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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 25 March 2025**

**6.00pm**

**Council Chambers**



### NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 25 March 2025 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe  
**CHIEF EXECUTIVE OFFICER**

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**1. DECLARATION OF OPENING**

**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

L MacLaren

Councillor

P Terry (Deputy Mayor)

Councillor

C McKinley

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Traill

Councillor

D Baesjou

Councillor

M Lionetti

Councillor

T Brough

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Giffellon

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Meeting Secretary

J Williamson

**Apologies/Leave of Absence:**

Councillor

A Cruse (Leave of Absence)

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Deputy Mayor Terry	CCS702	<b>Financial.</b> The nature of the interest being that one or more of the Directors of the lessee would be classified as a Closely Associated Person of Deputy Mayor Terry.

**5. REPORTS OF MEMBERS**

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

**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.

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. PETITIONS AND DEPUTATIONS**

**10. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 25 February 2025, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

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

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

<b>Land Description</b>	: Portion of Lot 167 on Deposited Plan 248882, the subject of Certificate of Title 1117 Folio 402, Mount Melville
<b>Proponent</b>	: Veolia Environmental Services (Australia) Pty Ltd (ABN 20 051 316 584) <ul style="list-style-type: none"><li>• Julian Charise Gaillard (Secretary/Director)</li><li>• Richard Kirkman (Director)</li></ul>
<b>Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Team Leader Property & Leasing
<b>Authorising Officer:</b>	: 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.

## **RECOMMENDATION**

**CCS693: AUTHORISING OFFICER 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.**

## **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 3422m<sup>2</sup> 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 will allow Veolia to use part of the lease area to 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. This arrangement is for up to six months commencing 1 July 2025.
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 <sup>2</sup>
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	Tenant may park up to eight collection vehicles in the lease area, to be exclusively used for the Waste Collection Services and Recycling Processing Services contracts with the City of Albany, for up to six months commencing 1 July 2025.

**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
<b>Reputation:</b> New lease not approved - waste and recycling services disrupted	Unlikely	Major	Medium	Negotiate terms that satisfy both Council and tenant
<b>Financial:</b> Increased costs if commercial rent applied	Possible	Moderate	Medium	Opt for peppercorn rent to keep costs manageable
<b>Operational:</b> Delay in approving the lease may impact the commencement of waste services	Unlikely	Major	Medium	Negotiate terms that satisfy both Council and tenant
<b>Opportunity:</b> To fulfil the requirements of the Recycling Processing Services and Waste Collection Services Contract and strengthen the partnership between the City and Veolia.				
<b>Opportunity:</b> 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.

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

**CCS694: MONTHLY FINANCIAL REPORT – JANUARY 2025**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 31 January 2025 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 January 2025 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS694: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Monthly Financial Report for the period ending 31 January 2025 be RECEIVED.**

**CCS694: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 8-0**

**CCS694: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Monthly Financial Report for the period ending 31 January 2025 be RECEIVED.**

## **DISCUSSION**

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

## **STATUTORY IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

8. The City's 2024/25 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## **FINANCIAL IMPLICATIONS**

10. Expenditure for the period ending 31 January 2025 has been incurred in accordance with the 2024/25 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

## **LEGAL IMPLICATIONS**

12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil.

**ALTERNATE OPTIONS**

14. Nil.

**CONCLUSION**

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

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

**CCS695: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 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**

**CCS695: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2025 totalling \$8,686,276.97 be RECEIVED.**

**CCS695: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR TERRY**

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

**CARRIED 8-0**

**CCS695: AUTHORISING OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2025 totalling \$8,686,276.97 be RECEIVED.**

**DISCUSSION**

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

<b>Fund</b>	<b>Transaction Type</b>	<b>Amount (\$)</b>	<b>%</b>
Municipal	Electronic Funds Transfer	\$6,497,366.60	74.80%
Municipal	Payroll	\$2,176,253.63	25.05%
Municipal	Credit Cards	\$12,456.63	0.14%
Municipal	Cheques	\$200.00	0.00%
Trust	N/A	\$0.00	0.00%
<b>TOTAL</b>		<b>\$8,686,276.97</b>	<b>100%</b>

3. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$21,259.49.
4. The table below summaries the total outstanding creditors as at 15 February 2025.

<b>Aged Creditors</b>	<b>Amount (\$)</b>
Current	\$318,280.46
30 Days	\$225,355.76
60 Days	-\$363.00
90 Days	-\$1,395.28
<b>TOTAL</b>	<b><u>\$541,877.94</u></b>

**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 February 2025 has been incurred in accordance with the 2024/2025 budget parameters.

**FINANCIAL IMPLICATIONS**

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

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

**CCS696: DELEGATED AUTHORITY REPORTS – 16 JANUARY 2025 TO 15 FEBRUARY 2025**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Executed Document and Common Seal Report
<b>Report Prepared By</b>	: PA to Mayor and Councillors
<b>Authorising Officer:</b>	: 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**

**CCS696: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 January 2025 to 15 February 2025 be RECEIVED.**

**CCS696: COMMITTEE RECOMMENDATION**

MOVED: DEPUTY MAYOR TERRY  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

**CCS696: AUTHORISING OFFICER RECOMMENDATION**

THAT the Delegated Authority Reports 16 January 2025 to 15 February 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)

**CCS697: CHILD SAFE AWARENESS POLICY**

**Proponent / Owner** : City of Albany  
**Attachments** : DRAFT City of Albany Child Safe Awareness Policy  
**Report Prepared By** : Community Development Coordinator  
**Authorising Officer:** : Executive Director Community Services

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- Following the Royal Commission into Institutional Responses to Child Sexual Abuse, the State Government accepted, or accepted in principle, all 310 recommendations that were applicable to Western Australia.
- Under the Royal Commission Recommendation 6.12, the Department of Local Government Sport and Cultural Industries (DLGSC) recommended that local governments create their own Child Safe Awareness Policy to fulfil the obligations under this recommendation.
- Adoption of the City of Albany Child Safe Awareness Policy will demonstrate the City's commitment to child safety and assist in implementing three of the National Principles for Child Safe Organisations.

**RECOMMENDATION**

**CCS697: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the City of Albany Child Safe Awareness Policy be ADOPTED.**

**CCS697: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MACLAREN  
SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 8-0**

**CCS697: AUTHORISING OFFICER RECOMMENDATION**

**THAT the City of Albany Child Safe Awareness Policy be ADOPTED.**

## **BACKGROUND**

2. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in January 2013 to investigate the systemic failures of public and private institutions to protect children from child sexual abuse, report abuse, and their response to sexual abuse.
3. It also enquired into how institutions with a responsibility for children managed and responded to allegations and instances of child sexual abuse.
4. The Royal Commission released a report in 2017 listing 409 recommendations covering a range of mechanisms to support child-safe organisations, including National Principles that provide a nationally consistent approach to embedding child-safe cultures at all levels within organisations that engage with children.
5. In 2018, the State government accepted, or accepted in principle, all 310 recommendations from the Royal Commission that applied to Western Australia and developed a 10-year plan to implement the recommendations.
6. In 2019, the Council of Australian Governments endorsed the National Principles for Child Safe Organisations, which builds on the 10 Child Safe Standards proposed by the Royal Commission.
7. A state-wide consultation with local governments was held in 2020-2021 to inform the development of an approach to meet Recommendation 6.12.

## **DISCUSSION**

8. The Royal Commission recognised local governments' role in creating and maintaining child safety in their community.
9. The City of Albany, like many local governments, also directly deliver services for children and young people, including childcare, creche, school holiday programs, swim school, and facilitates a youth advisory council.
10. WALGA, in collaboration with local government and State government, co-designed the Child Safe Awareness Policy template to support local governments in introducing and integrating recommended child safety functions.
11. Based on the Local Government Child Safety Self-Assessment tool developed by DLGSC, the various services and programs delivered by the City of Albany fall under the 'high level of engagement' with children and young people.
12. Given this high level of engagement, DLGSC identified that it is important that the City works towards the National Principles for Child Safe Organisations.
13. As a result, the City has already undertaken several steps to improve processes and meet its child safe obligations, including:
  - Implemented a Reportable Conduct Scheme process;
  - Completed mandatory reporting training for day care;
  - Completed Reportable Conduct Scheme training;
  - Updated Working with Children and National Criminal History Checks Procedure to align with legislative changes; and
  - Drafted a Child Safe Awareness Policy for Council consideration.
14. Adopting the Policy can contribute towards the City implementing elements of the National Principles for Child Safe Organisations including:
  - National Principle 1: Child safety and well-being is embedded in organisational leadership, governance and culture;
  - National Principle 3: Families and communities are informed and involved in promoting child safety and wellbeing; and
  - National Principle 10: Policies and procedures document how the organisation is safe for children and young people.

15. The Policy recognises that the City of Albany is uniquely placed within the community to demonstrate leadership in protecting children and young people from harm and/or abuse and supporting organisations to be child-safe.
16. Adopting the Policy is one way the City can demonstrate its commitment to being child-safe and having a zero-tolerance approach to child abuse.

### GOVERNMENT & PUBLIC CONSULTATION

17. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Collaborate	Internal Staff Workshops (Library, People & Culture, ALAC, Community Development, Childcare, VAC).	31/7/24 11/9/24 31/10/24 21/11/24	6 4 5 5	N/A

### STATUTORY IMPLICATIONS

18. While adopting the Policy is not mandatory, local governments are strongly recommended to have a Child Safe Awareness Policy to demonstrate leadership and commitment towards building child-safe environments in the community.

### POLICY IMPLICATIONS

19. Once this Policy has been adopted, there will be some additional administrative policies developed to align with the Child Safe Awareness Policy and the National Child Safe Principles.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <b>Risk:</b> A lack of awareness of child safety obligations within the City of Albany and our community.	Possible	Major	High	Adopt the Child Safe Awareness Policy to provide clear direction to the administration, who will: <ul style="list-style-type: none"> <li>Implement supporting policies and processes to uphold the National Child Safe principles.</li> <li>Revise current training sessions for staff on child safety obligations to ensure alignment with the National Child Safe principles.</li> <li>Develop community awareness campaigns to educate the public about child safety and the City's policies.</li> <li>Revise current systems established to review and update child safety policies and procedures.</li> </ul>
<b>Reputation</b> <b>Risk:</b> City of Albany policies and processes don't align with the National Principles for Child Safe Organisations.	Possible	Major	High	Adoption of the Child Safe Awareness Policy and processes will align City processes with the National Principles.
<b>People Health &amp; Safety</b> <b>Risk:</b> The safety and wellbeing of children is compromised.	Possible	Major	High	Adopt the Child Safe Awareness Policy and implement supporting policies and processes to uphold the National Child Safe principles.
<b>Opportunity:</b> Adopting a Child Safe Awareness Policy demonstrates the City's commitment to child safety within the organisation and the wider community and facilitates further engagement with key stakeholders, including community groups and child safety experts, to promote and support child safety initiatives.				

## FINANCIAL IMPLICATIONS

21. Nil

## LEGAL IMPLICATIONS

22. While there are no direct legal implications from adopting a Child Safe Awareness Policy, an absence of a policy and supporting policies and processes that uphold the National Child Safe Principles may lead to a failure in child safety and wellbeing that results in legal implications.

## ENVIRONMENTAL CONSIDERATIONS

23. Nil

## ALTERNATE OPTIONS

24. Council may choose to adopt the policy with amendments; however, any amendments will need to align with the National Principles for Child-Safe Organisations.

## CONCLUSION

25. Adoption of the City of Albany Child Safe Awareness Policy will provide a framework that outlines the City's commitment to Child Safety, as well as its role in supporting organisations to be aware of their child safety obligations and protect children and young people from harm and/or abuse.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Child-Safe Awareness Policy: Template for Local Government May 2023, Government of WA</i></li><li>• <i>Frequently asked questions – Child-Safe Awareness Policy template</i></li><li>• <i>National Principles for Child-Safe Organisations</i></li><li>• <i>Royal Commission into Institutional Responses to Child Sexual Abuse Final Report</i></li></ul>
<b>File Number</b>	:	CM.STD.7
<b>Previous Reference</b>	:	Nil

## CCS698: COMMUNICATIONS AND ENGAGEMENT STRATEGY PROGRESS REPORT

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: City of Albany Communications & Engagement Strategy Progress Report (Quarter 4, 2024) City of Albany Engagement Register (Quarter 4, 2024)
<b>Report Prepared By</b>	: Community Development Coordinator
<b>Authorising Officer:</b>	: Executive Director Community Services

### STRATEGIC IMPLICATIONS

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

#### In Brief:

- Note the City of Albany Communications and Engagement Strategy Progress Report for Quarter 4 of 2024.

### RECOMMENDATION

#### CCS698: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT the City of Albany Communications & Engagement Strategy progress report for Quarter 4 of 2024 and its endorsement by the Communications & Engagement Advisory Group be NOTED.**

#### CCS698: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

#### CCS698: AUTHORISING OFFICER RECOMMENDATION

THAT the City of Albany Communications & Engagement Strategy progress report for Quarter 4 of 2024 and its endorsement by the Communications & Engagement Advisory Group be NOTED.

## **BACKGROUND**

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

## **DISCUSSION**

### Progress Report

4. Membership of the new Communications and Engagement Advisory Group consists of six community representatives, two Elected Members and four City staff.
5. The new Communications and Engagement Advisory Group had its first meeting on Monday, 3 February 2025 and at this meeting it endorsed the first progress report under the revised strategy, being for Quarter 4 of 2024.
6. The Advisory Group also noted the Engagement Register Report, noting that staff are still working on the best way to collect the data from teams across the organisation.
7. This current action plan includes 31 actions, with 27 ongoing or underway and 4 on hold.
8. The group also provided feedback on four Communications & Engagement projects for staff to consider in their planning. Those projects were:
  - Community Scorecard Survey: Biennial bench-marking survey undertaken to inform the review of the City's Strategic Community Plan.
  - Rural Roadshows: Engagement with rural communities about rural roads and other City services.
  - Council Meet & Greet events: Informal engagement opportunities for Elected Members to meet with the community.
  - Antenno: A digital communications platform designed to enhance engagement between the City and its community.

## **GOVERNMENT & PUBLIC CONSULTATION**

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

## **STATUTORY IMPLICATIONS**

12. Nil

## **POLICY IMPLICATIONS**

13. This item aligns with the City of Albany's Community Engagement Policy.

**RISK IDENTIFICATION & MITIGATION**

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

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

**FINANCIAL IMPLICATIONS**

15. Nil.

**LEGAL IMPLICATIONS**

16. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

17. Nil.

**ALTERNATE OPTIONS**

18. Nil.

**CONCLUSION**

19. The Communications and Engagement Strategy is overseen by an Advisory Group comprising community representatives, Elected Members and City staff.
20. Community representation on the Advisory Group ensures that community needs and priorities remain central to the implementation of the Communications and Engagement Strategy.
21. Regular progress reports of achievements against the Strategy are endorsed by the Advisory Group and submitted to Council for information.
22. The City of Albany Communications and Engagement Strategy Progress Report for Quarter 4 of 2024 is submitted to Council for noting.

<b>Consulted References</b>	:	City of Albany Communication and Engagement Strategy 2024-2027 Council Policy – Community Engagement
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 25 June 2024 CCS633

## CCS699: ALBANY INTERNATIONAL FOLK N SHANTY FESTIVAL TRIENNIAL AGREEMENT

<b>Business Entity Name</b>	: ALBANY INTERNATIONAL FOLK N SHANTY FESTIVAL
<b>Attachments</b>	: Albany International Folk n Shanty Festival (AIFNSF) Triennial Funding Proposal AIFNSF Annual Report 2024 AIFNSF 2025 Budget Albany Maritime Festival Socio-Economic Impact Assessment
<b>Report Prepared By</b>	: Manager Community Relations
<b>Authorising Officer:</b>	: Executive Director Community Services

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** People
  - **Outcome:** Grow participation in art, culture and community events.
  - **Pillar:** Place
  - **Outcome:** Local history, heritage and character is preserved.
  - **Pillar:** Prosperity
  - **Outcome:** A highly sought after tourist destination

#### In Brief:

- Approve a triennial funding agreement for the Albany International Folk n' Shanty Festival to partner with and grow the Albany Maritime Festival.

### RECOMMENDATION

#### CCS699: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

##### THAT Council:

1. **ENDORSE** an ongoing collaboration between the Albany International Folk n' Shanty Festival and Albany Maritime Festival;
2. **AUTHORISE** the CEO to enter a triennial funding agreement with the Albany International Folk n' Shanty Festival (2025 – 2027) for cash sponsorship of \$30,000 per year to support the collaboration;
3. **APPROVE** use of the Town Hall in-kind for the Folk n' Shanty Festival for the term of the agreement; and
4. **AMEND** the Budget to increase budget for GL 1161330 (ALAC Swim School Income) from \$660,000 to \$690,000 and increase budget for GL 1737070 (Major Events Attraction) from \$20,000 to \$50,000.

**CCS699: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 8-0**

**CCS699: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

1. **ENDORSE** an ongoing collaboration between the Albany International Folk n' Shanty Festival and Albany Maritime Festival;
2. **AUTHORISE** the CEO to enter a triennial funding agreement with the Albany International Folk n' Shanty Festival (2025 – 2027) for cash sponsorship of \$30,000 per year to support the collaboration;
3. **APPROVE** use of the Town Hall in-kind for the Folk n' Shanty Festival for the term of the agreement; and
4. **AMEND** the Budget to increase budget for GL 1161330 (ALAC Swim School Income) from \$660,000 to \$690,000 and increase budget for GL 1737070 (Major Events Attraction) from \$20,000 to \$50,000.

**BACKGROUND**

2. Albany International Folk n' Shanty Festival began in 2018 as the first shanty singing festival in the southern hemisphere and has been supported annually by the City of Albany.
3. Attracting an audience of up to 4000 people each year, the Folk n' Shanty Festival utilizes multiple venues across Albany, collaborating with local businesses to strengthen the local economy and attract tourism.
4. It aims to deliver a high-quality cultural event that attracts international artists and supports local artists in bringing the community together with music to preserve Albany's rich maritime culture and history.
5. Showcasing and celebrating maritime culture and heritage aligns with the aims of the Albany Maritime Festival and in 2024 these two festivals collaborated to deliver a larger and richer program that delivered significant social and economic benefits.
6. This resulted in the Folk n' Shanty Festival repositioning from its traditional October timeslot to align with the Albany Maritime Festival in July.
7. The Albany Maritime Festival is entering its fifth year in 2025 and brings together a large and diverse group of community stakeholders showcasing and celebrating Albany's maritime history and heritage.
8. It has evolved into a key annual event and is strategically positioned during the traditionally "quieter" winter months to activate Albany and attract visitors in this non-peak period.
9. The Folk n' Shanty Festival are committed to continuing this collaboration and are seeking a multi-year funding partnership with the City to support this outcome.

## **DISCUSSION**

10. The collaboration between the Albany Maritime Festival and Albany Folk n' Shanty Festival in 2024 achieved strong engagement from the community, businesses and visitors.
11. As a result, the City and Folk n' Shanty Festival committee partnered in appointing Keston Economics to complete a social and economic impact assessment of the combined festivals to better understand its impact and leverage further funding towards the events.
12. The Keston report identified the following highlights from the 2024 partnership:
  - 173 events were held across 20 venues;
  - Participation grew from 18,000 in 2023 to 28,000 in 2024;
  - Overall economic impact increased from \$4.7 million in 2023 to \$7.9 million in 2024;
  - 67 jobs were created in 2024 compared to 49 in 2023;
  - For every dollar spent on the festival, \$24.33 is returned to the regional economy.
13. These economic outcomes underpinned a submission to Tourism Western Australia (TWA) for a triennial funding agreement to support the festival's partnership, which was successful.
14. The Folk n' Shanty Festival have been successful in receiving annual funding from the City of Albany through the Regional Events Sponsorship program, and in 2024 received the maximum funding amount of \$20,000.
15. To secure the Folk n' Shanty Festival's sustainability and continue to attract headline national and international performers to Albany, the festival committee is seeking to partner with the City through a triennial funding agreement and commitment to continue its collaboration with the Maritime Festival.
16. The festival program will include annual concert programming in the Albany Town Hall. The Folk n' Shanty Festival are eligible for community rates on the Town Hall, and these will be negotiated and applied annually.
17. The request is for an annual cash contribution in 2025, 2026 and 2027 of \$30,000 plus GST which is consistent with the value of the City's other multi-year funding agreements and aligns with the term of the City's funding agreement with TWA.
18. This request includes a commitment to continue a collaboration with the Albany Maritime Festival in those years.
19. The sponsorship will include the City's standard terms and conditions for event funding and include milestones.
20. Supporting the Folk n' Shanty Festival with a triennial agreement will allow the committee to plan for the festival program with certainty, which will benefit 2026 when the event will support Albany's bicentenary.
21. Given the importance of maritime heritage and history to the broader Albany story, the Albany Maritime Festival in collaboration with the Folk n' Shanty Festival is well placed to support and promote Albany 2026.

## **GOVERNMENT & PUBLIC CONSULTATION**

22. Nil

## **STATUTORY IMPLICATIONS**

23. Nil

## **POLICY IMPLICATIONS**

24. Nil

**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
<b>Reputational:</b> Cost and funding pressures may compromise the sustainability of the Folk n' Shanty Festival.	Likely	Moderate	High	Provide certainty to the festival and its collaboration with the Maritime Festival through a multi-year funding agreement
<b>Reputational:</b> Cost and funding pressures impact affordability of venues to support headline programming for the Folk n' Shanty Festival.	Likely	Moderate	High	Provide the Town Hall in-kind as part of the triennial partnership agreement, noting the substantial economic benefits the festival delivers to the region.
<b>Financial:</b> Impacts to the viability of the Folk n' Shanty Festival may affect the City's ability to meet the conditions of its triennial funding agreement with TWA.	Possible	Moderate	Medium	Formalise the collaboration with Folk n' Shanty Festival through a triennial funding agreement.
<b>Opportunity:</b> To support a regional festival that celebrates Albany's rich maritime culture to grow and attract visitation to the region in a non-peak period, delivering ongoing economic benefits to the region.				

**FINANCIAL IMPLICATIONS**

26. The Albany Folk n' Shanty Festival is requesting \$30,000 plus GST cash sponsorship per annum for its event in 2025, 2026 and 2027.
27. There is no allocation within the 2024-2025 Budget for this purpose and a budget amendment is required to support the request.
28. The income budget for swim school at ALAC is substantially exceeding budget due to strong enrolments, and officers are proposing to increase this income line to reflect actuals achieved and provide budget capacity for to support the Folk n' Shanty festival in 2025.
29. Subject to Council support, funding amounts for year two (2026) and year three (2027) will be included in future budgets.
30. The funding proposal also requests community rate hire charges on the Town Hall. The festival meets the criteria for community hire rates.
31. However, due to the substantial social and economic benefits of the festival collaboration (refer to Point 12), officers are recommending Council consider providing the Town Hall in-kind for Folk n' Shanty programming for the term of the agreement.
32. Providing the Town Hall in-kind is consistent with arrangements Council has previously approved for Cinefest Oz, and participation numbers for both these festivals is similar based on their 2024 event acquittals (Cinefest – 2,300 / Folk n' Shanty 3,000).
33. The exact value of the suggested in-kind support is dependent on annual programming needs but based on fees charged in 2023 and 2024 it would represent an income value of approximately \$4,000.

**LEGAL IMPLICATIONS**

34. Nil

**ENVIRONMENTAL CONSIDERATIONS**

35. Nil

**ALTERNATE OPTIONS**

36. Council may choose to not support the proposal for a triennial agreement for the Folk n' Shanty Festival and prefer the festival apply for funding annually through the Regional Events Sponsorship, however, this may impact the viability of the festival which could in turn impact the City's triennial agreement with TWA for the Maritime Festival.
37. Council may choose to increase or decrease the amount of funding, however decreasing the amount of funding may impact the viability of the festival which could in turn impact the City's triennial agreement with TWA for the Maritime Festival.
38. Council may choose not to support providing the Town Hall in-kind, and the Folk n' Shanty Festival would continue to be charged the applicable rates.

**CONCLUSION**

39. The adoption of a triennial agreement with the Folk n' Shanty Festival for 2025 – 2027 as outlined will support an ongoing partnership with the Albany Maritime Festival and ensure the sustainability of the Folk n' Shanty Festival and the relationship with TWA.
40. The value of the recommended cash sponsorship and value of the in-kind is consistent with other event partnerships Council has supported.
41. In 2024, the collaboration between the Maritime Festival and the Folk n' Shanty Festival delivered substantial economic benefits, attracting visitors and activating Albany in a traditional non-peak period. This demonstrates the value of continuing to support the collaboration.

<b>Consulted References</b>	:	Albany Maritime Festival Socio-Economic Impact Assessment
<b>File Number</b>	:	RC.EVM.79
<b>Previous Reference</b>	:	OCM 19 December 2023 - CCS589

## CCS700: COMMUNITY SPORTING AND RECREATION FACILITIES FUND & CLUB NIGHT LIGHTS 2025 GRANT ROUND APPLICATIONS

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Correspondence and Project Assessment Sheet; Community Sports & Recreation Facility Funding (CSRFF) Policy
<b>Report Prepared By</b>	: Manager Recreation Services
<b>Responsible Officers:</b>	: Executive Director Community Services

### STRATEGIC IMPLICATIONS

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

#### In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) and Club Night Lights grant applications.
- To seek Council support for funding contributions towards the priority ranked projects in line with the City of Albany's Community Sports & Recreation Facility Funding Policy.

### RECOMMENDATION

#### CCS700: COMMITTEE RECOMMENDATION 1 VOTING REQUIREMENT: SIMPLE MAJORITY

That Council **RANK** the one application for the CSRFF Small Grant Application 2025 funding round in the following order:

- a) Albany Athletics Club – new and improved jump facilities for Great Southern Athletes (ranked 1 of 1).

#### CCS700: COMMITTEE RECOMMENDATION 2 VOTING REQUIREMENT: SIMPLE MAJORITY

That Council **RANK** the one application for the Club Night Lights 2025 funding round in the following order:

- a) Albany Leisure and Aquatics Centre – courts lighting upgrade (ranked 1 of 1).

**CCS700: COMMITTEE RECOMMENDATION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- 1. APPROVE a total of \$102,471.00 (exc. GST) as the Council's commitment towards the CSRFF applications ranked in recommendation 1 and 2 as follows;**
  - a. Albany Athletics Club (\$30,000) and City of Albany (\$72,471);**
  - b. Funding allocated to the Albany Athletics Club will remain allocated under the Community Sports & Recreation Facility Funding Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and**
  - c. The funding amount does not exceed a total of \$102,471.00 (exc. GST)**
- 2. NOTE the contribution to the Albany Athletics Club will be allocated to the Capital Seed Fund in the 2025-2026 Budget.**
- 3. NOTE the funding of \$72,471 towards the City of Albany's application is already included in the 2024/2025 Budget.**

**CCS700: COMMITTEE RECOMMENDATION**

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

That the following Authorising Officer Recommendations be moved En BLOC.

**CARRIED 8-0**

**CCS700: AUTHORISING OFFICER RECOMMENDATION 1**

That Council RANK the one application for the CSRFF Small Grant Application 2025 funding round in the following order:

- a) Albany Athletics Club – new and improved jump facilities for Great Southern Athletes (ranked 1 of 1).

**CCS700: AUTHORISING OFFICER RECOMMENDATION 2**

That Council RANK the one application for the Club Night Lights 2025 funding round in the following order:

- a) Albany Leisure and Aquatics Centre – courts lighting upgrade (ranked 1 of 1).

**CCS700: AUTHORISING OFFICER RECOMMENDATION 3**

THAT Council:

1. APPROVE a total of \$102,471.00 (exc. GST) as the Council's commitment towards the CSRFF applications ranked in recommendation 1 and 2 as follows;
  - a) Albany Athletics Club (\$30,000) and City of Albany (\$72,471);
  - b) Funding allocated to the Albany Athletics Club will remain allocated under the Community Sports & Recreation Facility Funding Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
  - c) The funding amount does not exceed a total of \$102,471.00 (exc. GST)
2. NOTE the contribution to the Albany Athletics Club will be allocated to the Capital Seed Fund in the 2025-2026 Budget.
3. NOTE the funding of \$72,471 towards the City of Albany's application is already included in the 2024/2025 Budget.

**BACKGROUND**

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of funding as follows:
  - Small Grant Funding Round (Summer)
  - Annual and Forward Planning Funding Round
  - Small Grant Funding Round (Winter)
3. The CSRFF program is now a \$20 million program. All three rounds are often oversubscribed, and clubs may need to reapply multiple times to be successful.
4. DLGSC also opens a Club Night Lights funding round concurrent to CSRFF for which applications are also eligible to receive funding through the City of Albany's Capital Seed Fund. There is one (1) Club Night Lights applications this round.
5. The Small Grants Round has increased its maximum eligible project cost criteria from \$300,000 to \$500,000. This streamlines the application process for projects under \$500,000 with two funding rounds available per year.
6. Traditionally the CSRFF Small Grant program has only funded one third of the total project costs. The revised guidelines now fund up to a half of the total project cost to a limit of \$200,000 for successful small grant recipients.
7. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
8. Clubs and local government authorities applying for funds must demonstrate equitable access to the public on a short term and casual basis.
9. The land on which the facility is to be developed must be one of the following:
  - Crown reserve;
  - Land owned by a public authority;
  - Municipal property; or
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

10. Whilst there is no obligation for local government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.
11. The City of Albany has a Community Sports & Recreation Facility Funding Policy to guide how it will allocate funding through its annual Capital Seed Fund towards community sporting projects applying for CSRFF funding.
12. The DLGSC – Sport and Recreation application form requires applications to be initially submitted to the local government within which the project proposal is located.
13. The CSRFF funding application process requires local government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSC on behalf of the applicants prior to March 30, 2025.
14. Once the assessment process from Local Government Authorities is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSC – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## **DISCUSSION**

15. The DLGSC grant guidelines require Council to provide a ranking for the projects.
16. The DLGSC – Sport and Recreation provides guidelines for local government authorities to assess each submission. This assessment uses the following criteria:
  - Project justification;
  - Planned approach;
  - Community input;
  - Management planning;
  - Access and opportunity;
  - Design;
  - Financial viability;
  - Coordination;
  - Potential to increase physical activity; and
  - Sustainability.With overall project rating, being:
  - Well planned and needed by municipality;
  - Well planned and needed by applicant;
  - Needed by municipality, more planning required;
  - Needed by applicant, more planning required;
  - Idea has merit, more planning work needed; or
  - Not recommended.
17. The type of projects which will be considered for funding through the CSRFF program are:
  - New playing surfaces – ovals, courts, synthetic surfaces etc;
  - Floodlighting projects (must be to Australian standards);
  - Change rooms and ablutions; and
  - Sports storage.
18. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
19. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.

20. The City of Albany has received one (1) Small Grant application and one (1) Club Night Lights Application this round. The following additional information is provided about the projects and funding applications.

**Albany Athletics Club – New and improved jump facilities for Great Southern athletes**

21. The funding application is for the CSRFF Small Grant round for the upgrade and construction of the jump pits at the Albany Athletics Club.
22. The Albany Athletics Club has 123 junior members and 25 senior members, and members use the facility located on North Road, Albany all year round.
23. With the support of Albany Athletics Inc sporting club and the Albany Athletics Group (facility maintenance committee), Albany Little Athletics Club Inc is proposing to create two new jump facilities at Albany's Mike Biddulph Athletics Facility and to improve the safety of two of the existing jump pits and runways.
24. Specifically, the project will deliver:
- Two new jump pits, including 50m x 1.22m synthetic runways and concrete edging, built to meet minimum required specifications; and
  - Concrete edging added to create a flush edge around the two existing runways.
25. Currently, the facility does not provide any long and triple jump facilities that meet the minimum specifications required by Athletics West and as published on the Western Australian Department of Local Government, Sports and Cultural Industries website.
26. Club athletes currently start their run-up on grass before transitioning onto the inadequate existing 36m runways.
27. In addition, the width of the current runways (1m) is narrower than required and there is a risk to athletes of rolling off the side or tripping on the current runways as the edges are not flush with the ground surface.
28. The benefits to both clubs of installing two new jump pits and runways that meet minimum specifications are:
- 50m length synthetic runways will accommodate the full length of older athletes' triple jump run-ups;
  - Having two 50m length, 1.22m wide synthetic surfaces will provide an invaluable year-round training surface for Great Southern athletes, which is currently lacking from the existing facility. The proposed wider runways and the edging of existing runways will minimise the risk of injury to athletes by reducing the likelihood of them rolling off or tripping on uneven edges; and
  - By providing the only quality jumps facilities in the Great Southern to train and compete on, the club is assisting athletes to stay in the regions and to achieve their potential at State, National and International events.
29. The project is well planned and needed by the applicant. The application, installation and project will be managed by Albany Athletics Club.
30. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria.

### Albany Leisure and Aquatic Centre (ALAC) – Courts Lighting Upgrade

31. The funding application is for the Club Night Lights grant round to upgrade the existing lights of Albany Leisure and Aquatic Centre's (ALAC) indoor courts.
32. The project aims to enhance the lighting across all seven indoor courts at ALAC to achieve the minimum indoor standard of 300 Lux in the most energy and cost-efficient manner possible.
33. Currently the indoor court lighting does not meet this minimum lux standard.
34. The project involves replacing outdated lighting systems with modern, energy-efficient LED bay lighting:
  - Courts 1–4: Replacement of existing LED light fittings with upgraded LED bay lighting.
  - Courts 5–7: Replacement of existing T5 tube light fittings with new LED bay lighting.
35. It is expected that the project will achieve the following outcomes:
  - Improved and consistent lighting levels across all courts, meeting the 300 Lux standard;
  - Enhanced energy efficiency, reducing power consumption and operational costs;
  - Lower maintenance requirements due to the extended lifespan of LED technology; and
  - A better playing environment for community sports and recreational activities.
36. ALAC is a vital community facility that supports a wide range of indoor sports and recreational activities, including Basketball, Netball, Badminton, Pickleball, Tennis, Volleyball, Table Tennis and Roller Derby. All key stakeholders have been consulted in the preparation of this grant application.
37. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria.

### Rankings

38. The below ranking recommendation has been provided for CSRFF Small Grant Round:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Albany Athletics Club	New and improved jump facilities for Great Southern athletes.	Well planned and needed by the applicant.  This project meets the criteria for the Community Sports and Recreation Facility Funding Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 1.

39. The below ranking recommendation has been provided for the Club Night Lights Round:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	City of Albany	Albany Leisure and Aquatic Centre (ALAC) – Courts Lighting Upgrade	Well planned and needed by the applicant.  This project meets the criteria for the Community Sports and Recreation Facility Funding Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 1.

## GOVERNMENT & PUBLIC CONSULTATION

40. The DLGSC – Sport and Recreation Regional Manager for the Great Southern has been consulted regarding both applications in February 2025.
41. Consultation has been completed with all key stakeholders as part of the City's court lighting upgrade project.
42. The City of Albany has conducted a site visit for both projects in February 2025 with the Sport and Recreation Regional Manager for the Great Southern.

## STATUTORY IMPLICATIONS

43. There is no statutory requirement.
44. Council officers assess each project and make a recommendation for the ranking of projects based on the DLGSC criteria and strategic overview.
45. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
46. It should be noted that the DLGSC – Sport and Recreation will make the final decision on funding allocation.

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

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

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

## FINANCIAL IMPLICATIONS

49. The City allocated a total of \$150,000 to its Capital Seed Fund for sporting clubs in the 2024/2025 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.
50. The Capital Seed Fund was established to assist with leveraging State Government funds for sporting clubs and the allocation of funds is guided by the City's Community Sports and Recreation Facility Funding Policy.
51. The total projected cost of both projects for the current application is \$235,902.00
52. The applicants have requested a total of \$102,471 from the City of Albany.

53. The City has an existing budget allocation to support the Court Lighting Upgrade project. This allocation is separate from the Capital Seed Fund.
54. The Capital Seed Fund is currently oversubscribed and there is no capacity within the fund to provide the requested contribution to the Albany Athletics Club in 2024-2025.
55. However, it is unlikely that an announcement on the success of the application will be received until June/July 2025.
56. If the Albany Athletics Club application is successful, the City's contribution can be allocated to the Capital Seed Fund in 2025-2026, however this means there would be less funding available to allocate to funding rounds in that financial year.
57. The following table provides the project budget detail and requests for financial support from each of the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Albany Athletics Club	\$ 90,960.00	\$15,480.00	\$45,480.00	\$30,000.00
City of Albany	\$144,942.00	\$72,471.00	\$72,471.00	-
<b>TOTAL</b>	<b>\$ 235,902.00</b>	<b>\$ 87,951.00</b>	<b>\$ 117,951.00</b>	<b>\$ 30,000.00</b>

58. The next CSRFF Small Grant and Club Night Lights round is 1<sup>st</sup> July 2025.
59. If the applications are unsuccessful for CSRFF, applicants can reapply in the next round or demonstrate other ways to secure the additional funding required to draw down on the Capital Seed Fund commitment.

#### LEGAL IMPLICATIONS

60. Nil

#### ENVIRONMENTAL CONSIDERATIONS

61. Nil.

#### ALTERNATE OPTIONS

62. Council may choose not to support one or both of these applications.
63. Council may choose to defer the Club Night Lights application.
64. Council may choose not to provide funding assistance to the CSRFF applicant.
65. Council may choose to provide more or less funding assistance to the CSRFF applicant.
66. Council may choose to change the project rankings based on its strategic priorities.
67. Council may choose to amend the 2024/2025 Budget to increase the allocation in the Capital Seed Fund to ensure the fund has capacity to cover the City's contribution towards the CSRFF application.

**CONCLUSION**

68. DLGSC – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.
69. All projects meet the criteria provided by the DLGSC – Sport and Recreation. Council is required to rank the projects.
70. All projects meet the criteria of the City of Albany Community Sports and Recreation Facility Funding Policy.
71. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
72. DLGSC – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 31 March 2025.

<b>Consulted References</b>	:	<i>Community Sports &amp; Recreation Facilities Grant Funding Policy</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 27/08/2024 – Report item CCS517

## CCS701: RATES DEBT RECOVERY

<b>Land Description</b>	: Confidential
<b>Proponent / Owner</b>	: Confidential
<b>Report Prepared By</b>	: Manager Finance
<b>Authorising Officer:</b>	: 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:

- The City has rateable properties with outstanding rates exceeding three years, and the administration is undertaking recovery actions.
- Legal proceedings have commenced, including the issuance of General Procedure Claims and Property Seizure and Sale Orders (“PSSOs”) for Personal Property (movable assets).
- The administration now seeks Council approval to issue PSSOs for Real Property (land and buildings) as the next step in the recovery process.
- If PSSOs for Real Property are issued, the administration also seeks Council approval to take possession and proceed with the sale of the properties to recover outstanding rates.

### RECOMMENDATION

#### CCS701: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

**THAT Council APPROVES the administration’s intent to issue Property Seizure and Sale Orders for Real Property on properties with rates in arrears exceeding three years and, following their issuance, authorises the local government to take possession of the properties and proceed with their sale to recover outstanding rates and associated costs, in accordance with the Local Government Act 1995.**

#### CCS701: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

#### CCS701: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVES the administration’s intent to issue Property Seizure and Sale Orders for Real Property on properties with rates in arrears exceeding three years and, following their issuance, authorises the local government to take possession of the properties and proceed with their sale to recover outstanding rates and associated costs, in accordance with the Local Government Act 1995.

**BACKGROUND**

2. Under Section 6.64 of the Local Government Act 1995, if rates or service charges remain unpaid for at least three years, a local government may take possession of the land to recover the outstanding debt. The Department of Local Government, Sport, and Cultural Industries provides procedural guidance on this process, ensuring compliance with statutory obligations.
3. Currently, multiple properties within the City of Albany have outstanding rates exceeding three years. Despite numerous recovery efforts, including distribution of rates notices, demand letters, phone calls, emails, and the commencement of legal action, these debts remain unpaid.
4. The table below outlines a summary of the properties:

Assessment	Property Use	Total Outstanding as at 26 Feb 2025	Debt recovery legal action*
A119916	HOUSE	\$13,241.21	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. Awaiting outcome. There is a long history of promises to pay with no result
A200999	HOUSE	\$23,452.89	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. No funds recovered
A205016	VACANT LAND	\$10,387.87	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. No funds recovered
A212869	HOUSE	\$15,522.55	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. Awaiting outcome.
A212873	VACANT LAND	\$10,759.60	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. Awaiting outcome.
A213172	HOUSE	\$15,629.86	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. Awaiting outcome.
A45076	VACANT LAND	\$12,687.11	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. No funds recovered
A76209	HOUSE	\$35,805.62	General Procedure Claim issued. Judgement awarded in favour of the City. PSSO for movable assets issued. No funds recovered

\*The debt recovery process includes numerous attempts to contact the property owner including letters, emails & phone calls. The above only includes legal action taken.

## DISCUSSION

5. To ensure equity among ratepayers and maintain the financial sustainability of the City, all rates are expected to be paid in full by the end of each financial year (30 June).
6. When ratepayers fail to meet their obligations, the City actively engages with them through reminder notices, emails, phone calls, and formal correspondence, outlining outstanding amounts, due dates, available payment options, and potential consequences of non-payment.
7. If payment is not received, the City follows a structured debt recovery process, including:
  - a. Issuing Final Notices to affected ratepayers.
  - b. Lodging a General Procedure Claim (GPC) in court to recover outstanding debts.
  - c. Issuing a Property Seizure and Sale Order (PSSO) for Movable Assets, such as vehicles, machinery, and equipment.
8. Where these measures are unsuccessful, the City intends to proceed with PSSOs for Real Property (land and buildings) as a last resort after all reasonable recovery efforts have been exhausted.
9. The issuance of PSSOs for Real Property serves two key purposes:
  - a. Enforcing compliance with the City's financial obligations.
  - b. Preventing other ratepayers from unfairly bearing the burden of unpaid rates.
10. The process for issuing PSSOs for Real Property involves:
  - a. Issuing final notices and formal payment demands to property owners.
  - b. Engaging legal services to lodge PSSOs through the appropriate court.
  - c. Taking possession of properties where debts remain unresolved.
  - d. Preparing properties for sale to recover outstanding rates and associated costs.

## GOVERNMENT & PUBLIC CONSULTATION

11. No public consultation is required, as debt recovery is a statutory function of local government.

## STATUTORY IMPLICATIONS

12. The proposed action would be undertaken in accordance with Section 6.64 of the Local Government Act 1995.
13. Section 6.64 of the Local Government Act 1995 states:
  - (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and*
    - (a) *from time to time lease the land; or*
    - (b) *sell the land; or*
    - (c) *cause the land to be transferred to the Crown; or*
    - (d) *cause the land to be transferred to itself.*
  - (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*

## POLICY IMPLICATIONS

14. Nil

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community:</b> Potential social impact on affected residents	Likely	Major	High	Collaborate with support services to provide assistance and explore alternative payment arrangements where feasible.
<b>Reputation:</b> Public concern regarding enforcement actions	Likely	Major	High	Maintain transparent communication, issue clear public notices, and highlight statutory obligations and available support options.
<b>Legal &amp; Compliance:</b> Potential legal challenges from property owners	Possible	Major	High	Ensure strict compliance with statutory requirements, seek legal advice, and document all enforcement actions.
<b>Financial:</b> Unfavourable market conditions impacting property value and saleability	Possible	Moderate	Medium	Conduct market assessments before sale, adjust timing where feasible, and engage professional valuers and real estate agents.
<b>Opportunities</b>				
<u>Increased Revenue &amp; Ratepayer Equity</u> <ul style="list-style-type: none"> <li>Recovering unpaid rates strengthens financial sustainability and ensures fairness among ratepayers.</li> <li>Recovered funds can support community projects and infrastructure improvements.</li> </ul> <u>Improved Governance &amp; Efficiency</u> <ul style="list-style-type: none"> <li>Strengthens internal procedures for fair and effective debt recovery.</li> <li>Enhances public awareness of financial responsibilities and support options.</li> </ul>				

## FINANCIAL IMPLICATIONS

16. Recovering outstanding rates will improve the local government's cash flow and reduce the financial burden on other ratepayers. It will also cease interest charges accruing against the overdue rateable properties. Additionally, any costs associated with the PSSOs, and subsequent sales will be recouped from the proceeds of the property sales.

## LEGAL IMPLICATIONS

17. The issuance of PSSOs involves legal processes requiring adherence to statutory requirements. Non-compliance with these legislative provisions could lead to legal challenges, potentially invalidating the process and delaying recovery efforts. To ensure compliance, the City will engage qualified legal professionals to oversee the process.

## ENVIRONMENTAL CONSIDERATIONS

18. The local government will consider any environmental or social impacts associated with taking possession of these properties. Efforts will be made to work with property owners to resolve outstanding debts prior to finalising sales.

## ALTERNATE OPTIONS

19. The administration has considered the following alternate options:
- Deferring action, allowing more time for property owners to settle outstanding debts. While this option provides additional time, it also results in accruing additional interest to the landowner, delays the recovery process, and could worsen the financial impact on both the landowner and the local government.
  - Writing off the debt. This option is not recommended as it contradicts the City's fiduciary responsibilities and could set a precedent that undermines the importance of timely rate payments.
20. By considering these alternate options, the administration aims to balance the need for effective debt recovery with the potential impacts on property owners.
21. However, the recommended approach remains to pursue the structured debt recovery process as outlined in the report.

## CONCLUSION

22. Considering the statutory obligations, the need for financial sustainability, and the importance of equity among ratepayers, it is recommended that the Authorising Officer's recommendation be adopted.
23. This approach ensures compliance with legal requirements, promotes financial health and maintains fairness within the community.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>Local Government Act 1995</li><li>Department of Local Government Operational Guideline 22: <i>Possession of Land for Recovery of Rates and Service Charges</i></li></ul>
<b>File Number</b>	:	RV.RPY.20

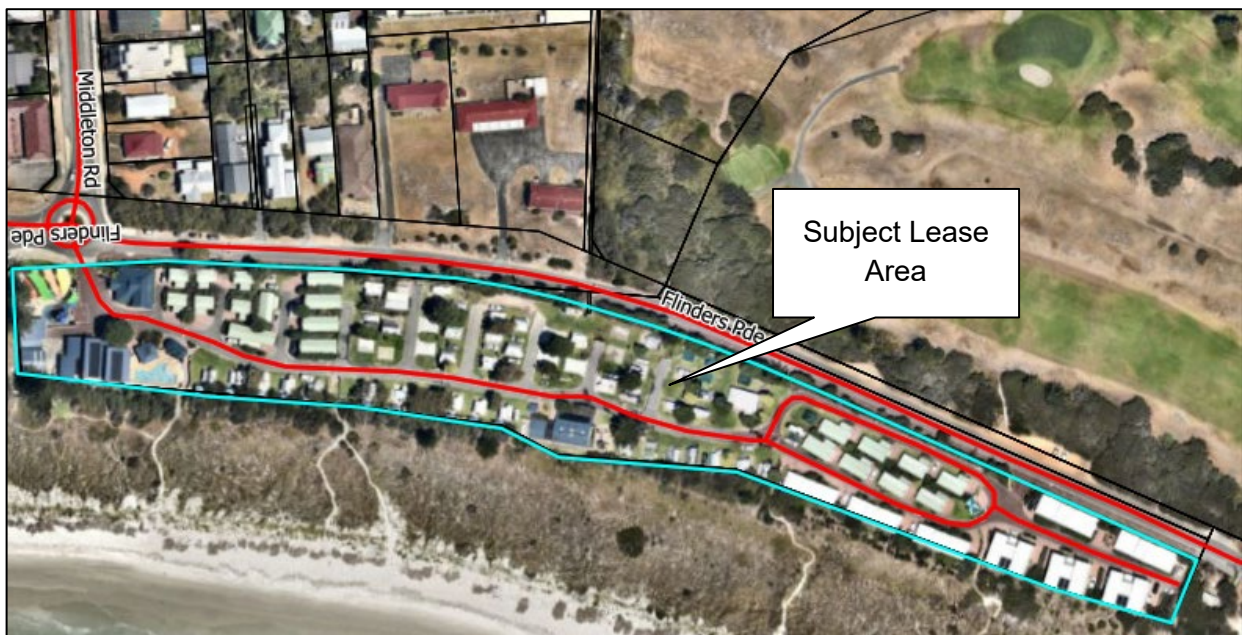
## CCS702: PROPOSED SURRENDER & NEW REPLACEMENT LEASE – SHUTTLEWORTH ALBANY PTY LTD – BIG4 MIDDLETON BEACH HOLIDAY PARK

<b>Land Description</b>	: Portion of Crown Reserve 36320, Lot 1340 on Deposited Plan 91309, the subject of Certificate of Title LR3123 Folio 714, Middleton Beach
<b>Proponent</b>	: Shuttleworth Albany Pty Ltd (ACN 073 589 287) as Trustee for the Shuttleworth Family Trust of Middleton Beach Holiday Park <ul style="list-style-type: none"><li>• Simon Shuttleworth (Director)</li><li>• Patricia Shuttleworth (Director)</li></ul>
<b>Business Entity Name</b>	BIG4 Middleton Beach Holiday Park
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property & Leasing
<b>Authorising Officer:</b>	: 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:** 4. Prosperity. A thriving city with an abundance of opportunities.
  - **Outcome:** 4.2. A highly sought-after tourist destination.

### Maps and Diagrams:



**In Brief:**

- Council is requested to approve the proposed surrender of the current lease and a replacement new lease for Shuttleworth Albany Pty Ltd, BIG4 Middleton Beach Holiday Park.
- The tenant has completed upgrades to the park and plans further financial investment in new developments.
- The current lease expires on 31 May 2032 and the tenant is seeking to secure longer lease tenure to support their future plans.
- The tenant acknowledges the coastal hazard risks and the new lease will include provisions addressing these risks.
- It is recommended that the proposed surrender of lease and replacement lease be approved.

**RECOMMENDATION**

**CCS702: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the surrender of the current lease and a replacement new lease over portion of Crown Reserve 36320 to Shuttleworth Albany Pty Ltd as Trustee for the Shuttleworth Family Trust of Middleton Beach Holiday Park, subject to the terms and conditions outlined in section 12 in this report.**

**CCS702: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR STOCKS**

That the Authorising Officer Recommendation be ADOPTED.

**CARRIED 7-0**

**CCS702: AUTHORISING OFFICER RECOMMENDATION**

THAT Council APPROVE the surrender of the current lease and a replacement new lease over portion of Crown Reserve 36320 to Shuttleworth Albany Pty Ltd as Trustee for the Shuttleworth Family Trust of Middleton Beach Holiday Park, subject to the terms and conditions outlined in section 12 in this report.

**BACKGROUND**

2. Crown Reserve 36320 is under Management Order issued to the City for the purpose of 'Caravan Park and Camping' with power to lease for any term not exceeding 21 years, subject to Minister for Lands approval.
3. The current tenant, Shuttleworth Albany Pty Ltd have been leasing the site since 1996.
4. Simon Shuttleworth (Director of BIG4 Middleton Beach) has proposed new developments in the park and is seeking a longer lease tenure to align with their future plans.
5. DPLH was consulted for advice on the appropriate lease arrangements as Crown land.
6. DPLH supports continuing the direct lease with the City, provided the new lease includes provisions for coastal hazards and outlines the tenant's responsibilities at the end of the lease term ensuring compliance with Crown land management requirements.
7. The tenant has formally requested to surrender the current lease and replace it with a new 21-year lease.

**DISCUSSION**

8. The tenant has been a long standing occupant of the site since 1996, demonstrating stability and commitment to the park.
9. The tenant has invested in recent upgrades including installing a new timber playground, replacing hard stands, demolishing the old reception area, adding new playground equipment and an amenities building. They have also improved camp sites, installed a back-up power supply and upgraded the transformer and power distribution boards.
10. The tenant plans further financial investment by adding a new accessible ablution block, an undercover BBQ area, a fast-charging EV station and realigning internal roads.
11. These improvements ensure the continued growth and development of the park, along with regular annual maintenance.
12. The table below summarises the key terms of the proposed lease:

Item	Details
Tenant	Shuttleworth Albany Pty Ltd (ACN 073 589 287) as Trustee for the Shuttleworth Family Trust of Middleton Beach Holiday Park
Land Description	Portion of Crown Reserve 36320, Lot 1340 on Deposited Plan 91309, the subject of Certificate of Title LR3123 Folio 714, Middleton Beach
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Approx 2.0564ha
Permitted Use	Caravan Park and Camping, in accordance with and limited by the Management Order over the land
Rent	To be determined by a current market valuation. Rent reviews every three years by market valuation with CPI applied for intervening years
Term	21 years from commencement date
Outgoings & Utilities	Tenant responsible for all outgoings & utilities, including insurance
Special Condition	Coastal hazard provisions

13. The tenant has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

**GOVERNMENT & PUBLIC CONSULTATION**

14. Section 18 of the Land Administration Act 1997 provides that a person shall not assign, sell, transfer or otherwise deal with interests in Crown land without the prior written approval of the Minister for Lands.
15. DPLH has been consulted and has provided support to the surrender and new lease with the tenant, pending final approval from the Minister for Lands.
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 for a period of two weeks.
  - b. Council must consider any submissions and record their decisions in the minutes.
  - c. A local government can then proceed with the lease.
18. The proposed 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 proposed lease in local newspaper and on the City's website inviting submissions from the public	A two-week period following Council endorsement of agenda item	Open to the public	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. Section 18 of the *Land Administration Act 1997* requires Ministerial approval for any dealings with interests in Crown land, including lease agreements.
22. The proposed surrender and new lease comply with the statutory requirements for property disposal and interests in Crown land.

## POLICY IMPLICATIONS

23. The Property Management (Leases and Licences) Policy ensures equitable access and efficient management of City owned and managed properties in line with statutory procedures.
24. The recommendation is consistent with this 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
<b>Reputation:</b> Surrender and new lease not approved.	Unlikely	Moderate	Medium	Negotiate terms that satisfy both Council and tenant.
<b>Reputation and Financial:</b> Failure to approve the surrender and new lease may result in reduced tenant investment.	Possible	Moderate	Medium	Negotiate satisfactory terms to ensure term supports the investment.
<b>Opportunity:</b> To upgrade park facilities, improve the visitor experience and positively impacting local tourism.				
<b>Opportunity:</b> Aligns with City's Strategic Community Plan 2032 objective to create a competitive and sustainable tourism offer.				

## FINANCIAL IMPLICATIONS

26. All costs associated with preparing lease documentation will be covered by the tenant.
27. Initial lease rental as determined by current market valuation provided by a licensed Valuer. The current is \$60,500 per annum plus GST.

## LEGAL IMPLICATIONS

28. The lease documentation will be prepared by City's lawyers to ensure enforceable terms to minimise risks for both the City and Minister for Lands.

## ENVIRONMENTAL CONSIDERATIONS

29. The BIG4 Middleton Beach Holiday Park lease area is located within the Coastal Hazard Risk Management Adaptation Plan (CHRMAP) area for Emu Point to Middleton Beach.
30. The new lease will include coastal hazard provisions to ensure that the tenant acknowledges and manages coastal hazard risks.
31. Further indemnification clauses will protect the City and Minister for Lands from liability arising from coastal processes.
32. Any future development must align with the recommendations of the Emu Point to Middleton Beach CHRMAP.

### ALTERNATE OPTIONS

33. Council may:
- Approve the surrender and replacement lease; or
  - Approve the lease with modifications; or
  - Decline the lease requests.
34. Should Council decline the proposed surrender and replacement lease, the tenant will remain under the current lease until expiry, potentially limiting future park improvements.

### CONCLUSION

35. Shuttleworth Albany Pty Ltd has been a long-term, committed tenant consistently investing in the park and planning future developments.
36. The proposed lease offers the tenant the security needed for long-term planning and growth, while also addressing coastal hazard risks.
37. Considering the tenant's past and planned investments, as well as DPLH support, approving the proposed lease surrender and new lease will benefit the park, community and tourism.
38. The new lease aligns with the City's Strategic Community Plan 2032 objective to create a competitive and sustainable tourism offer.
39. It is recommended that Council approve the proposed surrender and new lease.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>Property Management (Lease and Licences) Policy</li><li><i>Local Government Act 1995</i></li><li><i>Land Administration Act 1997</i></li></ul>
<b>File Number</b>	:	PRO090, A90148
<b>Previous Reference</b>	:	OCM 18/09/2001 Item 12.2.6 OCM 15/12/2009 Item 14.11.3

## DIS431: MULTIPLE DWELLING (36 UNITS)

<b>Land Description</b>	: Lot 955 Stranmore Boulevard, Bayonet Head, WA 6330.
<b>Proponent / Owner</b>	: H+H Architects
<b>Business Entity Name</b>	: Advance Housing Ltd
<b>Attachments</b>	: 1. Architectural Drawings 2. Landscape Drawings 3. Development Summary 4. Planning Application Report 5. Applicants R-Codes Technical Compliance Summary 6. Traffic Impact Statement 7. Waste Management Plan 8. Site Works Plan
<b>Supplementary Information &amp; Councillor Workstation</b>	: 1. Original unredacted Submissions 2. Schedule of Submissions 3. Building & Waste comments
<b>Report Prepared By</b>	: Senior Planning Officer
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development and Environment

## STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Pillar:** Place
  - **Outcomes:** Responsible growth, development and urban renewal.
  - **Outcomes:** Interesting, vibrant and welcoming places.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy 2019* (the Planning Strategy).
3. The proposal is consistent with the objectives identified in the Planning Strategy, specifically: *Plan for a variety of housing types in close proximity to services and facilities, in particular affordable housing and one- and two-bedroom units that meet the needs of young people, retirees and the elderly.*

**Maps and Diagrams:** Lot 955 Stranmore Boulevard, Bayonet Head

**In Brief:**

- Council is asked to consider a Development Application for Multiple Dwellings x 36 at lot 955 Stranmore Boulevard, Bayonet Head.
- The land use is considered a 'D' use within the 'Residential' zone in accordance with the *City of Albany Local Planning Scheme No. 2 (LPS2)*.
- The application was advertised for public comment via direct mail out to adjacent landowners, signs on site and via the public comment section of the City of Albany website.
- Eighty-two (82) submissions were received during advertising, 17 in support, 49 objections and 16 general comments or concerns with particular aspects of the development.
- Additional opposition to the development has also been expressed through other means.
- In making a recommendation on the proposal, officers were unable to take into account a number of concerns raised by stakeholders during the advertising process, as these matters are not listed among the considerations under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and, therefore, do not constitute valid planning considerations.
- The proposal is largely consistent with the relevant planning framework including *State Planning Policy 7.3 – Residential Design Codes (R-Codes)*, LPS2 and Local Development Plan 14 (LDP14).
- Staff therefore recommend that Council approve the proposed development, subject to conditions.

**RECOMMENDATION**

**DIS431: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to ISSUE a notice of determination granting development approval for Multiple Dwelling (36 units) at Lot 955 Stranmore Boulevard, Bayonet Head, subject to the following conditions:**

**Conditions:**

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2240018, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.**
- 3. At least 14 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.**
  - ***The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:***
    - ***public safety and site security;***
    - ***hours of operation,***
    - ***noise and vibration controls;***
    - ***air and dust management;***
    - ***stormwater, groundwater and sediment control;***
    - ***waste and material disposal;***

- *Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures (if relevant);*
  - *Parking Management Plan prepared by an accredited personnel;*
  - *the parking arrangements for contractors and sub-contractors;*
  - *on-site delivery times and access arrangements;*
  - *measures to mitigate impact to existing City infrastructure and property*
  - *measures to ensure all contractors are made aware of potential for archaeological material to be uncovered during excavation works, and a clear procedure to ensure any archaeological material is dealt with appropriately*
  - *the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and*
  - *any other matters likely to impact upon the surrounding properties or road and foreshore reserves.*
4. Prior to commencement of development, a final Landscaping and Reticulation Plan shall be submitted to the City of Albany for approval.
- Advice:*
- *Details required are listed under Appendix A3 of the Residential Design Codes Volume 1 and should include the size, species and location of trees/shrubs to be planted in landscaping areas identified on the approved plans.*
  - *Details of associated infrastructure (such as drainage swales) shall be included in the Landscaping Plan, with the design demonstrating suitable water sensitive design measures.*
  - *The landscaping plan to include details of any landscaping proposed with the verge, to be submitted to the City of Albany Reserves section for approval.*
  - *Trees used for verge landscaping should be selected from the City of Albany Preferred Street Tree Species List and must be planted in accordance with the City's Standard Construction Drawings Tree Planting 2023.*
5. The approved Landscaping Plan shall be implemented within the first available planting season after the final occupation of the development and maintained thereafter to the satisfaction of the City of Albany.
6. Prior to the commencement of development an outdoor lighting plan shall be submitted for approval and maintained thereafter to the satisfaction of the City of Albany.
- Advice:*
- *The lighting plan shall ensure adequate lighting is provided to communal streets, open space, pathways and vehicle access area in accordance with Part C - 1.2 Trees and Landscaping, Provision C1.2.3 of the Residential Design Codes.*
  - *The proponent shall ensure the installation of outdoor lighting is in accordance with the requirements of Australian Standard 4282 Control of the Obtrusive Effects of Outdoor Lighting.*
7. Prior to commencement of development, a refuse storage plan reflecting the requirements set out under the City of Albany Local Planning Scheme No.2, the Health (Miscellaneous Provisions) Act and the City of Albany Health Local Laws shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
- Advice:*
- *All waste storage shall be confined to within an enclosed receptacle screened from its immediate surrounds and any adjacent public street or road by a wall not less than 1.8 m in height constructed of brick, masonry or other approved material.*

- *All bins compounds must be fitted with a hose.*
- *Colourbond or metal sheeting is not an approved material under the City of Albany Health Local Laws.*

8. Prior to commencement of development, a Stormwater Management Plan shall be submitted for approval to the City of Albany. Prior to occupation of development, the approved Stormwater Management Plan shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.

*Advice:*

- *The Stormwater Management Plan is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines', with information provided as part of the Stormwater Management Plan to include relevant details and calculations.*
- *Soil capability testing (permeability and soil profile) will be required to determine if soakwell infiltration is the appropriate method of disposal for the site.*
- *The stormwater management approach should include a description of the storm events to be managed (i.e. <1yr ARI, 5yr ARI, and 100yr ARI) including strategies to address water quality.*
- *The Stormwater Management Plan is to include relevant details from the Vehicular Parking and Access Plan and the Landscape Plan approved for the development.*

9. Prior to commencement of development, a Vehicle Parking and Access Plan shall be submitted to the City of Albany for approval. Prior to occupation of the development, the approved Vehicle Parking and Access Plan, shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.

*Advice:*

- *Car parking and access is to be designed in accordance with the Australian Standard 2890.*
- *The Vehicle Parking and Access Plan shall:*
  - *Indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.*
  - *Identify hazards to road users, including pedestrians and cyclists, with appropriate measures implemented to address these.*
  - *Include relevant details from the Stormwater Management Plan and the Landscape Plan approved for the development.*

10. Prior to commencement of development, the Waste Management Plan shall be updated in accordance with the attached Waste Management Plan checklist and submitted to the City of Albany for approval. The approved Waste Management Plan shall be implemented prior to occupation of use and maintained thereafter to the satisfaction of the City of Albany.

11. Prior to the commencement of development, a condition survey shall be undertaken of the footpaths and kerbing within the road reserve/verge immediately abutting the development site, and submitted for approval by the City of Albany.

12. Prior to occupation, the developer shall make good any damage to footpaths and kerbing within the road reserve/verge immediately abutting the development site that results from the construction of the development, to the satisfaction of the City of Albany.

13. Prior to commencement of development, a schedule of materials and colours to be used on the approved buildings/structures shall be submitted to the City of Albany for approval.

**Advice:**

- *Detailed specifications of any walls and/or fences shall also be provided.*
- *The schedule should be lodged for approval prior to or as part of a building permit application and shall include details of all external elements of the development.*

14. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
15. Prior to commencement of development, a Screening Plan detailing the type and colour of screening material for any plant and/or mechanical equipment, shall be submitted to and approved by the City of Albany for approval. Prior to occupancy of the development, the approved Screening Plan shall be implemented, completed and maintained thereafter, to the satisfaction of the City of Albany.
16. Prior to commencement of development, exact details of the privacy screen for the courtyards, balconies, outdoor living areas shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the approved privacy screen shall be implemented and maintained in perpetuity to the satisfaction of the City of Albany.

**Advice:**

- *In accordance with the State Planning Policy 7.3 - Residential Design Codes, screening shall be at least 1.6m in height, 75 per cent obscure, permanently fixed and made of durable material, to the satisfaction of the CoA.*
- *Please note that in some instances the screening device may require engineering and affect the light/ventilation and/or wind loading.*
- *At least 25% of all outdoor areas shall remain unscreened.*

17. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.

**Advice:**

- *A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. STD-05-01 – STD-05-03 (refer to the City of Albany's Subdivision and Development Guidelines).*
- *Footpath and kerbing to be reinforced and the footpath to be delineated from the remainder of the crossover to the satisfaction of the City of Albany.*

18. Prior to occupancy of the development, the premises shall be connected to the Water Corporation sewerage system.
19. Prior to occupancy of the development, a sufficient potable water supply shall be provided and connected to the Multiple Dwellings hereby approved, to the satisfaction of the City of Albany.
20. Prior occupancy of the development, the boundary wall/s shall be constructed to an acceptable finished standard such as cladding, face brick or render , and maintained thereafter to the satisfaction of the City of Albany.
21. Prior to occupancy of the development, visitor and resident bays shall be clearly demarcated to the satisfaction of the City of Albany.

**Advice:**

- *The carparking bay adjacent the bedroom in building 4 unit 4, as marked in red on the stamped, approved plans shall be designated as the nominated parking bay for this unit, to ensure the impacts of noise and light spill are able to be controlled.*

- 22. Prior to occupancy of the development, a minimum of twenty-two (22) bicycle bays shall be provided for the development hereby approved, to the satisfaction of the City of Albany.**
- 23. Mounting of large satellite dishes on the roof of the development is not permitted.**
- 24. Walls and fencing to the primary and secondary streets shall be designed to meet the definition of ‘Visually Permeable’ under State Planning Policy 7.3 Residential Design Codes Volume 1 where exceeding a height of 1.2m from natural ground level.**
- 25. To ensure appropriate sightlines, walls and fences near vehicle access points to primary and secondary streets must comply with *State Planning Policy 7.3 – Residential Design Codes Volume 1*.**
- Advice:**
- ***Walls, fences and other structures should be truncated or reduced to no higher than 750mm in height within 1.5m of where walls, fences or other structures adjoin:***
    - ***A driveway that intersects a street, right of way or communal street***
    - ***A right of way or communal street that intersects a public street; and***
    - ***Two streets that intersect.***
- 26. No goods or materials shall be stored in parking or landscape areas, or in access driveways, unless otherwise approved in writing by the City of Albany.**
- 27. All doors to store rooms shall open outwards to maximise available space and to ensure consistency with State Planning Policy 7.3 – Residential Design Codes.**
- General Advice:**
- ***The applicant is advised that no works, including walls and/or landscaping within the verge have been approved. A verge development permit will be required and can be applied for once final details of the verge development have been provided (City of Albany).***
  - ***Please note that limited Aboriginal heritage surveys have been completed over the subject land, as such it is unknown if there is Aboriginal heritage present. Therefore, the proponent needs to be aware of their obligations under the Aboriginal Heritage Act 1972 (DPLH Aboriginal Heritage).***
  - ***DPLH also advises the proponent regularly checks the Aboriginal Cultural Heritage Inquiry System (ACHIS) should new Aboriginal Cultural Heritage be reported within the subject area (DPLH Aboriginal Heritage).***

DIS431: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY

SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

DIS431: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval for Multiple Dwelling (36 units) at Lot 955 Stranmore Boulevard, Bayonet Head, subject to the following conditions:

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Advice:
    - *In accordance with the State Planning Policy 7.3 - Residential Design Codes, screening shall be at least 1.6m in height, 75 per cent obscure, permanently fixed and made of durable material, to the satisfaction of the CoA.*
    - *Please note that in some instances the screening device may require engineering and affect the light/ventilation and/or wind loading.*
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*Advice:*
  - *The carparking bay adjacent the bedroom in building 4 unit 4, as marked in red on the stamped, approved plans shall be designated as the nominated parking bay for this unit, to ensure the impacts of noise and light spill are able to be controlled.*
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*Advice:*
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27. All doors to store rooms shall open outwards to maximise available space and to ensure consistency with State Planning Policy 7.3 – Residential Design Codes.  
*General Advice:*
  - *The applicant is advised than no works, including walls and/or landscaping within the verge have been approved. A verge development permit will be required and can be applied for once final details of the verge development have been provided (City of Albany).*
  - *Please note that limited Aboriginal heritage surveys have been completed over the subject land, as such it is unknown if there is Aboriginal heritage present. Therefore, the proponent needs to be aware of their obligations under the Aboriginal Heritage Act 1972 (DPLH Aboriginal Heritage).*
  - *DPLH also advises the proponent regularly checks the Aboriginal Cultural Heritage Inquiry System (ACHIS) should new Aboriginal Cultural Heritage be reported within the subject area (DPLH Aboriginal Heritage).*

## BACKGROUND

4. The City of Albany has received a development application for Multiple Dwellings (36 Units) at lot 955 Stranmore Boulevard, Bayonet Head.

<b>Local Planning Scheme</b>	City of Albany Local Planning Scheme No. 2
<b>Zone</b>	Residential
<b>LPS 2 Class &amp; Permissibility (Table 3)</b>	Multiple Dwelling – D
<b>Lot size</b>	5106m <sup>2</sup>
<b>Existing Land Use</b>	Vacant
<b>Bushfire Prone Area</b>	No
<b>Local Development Plan</b>	Local Development Plan 14 – Village Centre
<b>Structure Plan</b>	Bayonet Head (Oyster Harbour)

5. The subject site is approximately 7km north-east of the Albany CBD and is adjacent vacant property zoned 'Neighbourhood Centre' directly to the west.
6. The site has recently been subject to a rezoning, with Ministerial approval received to rezone the property from Urban Development to Residential. The rezoning reflects a recent subdivision approval in which the eastern portion of the lot was subdivided to facilitate residential development.
7. A Local Development Plan (LDP14) was prepared to reflect the approved subdivision and was subject to public consultation in April 2023. No formal submissions were received during the advertising period.
8. LDP14 is substantially the same as the previous LDP for the site with the amendments limited to lot layout, removal of indicative built form and removal of the 'landmark element' requirements.
9. It is relevant to note that this land use (Multiple Dwellings) would have been capable of being considered for assessment under both the superseded LDP and the new LDP14.
10. Staff have been made aware of a pamphlet created by Development WA and distributed with the sale of nearby lots which labelled the site subject to this development application as a 'Shopping Centre Site'.
11. Residents have expressed concerns over the use of this site for residential purposes believing they were misled by this advertising material however, this material was not created, approved nor distributed by the City of Albany.
12. An online petition against the proposal has also been created by nearby residents which currently has in excess of 280 signatories.
13. The application was advertised for public comment via direct mail out to adjacent landowners, signs on site and via the public comment section of the City of Albany website.
14. Eighty-two (82) submissions were received during advertising, 17 in support, 49 objections and 16 general comments or concerns with particular aspects of the development.
15. Additional opposition to the development has also been expressed through other means.
16. A full table of unredacted submissions has been made available for the Elected Members consideration.

## DISCUSSION

17. The application involves 36 residential units across four two-storey dwellings, with open air carparking areas separating the buildings.
18. The buildings will provide a mix of one and two bedroom units and will be managed by Advance Housing, a not-for-profit organisation who provides and builds affordable housing across the Great Southern

### R-Codes

19. The land is zoned 'Residential' (R60) therefore the application is required to be assessed against State Planning Policy 7.3 – Residential Design Codes Volume 1 Part C (R-Codes).
20. It is important to note that the R-Codes provides two pathways for development assessment and determination. Applications for development approval need to demonstrate that the proposal achieves the objectives of the R-Codes and the requirements of each design element through either the straightforward deemed-to-comply provisions or the design principle assessment (merit based).
21. The application is consistent with all deemed-to-comply principles of the R-Codes with the exception of the following matters where a design principle assessment is proposed.

Deemed-to-comply standard	Proposed	Design Principle/s	Assessment
<b>1.2 Trees and Landscaping:</b> 13 medium trees required.	5 medium trees.	<b>P1.2.2</b> Provision of trees and high-quality landscaping: <ul style="list-style-type: none"> <li>Enhances the built form, streetscape and pedestrian amenity as viewed from the street</li> <li>Provides shade and amenity for communal streets and carparking areas: and</li> <li>Contributes to the visual appeal, comfort and amenity of the development, in particular private open space and communal open space and outlooks from habitable rooms.</li> </ul>	The application is considered to achieve the relevant design principle for the following reasons: <ul style="list-style-type: none"> <li>Although the application proposes a shortfall of 8 medium trees, the application proposes to provide 48 extra small trees to compensate for this shortfall.</li> <li>The provision of these additional trees is considered a positive design outcome and will provide a greater area of landscaping than if the deemed-to-comply standard was followed.</li> </ul>
<b>2.1 Size and Layout of Dwellings:</b> Major openings to ground floor multiple dwellings facing directly onto car parking areas and/or non-residential components of a mixed-use development should be setback 3m.	Minor variations to the deemed-to-comply principle are proposed from: Building 2 – variation 200mm (proposed 2.8m), Building 3 – variation 600mm (proposed 2.4m) Building 4 – variation 1m (proposed 2m).	<b>P2.1.6</b> The siting and layout of dwellings minimises potential impact on amenity and provides appropriate visual and acoustic privacy to habitable rooms by: <ul style="list-style-type: none"> <li>Locating, orienting or setting back habitable rooms;</li> <li>Providing adequate landscape screening as a buffer; and/or</li> </ul>	The application is considered to achieve the relevant design principle for the following reasons: <ul style="list-style-type: none"> <li>The application proposes landscape screening (including tree planting) to address the design principle for building 2 and the south of building 3.</li> <li>The variation to the north of building three is mitigated by the fact that it is adjacent a vehicle access way only (not carparking)</li> </ul>

		<ul style="list-style-type: none"> <li>• Providing acoustic treatments to reduce noise transfer.</li> </ul>	<p>with vehicles unable to park adjacent the habitable room and impact occupants through noise or light transfer.</p> <ul style="list-style-type: none"> <li>• The bedroom on the south-east of building 4 directly abuts a carparking bay without any screening or additional measures proposed to mitigate the impact of light and noise transfer on the bedroom. However, the floor level of the bedroom in question is approximately 700mm below the height of the car parking bay, which may help mitigate some light impacts. Nonetheless, it is still considered necessary to implement measures to further reduce light and noise intrusion into the bedroom. It is therefore recommended that an advice note be added to Condition 21 (demarcation of parking bays), advising that this car parking bay should be designated for use by this residence, allowing the occupant/resident to manage light and noise impacts.</li> </ul>
<p><b>2.3 Parking:</b> 48 vehicle parking bays and 5 motorcycle parking bays required.</p>	<p>45 vehicle parking bays and 4 motorcycle parking bays provided.</p>	<p><b>P2.3.2</b> Adequate parking is provided for various modes of transport including bicycles, motorcycles, scooters and cars, that has regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The proximity of the proposed development to public transport, activity centres, areas of amenity and other facilities;</li> <li>• The type, size and number of dwellings; and</li> <li>• The availability of on-street and any off street carparking.</li> </ul>	<p>The application is considered to achieve the relevant design principle for the following reasons:</p> <ul style="list-style-type: none"> <li>• Each unit is provided with its own designated car parking bay and the complex is provided with 9 visitor bays and four motorcycle bays.</li> <li>• The extent of the variation is minor and there are six (6) on-street carparking bays for visitors adjacent the northern boundary of the site which are consistently available and another five (5) bays across Stranmore Boulevard that could be</li> </ul>

			<p>used for visitors if the 9 on-site bays are occupied.</p> <ul style="list-style-type: none"> <li>• Officers recommend a condition requiring visitor and resident bays to be clearly demarcated for their intended use (eg unit 1 car parking bay or visitor car parking bay) prior to occupation to minimise the potential for conflict between residents over available car parking bays.</li> </ul>
<p><b>3.3 Street Setbacks:</b> 2m primary street setback required.</p>	<p>Minor variation to front setback requirements proposed for: Building 2 unit 2 – variation 450mm (proposed 1.55m) and corners of building 3 (Proposed 1.5m and 1.2m).</p>	<p><b>P3.3.1</b> Buildings are set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• Are consistent with the existing or future streetscape and local character</li> <li>• Provide sufficient space for tree planting and other landscaping as well as community interaction</li> <li>• Provide adequate privacy to dwellings</li> <li>• Accommodate site planning requirements such as parking and utilities; and</li> <li>• Allow safety clearances for easements for essential service corridors and sightlines.</li> </ul>	<p>The application is considered to achieve the relevant design principle for the following reasons:</p> <ul style="list-style-type: none"> <li>• Buildings are articulated in a manner that ensures the variation is limited in to a small portion of the building (rather than an entire wall of a building)</li> <li>• The variation is considered minor in nature with negligible impact on streetscape character.</li> <li>• The high quality design of the multiple dwellings is expected to improve the existing streetscape character.</li> </ul>
<p><b>3.4 Lot Boundary Setbacks:</b> Buildings 1 and 2 require a 3m rear setback.</p>	<p>Building 1 proposes a setback of 2m at the point nearest to the boundary and Building 2 proposes a 1.75m setback at the point nearest to the boundary.</p>	<p><b>P3.4.1</b> Lot boundary setbacks reinforce the locations streetscape character and are consistent with the existing or desired built for local character.</p> <p><b>P3.4.2</b> The setback of development from lot boundaries provides a transition between sites with different land uses or intensity of development.</p> <p><b>P3.4.3</b> Buildings are set back from lot boundaries or adjacent buildings on the same lot to:</p> <ul style="list-style-type: none"> <li>• Provide adequate solar access and natural ventilation to the building and open</li> </ul>	<p>The application is considered to achieve the relevant design principle for the following reasons:</p> <ul style="list-style-type: none"> <li>• The extent of the variations is minor with articulated walls ensuring the variation is limited to a small portion of the wall length, rather than the entire length of the wall.</li> <li>• The adjoining property impacted by the lot boundary setback is located to the west of the subject site therefore, the reduced setback is unlikely to substantially impact the sunlight access of the adjoining lot.</li> </ul>

		<p>spaces on the site and adjoining properties; and</p> <ul style="list-style-type: none"> <li>• Address the potential for overlooking and resultant loss of privacy on adjoining properties.</li> </ul>	<ul style="list-style-type: none"> <li>• The development is surrounded by single houses with have setbacks well below what is proposed with this development (including boundary walls) therefore the setback variation is unlikely to negatively impact the surrounding streetscape.</li> <li>• The adjoining landowner raised no objection with the setbacks proposed.</li> </ul>
<p><b>3.5 Site Works and Retaining Walls:</b> Western Retaining wall requires 1.5m setback.</p>	<p>Retaining wall is proposed along western boundary.</p>	<p><b>P3.5.1</b> Development that considers and responds to the natural features of the site and requires minimal excavation / fill.</p> <p><b>P3.5.2</b> Where excavation/fill is necessary, all finished levels respect the natural ground level at the lot boundary of the site and as viewed from the street.</p> <p><b>P3.5.3</b> Retaining walls that result in land which can be effectively used for the benefit of residents, do not detrimentally affect the amenity of adjoining properties in the opinion of the decision maker and are designed, engineered and landscaped having due regard to the provisions of element 3.10 Visual Privacy.</p>	<p>The application is considered to achieve the relevant design principle for the following reasons:</p> <ul style="list-style-type: none"> <li>• The extent of the variation from the deemed to comply principle is minor and limited to a small portion of the retaining wall length which is stepped across the site to reduce impact.</li> <li>• The FGL of all buildings proposed are stepped to match the topography of the site therefore minimising impact of the retaining.</li> <li>• The retaining ensures level outdoor living area and ease of access to these spaces for residents of the dwelling.</li> <li>• The adjoining landowner raised no concern with the setback of the retaining wall during the advertising process.</li> </ul>
<p><b>3.5 Site works and Retaining Walls:</b> Earthworks in front setback area should not exceed 0.5m.</p>	<p>Approximately 1m of earthworks are proposed in the front setback areas of buildings 1 and 3.</p>	<p>Refer above.</p>	<p>The earthworks in the front setback area are considered to achieve the design principle for the following reasons:</p> <ul style="list-style-type: none"> <li>• The extend of the earthworks are minor and provide a level courtyard for the enjoyment of occupants, who may struggle with sloping land.</li> <li>• Walls required to support the earthworks are below the 1.2m maximum height for non visually permeable front walls and provide</li> </ul>

			<p>clear separation between public and private land.</p> <ul style="list-style-type: none"> <li>The finished ground levels are stepped across site to reduce the extent of earthworks required and ensure the existing topography and natural ground levels at the front boundary of the site are respected.</li> </ul>
<p><b>3.6 Streetscape:</b> All units fronting the street to be provided with a separate pedestrian access from the street.</p>	<p>Units fronting Omrah Lane, Ascanius Parade and Ballindean Avenue are not provided with separate access to the street.</p>	<p><b>P3.6.1</b> The design of dwelling facades, street walls and fences in the street setback area contributes positively to streetscape context and local character.</p> <p><b>P3.6.2</b> The building design addresses street frontages and provides opportunity for passive surveillance and social interaction.</p> <p><b>P3.6.3</b> Dwelling and building entries are:</p> <ul style="list-style-type: none"> <li>Accessible and protected from the weather; and</li> <li>Well-lit for safety and amenity, without opportunity for concealment and designed to enable passive surveillance of entry from within the lot.</li> </ul> <p><b>P3.6.5</b> The height of street walls and fences allows for passive surveillance of the street from the development whilst balancing the need for privacy of private open space and the impact of traffic noise, where located on a primary distributor, district distributor or integrator arterial road.</p>	<p>The proposal is considered to achieve the relevant design principles for the following reasons:</p> <ul style="list-style-type: none"> <li>Street walls, although low and stepped are required to provide a level courtyard for residents which restricts the ability to provide direct street access for a number of residences.</li> <li>Major openings and/or outdoor living areas on each building front the streetscape and provide passive surveillance.</li> <li>Communal access to the dwellings are provided at the rear of the building and are directly accessible from the carparking area, which is considered a practical outcome for residents.</li> </ul>
<p><b>3.10 Visual Privacy:</b> Cone of vision radius (refer to drawing SK0.31) to avoid major openings and/or active habitable spaces on adjoining properties or within multiple dwelling units and to remain within property boundaries where adjacent a vacant property.</p>	<p>Cone of vision radiuses extends outside of property boundaries into the adjoining vacant property to the west and includes some minor internal incursions into the private open space</p>	<p><b>P3.10.1</b> Direct overlooking of major openings and active habitable spaces of adjacent dwellings and adjoining properties minimised through:</p> <ul style="list-style-type: none"> <li>Building siting, layout and design</li> <li>Design an location of major openings</li> </ul>	<p>The proposal is considered to achieve the relevant design principles for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposal is designed in a manner which ensures internal overlooking in minor in nature and limited to minor incursions to private space which given</li> </ul>

	of adjacent dwellings.	<ul style="list-style-type: none"> <li>• Landscape screening of outdoor active habitable spaces: and/or</li> <li>• Design and location of screening devices.</li> </ul> <p><b>P3.10.2</b> Adequate visual privacy achieved through appropriate interfaces between dwellings and adjoining properties including measures such as:</p> <ul style="list-style-type: none"> <li>• Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct</li> <li>• Building boundary walls where appropriate</li> <li>• Setting back the upper storeys from the lot boundary;</li> <li>• Providing higher or lower windows or windows with obscure glazing and/or</li> <li>• Screening (including landscaping, fencing, timber screens, external blinds, window hoods and shutters).</li> </ul> <p><b>P3.10.3</b> Visual privacy strategies maintain amenity of habitable rooms and active habitable space with regards to solar access, natural ventilation and external outlook both within the development and for adjoining properties.</p>	<p>the proposed finished floor levels are capable of being easily restricted or obscured by landscaping or similar should residents see fit.</p> <ul style="list-style-type: none"> <li>• Overlooking to the vacant property to the west is limited in its extent and given the property zoning (Neighbourhood Centre) and size the overlooking is not expected to impact either the enjoyment or potential use of the vacant property in the future.</li> <li>• The external overlooking was advertised to the adjoining landowners who raised no concern with the proposal.</li> </ul>
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Local Planning Scheme No.2

22. The application is consistent with all relevant LPS2 provisions including the Residential Zone objectives and assessment provisions and general development requirements.

Local Development Plan

23. A Local Development Plan (Local Development Plan 14 – Village Centre) also applies to this site and surrounding properties to the north and the west.
24. The Local Development Plan (LDP) is a broad document in nature and provides a guide for future development outcomes. The proposed development is consistent with all requirements set out under the LDP with the exception of the following:

*Buildings fronting the street, Public Open Space and built within 1.5m of this boundary shall provide a canopy or verandah of a minimum depth of 2.5m along that frontage.*

25. Building 3 proposes a minor setback variation (to 1.2m) to the front boundary however, this is limited to the very corner of the building (not an entire façade) due to the alignment of the lot boundary on the corner of Ascanius Parade and Ballindean Avenue.
26. It is therefore not considered necessary nor practical (due to the corner) to require the applicant to provide a canopy or verandah at this point.

Structure Plan

27. A Structure Plan also applies to the Oyster Harbour Estate however, this structure plan was created to facilitate the subdivision of the estate which has been largely completed. The Structure Plan provisions are therefore not applicable to this development, with site specific provisions included in LPS2, Residential Design Codes and LDP14.

**GOVERNMENT & PUBLIC CONSULTATION**

28. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to adjacent landowners	9 January 2025 – 1 February 2025	82 submissions received	No statutory requirement, however R-Code variations are generally advertised at the discretion of local government.
	Signs on site			
	Public comment section of City of Albany Website			

Submissions

29. Due to the scale and significance of the proposed development, as well as variations to the deemed-to-comply requirements of SPP7.3, the application was advertised to adjacent landowners, a sign was erected on site and the proposal was listed under the 'public comment' section of the city of Albany website for a period of 21 days.
30. During the consultation period a total of eighty two submissions were received, with 17 in support, 16 general comments or concerns with particular aspects of the development and 49 objections.
31. Objections/concerns have been outlined below and responded to in detail within the summary of submissions. A full table of unredacted submissions has been made available for the Elected Members consideration.
  - Concerns regarding the demographic of residents and a potential increase in crime.
  - Concerns about the impact on the existing road network, which is becoming increasingly congested.
  - Frustration over being informed or led to believe that the site was designated for a future shopping centre.
  - Concerns about the concentration of social/community housing within the Oyster Harbour Estate.
  - Concerns about a lack of consultation.
32. The main concerns raised during the submission period will be broadly addressed under the headings below.

Concerns with demographic of residents and possible increase in crime

33. In response to these concerns, officers are only able to consider the application against the applicable planning framework, including the City of Albany Local Planning Scheme No.2 and State Planning Policy 7.3 – Residential Design Codes.
34. Officers cannot consider the potential demographics of tenants or speculate on impacts to the local crime rate when assessing the application, as these matters are not listed under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and are therefore not valid planning considerations.

Concerns about the impact on the existing road network, which is becoming increasingly congested.

35. A traffic impact statement was provided with the application which demonstrates the additional traffic generated by the development is able to be accommodated by the existing road network.
36. Comments regarding the congestion of the vicinity have been noted. Although the carrying capacity of Lower King Road is yet to be exceeded, the City is actively working on measures to ease congestion in the area, including potential additions to the existing road network.

Issues with being told by or lead to believe that the site was earmarked as a future shopping centre site instead

37. Officers are unable to comment on any advice received from other parties on the future development of the suburb however, it should be noted that previous zoning did not preclude residential development such as this on the site.

Concerns about the concentration of social/community housing within the Oyster Harbour Estate.

38. As advised above, officers are only able to consider the application against the applicable planning framework, including the City of Albany Local Planning Scheme No.2 and State Planning Policy 7.3 – Residential Design Codes.
39. The density of the proposal is consistent with the density permitted on-site under LPS2 zoning and the R-Codes.
40. The density/distribution of social housing is not within the matters to be considered under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015; and therefore are not a valid planning consideration.
41. The use of the site for multiple dwellings is compatible with the anticipated amenity of the Residential Zone, as it is consistent with the intended land use and built form outcomes set out under the relevant planning framework, irrespective of the demographic or tenure of its residents.

Concern with lack of consultation

42. Although not a statutory requirement, the application was advertised for a time period exceeding the requirements set out under the *Planning and Development (Local Planning Schemes) Regulations 2015*, two signs were erected on-site, the proposal was placed on the 'public comment' section of the City of Albany website and adjacent residences were directly notified.
43. This advertising process undertaken exceeded all statutory requirements.

State Agency Referrals

44. The application was referred to the Aboriginal Heritage Section of the Department of Planning Lands and Heritage due to the proposal intersecting with a Historic Aboriginal Heritage Place (Alfred Knapp's Seasonal Camp).
45. In their response, they advised that the place has been assessed by the Aboriginal Cultural Heritage Committee as not being a site as it does not meet section 5 of the *Aboriginal Heritage Act 1972* (AHA). Therefore no approval under the AHA are required for the proposed development.
46. Advice received in the referral response are recommended to be included as advice noted with any development approval issued for the site.
47. The application was also referred to the Department of Communities as the owner of properties adjacent the development site.
48. In their response they advised that they support the proposal in principle and have no comments or objections on the design.
49. However, they also commented that R60 coding could support a total of approximately 60 dwellings on the site. As such, they believe the proposal does not maximise the development potential provided for in the planning framework and consider the 'significant underutilisation of the site' disappointing.
50. While the R60 coding theoretically allows for approximately 60 dwellings, other key design factors must also be considered, including height limitations, waste storage and disposal, car parking, landscaping, and private open space. The focus extends beyond simply maximising the number of dwellings on-site.
51. Taking the above into consideration, it is considered the proposed design has achieved a suitable balance between maintaining the resident amenity as well as that of nearby landowners and the streetscape, whilst providing a significant number of dwellings for members of the community.
52. It should also be noted that there are no minimum density requirements for development in this area therefore the City is unable to request an increase in density and must assess the application as proposed, which is compliant with the density requirements of the R-Codes.

### STATUTORY IMPLICATIONS

53. Multiple Dwelling is classified as a “D” use within the ‘Residential’ zone under LPS 2 Zoning table, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
54. Voting requirements for this item is **Simple Majority**.

### POLICY IMPLICATIONS

55. The proposal has been assessed against SPP7.3 – Residential Design Codes (SPP7.3) which provides assessment criteria for development in the Residential Zone
56. The proposal demonstrates compliance with the objectives of SPP7.3 through a combination of deemed-to-comply and design principal outcomes.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation Risk:</b> <i>The perception that the approval may generate unacceptable impacts on the amenity of the area.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>The application has been assessed against the relevant statutory framework.</i>
<b>Opportunity:</b> <i>Responds to the community need for more affordable and social housing in the municipality.</i>				

### FINANCIAL IMPLICATIONS

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

### LEGAL IMPLICATIONS

59. A quasi-judicial decision is required, only considering the relevant planning matters as outlined under Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which sets out the relevant factors for planning decisions.
60. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval, conferred by the Planning and Development Act 2005. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

### ENVIRONMENTAL CONSIDERATIONS

61. The development will be required to comply with all relevant local planning schemes, state planning policies, and other regulatory requirements.

### ALTERNATE OPTIONS

62. Council has the following alternate options in relation to this item, which are:
- To resolve to refuse the proposal subject to reasons; and
  - To resolve to approve the proposal subject to additional or modified conditions.

## CONCLUSION

63. Council is asked to consider a Development Application for 36 Multiple Dwellings at Lot 955 Stranmore Boulevard, Bayonet Head.
64. The application was advertised for public comment, receiving 82 submissions. Of these, 17 were in support, 49 raised objections, and 16 provided general comments or concerns regarding specific aspects of the development.
65. Additional opposition to the development has also been expressed through other means.
66. In making a recommendation on the proposal, officers were unable to take into account certain concerns raised during the advertising process, as these matters are not listed under Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 and are therefore not valid planning considerations.
67. The application is largely consistent with the relevant planning framework, including *Local Planning Scheme No. 2* (LPS2), *State Planning Policy 7.3* (SPP7.3), and *Local Development Plan 14* (LDP14).
68. It is therefore recommended that Council approve the proposed development, subject to the specified conditions.

<b>Consulted References</b>	:	<ol style="list-style-type: none"><li>1. <a href="#"><u>Local Planning Scheme No. 2</u></a></li><li>2. <a href="#"><u>City of Albany Local Planning Strategy</u></a></li><li>3. <a href="#"><u>State Planning Policy 7.3 – Residential Design Codes</u></a></li><li>4. <a href="#"><u>Local Development Plan 14 – Village Centre</u></a></li><li>5. <a href="#"><u>Bayonet Head (Oyster Harbour) Structure Plan</u></a></li><li>6. <a href="#"><u>Planning and Development (Local Planning Schemes) Regulations 2015</u></a></li></ol>
<b>File Number</b>	:	A253283
<b>Previous Reference</b>	:	N/A

## DIS432: PROPOSED COMMEMORATIVE ROAD NAME – NICOLE WEEDEN LANE

<b>Land Description</b>	: Portion City owned Lot 744 on Deposited Plan 144755
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Map Proposed new road name</li><li>2. Deposited Plan 425036</li><li>3. Deposited Plan 429439</li><li>4. Summary of submissions</li></ol>
<b>Supplementary Information &amp; Councillor Workstation</b>	: 1. Original unredacted Submissions
<b>Authorising Officer:</b>	: Manager Development Services 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. A responsibly planned city that is attractive, vibrant and well connected.
  - **Outcomes:** A safe, sustainable and efficient transport network.

### Maps and Diagrams:



**In Brief:**

- Council is requested to endorse the commemorative road name 'Nicole Weeden Lane', to be applied to a private road in the Centennial Park Sporting Precinct, to inform Landgate's decision on the proposal to be submitted by the City.
- Proposed commemorative road names must comply with Landgate's applicable policies and standards. Such proposals require a higher level of public consultation and final approval from Landgate. Additionally, the proposed road naming must align with the City of Albany's "Naming of City Facilities, Roads, Parks, Reserves, Buildings, Other Assets, and Awards" Policy.
- Initial feedback from Landgate indicated that 'Weeden Lane' (advertised proposal) was suitable for consideration, and therefore the City progressed with seeking public comment on the proposed commemorative road name, with the majority of submissions received in favour of the proposal.
- Naming of the private road in the Centennial Park Sporting Precinct was initially instigated by requests from Albany MenShed (MenShed) and Albany Police and Community Youth Centre (PCYC) to resolve street addressing issues. The matter is now required to be finalised to close out pending formal land actions underway to update land tenures in the precinct, including conversion of the private road to be dedicated as road reserve, with a name required to be applied.

**RECOMMENDATION**

**DIS432: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

**ENDORSE the commemorative road name proposal for "Nicole Weeden Lane" for the future public road reserve, as shown on draft Deposited Plans 425036 and 429439.**

**Note:**

- 1. This road is currently a private road over a portion of Lot 744 on Deposited Plan 144755 (No. 81-95) Sanford Road, Centennial Park and is proposed to be dedicated as a public road.**
- 2. The endorsement will be included with the City's commemorative road name application submitted to Landgate for approval.**

**DIS432: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MACLAREN  
SECONDED: COUNCILLOR BAESJOU**

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

**CARRIED 7-1**

**Record of Vote:**

Against the Motion: Councillor Traill

**DIS432: AUTHORISING OFFICER RECOMMENDATION**

THAT Council:

ENDORSE the commemorative road name proposal for "Nicole Weeden Lane" for the future public road reserve, as shown on draft Deposited Plans 425036 and 429439.

Note:

1. This road is currently a private road over a portion of Lot 744 on Deposited Plan 144755 (No. 81-95) Sanford Road, Centennial Park and is proposed to be dedicated as a public road.
2. The endorsement will be included with the City's commemorative road name application submitted to Landgate for approval.

**BACKGROUND**

2. Staff seek Council's support for commemorative road name 'Nicole Weeden Lane' in the City's application to Landgate.
3. The commemorative road name proposal follows initial investigations by the City into requests initially received in 2021 and further in 2024 from Albany MenShed (MenShed) and Albany Police and Community Youth Centre (PCYC) to resolve ongoing street addressing issues. These investigations later coincided with land tenure investigations and updates undertaken in the precinct, commencing in 2022, and including the proposed dedication of the private road to road reserve.
4. 'Nicole Weeden Lane' is proposed as a commemorative road name for the private road that services the MenShed, connecting Albany Leisure and Aquatic Centre and Sanford Road. MenShed and PCYC currently share the same address of No. 77 Sanford Road, despite having separate access points—PCYC from Sanford Road and the MenShed via the unnamed private road.
5. The private road currently extends over a portion of City-owned land (currently Lot 744 on Deposited Plan 144755), built as part of the Centennial Park Sporting Precinct upgrades in 2012. At the time, land actions weren't initiated for the private road to be formally named and/or dedicated as road reserve.
6. The concerns raised in the requests received from PCYC and MenShed related to the need for the MenShed facility to be allocated a separate street number to resolve issues such as potential delays from emergency services responding to callouts.

**DISCUSSION**

7. It has been the preference from the outset by both the PCYC and MenShed as instigators of the initial requests, and the City as landowner and local government authority, to recognise and commemorate a well-known community member associated with the sporting precinct through the formal naming the private road.
8. Support for the proposed commemorative road name 'Weeden Lane' (advertised proposal) was initially sought from Mrs Weeden's husband, who provided their preliminary agreement.
9. The City of Albany then undertook public consultation on the proposed commemorative road name 'Weeden Lane', seeking comment from community, stakeholders and service providers, in accordance with Landgate's policies and standards. Due to the time of year, the consultation period was open for a longer than standard period of 6 weeks, from Friday 20 December 2024 to Friday 31 January 2025.

10. A total of 116 submissions were received by the City of Albany during the consultation period. All submissions were generally in support of the proposal, with one objection that outlined alternative names to be considered instead.
11. Around 30% of the supportive submissions, including those from various family members, asked for the name to be changed to 'Nicole Weeden Lane'.
12. The request to use the full name would provide clarity that the commemorative road name was for the recognition of the individual and her significant contribution to the precinct and broader community, instead of the potential ambiguity by only using the marital name (Weeden).
13. There was also a number of Facebook threads originating from the ABC Great Southern feed which received 41,983 views, 1,102 interactions and 160 comments, all in support. In addition, approximately 1 in 5 comments asked for the road to be named 'Nicole Weeden Lane'.
14. Following the close of advertising and review of the submissions, the City sought further comment from Landgate to update the original proposal to 'Nicole Weeden Lane'. Landgate confirmed that their policies and standards allow a commemorative name to encompass the whole of an individual's name.
15. If the Council approves the commemorative road name 'Nicole Weeden Lane', staff will proceed with submitting the application (online form) to Landgate. The Council's resolution will be included in the supporting documentation for the City's application, which is necessary to show Landgate that the proposal complies with the policies and standards, including the extensive public consultation requirements.
16. If Landgate approves the City's commemorative road name application, the City will be able to update the necessary documentation to complete the pending subdivision application with the WAPC. Once endorsed by the WAPC, the City can then submit the draft Deposited Plans to Landgate. At the same time, the City can finalise MenShed's request for a new street address allocation.

## GOVERNMENT & PUBLIC CONSULTATION

17. Public consultation for the proposal was open for 6 weeks, from Friday 20 December to Friday 31 January 2025.
18. The City of Albany also sought comment from service providers as well as community and sporting groups that utilise the Centennial Park Sporting Precinct.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult – users of Albany Leisure & Aquatic Centre and Centennial Sporting Complex	Email Mail Out	17 December 2024 – 31 January 2025	27	no
Consult – service providers	Email Mail Out	16 December 2024 – 31 January 2025	6	no
Consult – community	Public notice - Newspaper	20 December 2024 – 31 January 2025		no
Consult – community	Public notice – City of Albany website	20 December 2024 – 31 January 2025		no
Consult – community	City of Albany community newsletter	20 December 2024 – 31 January 2025		no
Consult – community	City of Albany Facebook feed	20 December 2024 – 31 January 2025		no

19. 116 submissions were received with one objection to the proposal.
20. The objection, although acknowledging Nicole Weeden's contributions, suggested that other sportspersons should have been considered, based on their specific significant contributions to specific clubs and/or codes operating in the precinct.
21. Included in the 116 submissions, 33 submissions requested that the proposed road name 'Nicole Weeden Lane' be put forward.

### STATUTORY IMPLICATIONS

22. Voting requirement for this item is **Simple Majority**.
23. Landgate is the authority for geographic naming and addressing in Western Australia. As part of the *Policy and Standards for Geographic Naming in Western Australia V3:2017*, Landgate have a process for requests for commemorative road naming.
24. Landgate policies and standards enable the use of commemorative names being applied to private and public roads. Commemorative road name proposals however are required to follow a more rigorous process than standard road naming proposals, including the undertaking comprehensive community consultation demonstrating support by the wider community.
25. Council's endorsement is sought as further evidence and emphasis demonstrating community support for the commemorative road name proposal to be submitted to Landgate for consideration and approval.

### POLICY IMPLICATIONS

26. The proposed road naming complies with the City of Albany's "Naming of City Facilities, Roads, Parks, Reserves, Buildings, Other Assets, and Awards" Policy.
27. This policy states that a proposal for naming, including the proposed name and justification, can be submitted to the Council for consideration by a City officer through a report.
28. The approval and application of a name must be decided by the Council after reviewing any submissions received.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <b>Risk:</b> If the proposal is not supported, additional community consultation will be required to identify an alternative name that meets Landgate's policies. This may create a perception that the City of Albany is not responsive to community input and could further delay the resolution of the road naming and street allocation request from PCYC and MenShed, originally submitted in 2021.	Likely	Moderate	High	Support Officer recommendations
<b>Reputation</b> <b>Risk:</b> If the proposal is not supported, this would result in delaying finalisation of the subdivision application currently pending with the WAPC and lodgement of DPs for registration with Landgate.	Likely	Moderate	High	Support Officer recommendations
<b>Opportunity:</b> To demonstrate to the greater Albany community that the City of Albany and Council take community feedback into consideration when consulted. With the resultant decisions being an appropriate reflection of the community's sentiment.				

## FINANCIAL IMPLICATIONS

30. There are no financial implications relating to this item.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

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

## ALTERNATE OPTIONS

33. Council can refuse to endorse this proposal.

34. Council can endorse the proposal with the modification that the proposed commemorative road name to remain as 'Weeden Lane', as per the original public advertising.

## CONCLUSION

35. Council is asked to endorse an application to Landgate for approval of the proposed commemorative road name 'Nicole Weeden Lane'. The name is proposed to be applied to the private road currently constructed through a portion of City of Albany owned Lot 744 on Deposited Plan 144755, with land actions underway dedicate the portion of land as a public road.

36. Conclusion of this stage of the commemorative road naming process will enable the City to finalise the original requests for the MenShed to be allocated a new street address

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>Landgate <a href="#">Policy and Standards for Geographic Naming in Western Australia V3:2017</a></li><li>City of Albany's <a href="#">Naming of City Facilities, Roads, Parks, Reserves, Buildings, Other Assets, and Awards</a> Policy.</li></ul>
<b>File Number</b>	:	RD.NAM.1
<b>Previous Reference</b>	:	None

**DIS434: PLANNING AND BUILDING REPORTS FEBRUARY 2025**

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

**RECOMMENDATION**

**DIS434: AUTHORISING OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Planning and Building Reports for February 2025 be RECEIVED.**

## **DIS435: C25001 – LITTLE GROVE FINGER JETTY – BUDGET AMENDMENT**

<b>Proponent / Owner</b>	: City of Albany.
<b>Business Entity Name</b>	: City of Albany.
<b>Report Prepared By</b>	: Senior Civil Engineering Officer
<b>Authorising Officer:</b>	: 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
  - **Objectives:** Improve road safety, connectivity and traffic flow.

#### **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 Little Grove finger jetty renewal project.

### **RECOMMENDATION**

#### **DIS435: AUTHORISING OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council amend the Budgets as follows:**

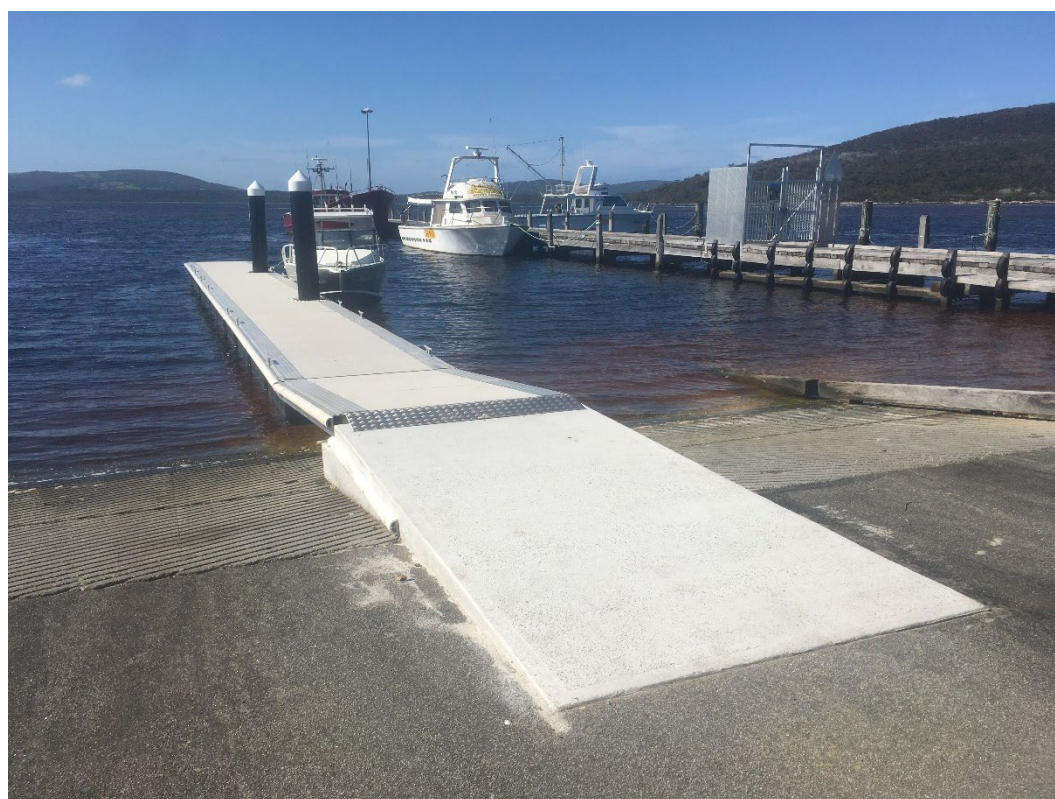
1. **REDUCE** budget for Job Number 1178880 (Parking, Bridges & Marine Infrastructure Reserve) from \$296,238 to \$186,238.
2. **INCREASE** budget for Job Number 2488 (Little Grove Boat Ramp) from \$250,000 to \$360,000.

### **BACKGROUND**

2. The Little Grove finger jetty is in poor condition and no longer meets the level of service expected by the boating community
3. Funding applications made to the Recreational Boating Facilities Scheme for the renewal of the Little Grove finger jetty have been unsuccessful for two consecutive years.
4. The City of Albany was approached by the Department of Transport offering a \$250,000 grant as part of the Outdoor Adventure Tourism Grant Funding.
5. Two similar projects undertaken approximately 4 years ago (Lower King Finger Jetty and Emu Point Finger Jetty) cost approximately \$175,000 each and so the \$250,000 grant was considered sufficient.
6. The current tender was open from 29<sup>th</sup> January 2025 to 27<sup>th</sup> February 2025.



Existing Structure to be upgraded – Little Grove finger jetty – Chipana Drive



Example of proposed upgrade outcome - Emu Point finger jetty

## DISCUSSION

7. A total of one hundred and ten (110) tender documents were issued by City of Albany during the current tender period.
8. Three (3) complying tender documents were submitted on or before the stipulated closing date and time.
9. All tenders submitted pricing that exceeds current budget estimates.
10. Following a competitive tender process, a tenderer has been selected as the preferred contractor.
11. Additional funds are required to award a contract and commence construction.
12. If Council approve the budget amendment, the Tender will be awarded under delegation.

## GOVERNMENT & PUBLIC CONSULTATION

13. A request for tenders was published in *The West Australian* on Wednesday 29<sup>th</sup> January 2025 and *The Albany Extra* on Friday 31<sup>st</sup> January 2025.

## STATUTORY IMPLICATIONS

14. 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.
15. 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.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
17. Voting Requirement of Council is **ABSOLUTE MAJORITY**.

## POLICY IMPLICATIONS

18. Council's Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.
19. The value of this tender is less than 1 million dollars, therefore will be awarded under CEO's delegation.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health and Safety</b> <b>Risk:</b> Existing finger jetty becomes extremely slippery when wet. The arrow design increases the risk of users falling from the finger jetty.	Likely	Moderate	Medium	Install a new, wider floating pontoon with a non-slip surface treatment.

**FINANCIAL IMPLICATIONS**

21. Current funding for this project has been received from the Department of Transport Outdoor Adventure Tourism Grant Funding as allocated in the 2024-2025 budget.
22. The current budget allocated is insufficient to award and commence construction.
23. Funding conditions state that any short fall in funds are to be covered by the City of Albany.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

25. There are no environmental implications associated with this item.

**ALTERNATE OPTIONS**

26. The options are:
  - a. Adopt the amendment as recommended.
  - b. Reject the recommendation and forfeit the grant funding.

**CONCLUSION**

27. That the authorising officer's recommendation to adopt the budget amendment be supported.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Local Government (Functions and General) Regulations 1996</li><li>• Council Policy – Purchasing</li><li>• Council Policy – Buy Local (Regional Price Preference)</li></ul>
<b>File Number</b>	TT.DEC.20
<b>Previous Reference</b>	N/A

## **AR167: POLICY 1.71: APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

<b>Attachments</b>	: Draft Policy 1.71: Appointment of Acting Chief Executive Officer
<b>Report Prepared By</b>	: Manager Governance & Risk
<b>Authorising Officer:</b>	: Chief Executive Officer

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership. A well-governed city that uses resources wisely to meet local needs.
  - **Outcomes:** A well-informed and engaged community.

#### **In Brief:**

- Adoption of a policy for the appointment of an Acting Chief Executive Officer (CEO) in compliance with Section 5.39C of the Local Government Act 1995.
- Ensures a clear process for appointing an Acting CEO for terms not exceeding one year.

### **RECOMMENDATION**

#### **AR167: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Policy 1.71: Appointment of Acting Chief Executive Officer, as detailed in the attachment to this report, be ADOPTED.**

#### **AR167: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR STOCKS  
SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 5-0**

#### **AR167: AUTHORISING OFFICER RECOMMENDATION**

**THAT Policy 1.71: Appointment of Acting Chief Executive Officer, as detailed in the attachment to this report, be ADOPTED.**

## BACKGROUND

2. The Local Government Act 1995 requires the City of Albany to adopt a policy outlining the process for employing a person as CEO for a term not exceeding one year and appointing an employee to act as CEO for a term not exceeding one year.
3. This policy ensures compliance with legislative requirements and provides clarity on the process for appointing an Acting CEO.

## DISCUSSION

4. The policy outlines the procedures for appointing an Acting CEO for periods not exceeding one year.
  - a. For CEO absences not exceeding eight consecutive weeks, Executive Directors will act on a rotational basis, subject to availability and operational requirements.
  - b. For CEO absences exceeding eight consecutive weeks but not exceeding one year, the Council, on the CEO's advice, will determine which Executive Director to appoint as Acting CEO.
  - c. All Elected Members must be informed in writing of the appointment and its duration.
  - d. For pre-arranged leave, the CEO must inform all Elected Members of the Acting CEO arrangements as soon as possible.
  - e. Any entitlement to 'higher duties' or other allowances must comply with SAT provisions and directives.

## GOVERNMENT & PUBLIC CONSULTATION

5. Consultation with relevant State Government Departments and stakeholders has been undertaken to ensure compliance with statutory requirements.
6. The policy has been reviewed and endorsed by the City's Governance and Risk team.

## STATUTORY IMPLICATIONS

7. Local Government Act 1995: Section 5.39C – Policy for temporary employment or CEO appointment.
8. Salaries and Allowances Act 1975: Sections 7A and 8.

## POLICY IMPLICATIONS

9. This policy ensures compliance with the Local Government Act 1995 and provides a clear framework for the appointment of an Acting CEO.
10. The policy will be included in the City's Policy Manual and reviewed every two years.

## RISK IDENTIFICATION & MITIGATION

11. Adopting this policy mitigates the risk of non-compliance with the Local Government Act 1995 and ensures a clear and transparent process for appointing an Acting CEO.
12. Risk identification and categorisation rely on the City's Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal:</b> Non-compliance with legislative requirements	Likely	Moderate	High	Adoption of the policy ensures compliance with the Local Government Act 1995.

**FINANCIAL IMPLICATIONS**

13. There are no direct financial implications associated with the adoption of this policy. Any entitlement to 'higher duties' or other allowances must comply with SAT provisions and directives.

**LEGAL IMPLICATIONS**

14. Adoption of this policy ensures compliance with Section 5.39C of the Local Government Act 1995.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

16. Nil.

**CONCLUSION**

17. The adoption of policy 1.71: Appointment of Acting Chief Executive Officer ensures compliance with legislative requirements and provides a clear framework for the appointment of an Acting CEO.
18. This policy supports the City's strategic objective of proactive and visionary leadership.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>Local Government Act 1995</li><li>Salaries and Allowances Act 1975</li></ul>
<b>File Number</b>	:	CM.STD.7
<b>Previous Reference</b>	:	OCM 25/06/2024 Resolution AR152.

**AR171: LOCAL GOVERNMENT REFORM – PROGRESS REPORT**

**Business Entity Name** : City of Albany  
**Attachment** : Local Government Reform  
**Report Prepared By** : Manager Governance & Risk  
**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:
  - **Pillar:** Leadership. A well-governed city that uses resources wisely to meet local needs.
  - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

**IN BRIEF:**

- The report discusses the local government reforms in Western Australia.
- It highlights the changes and their implications for the City of Albany.

**RECOMMENDATION**

**AR171: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the local government reforms checklist detailed in the attachment to the report be NOTED.**

**AR171: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 5-0**

**AR171: AUTHORISING OFFICER RECOMMENDATION**

**THAT the local government reforms checklist detailed in the attachment to the report be NOTED.**

## BACKGROUND

2. The local government reforms in Western Australia aim to enhance governance, accountability, and transparency. The reforms are being implemented in two tranches, with various changes affecting council operations, roles, responsibilities, and statutory requirements.

## DISCUSSION

3. The reforms include changes to Special Electors' Meetings, compliance exemptions, parental leave for council members, recording votes in minutes, and changes for the 2023 elections.
4. Additionally, the reforms clarify the roles and responsibilities of council members, mayors/presidents, and CEOs.
5. The reforms also introduce new regulations for CEO recruitment, performance criteria, lease and grants registers, developer contributions, goods and services contracts, and standardised meeting procedures.

## POLICY IMPLICATIONS

6. The reforms align with the Council's current policies on governance, risk management, and community engagement. The relevant clauses and sections of the policies have been specified in the attachment.

## RISK IDENTIFICATION & MITIGATION

7. The reforms present both risks and opportunities.
8. The risks include potential non-compliance with new regulations and the need for additional resources to implement the changes.
9. The opportunities include improved governance, accountability, and transparency.

## FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

10. The financial implications include both short and long-term costs associated with implementing the reforms.
11. The majority of reforms will be funded from existing budget allocation.
12. If additional funding is required, that will be subject to an additional report.
13. The legal implications have been highlighted, including the need to comply with the new regulations
14. There are no direct environmental considerations related to this item.

## ALTERNATE OPTIONS

15. Nil

## CONCLUSION

16. The Council is recommended to note the reforms, noting the Chief Executive Officer will implement and where necessary present changes to Council for resolution.

Consulted References	:	• <a href="#">Local Government Act 1995</a>
File Number	:	FM.MEE.3
Previous Reference	:	• Audit & Risk Committee – 01/10/2024 - Report AR156

## AR172: COMPLIANCE AUDIT RETURN (CAR) - 2024

**Business Entity Name** : City of Albany  
**Attachments** : Albany – Compliance Audit Return 2024  
**Report Prepared By** : Manager Governance & Risk  
**Authorising Officers:** : Executive Director Corporate & Commercial Services  
Chief Executive Officer

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Leadership.
  - **Objectives:** Proactive, visionary leaders who are aligned with community needs and values.

#### In Brief:

- Receive and critique the Compliance Audit Return (CAR) Report – 2024.

### RECOMMENDATION

#### AR172: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2024 to 31 December 2024 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2025.**

#### AR172: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 5-0

#### AR172: AUTHORISING OFFICER RECOMMENDATION

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2024 to 31 December 2024 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2025.

## BACKGROUND

2. Under regulation 14 of the Local Government (Audit) Regulations 1996, local governments are required to carry out a compliance audit return for the period of 1 January to 31 December of each year.

## DISCUSSION

3. Local governments must submit an annual statutory compliance return, known as the Compliance Audit Return (CAR), and secure its adoption by the Council.
4. The CAR functions as a comprehensive checklist, evaluating a local government's adherence to the stipulations outlined in the Act and its accompanying Regulations, focusing on "high-risk" compliance areas.
5. Before endorsement by the Council, the annual CAR results must be scrutinised by the Audit & Risk Committee.
6. The CAR is formally endorsed through the signatures of both the Mayor and the Chief Executive Officer (CEO) before being submitted to the Department via an online portal.
7. Additional information explaining and quantifying the compliance review is detailed in the attachment.

## GOVERNMENT & PUBLIC CONSULTATION

8. Guidance has been communicated by the Department of Local Government, Sport & Cultural Industries.
9. Answers are collated internally for preparation for submission and review by the Executive Management Team before submission to the Audit & Risk Committee.

## STATUTORY IMPLICATIONS

10. For compliance audits conducted by local governments, the specified actions are outlined in Regulation 14 of the Local Government (Audit) Regulations 1996.
11. The adopted return must be submitted to the Department no later than March 31, 2025.

## POLICY IMPLICATIONS

12. Nil.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal &amp; Compliance: The CAR is not endorsed by the Council.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>The CAR is resubmitted once concerns are appropriately addressed, and it is forwarded to the Department before the deadline of March 31, 2025.</i>
<i>Opportunity: Facilitates Audit &amp; Risk Committee critique.</i>				

## FINANCIAL IMPLICATIONS

14. Nil.

## LEGAL IMPLICATIONS

15. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

16. Nil.

**ALTERNATE OPTIONS**

17. Nil.

**CONCLUSION**

18. Nil.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Local Government (Audit) Regulations 1996</i></li><li>• Department Circulars</li></ul>
<b>File Number:</b>	:	CM.RPT.2 (Compliance Audit Returns)
<b>Previous References</b>	:	OCM March 2024 Resolution AR145

**AR173: RECEIVE THE MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 01 OCTOBER 2024**

**Proponent / Owner** : City of Albany  
**Attachments** : **Confirmed Minutes of Audit and Risk Committee Meeting held 01 October 2024 - CONFIDENTIAL**  
**Report Prepared By** : Senior Team Leader  
**Authorising Officer:** : Chief Executive Officer

**STRATEGIC IMPLICATIONS**

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

**RECOMMENDATION**

**AR173: AUTHORISING OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 01 October 2024 be RECEIVED.**

**BACKGROUND**

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

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

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