in a Balanced Position as at 30 June 2025.
 - c. Total expenditure of \$162.4m in FY2024/25, comprised of:
 - i. \$64.0m capital works;
 - ii. \$1.5m debt reduction; and
 - iii. \$96.9m in operating expenditure.
7. A detailed copy of the budget review for the period ending 31 December 2024 is attached.
8. Any budget adjustments thereafter will be brought to Council as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

9. Department of Local Government guidelines were followed in the preparation of this report.
10. City of Albany Executives, Managers and Officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

11. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a. is incurred in a financial year before the adoption of the annual budget by the local government
 - b. is authorised in advance by a resolution (absolute majority required) or;
 - c. is authorised in advance by the mayor in an emergency.

12. If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed.
13. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Organisation’s Operations. Non approval of the budget review may result in significant delays to achieving deliverables.	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>In the short term the existing Annual Budget would apply and proposed amendments would not apply. Adopt the Budget Review with amendments (as specified by Council).</i>
Opportunity: Provides Council with an additional opportunity to review the City’s current budget position				

FINANCIAL IMPLICATIONS

16. Please refer to the attachment: Budget Review for the period ending 31 December 2024.

LEGAL IMPLICATIONS

17. Nil.

ENVIRONMENTAL CONSIDERATIONS

18. Nil.

ALTERNATE OPTIONS

19. For the period ending 31 December 2024, Council may consider to:
 - a. Adopt the Budget Review as recommended; or
 - b. Adopt the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

20. That the Authorising Officer Recommendation to adopt the Budget Review for the period ending 31 December 2024 be supported.

Consulted References		<ul style="list-style-type: none"> • Adopted Budget 2024/2025 • Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference		<ul style="list-style-type: none"> • Adopted Budget 2024/2025 – OCM 23/07/2024 Resolution CCS647 • Budget Review Period Ending 31 July 2024 - OCM 24/09/2024 Resolution CCS657

CCS693: NEW LEASE – VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD – HANRAHAN ROAD WASTE FACILITY

Land Description	: Portion of Lot 167 on Deposited Plan 248882, the subject of Certificate of Title 1117 Folio 402, Mount Melville
Proponent	: Veolia Environmental Services (Australia) Pty Ltd (ABN 20 051 316 584) <ul style="list-style-type: none">• Julian Charise Gaillard (Secretary/Director)• Richard Kirkman (Director)
Owner	: City of Albany
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 2032:
 - **Pillar:** 2 Planet – Shared responsibility for climate action.
 - **Outcome:** 2.2.3 Develop a sustainable, low waste, circular economy.
 - **Pillar:** 4. Prosperity – A strong, diverse and resilient economy with work opportunities for everyone.
 - **Outcome:** 4.1.1 Attract, retain and support a diverse range of businesses and industries to grow the economy and create more local jobs.

Maps and Diagrams:



IN BRIEF

- Council at its meeting on 22 October 2024 approved the awarding of contracts for Recycling Processing Services and Waste Collection Services in the City of Albany to Veolia Environmental Services (Australia) Pty Ltd (Veolia), subject to confirmation of departures and final clarifications on contract terms.
- The Recycling Processing Services contract includes a requirement for Veolia to lease the Bulk-up Facility from the City for their operations.
- Council is requested to approve a new lease for the Bulk-up Facility Area (previously leased to Cleanaway Pty Ltd) to Veolia.
- The lease term will align with the contract term.
- It is recommended that Council approve the new lease with Veolia.

CCS693: ADDENDUM

Following the presentation of this report to the Corporate and Community Services Committee meeting held on Tuesday 11 February 2025, further time is required to negotiate the Special Conditions associated with the proposed lease.

It is therefore recommended that this report be **WITHDRAWN** from this agenda and an updated report be presented for Council consideration at the March 2025 Ordinary Council Meeting, as per the Authorising Officer Recommendation below.

RECOMMENDATION

CCS693: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MCKINLEY
SECONDED: COUNCILLOR TRAILL

THAT this report be WITHDRAWN from this agenda and an updated report be presented for consideration by Council at the Ordinary Council Meeting to be held on 25 March 2025.

CARRIED 8-0

Reason: As detailed in the Addendum.

CCS693: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council APPROVE the new lease to Veolia Environmental Services (Australia) Pty Ltd over portion of Lot 167 Cuming Rd, Mount Melville, subject to the terms and conditions outlined in section 14 in this report.

CCS693: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS693: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the new lease to Veolia Environmental Services (Australia) Pty Ltd over portion of Lot 167 Cuming Rd, Mount Melville, subject to the terms and conditions outlined in section 14 in this report.

BACKGROUND

2. On 22 October 2024 Council approved the awarding of contracts for Recycling Processing Services and Waste Collection Services in the City of Albany to Veolia Environmental Services (Australia) Pty Ltd (Veolia), subject to confirmation of departures and final clarifications on contract terms.
3. As part of the Recycling Processing Services contract, Veolia is required to lease the Bulk-up Facility Area located at Lot 167 Cuming Road from the City to carry out their operations.
4. The lease area of 3422m² was formerly referred to as the Material Recovery Facility and previously leased to Cleanaway.

DISCUSSION

5. The new lease for the Bulk-up Facility Area is essential for Veolia to fulfill their contractual obligations for recycling processing and waste services delivery.
6. The lease will ensure that Veolia has the necessary infrastructure to manage waste and recycling effectively and efficiently within the City of Albany.
7. The City’s Waste team will allow Veolia to use a portion of the lease area for a Depot. Veolia may park up to eight collection vehicles for a period commencing 1 July 2025 and ending on the earlier of 18 months after the commencement date or termination of the lease.
8. Veolia must not bring unsafe collection vehicles or those that drip oil or fluids into the lease area. Additionally, they must not clean, grease, oil or wash Collection Vehicles in the lease area.
9. The City will issue Veolia with a parking permit, allowing their employees to park vehicles on a section of the unmade road reserve next to the lease area.

Lease terms

10. The proposed lease term is for eight years and two further one-year extension options, aligning with the contract term commencing 1 July 2025.
11. A peppercorn rent is proposed, as all costs for the lease have been factored into the Recycling Processing Services contract.
12. A commercial rent could result in higher fees paid by the City to Veolia under the contract, potentially increasing costs for the City and its residents.
13. The peppercorn rent is consistent with the rent paid by Cleanaway for similar arrangements.
14. The table below summarises the essential terms of the proposed new lease.

New Lease	Details
Tenant	Veolia Environmental Services (Australia) Pty Ltd
Land Description	Portion of Lot 167 Cuming Rd on Deposited Plan 248882, Certificate of Title 1117 Folio 402, Mount Melville
Land Ownership	City of Albany
Lease Area	Approx 3422m ²
Permitted Use	Receipt, storage, bulk-up and collection of recyclable waste, including processing of recyclable waste through the material recovery equipment located within the Bulk-up Facility lease area
Rent	\$1.00 pa + GST
Term of Lease	8 years + two 1-year extensions (10 years) commencing 1 July 2025
Outgoings	Tenant responsible for all outgoings, including insurance and utilities
Special Conditions	Depot Area – Tenant may park up to eight collection vehicles, to be exclusively used for the Waste Collection Services and Recycling Processing Services contracts with the City of Albany, in the lease area for a period commencing 1 July 2025, ending 18 months after the commencement date or lease termination.

GOVERNMENT & PUBLIC CONSULTATION

15. No Government consultation is required as the lease area is located on City of Albany owned freehold land.
16. Section 3.58 of the *Local Government Act 1995* governs property disposal, including leases.
17. The Act requires the following:
 - a) A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b) Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c) A local government can then proceed with the lease.
18. The proposed new lease will be advertised to comply with the requirements of the Act.
19. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise the proposed lease in the local newspapers and the City's website inviting submissions from the public.	Two weeks following Council's endorsement of the agenda item.	Open	Section 3.58 of the Local Government Act 1995.

STATUTORY IMPLICATIONS

20. 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.
21. The proposed new lease complies with the statutory requirements for property disposal.

POLICY IMPLICATIONS

22. The Property Management (Leases and Licences) Policy supports equitable access and efficient management of City owned and managed properties in line with statutory procedures.
23. The Policy provides that commercial rents are to be market based. However, it is recommended Council approve a peppercorn rent, as lease costs have already been considered in the Recycling Processing Services contract.
24. The remainder of lease terms will align with the policy.

RISK IDENTIFICATION & MITIGATION

25. 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 - waste and recycling services disrupted	Unlikely	Major	Medium	Negotiate terms that satisfy both Council and tenant
Financial: Increased costs if commercial rent applied	Possible	Moderate	Medium	Opt for peppercorn rent to keep costs manageable
Operational: Delay in approving the lease may impact the commencement of waste services	Unlikely	Major	Medium	Negotiate terms that satisfy both Council and tenant
Opportunity: To fulfil the requirements of the Recycling Processing Services and Waste Collection Services Contract and strengthen the partnership between the City and Veolia.				
Opportunity: The lease aligns with the City's Strategic Community Plan 2032 objective to develop a sustainable, low waste, circular economy.				

FINANCIAL IMPLICATIONS

- 26. All costs associated with the preparation and execution of the new lease documentation will be met by the City.
- 27. The peppercorn rent is structured to align with the overall Recycling Processing Services and Waste Collection Services contracts ensuring cost effectiveness and value for money.

LEGAL IMPLICATIONS

- 28. The lease documentation will be prepared by City’s lawyers (who prepared the waste services contracts) to ensure enforceable terms to protect the interests of the City and align with the waste services contract.

ENVIRONMENTAL CONSIDERATIONS

- 29. Veolia under the Recycling Processing Services and Waste Collection Services contracts must comply with all environmental regulations for waste management operations.

ALTERNATE OPTIONS

- 30. Council may:
 - a. Approve the new lease to Veolia; or
 - b. Seek amendments to the proposed lease terms, including changing the rent from a peppercorn amount to commercial rent or another amount; or
 - c. Decline the new lease request.
- 31. Not approving the new lease with Veolia would require finding a new contractor or renegotiating terms with Veolia.
- 32. Imposing a higher rental may increase costs for the City and residents as Veolia would then adjust their fees to cover higher rental expenses.

CONCLUSION

- 33. On 22 October 2024 Council approved the awarding of contracts for Recycling Processing Services and Waste Collection Services in the City of Albany to Veolia, subject to confirmation of departures and final clarifications on contract terms.
- 34. The Recycling Processing Services contract requires that Veolia must enter into a lease for the Bulk-up Facility for their operations.
- 35. The lease terms are favourable and ensure that Veolia can operate effectively while meeting the City’s waste management needs.
- 36. Approving the new lease with Veolia is crucial for the seamless delivery of waste and recycling services to residents in the City of Albany.
- 37. It is recommended that the new lease be approved.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Lease and Licences) Policy • <i>Local Government Act 1995</i>
File Number	:	PRO490, A114984
Previous Reference	:	OCM 22 October 2024 DIS419

DIS425: WALGA SUSTAINABLE ENERGY PROJECT

Proponent / Owner	: City of Albany
Attachments	: Commercial in Confidence – Confidential Briefing Note and attachments under separate cover
Report Prepared By	: Climate and Sustainability Project Officer
Authorising Officer:	: Executive Director Infrastructure, Development & Environment

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Planet. We are leaders in sustainability with a shared commitment to climate action and protecting our beautiful, natural environment.
 - **Outcomes:** Shared responsibility for climate action.
 - **Pillar:** Leadership. A well-governed city that uses resources wisely to meet local needs.
 - **Outcomes:** 5.2 Provide cost effective financial management and value for money
2. This item also relates to the following City of Albany strategic documents:
 - [City of Albany Climate Change Action Declaration](#)
 - [City of Albany Corporate Power Plan](#)

In Brief:

- The City of Albany has an opportunity to continue to participate in the Sustainable Energy Agreement with WALGA and their preferred supplier for a three-year period.
- The first three-year term of the project ends in March 2025.
- WALGA is working on behalf of 52 Local Governments to aggregate participating Members' buying power and lock in preferential pricing.
- The project also supports Members' Climate Change Declaration commitments and renewable energy transition.

RECOMMENDATION

DIS425: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR GRIMMER

THAT Council APPROVE entering into a Sustainable Energy Agreement with the WALGA preferred supplier, as per the Recommendation in the Confidential Briefing Note.

CARRIED 6-2

Record of Vote

Against the Motion: Councillors Sutton and McKinley

DIS425: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 5-2

Record of Vote

Against the Motion: Councillors Sutton and McKinley

DIS425: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE entering into a Sustainable Energy Agreement with the WALGA preferred supplier, as per the Recommendation in the Confidential Briefing Note.

BACKGROUND

3. WALGA established an Energy Purchase Agreement (Phase One) on 1 April 2022, ending on 31 March 2025.
4. The Project is an ACCC-approved buying group of Local Governments that has contracted electricity under a volume aggregated purchasing process.
5. The WALGA Energy Purchase Agreement was established to:
 - a) Aggregate WALGA Members' buying power and lock in preferential pricing; and
 - b) Support Members' Climate Change Declaration commitments and renewable energy transition.
6. The City of Albany, as one of the 48 WALGA Members who opted to participate in the project (Participants), has benefited from the aggregate contract rates and carbon emissions offsets.
7. The City of Albany entered Phase One, opting to purchase 100% NaturalPower from Year One.
8. The project's Phase One term is estimated to save Local Governments a total of \$34 million in expenditures and offset over 120,000 tonnes of carbon.
9. The key objectives of Phase Two of the Sustainable Energy Project are:
 - a) Enhance access to renewable energy for WALGA Members, thereby driving positive climate change outcomes;
 - b) Minimise energy costs to WALGA Members; and
 - c) Evolve supply options and use of new energy technology

DISCUSSION

10. WALGA ran a Request for Quotation (RFQ) for a new contract commencing 1 April 2025. The City of Albany entered an MOU with WALGA allowing the City's contestable energy spend to be represented in this procurement process for the purposes of pricing.
11. The RFQ was overseen by a steering committee and evaluated by a team of WALGA officers, Local Government officers, and independent technical consultants.
12. Technical consultants Ironbark Sustainability analysed the pricing tables (modelled against current consumption data) and delivered recommendations for WALGA's consideration.
13. WALGA also conducted a public Pre-Tender Market Notice process in February 2024 to identify potential respondents to the Phase Two project term.
14. Six submissions were received, of which two were compliant with the mandatory requirement to hold a WA retail electricity licence.
15. The respondents were engaged in discussions to determine eligibility and suitability to be invited into the RFQ.
16. WALGA also met with other companies that could potentially tender existing or future sustainable energy infrastructure projects to offer Power Purchase Agreement contracts into the process.

No other companies were identified with planned or shelf-ready generation projects that would be able to offer a proposal to WALGA for the Phase Two term.

17. A summary of the offers received by WALGA are Commercial in Confidence and are included as an attachment to a separate Confidential Briefing Note.
18. The pricing in the offer is dependent on 100% of Participants agreeing to the contract.
19. WALGA requires notification on or before 7 March 2025 to secure the offer.
20. If 100% contracting of Participants is not achieved for the above rates, the next most advantageous offer will become the fallback position for Contracting. WALGA has modelled this to be approximately 6% more expensive across the project base but will vary according to each Participant’s consumption profile.
21. Contractual documentation is to remain confidential but is available to Council under separate cover.

GOVERNMENT & PUBLIC CONSULTATION

22. On 26 August 2021, WALGA secured a Determination from the ACCC. This Determination granted authorisation to the Western Australian Local Government Association from 17 September 2021 to enable Local Governments who are current and future members of a proposed joint renewable energy purchasing group to pool their demand and collectively tender for and negotiate an electricity supply arrangement.
23. The authorisation was granted for 15 years, until 30 September 2036.
24. For the current Phase Two, WALGA obtained consent from the City and 51 other Participants to represent their energy load in the procurement process.
25. WALGA needs the Local Governments to formalise contracts on or before 7 March 2025 to meet the current contracting timelines.

STATUTORY IMPLICATIONS

26. Nil

POLICY IMPLICATIONS

27. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Community There is a reputational risk if the City does not act in accordance with the environmental objectives in the City’s Strategic Community Plan, Corporate Business Plan, City of Albany Climate Change Action Declaration, and Corporate Power Plan.</p>	Almost certain	Moderate	High	Manage community expectation through clear and transparent communication and endorse acceptance of recommended offer.
<p>Service Delivery Interruption / Operational WALGA conducted the procurement process on behalf of numerous local governments, and engaged a consultant to analyse data and assess the submissions. If the offer is not accepted by the City, the City will need to conduct procurement at our own time and expense. Additional time spent by officers will detract from service delivery of other program areas.</p>	Almost certain	Minor	High	Endorse acceptance of recommended offer or designate adequate resourcing and expertise to undertake work to secure an alternative contestable energy agreement.
<p>Financial. If the offer is not accepted, there is no guarantee that the City going out to market separately will result in a lower-cost offering for power. There is the risk that the City may pay a higher price, whether for renewable energy or not, without the aggregated buying power of numerous local governments. The City would require the assistance of a technical consultant to evaluate offers, resulting in additional costs to the City.</p>	Likely	Moderate	High	Endorse acceptance of recommended offer. Monitor quarterly cost savings and carbon emissions reductions over the 3-year contract.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Financial. If the offer is accepted by the City but not by some other participating local governments, the City risks paying a higher price for power based on fewer participants in the collective Project.</p>	Possible	Minor	Medium	Nil
<p>Opportunity: Secure cost-effective energy supply with minimised carbon emissions for the next three years.</p>				

FINANCIAL IMPLICATIONS

29. More detailed information regarding financial implications of the offer is contained in the Confidential Briefing Note.

LEGAL IMPLICATIONS

30. Nil

ENVIRONMENTAL CONSIDERATIONS

- 31. The City of Albany continues to demonstrate leadership in sustainability and a shared commitment to climate action.
- 32. Council endorsed a revised [City of Albany Climate Change Action Declaration](#) at the December 2023 Ordinary Council Meeting.
- 33. As part of the Climate Change Action Declaration, the City acknowledges that “Local government plays an important role towards eliminating carbon emissions through our actions and advocating for change within the community.”
- 34. The [City of Albany Corporate Power Plan](#), adopted by Council on 28 February 2023, guides the transition of City-owned and managed buildings to 100% renewable energy by 2030. A key target of the Corporate Power Plan is to negotiate renewable options for contestable energy agreements.
- 35. The Phase Two offer includes 100% renewable energy that is accredited through the national [GreenPower](#) scheme and meets strict environmental criteria.

ALTERNATE OPTIONS

- 36. Council may:
 - Approve the proposal as recommended; or
 - Choose not to agree to the proposal, resulting in the City being required to procure electricity independent of WALGA in March 2025 once the current contract expires.

CONCLUSION

- 37. It is recommended that the City enters into Phase Two of the WALGA Sustainable Energy Agreement, noting that:
 - The Recommended Offer pricing will apply if 100% of Participants take up the offer.
 - Should the most advantageous offer contingent on 100% collective adoption not be achieved, the next most advantageous offer pricing will apply. This offer is contingent on a 65% minimum take-up.

Consulted References	<ul style="list-style-type: none"> • City of Albany Strategic Community Plan 2032. • City of Albany Climate Change Action Declaration. • City of Albany Corporate Power Plan.
File Number	: ET.PLA.1
Previous Reference	: SCM023: 10 November 2021

DIS426: ALBANY HERITAGE PARK LINK TRAILS PROJECT – ENVIRONMENTAL OFFSET REQUIREMENTS

Land Description	: City of Albany Conditional Freehold Lot 172 on Deposited Plan 222002 & Certificate of Title 39/257 and portion of Crown Reserve 2682 Lot 508 on Deposited Plan 64941 & Certificate of Title LR3159/237
Proponent / Owner	: City of Albany and the State of WA
Attachments	: DWER CPS 9182-1 Purpose Permit with Plan and Decision Report DCCEEW 2019-8480 - Decision Notice Proposed environmental offset map
Report Prepared By	: Lands Officer
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:** Planet – We are leaders in sustainability with a shared commitment to climate action and protecting our beautiful, natural environment.
 - **Outcomes:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

Maps and Diagrams:



In Brief:

- Council is required to provide a formal resolution on the proposed environmental offset areas identified for the Albany Heritage Park Link Trails Project.
- Accepting the environmental offset areas will secure the clearing permit and allow the implementation of the trail network construction to commence.

RECOMMENDATION

**DIS426: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council AGREES to:

The surrender, transfer and revestment of Conditional Freehold Lot 172 on Deposited Plan 222002 & Certificate of Title 39/257 to the Crown for an environmental offset pursuant to EPBC 2019/8480 and CPS 9182/1. Additionally, two conservation areas to be set aside as environmental offsets within Class A Reserve 2682 pursuant to EPBC 2019/8480 and CPS 9182/1;

REQUESTS:

The Minister for Lands to include Lot 172 into Class A Reserve 2682 pursuant to section 42(3)(a) of the Land Administration Act 1997; and

REQUESTS:

The Minister for Lands to take all necessary action to set aside two areas for conservation purposes within Class A Reserve 2682, Lot 508 on Deposited Plan 64941 & Certificate of Title LR3159/237, to implement the EPBC/DWER decisions (EPBC 2019/8480 and CPS 9182/1).

CARRIED 8-0

DIS426: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

DIS426: AUTHORISING OFFICER RECOMMENDATION

THAT Council AGREES to;

The surrender, transfer and revestment of Conditional Freehold Lot 172 on Deposited Plan 222002 & Certificate of Title 39/257 to the Crown for an environmental offset pursuant to EPBC 2019/8480 and CPS 9182/1. Additionally, two conservation areas to be set aside as environmental offsets within Class A Reserve 2682 pursuant to EPBC 2019/8480 and CPS 9182/1;

REQUESTS;

The Minister for Lands to include Lot 172 into Class A Reserve 2682 pursuant to section 42(3)(a) of the Land Administration Act 1997; and

REQUESTS;

The Minister for Lands to take all necessary action to set aside two areas for conservation purposes within Class A Reserve 2682, Lot 508 on Deposited Plan 64941 & Certificate of Title LR3159/237, to implement the EPBC/DWER decisions (EPBC 2019/8480 and CPS 9182/1).

BACKGROUND

2. The Albany Heritage Park Link Trails Project (AHPLTP) has been in development for an extended period, with involvement from Council, regional bodies, the community and other stakeholders at multiple stages.
3. In 2015, after approximately two years of community consultation, Council adopted the City of Albany Trails Hub Strategy 2015–2025. In December 2016, Council adopted the Albany Heritage Park Trails Concept Plan, laying the groundwork to ensure that any trail networks developed in the park were well-planned, addressing issues with existing ad-hoc and illegal ‘pirate’ trails.
4. The trails are a key component of the Mounts Master Plan, which is the strategic blueprint for promoting the Mounts as WA’s first regional botanic garden. In 2019 the City of Albany undertook community consultation initiatives in relation to the Mounts Master Plan, where resulting feedback identified that the rationalisation, consolidation and construction of new trails on the Mounts was one of the highest priority projects to community.
5. The AHPLTP aims to rationalise the existing trail network throughout the Albany Heritage Park to mitigate and reduce environmental impacts and remedy user conflict issues. This would be achieved both through construction of best-practice trails and through closure and rehabilitation of existing trails.
6. The development of the Mounts Master Plan follows the Department of Biodiversity, Conservation and Attractions (DBCA)’s eight-step framework developed for trails at a national park standard. The design process has incorporated several intensive stages of environmental and heritage assessments. This has shaped the extent and the alignment of the trails into its current iteration, which represents a significant reduction in scale as compared to the original proposal.

Approval Process

7. The process of securing approvals for native vegetation clearing for this project has taken longer than originally anticipated, as outlined below:
 - May 2017 - The Albany Heritage Park Trails Concept Plan was referred to the Commonwealth Government, Department of Environment and Energy (DEE), now known as the Department of Climate Change, Energy, the Environment and Water (DCCEEW).
 - October 2017 - The Albany Heritage Park Trails Concept Plan was determined a controlled action.
 - January 2019 - The City of Albany withdrew the referral.
 - 30 July 2019 - The City of Albany referred the updated Link Trail Concept Plan.
 - October 2019 - The Link Trail was determined to be a ‘controlled action’.
 - February 2020 - City of Albany staff met with the State Department of Water and Environmental Regulation (DWER) Acting Manager in Perth to review the Albany Heritage Park Trails Concept Plan and to gain an understanding of the clearing permit submission process they expected the City of Albany to follow.
 - 13 February 2020 - City of Albany staff also met with Perth DWER officers and walked the site to present the proposed concept and discuss key issues such as illegal trails and conflict between different users.

- May 2020 - As part of a strategy to address environmental impacts associated with illegal trail construction and the changing use of the current poorly designed and constructed trail network in the Albany Heritage Park (AHP), it was proposed to construct new walk, ride and dual use trails, collectively known as the 'AHP Link Trails V2'. DWER Clearing Application submitted.
- August 2020 - Environmental Protection and Biodiversity Conservation Bilateral Assessment submitted.
- September 2020 - Variation to the proposal accepted.
- December 2021 - An assessment letter from DWER was received, requiring the City of Albany to provide further information in the form of environmental studies to fulfil the requirements of DWER and DCCEEW (the Request for Information or RFI).
- Dec 2021 to Dec 2022 - The City of Albany commissioned these studies, many of which had to be carried out at certain times of the year or require longitudinal observation.
- October 2022 - Variation to the clearing proposal submitted to DWER and DCCEEW to realign the trails to avoid significant habitat areas.
- November 2022 - Variation to the clearing proposal accepted by DCCEEW.
- December 2022 - DWER readvertised the revised clearing permit application proposal for public comment.
- January 2023 - The City of Albany responded to the public comment received.
- January 2023 - The City of Albany sent DWER responses to all of the RFI matters.
- May 2023 - DWER assessed the City of Albany's RFI response, finalising all conditions to be imposed on the clearing permit.
- May 2023 - DWER assessed the 'residual impact' to certain species based on the clearing proposal and issued a further RFI to the City of Albany, requesting detail on how the City of Albany would meet the offset requirement for those impacts.
- May 2023 - The City of Albany entered into an iterative negotiation with DWER to explore offset possibilities both within and outside of the Mounts.
- October 2023 - The City of Albany agreed to permit conditions on specific issues and made a hypothetical offset offer based on the agreement reached with DWER on what would constitute an acceptable offset.
- November 2023 - DWER assessed all documentation and referred their permit determination to DCCEEW for assessment under the Bilateral Agreement.
- December 2023 - Correspondence received from DWER indicated DCCEEW had further requirements for the offset. A meeting was held between the City of Albany, DWER and DCCEEW where the City of Albany agreed to provide an Offset Strategy incorporating all measures required.
- January 2024 - DWER granted a clearing permit with DCCEEW's agreement.
- 29 January 2024 - Correspondence received from the Office of Appeals Convenor, with 9 public appeals enclosures against grant of clearing permit CPS 9182/1 Albany Heritage Park Trails.
- 13 February 2024 – the City of Albany compiled and issued a response to the public appeal enclosures.

- 6 May 2024 - Meeting held with Dr Gary Middle, Chair, Office of the Appeals Convenor.
- 12 August 2024 - Minister's appeal determination: Having considered the information available, including DWER's response to the appeals and the Appeals Committee's report and recommendation, the Minister was satisfied that it was reasonable for DWER to grant the permit and that the conditions set out were appropriate. The Minister, therefore, dismissed the appeals.
- August/September 2024 - DCCEEW clarifications sought from the City of Albany on components of the offset proposal to help determine the final decision on whether or not to approved the controlled action.
- 19 September 2024 - DCCEEW notified the City of Albany that the offset proposal for AHPLTP was deemed adequate for assessment and statutory fees were required to be paid.
- 8 November 2024 - DCCEEW proposed to approve the Proposed Action subject to conditions and invited comment on proposed approval decision.
- 21 November 2024 – the City of Albany responded with comments and follow up meeting (11 December 2024).
- 23 December 2024 - DCCEEW formally granted an approval to the City of Albany (the proponent) in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* and to be undertaken in accordance with the conditions specified in the approval. This approval has effect until 2 January 2050.

Management Measures

8. Following the application of measures to avoid, mitigate and rehabilitate, the environmental impacts associated with the proposal, the following significant residual impacts were expected (as per the DWERs calculations).
9. Loss of 3.16 hectares of native vegetation that provides significant habitat for western ringtail possum.
10. Loss of 3.05 hectares of native vegetation that provides significant foraging habitat for all three species of black cockatoo.
11. The City of Albany identified 8 hectares of native vegetation within City of Albany Conditional Freehold Lot 172 on Deposited Plan 222002, as well as two areas of marri/jarrah forest/peppermint woodland within Reserve 2682 measuring 14ha together, that would be suitable to meet the requirements for environmental offset for the AHPLTP.

Council Engagement

12. As both a standalone trails project and within the broader strategic context, the following list outlines key activities where the trail footprint was endorsed, advertised, or considered by Council:
 - December 2017 – AHPLTP approved by Council as part of the Building Better Regions funding application for the 'Kinjarling Connect 2026' suite of projects.
 - Throughout 2019 – Community survey endorsed by Council to gather feedback on the Draft Mounts Masterplan and AHPLTP, including an opening message from the Mayor.
 - Jan 2020 – Iconic Trails (another name for the AHPLTP) endorsed by Council to include as part of a Great Southern Development Commission regional funding application.
 - Dec 2020 – *Draft Mounts Masterplan* (with AHPLTP as a key implementing strategic project) publicly advertised on the City of Albany website.

- Mar 2021 – AHPLTP approved by Council to put forward for an election commitment grant (which was successful and the source of the majority of the project’s construction funding).
 - 12 July 2021 - *Mounts Master Plan Engagement Report : Community + Stakeholder Feedback* to the Draft Master Plan sent to Councillors, advertised publicly and uploaded onto the City of Albany’s website.
 - 24 Aug 2021 Ordinary Council Meeting – Strategic Community Plan endorsed by Council, with the Mounts Masterplan endorsed as an informing strategy.
 - 11 Feb 2023 – Council briefing note on the background of and current status of the AHPLTP, including updated trail detailed design.
 - 12 July 2023 – Council Strategic Briefing session (including new Councillors) on the background of and current status of the AHPLTP, plus offset properties.
 - 25 July 2023 Ordinary Council Meeting – the AHPLTP approved by Council to be leveraged for the Growing Regions Program funding round to contribute to additional amenity/cultural interpretation at the intended Link Trail trailheads and lookouts.
 - 28 Nov 2023 - 2023 – 2027 Corporate Business Plan annual review endorsed (CCS577) with ‘Provide implementation of the Mounts Master Plan’ listed as a key action under Outcome 3.2 - Interesting, vibrant and welcoming places.
13. Regarding the wider regional context, in May 2020 Council endorsed the Great Southern Regional Trails Master Plan 2020-2029 from Great Southern Centre for Outdoor Recreation Excellence. This Master Plan was developed to guide management decisions and provide a vision of what the trail network across the Great Southern would look like in the future. The AHPLTP was prioritised in this Master Plan as a regionally significant development.
14. There is a timing imperative to accept the environmental offset requirements, to secure the clearing permit and allow work to commence. This Council decision will shape the foundation of the Mounts Master Plan by defining the AHPLTP route and its environmental conditions. The final Mounts Master Plan—incorporating findings from the *Mounts Master Plan Engagement Report: Community + Stakeholder Feedback*—will be presented to Elected Members for consideration and adoption at a future Council meeting.

DISCUSSION

15. As a condition of DWER clearing permit CPS 9182-1 and as detailed in the MCCEEW EPBC 2019/8480 decision in relation to the AHPLTP, the City of Albany is proposing to protect 22 hectares of land within the Albany Heritage Park precinct.
16. Condition 12 of DWER permit CPS 9182-1 requires the City of Albany to transfer Lot 172 on DP 222002 to Reserve 2682 for the purpose of Public Park and Conservation
17. Condition 13 of DWER permit CPS 9182-1 requires The City of Albany to change the purpose of the areas identified within R2682 for environmental offset to include Conservation.
18. Condition 15 of EPBC 2019/8480 decision requires the City of Albany to achieve the offset outcomes specified in the Offset Strategy within 20 years of the commencement of the action (being to construct and maintain a network of single use walk, single use /MTB and shared trails in Albany Heritage Park at Albany, Western Australia).

GOVERNMENT & PUBLIC CONSULTATION

- 19. As noted under paragraph 7, the community has had multiple opportunities to submit comments on DWER permit CPS9182-1 (including a thorough independent appeals process) and MCCEEW decision EPBC 2019-8480.
- 20. There is no requirement to undertake government or public consultation with regards to the land tenure actions relating to Lot 172 and portions of Reserve 2682 identified for environmental offset.

State Government consultation – Department of Planning Lands & Heritage

- 21. The City of Albany has consulted the Department of Planning Lands & Heritage with regards to the best way to meet the requirements of DWER permit CPS9182-1 and MCCEEW decision EPBC 2019-8480.
- 22. With regards to Lot 172, advice was to surrender the Conditional Freehold land to the State and seek Minister for Lands to include this lot within R2682.
- 23. With regards to Reserve R2682 identified for environmental offset, various ways to set areas aside for conservation purposes have been identified by DPLH. Actions could include amending the City of Albany’s Management Order over R2682 to reference the DWER clearing permit CPS 9182-1 and the MCCEEW decision EPBC 2019/848

STATUTORY IMPLICATIONS

- 24. Requests to the Minister for Lands to create, change, classify, re-describe or otherwise deal with a Reserve are detailed in Part 4 of the *Land Administration Act 1997*.
- 25. The Voting Requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

- 26. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

- 27. The risk identification and categorisation relies on the City of Albany’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Financial/Reputational <i>There is a risk that by not setting aside the areas conditioned in DWER permit CPS 9182-1 and MCCEEW decision EPBC 2019/8480 the City of Albany will not be able to progress with the Albany Heritage Park Link Trails Project. External funding obligations would not be met.</i></p>	<p><i>Almost Certain</i></p>	<p><i>Severe</i></p>	<p><i>Extreme</i></p>	<p><i>Support officer recommendations</i></p>
<p>Opportunity: <i>To deliver projects that support the Strategic Community Plan 2032 which conserve and enhance the regions natural resources while providing attractive and sustainable parks, playgrounds and reserves.</i></p>				

FINANCIAL IMPLICATIONS

- 28. There are no financial implications relating to this item.

LEGAL IMPLICATIONS

- 29. There is an expectation that the City of Albany will undertake all lands actions detailed in the DWER permit CPS 9182-1 and MCCEEW decision EPBC 2019/8480. Failure to comply may put the City of Albany in breach of the conditions and risk prosecution under the *Environmental Protection Act 1986* and *Environmental Protection and Biodiversity Conservation Act 1999*.

ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental considerations relating to this item. The proposed lands action subject of this report are changes to the land tenure only.

ALTERNATE OPTIONS

31. Council do not accept the offsets and the AHPLTP does not proceed.
32. Given the exhaustive process there is no other modified alternative.

CONCLUSION

33. As part of the Albany Heritage Park Link Trails Project (AHPLTP) and environmental approvals process, the City of Albany has proposed to protect 22 hectares of bushland as environmental offset.
34. These proposed environmental offsets now form part of the conditions within DWER clearing permit CPS 9182-1 and MCCEEW decision EPBC 2019/8480 decision.
35. Council is now required to provide a formal resolution in order for the Minister for Lands to be able to action the proposed changes.
36. Should Council approve this item the final Mounts Master Plan—incorporating findings from the Mounts Master Plan Engagement Report: Community + Stakeholder Feedback—will be presented to Elected Members for consideration and adoption at a future Council meeting.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Environmental Protection Act 1986</i> <i>Environmental Protection and Biodiversity Conservation Act 1999.</i>
File Number	:	PR.DEC.5
Previous Reference	:	N/A

DIS427: PLANNING AND BUILDING REPORTS DECEMBER 2024

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports December 2024
Report Prepared By : Senior Information Officer – Development Services
Authorising Officer: : Manager Development Services

RECOMMENDATION

DIS427: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BAESJOU

THAT the Planning and Building Reports for December 2024 be RECEIVED.

CARRIED 8-0

DIS428: PLANNING AND BUILDING REPORTS JANUARY 2025

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

RECOMMENDATION

DIS428: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BAESJOU

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

CARRIED 8-0

DIS429: C25004 - RACETRACK PRECINCT CIVIL CONSTRUCTION WORKS-ALBANY MOTORSPORT PARK

Land Description	: Lot 5780 Down Road, Drome
Proponent / Owner	: City of Albany
Business Entity Name	: Great Southern Motorplex Group Incorporated
Attachments	: Confidential Briefing Note
Report Prepared By	: Civil Project Management Officer
Authorising Officer:	: Executive Director Infrastructure & 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.
 - **Outcomes:** A diverse and inclusive community.
 - **Pillar:** Place.
 - **Outcomes:** Responsible growth, development, and urban renewal; and Interesting, vibrant, and welcoming places.
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.

Maps and Diagrams:

Aerial photograph of Albany Motorsport Park





Northern Circuit Scope of Works (shown in red cloud)

In Brief:

- Following a competitive tender process, Council approval is sought to award Contract C25004 – Racetrack Precinct Civil Construction Works - Albany Motorsport Park to Tenderer A.

RECOMMENDATION

DIS429: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: DEPUTY MAYOR TERRY

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C25004 - Racetrack Precinct Civil Construction Works-Albany Motorsport Park to Phoenix Civil and Earthmoving.

CARRIED 8-0

BACKGROUND

2. Tenders were called for Racetrack Precinct Civil Construction Works - Albany Motorsport Park. The works are for construction of the Northern Circuit to an asphalt standard.
3. The tender requires that the successful Tenderer carry out all works in accordance with every detail of the Request for Tender Documents for the completion of the Racetrack Precinct Civil Construction Works at the Albany Motorsports Park.
4. It is preferable to commence construction at the earliest possible time to ensure completion in accordance with various funding sponsor requirements.
5. The City of Albany are project managing the delivery of this project on behalf of developer, the Great Southern Motorplex Group.

DISCUSSION

6. The standard tender process as prescribed by the *Local Government Act 1995* (the Act) and *Local Government (Function and General) Regulations 1996* (the Regulations).
7. Tenders were advertised both state-wide and locally and closed on 21 September 2022.
8. Tender documents were read by fifty-nine (59) potential suppliers, with the City receiving three (3) conforming tenders.

Evaluation of Tenders

9. The tender panel evaluated tenders using the weighted criteria methodology across five (5) key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Environmental, Social, and Governance (“ESG”)	5%
Key Personnel Skills, Relevant Experience and Capacity	15%
Tenderer’s Resources	10%
Demonstrated Understanding	20%
Cost	50%

10. The following table summarises the tenderers and the overall evaluation scores applicable.

Table 2 – Submissions

Tenderer	Total	Rank
Phoenix Civil and Earthmoving	704.93	1
Tenderer B	408.39	3
Tenderer C	503.68	2

11. Two tenderers claimed the maximum Buy Local Policy reduction of \$50,000.
12. Phoenix Civil and Earthmoving ranked highest.
13. A clarification process was undertaken to confirm the submissions received.
14. From the evaluation scoring, clarification, negotiation and financial check processes, Phoenix Civil and Earthmoving are the preferred tenderer and consequently it is recommended that their tender be accepted and the contract be awarded.
15. The developer, the Great Southern Motorplex Group are supportive of the recommendation to award the tender to Phoenix Civil and Earthmoving.

GOVERNMENT & PUBLIC CONSULTATION

16. There is no government consultation required for the award of the Racetrack Precinct Civil Construction Works - Albany Motorsport Park.
17. The development was approved through the JDAP process which included both government and public consultation.
18. All necessary approvals will be obtained prior to the commencement of construction.
19. The funding bodies will be notified with regard to the outcome of the award, timeframe for implementation and project expenditure through milestone reporting processes.

STATUTORY IMPLICATIONS

- 20. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00
- 21. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
- 22. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council’s decision.
- 23. Voting Requirement: **Simple Majority.**

POLICY IMPLICATIONS

- 24. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.
- 25. The value of this tender is in excess of \$500,000.00 and therefore Council approval is required as this exceeds the CEO’s delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
City Operations and Financial <i>Risk: Failure to deliver project within specified timeframe may jeopardize the funding agreement.</i>	Possible	Major	High	<i>Award tender as soon as possible to enable the design to be developed and implemented in the appropriate season to satisfy funding conditions.</i>
Business Interruption <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	High	<i>City staff to work with preferred tenderer to address any concerns prior to awarding the tender.</i>
Opportunity: <i>Project developed and delivered on time for the benefit of the community and its use.</i>				

FINANCIAL IMPLICATIONS

- 27. The recommended tender is within overall project budget.
- 28. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.

LEGAL IMPLICATIONS

- 29. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

ENVIRONMENTAL CONSIDERATIONS

- 30. Should the tender be awarded, the contractor will consider environmental responsibilities as they relate to the approved project development. This shall include the provision of an approved Site-Specific Construction and Environmental Management Plan.
- 31. Any environmental permits required have or will be obtained prior to construction.

ALTERNATE OPTIONS

32. The options are:

- Council may choose to accept the recommended tender, or
- Not approve any tender.

CONCLUSION

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

34. It is recommended, based on the evaluation scoring, clarification, reference, and financial check processes that the tender be awarded to Phoenix Civil and Earthmoving.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • Council Policy: Purchasing Policy (Tenders and Quotes) <ul style="list-style-type: none"> ○ Tender Procedure ○ Evaluation Procedure (Tenders and Quotations) Council Policy: City of Albany Buy Local Policy (Regional Price Preference)
Previous Reference	:	<ul style="list-style-type: none"> • Briefing Note – 11 May 2021 • Presentation to Council – 12 May 2021 • Presentation to Council – 1 December 2021 • Presentation to Council – 8 June 2022 • Council Confidential Briefing Note DIS307 – 13 July 2022 • Presentation to Council – 3 November 2022 • Council Site Briefing – 25 May 2023 • Council Briefing Note – September 2023 • DIS387 – Feb 2024

**DIS430: C25006 - SEYMOUR, NELSON, MCLEOD PATHWAY
CONSTRUCTION – BUDGET AMENDMENT**

Proponent / Owner : City of Albany.
Business Entity Name : City of Albany.
Attachments : **Commercial in Confidence - Confidential Briefing Note**
Report Prepared By : Team Leader Civil Infrastructure
Authorising Officer: : Executive Director Infrastructure, Development & 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:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network

In Brief:

- This is an additional budget review outside the normal budget review process.
- The review covers budget reallocations to cover the cost of additional funds required to award and construct the Seymour, Nelson, McLeod Pathway Construction project.

RECOMMENDATION

DIS430: RESOLUTION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY

THAT Council amend the Budget as follows:

1. **REDUCE** budget for Job Number 2789 (Vancouver Road) from \$1,400,000 to \$1,100,000.
2. **INCREASE** budget for Job Number 2465 (Seymour, Nelson, McLeod Pathway Construction) from \$712,000 to \$1,012,000.

CARRIED 8-0
ABSOLUTE MAJORITY

DIS430: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR TRAILL

THAT Council AWARD Contract C25006 Seymour, Nelson, McLeod Pathway Construction to WCP Civil as recommended by the evaluation panel and detailed in the Confidential Briefing Note attached to this report.

CARRIED 8-0

BACKGROUND

2. The Seymour, Nelson, McLeod pathway will improve the access between the existing paths along Collingwood Road and McLeod Street while providing additional safety for pedestrians and cyclists.
3. The proposed works involve the construction of a 2.5 metre wide concrete path linking an existing path on Collingwood Road to an existing path on McLeod Street via Nelson Street.
4. This path will provide a vital link between Spencer Park, Mira Mar and Middleton Beach.
5. This project was previously tendered in early October 2024 with only 1 submission received. This submission exceeded budget estimates and was not considered value for money.
6. The current tender was open from 22 January 2025 to 13 February 2025.

DISCUSSION

7. A total of thirty three (33) tender documents were issued by City of Albany during the current tender period.
8. Two (2) complying tender documents were submitted on or before the stipulated closing date and time.
9. Both tenders submitted pricing that exceeds current budget estimates.
10. Following a competitive tender process, WCP Civil has been selected as the preferred contractor.
11. Additional funds are required to award a contract and commence construction.
12. Award of this contract will be subject to Council approval of the budget amendment as per recommendation 1.
13. The tender panel evaluated tenders using the weighted criteria methodology across five (5) key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Relevant Experience	20%
Tenderers Resources	25%
Demonstrated Understanding	20%
Environmental, Social and Governance	5%
Cost	30%
Total	100%

14. The following table summarises the tenderers and the overall evaluation scores applicable.

Table 2 – Submissions

Tenderer	Total	Rank
Tenderer A	584.85	2
WCP Civil	660.15	1

GOVERNMENT & PUBLIC CONSULTATION

15. A request for tenders was published in *The West Australian* on Wednesday 22 January 2025 and *The Albany Advertiser* on Thursday 13 January 2025.

STATUTORY IMPLICATIONS

16. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
17. Regulation 18 of the regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
18. Regulation 19 of the regulations requires Council to advise each tenderer in writing the result of Council’s decision.
19. Voting Requirement for Recommendation 1 is **Absolute Majority**.
20. Voting requirement for Recommendation 2 is **Simple Majority**.

POLICY IMPLICATIONS

21. Council’s *Purchasing Policy (Tenders & Quotes)* and *Buy Local Policy (Regional Price Preference)* are applicable to this item.
22. Although the tender value is below \$1 million and can be awarded under delegation, the total budget requested exceeds \$1 million. Therefore, Council is requested to award the contract subject to confirmed funding.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety Risk: <i>Pedestrians accessing link from Collingwood Road to Nelson Street are required to use the verge or road risking being struck by vehicles.</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>A clear, delineated path would increase the level of safety for pedestrians.</i>
Opportunity: <i>To link Collingwood Road to Nelson Street creating a vital link between Mira Mar, Middleton Beach and Spencer Park via an all access pathway.</i>				
Opportunity: <i>Expanding the path network provides a safe option for walkers and cyclists and reduces reliance on vehicle transport.</i>				

FINANCIAL IMPLICATIONS

24. Current funding for this project has been received from the Western Australian Bicycle Network (WABN) program, Local Roads and Community Infrastructure (LRCI) program and City of Albany municipal funds as allocated in the 2024-2025 budget.
25. The current budget allocated is insufficient to award and commence construction.
26. LRCI funding conditions state that any excess funds allocated in any given FY not expended are to be returned to the funding body.
27. It is anticipated that there will be there will be excess LRCI funding at the completion of Job 2789 – Vancouver Road.
28. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

30. Vegetation clearing as part of this contract is considered to be minimal, of low impact and is exempt from any required referrals or approvals.

ALTERNATE OPTIONS

31. The options are:
- a. Adopt recommendation 1 and approve tender as per recommendation 2.
 - b. Reject recommendation 1 and not approve any tenders.

CONCLUSION

32. That the recommendation to adopt the budget amendment be supported.
33. Subject to approval of recommendation 1, that the tender be awarded to WCP Civil.

Consulted References	<ul style="list-style-type: none">• <i>Local Government (Functions and General) Regulations 1996</i>• <i>Council Policy – Purchasing Policy</i>• <i>Council Policy – Buy Local (Regional Price Preference)</i>
File Number	RD.DEC.258
Previous Reference	N/A

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 **7.07pm**.

(Unconfirmed Minutes)

Gregory B Stocks
MAYOR