



MINUTES

Ordinary Meeting of Council

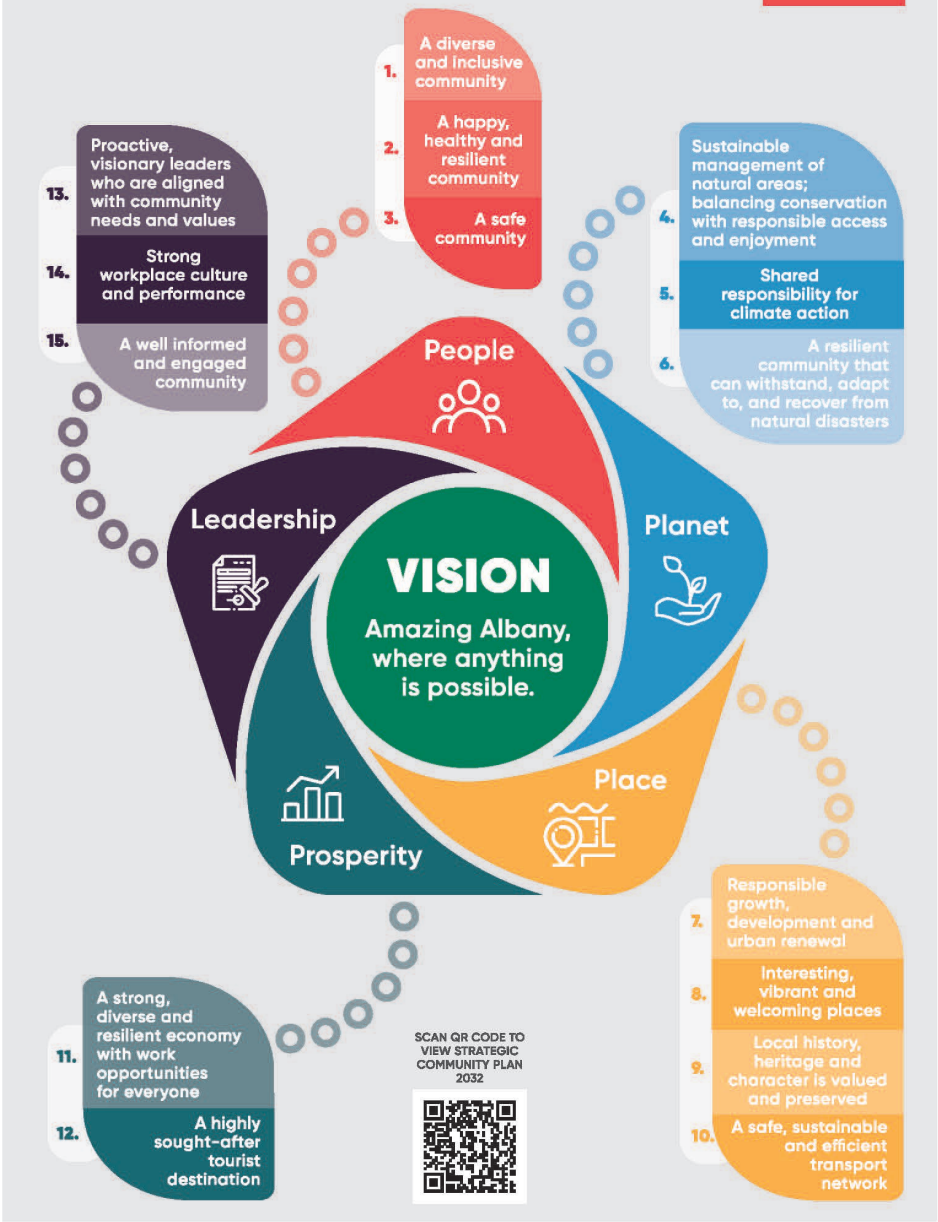
Tuesday 14 December 2021

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



ORDINARY COUNCIL MEETING
MINUTES – 14/12/2021

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ORDINARY COUNCIL MEETING
MINUTES – 14/12/2021

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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

T Brough

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development

& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J van der Mescht

Meeting Secretary

D Clark

Apologies:

Nil

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Traill	CCS401	Impartiality. The nature of the interest being that Councillor Traill is currently a member of the Bicentenary Book Project Control Group. Councillor Traill remained in the Chamber and participated in the discussion and vote for this item.
Councillor Baesjou	DIS289	Financial: The nature of the interest being that Councillor Baesjou prepared the Scheme Amendment on behalf of the proponent while a Director of Ayton Baesjou Planning. Councillor Baesjou left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS

Councillor Cruse

Summary of Key Points:

Councillor Cruse commended staff on this year's Community Calendar advising that she had received two unsolicited compliments regarding the community calendar.

Cr Cruse advised she had attended the Keep Albany Beautiful Awards last Friday, fantastic event, over 100 people in attendance, showcasing Albany residents passion for their gardens and their home.

Councillor Terry

Summary of Key Points:

Councillor Terry thanked staff, in particular the Major Projects Team as Middleton Beach is looking fantastic, lots of children and parents can be seen at the beach having lots of fun.

Encouraged residents to visit the Christmas lights on Mueller Street which are looking fantastic and raise funds for Cystic Fibrosis, a great cause.

Attended the annual Christmas pageant and markets, great to have it back, really enjoyed participating in the Cycling Without Age float.

Attended Lockyer Primary School who had a visit by Tennis West, fantastic day, with 80 pre-primary students receiving tennis rackets.

Councillor Traill

Summary of Key Points:

Councillor Traill attended the Great Southern Recreation Advisory Group meeting and was pleased to hear that the Long Live You program was such a commended program, valued by so many people across the region. Also noted the retirement of Chris Thompson from the Department of Local Government, Sport and Cultural Industries after 21 years. Was pleased to attend the State Tidy towns event in Perth, Boddington was the winning town.

Councillor Stocks

Summary of Key Points:

Councillor Stocks commented on the UWA Children's University, 97 young students (under year 7) have enrolled and completed a course. Aims to take the mystery out of University and encouraged young people to attend in the future, great initiative.

Councillor Brough

Summary of Key Points:

Councillor Brough was pleased to attend a meeting of about 20 people in Wellstead, despite being a very busy time for farmers, currently in the middle of harvest, who took time out to attend. While the City has been doing lots of positive things to support Wellstead, the community have lots more ideas. Also visited Green Range on the way back from Wellstead, would like to ensure that the more rural areas of the City are being heard.

Councillor Benson-Lidholm

Summary of Key Points:

Councillor Benson advised that he had attended the Oyster Harbour Catchment Group meeting, found it to be a very positive experience, and has agreed to join the management committee.

Councillor Baesjou

Summary of Key Points:

Councillor Baesjou attended the Lockyer Primary School Graduation Ceremony, very much enjoyed the morning and particularly enjoyed presenting certificates and meeting the students.

Also attended the Breaksea performance at the Albany Entertainment Centre, lovely performance, very enjoyable to watch. Great collaboration of a variety of different groups.

Councillor Smith

Summary of Key Points:

Attended the "Thank a Volunteer Day", while there talked about the many hours and the invaluable contribution that volunteers make to the community.

Attended the Christmas Pageant and loved having it back. Was asked to do something very difficult this year in judging the floats. The work that is put into the floats was outstanding. Very hard to judge.

Councillor Thomson

Summary of Key Points:

Councillor Thomson thanked staff for the Christmas Light Trail installation, really fantastic. Did receive some feedback that it would be great see a kangaroo instead of a reindeer if possible next year. Very inclusive and very popular.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended):

Clause 5) The Presiding Member may decide that a public question shall not be responded to where—

- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
- (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

Mr Don Phillips, 17 Frenchman Bay Road, Albany

Mr Phillips tabled a two page document regarding a stable fly complaint. The Mayor reminded Mr Phillips that he had been advised on a number of occasions that the City would not be responding further regarding this issue and that no further discussion would occur on this matter.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR GOODE

THAT the minutes of the Ordinary Council Meeting held on 23 November 2021, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS394: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2021

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement - October 2021
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

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 on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 October 2021 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.

RECOMMENDATION

CCS394: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Financial Activity Statement for the period ending 31 October 2021 be RECEIVED

CARRIED 13-0

CCS394: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS394: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 October 2021 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - a. Statement of Financial Activity by Nature or Type;
 - b. Explanation of material variances to year to date budget;
 - c. Net Current Funding Position;
 - d. Investment Portfolio Snapshot;
 - e. Receivables; and
 - f. Capital Acquisitions.
4. 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 CCS367, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2021/2022.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. 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

7. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

- 8. The City's 2021/22 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 October 2021 has been incurred in accordance with the 2021/22 proposed budget parameters.
- 11. Details of any budget variation in excess of \$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 on specific payments are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS395: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2021

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services
(D Olde)

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:

- 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

CCS395: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON
THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2021 totalling \$5,105,971.86 be RECEIVED.
CARRIED 13-0

CCS395: COMMITTEE RECOMMENDATION
MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR THOMSON
THAT the Authorising Officer Recommendation be ADOPTED.
CARRIED 13-0

CCS395: AUTHORISING OFFICER RECOMMENDATION
THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2021 totalling \$5,105,971.86 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2021. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$13,286.00
Payroll	\$1,636,501.32
Cheques	\$27,530.19
Electronic Funds Transfer	\$3,428,654.35
TOTAL	<u>\$5,105,971.86</u>

3. The table below summaries the total outstanding creditors as at 15 November 2021.

Current	\$299,494.56
30 Days	\$124,309.58
60 Days	\$2,990.62
90 Days	-\$1,663.21
TOTAL	\$425,131.55
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

4. 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.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

7. Expenditure for the period to 15 November 2021 has been incurred in accordance with the 2021/2022 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 November 2021 has been incurred in accordance with the 2021/2022 budget parameters.
9. Voting requirement: simple majority

LEGAL IMPLICATIONS

10. Nil.

ENVIRONMENTAL CONSIDERATIONS

11. Nil.

ALTERNATE OPTIONS

12. Nil.

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS396: DELEGATED AUTHORITY REPORTS – OCTOBER TO NOVEMBER 2021

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report.
Report Prepared By	: Personal Assistant to the ED Corporate & Commercial Services (H Bell)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS396: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT the Delegated Authority Reports 16 October 2021 to 15 November 2021 be RECEIVED.

CARRIED 13-0

CCS396: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS396: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 October 2021 to 15 November 2021 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - Delegation: 006 – Sign Documents On Behalf Of The City Of Albany (Chief Executive Officer)
 - Delegation: 009 – Grant Funding, Donations, Sponsorship
 - Delegation: 018 – Choice Of Tender, Award Contract

CCS397: C21016 - PRINT MANAGEMENT PLAN

Proponent : City of Albany
Best Office Systems Pty Ltd
Directors Phil Shilcock & Michelle Gray

Report Prepared by : Manager IT (A Catterall)

Authorising Officer : Executive Director Corporate & Commercial Services (D Olde)

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:

- All photocopiers and printers at the City are leased with Ricoh through Best Office Systems (Albany). The lease agreement ended in October 2021.
- Following a competitive tender process, Council approval is sought to award the tender for the Contract C21016 – Print Management Plan.

RECOMMENDATION

CCS397: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT Council AWARD Contract C21016 – Print Management Plan to Best Office Systems (Albany) as recommended by the evaluation panel.

CARRIED 13-0

CCS397: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS397: AUTHORISING OFFICER RECOMMENDATION

THAT Council AWARD Contract C21016 – Print Management Plan to the tenderer recommended by the evaluation panel.

BACKGROUND

2. All photocopiers and printers at the City are leased with Ricoh through Best Office Systems (Albany). The lease agreement ended in October 2021.
3. The number of photocopiers and printers was reviewed based on:
 - a. Device use (number of copies);
 - b. End User feedback;
 - c. Negotiation with Managers in each City building; and
 - d. Draft City of Albany Admin Policy for Printers and Photocopiers (below):

DRAFT CITY OF ALBANY ADMIN POLICY FOR PRINTERS AND PHOTOCOPIERS

- (1) Where possible and practical, staff will have access to a shared network printer and are encouraged to leave their desks to collect prints.
- (2) A print management system is used to manage prints so that staff can print to any network printer using their building access security tag to release the print jobs. This system increases security and reduces printing mistakes.
- (3) CoA uses five types of printer listed in the table below.
- (4) Printers are allocated to staff and sites based on the table below
- (5) An A3 Colour Floor-standing Copier/Scanner/Printer should service a maximum of 50 desktops.
- (6) Additional or upgraded printers may be provided to staff and sites to satisfy OSH, safety or specific operational requirements with approval of the Executive Director responsible for the staff/site.

Printer Type	Uses / Sites
A4 B/W Desk Printer (Network or USB)	Exec PA's temporary printers (election, WFH etc.)
A4 Colour Desk Copier/Scanner/Printer	Small Offices
A3 Colour Floor-standing Copier/Scanner/Printer	Larger Offices
A1 B/W Floor-standing Copier/Scanner/Printer	Engineer, Planner & Building Teams at North & Mercer Road.
Specialist Printer (Receipts, Labels etc.)	Accounts, EFTPOS Tills at VAC, ALAC, Town Hall, Library, Hanrahan Road, Bakers Junction

Figure 3

4. Based on the review, a list of required printing devices was put together and tenders were called for C21016 – Print Management Plan.

DISCUSSION

5. The tender was advertised, issued to seven (7) interested companies and one (1) tender response was received by close of tenders on Thursday 4th November 2021.

Evaluation of Tenders

6. The tender panel evaluated tenders using the weighted criteria methodology across six (6) areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	Weighting (%)
Cost	40%
Relevant Experience	20%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	10%
Corporate Social Responsibility	5%
Total	100%

8. The following Table 2 summarises the tenders and the overall evaluation scores.

Table 2 – Summary of Tender Submissions

Tenderer	Weighted Score
Tenderer A – Best Office Systems (Albany)	629.68

9. Best Office Systems (Albany) ranked highest with the highest total weighted score.
10. From the evaluation scoring, clarification and financial check process, Best Office Systems (Albany) is the preferred tender.
11. It is recommended that their tender be accepted and the contract awarded.

GOVERNMENT & PUBLIC CONSULTATION

12. A request for tenders was published in the West Australian on Wednesday 20 October 2021 and the Albany Weekender on Thursday 21 October 2021. It was also displayed on the City notice board and City of Albany website. The closing time and date of tender was 2pm Thursday 4th November 2021.

STATUTORY IMPLICATIONS

13. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or expected to be, worth more than \$250,000.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
16. Voting Requirement: **Simple Majority**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Service Delivery Interruption: Risk: <i>Interruption to city operations if high use printing devices are not replaced.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Use different printing devices.</i>

FINANCIAL IMPLICATIONS

19. The costs of this lease are within budget.

LEGAL IMPLICATIONS

20. Nil.

ENVIRONMENTAL CONSIDERATIONS

21. Nil.

ALTERNATE OPTIONS

22. The options are:

- a. Council may elect to accept the recommended tender; or
- b. Not approve any tender.

SUMMARY CONCLUSION

23. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Best Office Systems (Albany).

Consulted References	:	Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	Adopted Budget 2021/2022 – OCM 27/7/2021 Resolution CCS367

CCS398: CORPORATE SCORECARD

- Attachments** : Attachment I – ‘Service Improvement Update’
Attachment II – ‘CS Dashboard’
- Report Prepared By** : Business Planning and Performance Coordinator
(A Olszewski)
- Authorising Officer:** : Manager People & Culture (L Harding)

STRATEGIC IMPLICATIONS

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

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2021-2025 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council’s priority commitments to the community.
- The proposed Corporate Scorecard Dashboard provides Council with high-level oversight of the status of these commitments.

RECOMMENDATION

**CCS398: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILOR SHANHUN**

THAT the Corporate Scorecard Dashboard be NOTED.

CARRIED 13-0

**CCS398: COMMITTEE RECOMMENDATION
VOTING: SINPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR STOCKS**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS398: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard be NOTED.

BACKGROUND

2. The Strategic Community Plan 2032 and Corporate Business Plan 2021-2025 were adopted by Council at the Ordinary Council Meeting held on 24 August 2021.

DISCUSSION

3. While the SCP establishes the results the community expects Council to achieve through the City, the CBP describes the specific actions necessary to achieve those results.
4. These actions are monitored through Business Unit Plans, which allow for service levels to be defined and a simple 'traffic light' status assigned to each on a minimum quarterly basis.
5. The aggregated statuses provide the basis for the CS Dashboard, which replaces the previous (discontinued since 2019) 'Service Improvement Update'.
6. The CS Dashboard has been developed to make accountability for the CBP as simple as it can be while offering transparent and reasonably robust information to Council.

GOVERNMENT & PUBLIC CONSULTATION

7. N/A.

STATUTORY IMPLICATIONS

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

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

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

POLICY IMPLICATIONS

9. N/A.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

11. N/A.

LEGAL IMPLICATIONS

12. N/A.

ENVIRONMENTAL CONSIDERATIONS

13. N/A.

ALTERNATE OPTIONS

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

CONCLUSION

15. It is recommended the CS Dashboard be noted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995, s5.56 Local Government (Administration) Regulations 1996, Reg. 19D IPR Framework and Guidelines 2019
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> OCM 24/08/2021 - Report Item CCS374 OCM 25/05/2021 - Report Item CCS352

CCS399: COUNCIL & COMMITTEE MEETING SCHEDULE 2022

- Attachments** : Proposed Meeting Schedule 2022
Report Prepared By : Council Liaison (J Williamson)
 Manager Governance & Risk (S Jamieson)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

In Brief:

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting schedule for 2022, in accordance with the *Local Government Act 1995* and associated Regulations.

RECOMMENDATION

CCS399: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR BROUGH

THAT Council, for the purpose of giving Public Notice:

1. **APPROVE** the following Committee Meeting schedule for 2022:

Community & Corporate Services Committee	Development & Infrastructure Services Committee
<i>No Meetings Scheduled for January 2022</i>	
Tuesday 08 February 2022	Wednesday 09 February 2022
Tuesday 08 March 2022	Wednesday 09 March 2022
Tuesday 12 April 2022	Wednesday 13 April 2022
Tuesday 10 May 2022	Wednesday 11 May 2022
Tuesday 07 June 2022	Wednesday 08 June 2022
Tuesday 12 July 2022	Wednesday 13 July 2022
Tuesday 09 August 2022	Wednesday 10 August 2022
Tuesday 13 September 2022	Wednesday 14 September 2022
Tuesday 11 October 2022	Wednesday 12 October 2022
Tuesday 08 November 2022	Wednesday 09 November 2022
Tuesday 29 November 2022	Wednesday 30 November 2022

2. **APPROVE** the proposed Ordinary Council Meeting schedule for 2022:

- **Tuesday 22 February 2022**
- **Tuesday 22 March 2022**
- **Tuesday 26 April 2022**
- **Tuesday 24 May 2022**
- **Tuesday 21 June 2022**
- **Tuesday 26 July 2022**
- **Tuesday 23 August 2022**
- **Tuesday 27 September 2022**
- **Tuesday 25 October 2022**

- **Tuesday 22 November 2022**
- **Tuesday 13 December 2022**

3. AFFIRM that all Council and Council Committee Meetings commence at 6.00pm.

CARRIED 13-0

CCS399: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS399: AUTHORISING OFFICER RECOMMENDATION

THAT Council , for the purpose of giving Public Notice:

1. APPROVE the following Committee Meeting schedule for 2022:

Community & Corporate Services Committee	Development & Infrastructure Services Committee
<i>No Meetings Scheduled for January 2022</i>	
Tuesday 08 February 2022	Wednesday 09 February 2022
Tuesday 08 March 2022	Wednesday 09 March 2022
Tuesday 12 April 2022	Wednesday 13 April 2022
Tuesday 10 May 2022	Wednesday 11 May 2022
Tuesday 07 June 2022	Wednesday 08 June 2022
Tuesday 12 July 2022	Wednesday 13 July 2022
Tuesday 09 August 2022	Wednesday 10 August 2022
Tuesday 13 September 2022	Wednesday 14 September 2022
Tuesday 11 October 2022	Wednesday 12 October 2022
Tuesday 08 November 2022	Wednesday 09 November 2022
Tuesday 29 November 2022	Wednesday 30 November 2022

2. APPROVE the proposed Ordinary Council Meeting schedule for 2022:

- Tuesday 22 February 2022
- Tuesday 22 March 2022
- Tuesday 26 April 2022
- Tuesday 24 May 2022
- Tuesday 21 June 2022
- Tuesday 26 July 2022
- Tuesday 23 August 2022
- Tuesday 27 September 2022
- Tuesday 25 October 2022
- Tuesday 22 November 2022
- Tuesday 13 December 2022

3. AFFIRM that all Council and Council Committee Meetings commence at 6.00pm.

BACKGROUND

2. In accordance with the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996*, local public notice must be given at least once per year detailing when Council and Committee meetings open to the public are to be held.
3. Ordinary Council Meetings are held monthly, except January, which has no scheduled meetings.

DISCUSSION

4. Meetings of Council which are open to the public commence at 6.00pm to facilitate attendance by working members of the public and Councillors.
5. Council may consider this an appropriate opportunity to review the frequency and start time of meetings.
6. Council may also wish to review the distribution date of agendas for Council and Committee meetings. Currently, the agenda for Ordinary Council Meetings is distributed on the second Friday of each month.
7. Distribution of the Ordinary Council Meeting agenda will be seven days prior to each Ordinary Council Meeting. This will allow more time to ensure quality control of the agenda and associated attachments.

GOVERNMENT & PUBLIC CONSULTATION

8. Previous feedback from community members indicated that 6.00pm was the preferred start time for Council and Council Committee meetings as it enabled attendance by members of the public.
9. Council may choose to engage with the community regarding start times of meetings, to gauge whether there is significant desire to change meeting times to increase attendance by members of the public.
10. In addition to the meeting schedule being published on the City's website, public notices will be placed in local newspapers for a period of two weeks. This additional advertising is not required under legislation.

STATUTORY IMPLICATIONS

11. It is a requirement for Council to give Local Public Notice at least once per year of the time, date and place Council and Committee meetings which are open to the public are to be held.
12. Regulation 12 of the *Local Government (Administration) Regulations 1996*, states:

12. Publication of Meeting details (Act s.5.25(1)(g):

(1) In this regulation –

Meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held -

(a) Ordinary council meetings;

(b) Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.

POLICY IMPLICATIONS

13. The City’s Governance and Meeting Framework contains the Terms of Reference for each Committee, including meeting frequency.
14. The Governance and Meeting Framework informed the proposed meeting schedule for 2022.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance: Risk: <i>Local Public Notice is not given of the date, time and place of Ordinary Council meetings and Committee Meetings.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Staff work with Council to set the forecast meeting schedule and provide public notice prior to January 2022.</i>
Opportunity: <i>Council has an opportunity to review the frequency of meetings and meeting start times.</i>				

FINANCIAL IMPLICATIONS

16. A budget line exists for the cost of Local Public Notice advertising, which will be placed in local newspapers.

LEGAL IMPLICATIONS

17. The meeting schedule for 2022 must be published on the City’s website to ensure legislative compliance as detailed in Statutory Implications section of this report.

ENVIRONMENTAL CONSIDERATIONS

18. There are no direct environment considerations related to this report, however, an efficient meeting schedule will reduce wasted resources (time, travel and office consumables).

ALTERNATE OPTIONS

19. Council may consider alternate days, dates, committee meeting order, meeting places and commencement times of meetings.

CONCLUSION

20. It is recommended that the proposed meeting schedule is approved.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Administration) Regulations 1996</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 15/12/2020 Resolution CCS315

CCS400: RENEWAL OF LEASE – ROBERT & CHRISTINE WOLFENDEN TRADING AS RAINBOW COAST WRECKERS – GLEDHOW

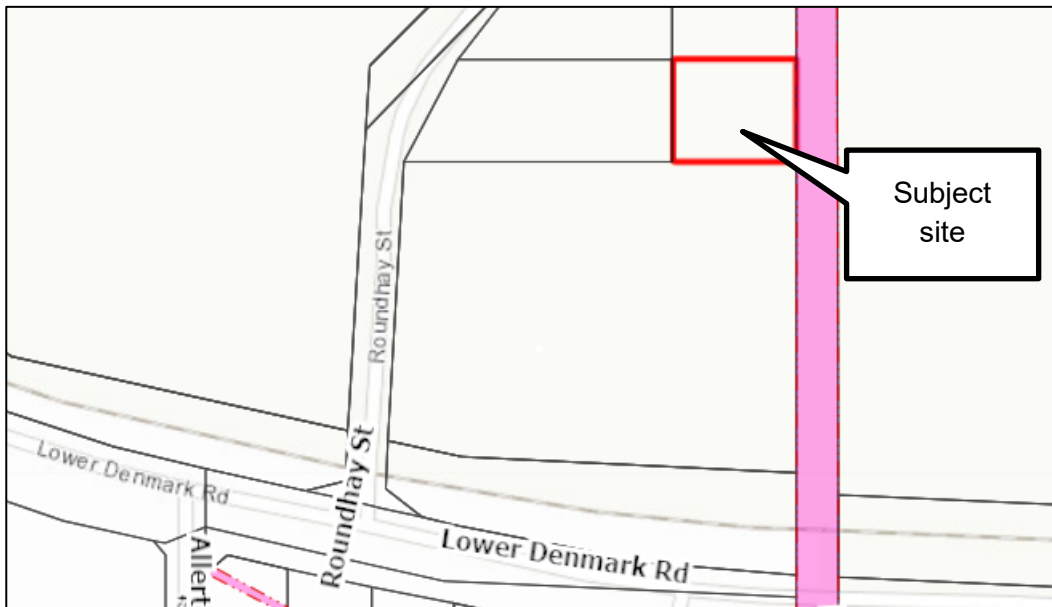
Land Description	: Crown Reserve 30599, Lot 127 on Diagram 218176 the subject of Certificate of Title Volume LR3116 Folio 179, Gledhow.
Proponent	: Robert James Wolfenden and Christine Wolfenden, proprietors Rainbow Coast Wreckers.
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

- **Pillar:** Prosperity
- **Outcome:** A strong, diverse and resilient economy with work opportunities for everyone

Maps and Diagrams:



In Brief:

- Council is requested to consider a renewal of lease to Robert and Christine Wolfenden trading as Rainbow Coast Wreckers to continue storage of wrecked vehicles.
- The current 10 year lease expired 31 August 2021 and is currently on monthly holding over provisions.
- The tenant has continuously occupied the leased property since 2011 and has developed the site in line with development approval. However, some wrecked vehicles remain outside of the lease area. The removal of vehicles has been hindered by Covid-19 restrictions.
- It is proposed to offer a short term two year lease. This lease will be conditional upon the tenant fully complying with Development Approval P2115250, ensuring that no vehicles are stored outside the lease area.
- It is recommended the new lease be approved.

RECOMMENDATION

**CCS400: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR TERRY)
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council APPROVE a new lease to Robert and Christine Wolfenden over portion of land situated at 93 Roundhay Street, Gledhow on portion of Crown Reserve 30599, subject to:

- a) Lease purpose being “storage of wrecked vehicles in accordance with and limited by the Management Order over the Land”.
- b) Lease term being two years commencing as soon as practicable.
- c) Lease area being approximately 3003m².
- d) Lease rent being determined by licensed Valuer. Current rental being \$4,206.20 plus GST per annum.
- e) Lease special condition that the tenant fully comply with Development Approval P2115250, ensuring that all wrecked vehicles are stored within the lease area.
- f) Lease special condition that City to have the power to inspect the lease area every six (6) months to monitor the tenant’s compliance with Development Approval P2115250, ensuring that all wrecked vehicles are stored within the lease area. Following any such inspection if the City’s officers are not satisfied that the tenants are fully complying with the DA, the City may by six (6) months’ notice in writing to the tenants, terminate the lease.
- g) Lease being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.
- h) Disposal of Property advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.
- i) All costs associated with the ongoing operations of the lease property being payable by the tenant.
- j) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant.
- k) Lease being consistent with Council Policy – Property Management (Leases and Licences).

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Sutton

Councillor Reason:

It is unlikely that the Department of Planning, Lands and Heritage will agree to the additional lease area due to the proposed extension of the lease being in Crown Reserve and due to the ongoing non-compliance issues extending over several years.

Officer Comment (Executive Director Corporate and Commercial Services):

As per Councillor Terry's reason, it is unlikely that the Department of Planning, Lands and Heritage will support the additional lease area. As noted in the Officers Report, Robert and Christine Wolfenden, owners of Rainbow Coast Wreckers, have requested to renew the lease over the existing area within Reserve 30599 to continue vehicle wrecking services.

The tenant has been working with City Officers to comply with development approval, ensuring that no vehicles are stored outside the lease area.

**CCS400: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT consideration of this item be deferred until March 2022, to enable a report to be provided to Council to explore alternate options for the lease area.

CCS400: ALTERNATE MOTION BY MAYOR WELLINGTON

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH**

THAT consideration of this item be deferred until March 2022, to enable a report to be provided to Council to explore alternate options for the lease area.

CARRIED 13-0

CCS400: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to Robert and Christine Wolfenden over portion of land situated at 93 Roundhay Street, Gledhow on portion of Crown Reserve 30599, subject to:

- a) Lease purpose being "storage of wrecked vehicles in accordance with and limited by the Management Order over the Land".
- b) Lease term being two years commencing as soon as practicable.
- c) Lease area being approximately 3003m².
- d) Lease rent being determined by licensed Valuer. Current rental being \$4,206.20 plus GST per annum.
- e) Lease special condition that the tenant fully comply with Development Approval P2115250, ensuring that all wrecked vehicles are stored within the lease area.
- f) Lease being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.
- g) Disposal of Property advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.
- h) All costs associated with the ongoing operations of the lease property being payable by the tenant.
- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant.
- j) Lease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

2. Crown Reserve 30599 is under management order issued to the City of Albany with the power to lease, sublease or licence for any term not exceeding 10 years and for the purpose of "Council Depot and General Industrial Activities".
3. The C-class reserve, an area of approximately 11.2 hectares, is located at 93 Roundhay Street, Gledhow.

4. Council at its meeting in August 2010 approved a new lease to Robert and Christine Wolfenden over portion of Crown Reserve 30599 for 10 years for the purpose of storage of wrecked vehicles.
5. The tenant has continuously occupied the leased property since 2011. The lease expired on 31 August 2021 and they continue to occupy under monthly holding over provisions.

DISCUSSION

Development Approval

6. To satisfy lease conditions and Development Approval P2115250 the tenant is required to fence, grade and drain the lease area, construct fire access tracks and ensure vehicle bodies are stored within the lease area.
7. The tenant has satisfied all the above development conditions, although some vehicle bodies remain outside the lease area on the adjacent land.
8. The City and the tenant have been working together to remedy the matter. The tenant has removed numerous wrecked vehicles from the adjacent land and implemented processing improvements for dismantling and disposal of the vehicles for scrap.
9. The tenant's efforts to comply have been hindered by Covid-19 restrictions. The availability of contractors to crush and transport wrecked vehicles to Perth was limited and delayed removal of vehicles from the site and created a backlog.
10. City Officers understand that the tenant is considering the purchase of their own truck to transport vehicles from the area in a timelier manner.

Lease

11. The tenant is seeking an initial term of five years with a further term of five years. City officers propose a shorter term two year to meet development approval compliance.
12. The lease will be conditional upon the tenant fully complying with development approval, ensuring that no vehicles are stored outside the lease area. Non-compliance will allow the City to terminate the lease, if required.
13. The Department of Planning, Lands & Heritage (DPLH) have provided in principle approval to the renewal of lease.
14. The table below summarises the essential terms of the proposed lease:

ITEM	DETAILS
Tenant	Robert James and Christine Wolfenden
Land Description	Crown Reserve 30599, Lot 127 on Diagram 218176 the subject of Certificate of Title Volume LR3116 Folio 179, Gledhow.
Lease Area	Approx. 3003m ²
Land Ownership	Crown (City of Albany under Management Order)
Permitted Use	Storage of wrecked vehicles
Term	2 years
Initial Rent	To be determined by licensed Valuer
Rent Review	Market valuation every 3 years with Perth All Groups CPI applied on the anniversary for all other years
Outgoings	Tenant responsibility
Utilities	Tenant responsibility
Maintenance	Tenant responsibility

ITEM	DETAILS
Special Condition	<ul style="list-style-type: none"> • Lease will be conditional upon the tenant fully complying with Development Approval P2115250, ensuring that no vehicles are stored outside the lease area. Non-compliance will allow the City to terminate the lease. • Tenant acknowledge that the land may be subject to certain adverse conditions such as noise and dust, pertaining to the proposed Main Roads WA occupation of portion of Reserve 30599 to facilitate stage 2 of the Albany Ring Road works. • Tenant acknowledge an easement for the proposed Grange Resources slurry pipeline within the road reserve at the rear of the lease area.

GOVERNMENT & PUBLIC CONSULTATION

15. The Department of Planning, Lands and Heritage has been consulted and provided in-principle consent to progress a renewal of lease with the tenant, subject to final Section 18 of the Land Administration Act 1997 Ministers consent being sought.
16. Section 3.58 of the Local Government Act 1995 defines the requirements for the disposal of property, including leased/licensed land and buildings. As part of the disposal of property process, the lease will be advertised inviting public submissions on the new lease.
17. Community Engagement

Community Engagement	
Consult	Advertise proposed lease in local newspaper and City website for a 2 week period inviting submissions from the public in accordance with section 3.58 of the <i>Local Government Act</i>

STATUTORY IMPLICATIONS

18. Section 3.58 of the Local Government Act 1995 defines the requirements for the disposal of property, including leased/licensed land and buildings. It requires Council to give local public notice of its intention to dispose of property, and consider any submissions received within the specified period.
19. Section 18 of the Land Administration Act 1997 states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
20. Voting requirement: **Simple Majority**

POLICY IMPLICATIONS

21. The Property Management (Leases and Licences) Policy aims to support the equitable access, and the efficient and effective management of City owned and managed properties in line with statutory procedures.
22. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: Lease not approved.	Unlikely	Minor	Low	<ul style="list-style-type: none"> Key terms have been agreed in principle. Seek to negotiate terms to Council satisfaction.
Financial and Reputational: Lease not approved may result in the dumping of vehicles in City reserves.	Possible	Minor	Medium	<ul style="list-style-type: none"> Seek to negotiate terms to Council satisfaction.
Operational: Development approval conditions not met.	Unlikely	Minor	Low	<ul style="list-style-type: none"> Work with tenant to comply. City option to terminate the lease.
Opportunity: Demonstrate the City's commitment to assist growth of the local economy and retain local businesses.				
Opportunity: Encourage responsible management of the disposal of wrecked vehicles whilst protecting City reserves.				

FINANCIAL IMPLICATIONS

24. All costs associated with the development and finalisation of the lease documentation will be met by the tenant.
25. The new lease rental will be determined by current market valuation provided by a licensed Valuer.
26. Current rental payable is \$4,206.20 per annum plus GST.

LEGAL IMPLICATIONS

27. The lease documentation will be prepared by City's lawyers with enforceable terms and conditions, at tenant cost.

ENVIRONMENTAL CONSIDERATIONS

28. There are no environmental considerations.

ALTERNATE OPTIONS

29. Council may:
- Approve the new lease; or
 - Decline the request.
30. Should Council decline the request, the tenant will need to remove all of the existing vehicles stored on the current lease area and consider alternate storage solutions.

SUMMARY CONCLUSION

31. Robert and Christine Wolfenden, owners of Rainbow Coast Wreckers, have requested to renew the lease over the existing area within Reserve 30599 to continue vehicle wrecking services.
32. The tenant has been working with City officers to comply with development approval, ensuring that no vehicles are stored outside the lease area.
33. It is recommended that a new lease be granted for a short term of two years.

Consulted References	:	<ul style="list-style-type: none"> Property Management (Leases and Licences) Policy Local Government Act 1995 Land Administration Act 1997
File Number (Name of Ward)	:	PRO378, A66216 (West Ward)
Previous Reference	:	OCM 17/08/2010 Item 2.3

CCS401: ALBANY BICENTENARY REFERENCE GROUP MEMBERSHIP

Proponent / Owner : City of Albany
Attachments Albany Bicentenary Reference Group Nominees - **Confidential**
Report Prepared By : Bicentenary Coordinator (B Findlay)
Authorising Officer: : Executive Director Community Services (N Watson)

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

STRATEGIC IMPLICATIONS

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

In Brief:

- To seek Council endorsement of the Albany Bicentenary Reference Group Membership and proposed pathway forward.

RECOMMENDATION

CCS401: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TRAILL

That Council:

1. **ENDORSE** the City of Albany Bicentenary Community Reference Group membership.
2. **ENDORSE** the City of Albany Bicentenary Commercial and Industry Reference Group membership.
3. **NOTE** that City staff are working together with Menang Elders to develop and implement a Noongar-led engagement process for 2026 and will report the outcome to Council.

CARRIED 13-0

CCS401: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR STOCKS

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

CARRIED 12-0

CCS401: AUTHORISING OFFICER RECOMMENDATION

That Council:

1. **ENDORSE** the City of Albany Bicentenary Community Reference Group membership.
2. **ENDORSE** the City of Albany Bicentenary Commercial and Industry Reference Group membership.
3. **NOTE** that City staff are working together with Menang Elders to develop and implement a Noongar-led engagement process for 2026 and will report the outcome to Council.

BACKGROUND

2. The Bicentenary is an opportunity to learn, discover and celebrate Albany's unique heritage and the diverse and vibrant community it has become.
3. A holistic, integrated, whole-of-community approach is vital for success and the Governance Model includes three dedicated reference groups comprising key stakeholders to ensure broad engagement and collaboration with the community.
4. Menang Noongar (MNRG), Community (CRG), and Commercial and Industry Reference Groups (CIRG) will support the City of Albany with members acting as key advocates for the project, collating the ideas, aspirations and needs of their communities or sectors.
5. The Governance Model for Albany's 2026 Bicentenary endorsed by Council (OCM 27/7/21_CCS365) acknowledges the role of the City of Albany as the key stakeholder and project leader.
6. The Model works to achieve broad community collaboration and involvement in the development and delivery of the Bicentenary project.
7. An Expression of Interest (EOI) process was undertaken to identify prospective members for three dedicated reference groups: Menang Noongar Reference Group, Community Reference Group, and Commercial and Industry Reference Group.
8. Ten EOI's were received for the Community Reference Group, details of these are outlined in the attachment.
9. Two EOI's were received for the Menang Noongar Reference Group, this was not sufficient number to complete the membership. Adopted Terms of Reference required a minimum of five members.
10. Six EOI's were received for the Commercial and Industry Reference Group, details of these are outlined in the attachment. The new CEO of Albany Chamber of Commerce and Industry (ACCI) has been invited to join the CIRG.

DISCUSSION

11. The Governance Model and Terms of Reference for each group adopted by Council acknowledged the need to be fluid in the approach to producing a whole-of-community, informed response to the 2026 Bicentenary.
12. Prospective members for the Community and Commercial and Industry Reference Groups present a mix of individuals with a diverse skill set and ability to represent broad cross sections of those sectors.
13. As a result of low expressions of interest received for the Menang Noongar Reference Group, officers have pivoted the approach to ensure broad collaboration on this significant project.
14. Direct conversations have and continue to be progressed with Menang Elders to determine the most culturally appropriate path forward and to ensure engagement and decision making by the group is Noongar led, supported by the City of Albany.
15. A pivot in approach to the Menang Noongar Reference Group and consultation methods is required based on community needs to ensure consultation is sustainable and reflective of all family groups – as outlined in the Bicentenary Noongar Engagement Strategy.
16. Elders have committed to continuing this discussion with City Officers on the preferred pathway forward and further meetings have been set in December and February with key family leaders and heads of corporations to be invited. Further clarity on the preferred consultation method will be outlined following these meetings and will be the subject of a further report to Council .
17. Those who submitted formal EOI's to the Menang Noongar Reference Group will be incorporated into the initiative as endorsed by Menang Elders.

18. Danjoo Koorliny (Walking Together), an initiative out of UWA's Centre of Social Impact and centred around Perth's 2029 Bicentenary, with established methods of successful engagement on a similar project, is also being considered to play a role in consultation and engagement around Albany's Bicentenary.

GOVERNMENT & PUBLIC CONSULTATION

19. Members of Reference Groups will support the City of Albany to ensure broad consultation and collaboration with the community surrounding the Bicentenary.
20. Members will work in collaboration with the City of Albany to collate the ideas, aspirations and needs of their communities or sectors.
21. Communication is ongoing between City officers and Menang Noongar Elders regarding their preferred method to engage and be involved in the Bicentenary and other projects.
22. Following Council endorsement of the Reference Group membership the Albany Bicentenary Advisory Group will be informed.

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
Operational. <i>Risk: That the Expressions of Interest for membership of the reference groups is not supported.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>If the recommended membership is not endorsed, further consultation will be undertaken with Council regarding the membership process.</i>
Operational. <i>Risk: Consultation methods are inflexible and do not respond to the needs of various groups or their preferred methods and levels of communication and involvement</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Officers to remain flexible in approach and responsive to changing needs of the community.</i>
Opportunity: <i>To establish a whole of community approach and progress the 2026 Albany Bicentenary</i>				

FINANCIAL IMPLICATIONS

26. A budget allocation of \$150,000 per financial year has been allocated for operational aspects of the Bicentenary project.
27. A funding application was successful under round five of the Building Better Regions Fund to resource the consultation phase of the project. Including for procurement of professional support where required.

LEGAL IMPLICATIONS

28. Nil.

ENVIRONMENTAL CONSIDERATIONS

29. Nil.

ALTERNATE OPTIONS

30. Council may choose to not endorse the recommended membership for the Community Reference Group and Commercial and Industry Reference Group.

CONCLUSION

31. The 2026 Bicentenary presents an opportunity for Albany to lead the way in large scale, collaborative community projects and achieve greater cultural acknowledgement and inclusion as legacy outcomes of the significant Bicentennial milestone.
32. The Governance Model, including Reference Groups aforementioned, will support and facilitate consultation, engagement and collaboration with the Albany community and achieve input from key stakeholder groups into the scope for 2026.
33. Following endorsement of the membership by Council, members will be notified and Terms of Reference adopted.
34. Officers are seeking Council endorsement of the Albany Bicentenary Community Reference Group and Commercial and Industry Reference Group membership.
35. Officers are seeking Council endorsement of the recommended pathway forward to engage the local Menang Noongar community and that Council note the work undertaken to establish the Albany Bicentenary Menang Noongar Reference Group.

Consulted References	:	Nil
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 24/08/21 Resolution CCS365

CCS402: CINEFESTOZ 2022 PARTNERSHIP

Business Entity Name : CineFestOz Film Festival
Chair: Helen Shervington, Deputy Chair: Margaret Buswell

Attachments : CineFestOZ Film Festival 2022 Partnership Proposal –
Confidential

Report Prepared By : Manager Community Relations (L Paterson)

Authorising Officer: : Executive Director Community Services (N Watson)

CONFIDENTIAL REPORT

This report was considered as confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

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

In Brief:

- CinefestOz has submitted a proposal for a film festival showcasing Australian films for Albany from 28 April to 1 May 2022. City officers are seeking Council's endorsement to accept the proposal.

RECOMMENDATION

CCS402: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR STOCKS

THAT the Authorising Officer Recommendation detailed in the Confidential Report be ADOPTED, being:

- **The acceptance of the CinefestOZ's Partnership Proposal; and**
- **Actions to be progressed by the Chief Executive Officer.**

CARRIED 13-0

CCS402: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS403: COMMUNICATIONS & ENGAGEMENT STRATEGY

Proponent / Owner	: City of Albany
Attachments	: City of Albany Communications & Engagement Strategy 2021-22 Quarter 1 Progress Report
Report Prepared By	: Manager Community Relations (L Paterson)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

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

In Brief:

- Note the City of Albany Communications & Engagement Strategy Q1 progress report.

RECOMMENDATION

**CCS403: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR BAESJOU**

THAT the City of Albany Communications & Engagement Strategy progress report ending September 2021 (Q1) and its endorsement by the Communications & Engagement Advisory Group be NOTED.

CARRIED 13-0

CCS403: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BAESJOU**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS403: AUTHORISING OFFICER RECOMMENDATION

THAT the City of Albany Communications & Engagement Strategy progress report ending September 2021 (Q1) and its endorsement by the Communications & Engagement Advisory Group be NOTED.

BACKGROUND

2. Council adopted the Communications & Engagement Strategy at the May 2019 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 is scheduled to meet quarterly to review and endorse the progress report.

DISCUSSION

4. The Advisory Group previously met and endorsed the 2020-2021 Q4 progress report on 16 August 2021, and this was tabled and noted at the OCM of 28 September 2021.
5. The Advisory Group endorsed the 2021-2022 Q1 progress report at its meeting on 3 November 2021.

6. The Advisory Group welcomed new community members Ian Clarke (Albany Youth Support Association) and Kore Ford (Youth Advisory Council), together with newly elected Councillors Delma Baesjou and Amanda Cruse.
7. The Advisory Group noted new updates to the progress report, including:
 - a. Progressing engagement with the Noongar community regarding interpretation of Menang-Noongar dual place names. Final meeting to be held in November;
 - b. Engagement with community to complete the Great Southern Arts, Culture and Heritage Strategy. The Engagement is now complete and the Draft Strategy will be forwarded shortly for feedback.
 - c. Development of The Two Sides to Your City campaign is underway and expected to be completed in first quarter of 2022.
 - d. EOI process for 2026 Bicentenary Reference Group membership complete; and
 - e. Resumption of Your Council Meet and Greet Forums planned for early 2022.
8. The Manager Engineering and Sustainability provided the Advisory Group with an update on the Second Stage Sanford Road Upgrade and the CBD Zone E Parking.
9. The Bicentenary Coordinator provided the Advisory Group with an update on the EOIs for the Bicentenary Reference Groups, the Bicentenary Book project, and the success of the Building Better Regions Funding application.
10. The Manager Arts and Culture provided the Advisory Group with an update on the Great Southern Arts, Culture and Heritage Strategy project.
11. The Manager Planning provided the Advisory Group with an update on Local Planning Scheme Two Amendment.
12. Communications has continued to support media, marketing and engagement across the City, developing and delivering localised campaigns for the City's Summer Events Series, the new Christmas Lights Trail, Garage Sale Trail, Dual Naming, National Anzac Centre branding and National Recycling Week.
13. This report includes 65 actions, 32 which have been completed, 27 remain ongoing or underway, and 6 are on hold.

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive community consultation was undertaken during the development of the Communications & Engagement Strategy and at the time achieved the highest reach of any engagement project undertaken by the City.
15. The progress report has been reviewed and supported by the Advisory Group, which includes members representing community.

STATUTORY IMPLICATIONS

16. Nil.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: If community engagement expectations are not met due to budget, viability, funding agreements, safety or legislative constraints.	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
Reputational: If communications or engagement activity is ad-hoc, untimely, inaccurate or untargeted.	Unlikely	Major	Low	Follow best practice engagement framework and provide timely, informative and accurate communications to the community through effective channels as outlined in the Communications & Engagement Strategy.
Operational: Some aspirations of the Strategy may not be fully realised due to budget, funding or resource constraints.	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.
Operational: A severe second wave of Covid-19 that results in re-tightening of community restrictions and impacts City operational priorities.	Possible	Major	High	Follow Federal and State public health directions as informed and re-prioritise actions as necessary to align with City’s operational priorities and capacity.

FINANCIAL IMPLICATIONS

19. Nil.

LEGAL IMPLICATIONS

20. Nil.

ENVIRONMENTAL CONSIDERATIONS

21. Nil.

ALTERNATE OPTIONS

22. Nil.

CONCLUSION

23. The Communications & Engagement Strategy is overseen by an Advisory Group comprising community, Elected Member and City staff representatives.
24. Community representation on the Advisory Group ensures community needs and priorities remain central to the implementation of the Communications and Engagement Strategy.
25. A quarterly progress report of achievements against the Strategy is endorsed by the Advisory Group and submitted to Council for information. The progress report against the Strategy’s Action Plan for Q1 of 2021-2022 is submitted to Council for noting.

Consulted References	:	City of Albany Communication and Engagement Strategy 2019 Council Policy – Community Engagement
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM September 2021, Resolution CCS380

CCS404: NOMINATION BY COUNCILLOR GOODE AS MEMBER OF THE AUDIT AND RISK COMMITTEE

Report Prepared By : Manager Governance & Risk (S Jamieson)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

In Brief:

- Councillor Goode has submitted a nomination for herself to become a member of the Audit and Risk Committee.
- Council is asked to endorse Councillor Goode's nomination and appoint Councillor Goode as a member of the Audit and Risk Committee.

RECOMMENDATION

CCS404: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT:

1. Councillor Goode's nomination as a member of the Audit and Risk Committee be **ACCEPTED**; and
2. Councillor Goode be **APPOINTED** as a member of the Audit and Risk Committee.

CARRIED 13-0
ABSOLUTE MAJORITY

BACKGROUND

2. In accordance with Section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person's membership of a committee is valid until the next ordinary local government election.
3. Nominations were called for membership of all Council and external committees at the Ordinary Council Meeting held on 26 October 2021.
4. Six nominations were received for the Audit and Risk Committee, and those nominees were duly appointed as members of that Committee.
5. Councillors may reserve the right to nominate for committee membership, if there is an available vacancy, at a later date.
6. The Audit and Risk Committee currently has one vacancy.

DISCUSSION

7. Councillor Goode has requested that her nomination for the vacancy on the Audit and Risk Committee be considered by Council.
8. Should Councillor Goode's nomination be accepted by Council, and appoint Councillor Goode as a member, the Audit and Risk Committee will have a full complement of seven members.

STATUTORY IMPLICATIONS

9. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a committee continues until the next ordinary local government election.
10. Division 2, Part 5 of the *Local Government Act 1995* deals with Council meetings and committees and their meetings.
11. Appointment to committees is by **Absolute Majority**.

POLICY IMPLICATIONS

12. There are no policy implications related to this report, unless the Terms of Reference for the Audit and Risk Committee are to be amended to either:
 - a. Increase; or
 - b. Decreasethe membership.

CONCLUSION

13. That Councillor Goode's nomination as a member to the Audit and Risk Committee be **ENDORSED**, and Councillor Goode be **APPOINTED** to the Audit and Risk Committee.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Council Policy: Governance and Meeting Framework</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none">• OCM 29/10/2019 Resolution CCS185• OCM 26/10/2021 Resolution CCS388

CCS405: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2021

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement - November 2021
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

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 on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 30 November 2021 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.

RECOMMENDATION

**CCS405: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR THOMSON**

THAT in accordance with clause 3.5 of the City of Albany Standing Order Local Law 2014 (as amended) Report Item CCS405: Financial Activity Statement – November 2021 be ACCEPTED for consideration by Council as an urgent item.

**CARRIED 13-0
ABSOLUTE MAJORITY**

Reason:

- Under the *Local Government (Financial Management) Regulations 1996, section 34*, a local government is to prepare each month a statement of financial activity.
- A statement of financial activity is to be presented at an ordinary meeting of council within 2 months after the end of the month to which the statement relates.
- With no ordinary council meeting scheduled for January 2022, to comply with this requirement, Council is requested to accept this as an urgent item.

**CCS405: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR THOMSON**

THAT the Financial Activity Statement for the period ending 30 November 2021 be RECEIVED

CARRIED 13-0

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - a. Statement of Financial Activity by Nature or Type;
 - b. Explanation of material variances to year to date budget;
 - c. Net Current Funding Position;
 - d. Investment Portfolio Snapshot;
 - e. Receivables; and
 - f. Capital Acquisitions.
4. 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 CCS367, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2021/2022.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. 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

7. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.

- 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

- 8. The City's 2021/22 Annual Budget provides a set of parameters that guides the City's financial practices.
- 9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

- 10. Expenditure for the period ending 30 November 2021 has been incurred in accordance with the 2021/22 proposed budget parameters.
- 11. Details of any budget variation in excess of \$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 on specific payments are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

**DIS289: LOCAL PLANNING SCHEME AMENDMENT NO.12 – LOT
1879 DAVIES ROAD, KALGAN.**

Land Description	: Lot 1879 Davies Road, Kalgan.
Proponent / Owner	: B & M O’Dea
Attachments	: 1. Advertised Scheme Amendment Document, which includes: <ul style="list-style-type: none">• Land Capability and Geotechnical Assessment (2004);• Local Water Management Plan (updated - 2012); and• Fire Management Plan (2004). 2. Site Soil Evaluation (2020)
	3. Updated Bushfire Management Plan (August 2021)
	4. Schedule of Submissions and Recommendations.
	5. Schedule of modifications to LPS1.
	6. Schedule of modifications to advertised Scheme Amendment Document.
Supplementary Information & Councillor Workstation	: 1. Public submissions
	2. Draft revised Scheme amendment document (dated May 2021)
Report Prepared By	: Senior Planning Officer – Strategic Planning (A Nicoll)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

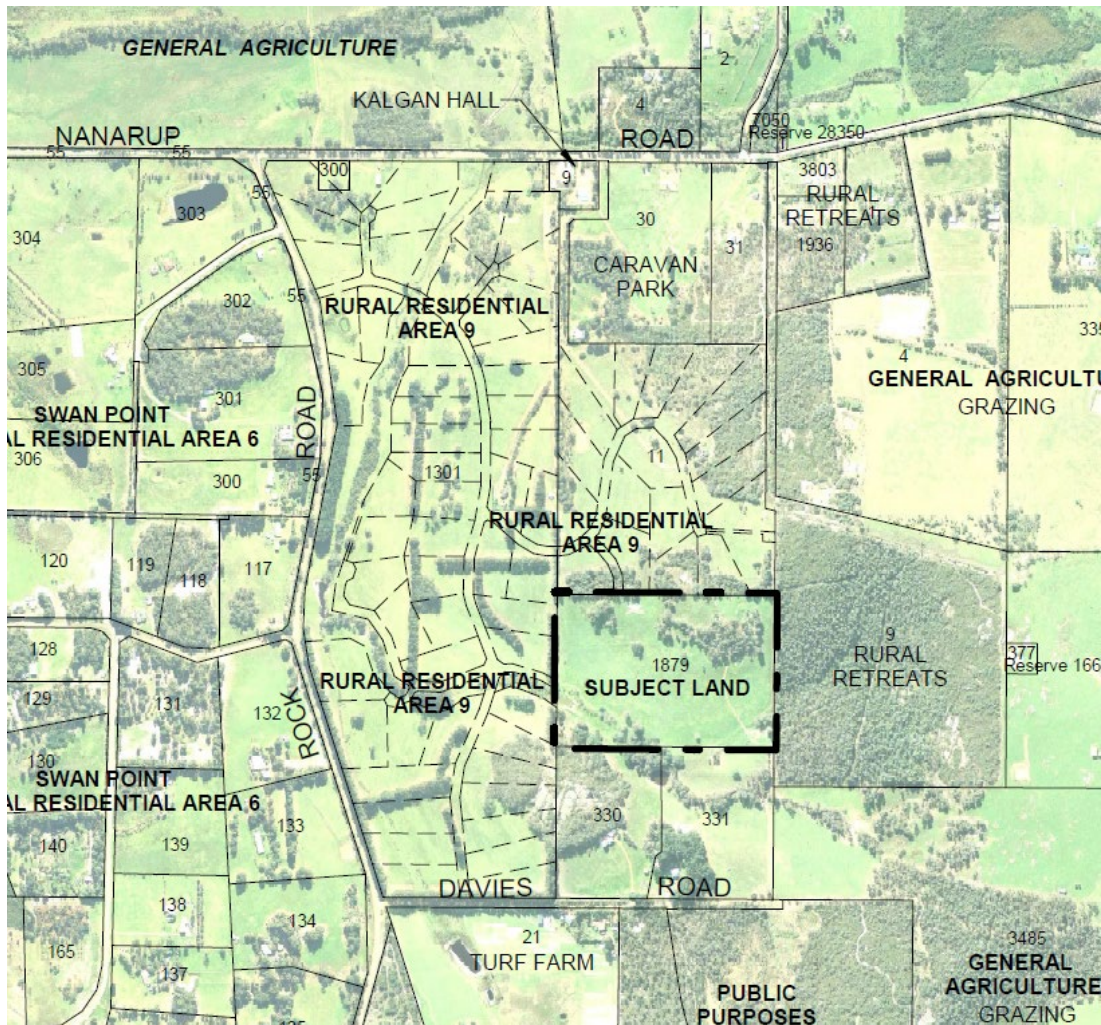
6:48pm: Councillor Baesjou declared a Financial Interest in this item. Councillor Baesjou left the Chamber and was not present during the discussion and vote for this item

STRATEGIC IMPLICATIONS.

1. The application for consideration proposes an amendment to the City’s Local Planning Scheme No. 1 (LPS1). The amendment proposes to rezone land from ‘General Agriculture’ to ‘Rural Residential’.
2. Council is required to exercise its quasi-judicial function in this matter. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Community Strategic Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany *Strategic Community Plan 2032*:
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - **Pillar:** Planet
 - **Outcome:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - A resilient community that can withstand, adapt to, and recover from natural disasters.

4. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Planning Strategy. The amendment meets strategic planning for the following reason:
 - a) The overarching strategic direction of the Planning Strategy is not to support further urban sprawl beyond the existing supply of land zoned for settlement growth.
 - b) Notwithstanding this, the strategic direction set in the Planning Strategy for Lot 1879 Davies Road is to support 'Rural Living'. The planned growth is on the basis of a decision in 2015 to initiate the rezoning of the land to 'Rural Residential' (OCM 25/08/2015 – Item PD087).

Maps and Diagrams:



In Brief:

- The purpose of this report is for Council to consider final adoption of the proposed Scheme Amendment No. 12 (LAMD12) to LPS1, to rezone Lot 1879 Davies Road, Kalgan from the 'General Agriculture' zone to 'Rural Residential' zone, subject to modifications.
- In August 2015, Council initiated LAMD12. The amendment was advertised in November 2015, with eleven (11) submissions received, nine from government agencies and two from neighbouring landholders.
- To address matters raised during advertising and updates to state planning procedures and policy requirements, the applicant updated required aspects of the documentation. The updated documentation was submitted to the City in late 2020 and most recently in July 2021.
- The outcomes of the documentation have been reviewed and accepted by the City.

- The updated resolution recommends modifications to relevant provisions of LPS1 and the associated local structure plan to address the outcomes of the documentation and outstanding matters raised during advertising.
- Modifications are also recommended to update the approved scheme amendment application document, subject to approval of LAMD12 by the Minister, to reflect the updated supporting documentation and ensure consistency.
- Following the above, it is recommended that Council resolve to adopt the proposed scheme amendment, subject to modifications.
- Although Council resolved to impose a moratorium on further amendments to LPS1 in August 2021 in order to progress delivery of draft Local Planning Scheme No. 2, existing amendments such as LAMD12 that were underway and subject to previous decisions of Council were exempted from the moratorium.

RECOMMENDATION

DIS289: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR THOMSON

THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:

1. **ADOPT** Scheme Amendment No. 12 to Local Planning Scheme No. 1, with modifications, as follows:
 - a) Rezone Lot 1879 Davies Road, Lower Kalgan from the ‘General Agriculture’ zone to the ‘Rural Residential’ zone.
 - b) Amend Schedule 14 – RR9 Nanarup Road, Kalgan Rural Residential zone, as outlined in the attached ‘Schedule of Modifications to RR9’, regarding the following:
 - i. To incorporate Lot 1879; and
 - ii. Update existing text ‘*the Subdivision Guide Plan*’ with ‘*the Local Structure Plan*’.
 - c) Modify the Local Structure Plan accordingly to incorporate Lot 1879 and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - d) Amend the Scheme Map accordingly.
2. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment, subject to modifications contained the attached ‘Schedule of Modifications to Amendment Document’.
3. Notes the amendment is a Standard Amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons.
 - a) It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - b) It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - c) It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - d) It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
4. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.
5. Notify the applicant and submitters of Council’s decision.

CARRIED 12-0

DIS289: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS289: AUTHORISING OFFICER RECOMMENDATION

THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:

1. ADOPT Scheme Amendment No. 12 to Local Planning Scheme No. 1, with modifications, as follows:
 - a) Rezone Lot 1879 Davies Road, Lower Kalgan from the 'General Agriculture' zone to the 'Rural Residential' zone.
 - b) Amend Schedule 14 – RR9 Nanarup Road, Kalgan Rural Residential zone, as outlined in the attached 'Schedule of Modifications to RR9', regarding the following:
 - i. To incorporate Lot 1879; and
 - ii. Update existing text '*the Subdivision Guide Plan*' with '*the Local Structure Plan*'.
 - c) Modify the Local Structure Plan accordingly to incorporate Lot 1879 and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - d) Amend the Scheme Map accordingly.
2. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment, subject to modifications contained the attached 'Schedule of Modifications to Amendment Document'.
3. Notes the amendment is a Standard Amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons.
 - a) It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - b) It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - c) It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - d) It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
4. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.
5. Notify the applicant and submitters of Council's decision.

BACKGROUND

5. Lot 1879 Davies Road is zoned 'General Agriculture' under LPS1.
6. In 2015, Council agreed to initiate and advertise a proposal to amend LPS1. The amendment involves rezoning the Lot 1879 Davies Road from the 'General Agriculture' zone, to the 'Rural Residential' zone and the 'Parks and Recreation' reserve.
7. Scheme Amendment No. 12 has been considered as a standard amendment to the local planning scheme, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations), for the following reasons:
 - It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

8. The amendment was referred to the Environmental Protection Authority and it was decided that the proposal is not significant to warrant a formal environmental assessment.
9. The amendment application was advertised and concerns were raised regarding:
 - a) Capability of the land to manage effluent;
 - b) Management/protection of low lying area (watercourse); and
 - c) Bushfire management.
10. In 2016, the City requested the Applicant to provide a “Site and Soil Evaluation” report and a Bushfire Management Plan (BMP).
11. The updated “Site and Soil Evaluation” report was received in late 2020 and referred out for comment to Department of Water and Environmental Regulation (DWER) and the Department of Health (DOH).
12. The BMP was submitted to the City in July 2021. The BMP was referred to the Department of Fire and Emergency Services (DFES) for their comment.
13. In August 2021, Council agreed to a moratorium on further amendments to LPS1. The moratorium on amendments to the current scheme, does not affect any existing amendments, which have already been the subject of previous decisions of Council (e.g. Lot 1879 Davies Road, Kalgan).

DISCUSSION

14. Lot 1879 is located 16 kilometres northeast of the Albany city centre and is accessed via Davies Road. The subject Lot is 14.16ha in area and is currently zoned General Agriculture.
15. The subject Lot is earmarked in the 2019 Albany Local Planning Strategy as being suitable for rural residential development. The Lot is located adjacent to land, which is being subdivided for rural residential purposes.

Land capability for effluent disposal

16. It was commented by DWER that a Site Soil Evaluation needs to occur for the winter months, to inform whether or not the land is capable of handling on-site effluent disposal systems.
17. In response, the proponent employed a professional consultant to undertake a ‘Site Soil Evaluation’, which determined that:

The land contains suitable areas for onsite effluent disposal and that building envelopes and land application areas should be located a minimum 100m from the creek line, which places them higher in the landscape and not subjected to flooding.
18. DWER considered the ‘Site Soil Evaluation’ 2020 and agreed that on-site effluent disposal systems can be achieved.

Management/protection of low lying area

19. A neighbouring landholder requested information pertaining to the management of a watercourse.
20. It was commented by DWER that a low lying area (watercourse) located in the southern portion of the subject Lot needs to be revegetated, fenced, ceded to the Crown for management by the local government and a provision included to ensure development is appropriately setback.
21. In response to the comments on the watercourse area, it is recommended that the amendment document is modified to include a concept plan identifying revegetation, fencing and buffers areas associated with the watercourse.
22. Contrary to DWER comments, it is recommended that the watercourse area is managed in private ownership and not ceded to the Crown. The expectation for the City to manage environmentally sensitive areas located within Rural Residential zone areas is impractical. These areas can be aptly managed in private ownership.

Bushfire Management

23. DFES commented that the BMP does not adequately address the policy requirements of the *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the Guidelines.
24. It is recommended that additional information/rationale is provided to address issues raised by the DFES.

GOVERNMENT & PUBLIC CONSULTATION

25. LAMD12 was advertised in November 2015 accordance with the requirements of the Planning Regulations.
26. In addition to the public consultation and agencies mentioned above, the proposal was also referred to the following state agencies and utility providers:
 - ATCO Gas Australia
 - Telstra – Forecasting/Area Planning – South Western Access
 - Water Corporation
 - Western Power
 - Albany Department of Agriculture and Food
27. Nine (9) submissions were received from agencies, with two submissions received from adjoining landowners.
28. Additional consultation occurred in 2021 specifically in relation to the “Site and Soil Evaluation” report and the Bushfire Management Plan:
 - a) The updated “Site and Soil Evaluation” report was referred to DWER and DOH.
 - b) The BMP was referred to DFES for their comment.
29. A ‘Schedule of Submissions’ has been developed to summarise comments. Modifications are recommended to address comments.
30. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail-out	Nov-Dec 2015	11 submissions	Reg’s 2015

STATUTORY IMPLICATIONS

31. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and the Planning Regulations.
32. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
33. Regulation 50(3) of the Planning Regulations allows Council to support a standard amendment, with or without modification.
34. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

35. The proposal is considered to be consistent with the key policy measures identified in *State Planning Policy 2.5 – Land Use Planning in Rural Areas* (SPP2.5). SPP2.5 supports land use change from rural to other uses where provided for in a planning strategy or scheme.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	Possible	Minor	Low	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications.</i>
Opportunity: <i>Increase opportunity for rural living.</i>				

FINANCIAL IMPLICATIONS

37. There are no financial implications relating to the proposal to amend LPS1.

38. Comments/objections are referred onto the Minister for deliberation.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

40. There are no environmental implications relating to the proposal to amend LPS1.

41. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

ALTERNATE OPTIONS

42. Council may consider alternate options in relation to this item, such as:

- To resolve to support the scheme amendment without modification(s);
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

CONCLUSION

43. It is recommended that Council finally endorse LAMD12, as the proposal is consistent with the strategic direction currently set within the City's Planning Strategy.

44. This scheme amendment proposes to rezone land from 'General Agriculture' to 'Rural Residential'.

45. The proposal provides an opportunity for rural lifestyle lots in accordance with the Planning Strategy.

46. The amendment was advertised with no fundamental issues raised.

47. It is recommended that Council adopt LAMD12, with modifications.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. <i>WA Planning Commission State Planning Policy 1 – State Planning Framework Policy (Variation No. 2) and State Planning Policy 2.5 – Land Use Planning in Rural Areas.</i>
File Number (Name of Ward)	:	LAMD12 (Kalgan Ward)
Previous Reference	:	OCM 18/05/04 – Item 11.3.2 OCM 25/08/2015 – Item PD087

6:49pm Councillor Baesjou returned to the Chamber.

DIS290: PLANNING AND BUILDING REPORTS NOVEMBER 2021

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports November 2021
Report Prepared By : Technical Support Officer – A James
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS290: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT Council NOTE the Planning and Building Reports for November 2021.

CARRIED 13-0

DIS291 C21017 PALMDALE ROAD – ROAD SHOULDER – RECONDITIONING AND SEALING

Proponent / Owner	: City of Albany
Attachments	: Confidential Briefing Note Under Separate Cover
Report Prepared By	: Manager Operations (D Lawrence)
Authorising Officer:	: Executive Director, Infrastructure Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Theme:** Place
 - **Objective:** A safe, sustainable and efficient transport network.
 - **Community Priority:** Improve road safety, connectivity and flow.

In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for the Contract C21017 Palmdale Rd - Road Shoulder Reconditioning and Sealing to the preferred tenderer
- The contract is to commence on 4th January 2022 for completion by 29th April 2022.

Maps and Diagrams:



RECOMMENDATION

DIS291: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item DIS291: C21017 Palmdale Road - Road Shoulder - Reconditioning and Sealing be ACCEPTED for consideration by Council as an urgent item.

CARRIED 13-0
ABSOLUTE MAJORITY

Reason:

- Tender C21017 closed post the agenda distribution for this meeting.
- This report has been submitted for Council consideration as an urgent item in order to have the works commence as soon as possible to meet funding arrangements.

DIS291 RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C21017 Palmdale Rd – Road Shoulder Reconditioning and Sealing to Bill Gibbs Excavations.

CARRIED 13-0

BACKGROUND

2. Tenders were requested for C21017 Palmdale Road – Road Shoulder Reconditioning and Sealing.
3. It is preferable to commence works at the earliest possible time to ensure practical completion in accordance with funding requirements.

DISCUSSION

4. Nine (9) tender documents were downloaded from the City of Albany website, resulting in the City receiving one (1) conforming tender.

Evaluation of Tenders

5. The tender panel evaluated tender using the weighted criteria methodology across 6 key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weight
Cost	30
Relevant Experience	25
Key Personnel Skills and Experience	15
Demonstrated Understanding	15
Tenderers resources	10
Corporate Social Responsibility	5
Total	100

6. The following table 2 summarises the tenders and the overall evaluation scores applicable.

Table 2 – Summary of Tender Submissions

Tenderer	Weighted Score
Bill Gibbs Excavations	660

7. Bill Gibbs Excavations ranked highest with the highest total weighted score.
8. From the evaluation scoring, clarification and financial check processes Bill Gibbs Excavations are the preferred tender and consequently it is recommended that their tender be accepted and the contract awarded.

GOVERNMENT & PUBLIC CONSULTATION

9. A request for tenders was published in the West Australian on Wednesday 17 November 2021, and the Albany Weekender on Thursday 18 November 2021.

STATUTORY IMPLICATIONS

10. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
11. 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.
12. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
13. Voting Requirement: **Simple Majority.**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational Risk: Non-compliance delay or failure to carry out contracted works.	Possible	Moderate	Medium	General Conditions of contract allow for contracted termination on the basis of failure to supply services.
Community: Traffic disruption.	Possible	Insignificant	Low	Approved traffic management plan for works
People Health & Safety: Risk to public.	Possible	Moderate	Medium	Implemented Project Safety Management Plan
Environment: Perceived and actual risks resulting from works.	Possible	Minor	Medium	Works to be conducted under Environmental Code of Conduct
Finance: Risk of unrealised costs.	Unlikely	Minor	Low	Budget well scoped for required works

FINANCIAL IMPLICATIONS

16. The recommended tender is within the project budget.
17. The total MRWA – Regional Road Safety Program funding available for the project is \$690,000.00. This includes construction, and City management fees.

LEGAL IMPLICATIONS

18. Nil

ENVIRONMENTAL CONSIDERATIONS

19. The contractor’s environmental policy will apply to this contract.
20. Site management controls will be enforced to mitigate any possible adverse environmental impacts.

ALTERNATE OPTIONS

21. The options are:
 - Council can elect to accept the recommended tender,
 - Not approve any tender.

CONCLUSION

22. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender is awarded to Bill Gibbs Excavations.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i> <ul style="list-style-type: none"> ○ <i>Tender Procedure</i> ○ <i>Evaluation Procedure (Tenders and Quotes)</i> <p><i>Council Policy: Buy Local Policy (Regional Price Preference)</i></p>
File Number (Name of Ward)	:	C21017 (Kalgan Ward)
Previous Reference	:	N/A

AR101: ANNUAL FINANCIAL REPORT – 30 JUNE 2021

Proponent / Owner	: City of Albany
Attachments	: City of Albany Annual Financial Report for the year ended 30 June 2021
Report Prepared By	: Manage Governance & Risk (S Jamieson) Manager Finance (S van Nierop)
Authorising Officers:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

In Brief:

- The Annual Financial Report for financial year ending 30 June 2021 presented to review and receipt.

ADDENDUM

AR101: ADDENDUM

Post the audit exit meeting held on 29 November 2021, between the City of Albany, KPMG, and the Office of the Auditor General, the finalised Annual Financial Report for the year ended 30 June 2021 was received.

Find attached the finalised Annual Report for the year ended 30 June 2021.

There are no legal implications related to this report.

RECOMMENDATION

**AR101: RESOLUTION (AMENDED AUTHORISING OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SHANHUN**

THAT the City of Albany Annual Financial Report for the year ended 30 June 2021 be RECEIVED.

CARRIED 13-0

Officer Comment: Removal of Draft, noting addendum.

**AR101: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the DRAFT City of Albany Annual Financial Report for the year ended 30 June 2021 be RECEIVED.

AR101: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 6-0

AR101: AUTHORISING OFFICER RECOMMENDATION

THAT the DRAFT City of Albany Annual Financial Report for the year ended 30 June 2021 be RECEIVED.

BACKGROUND

2. An Annual Financial Report is required to be compiled and subsequently audited, under the *Local Government Act 1995* (the Act) and various Local Government regulations.

DISCUSSION

Financial Audit

3. An onsite visit and audit of the Annual Financial Report FY2020/21 was conducted by employees of KPMG on behalf of the Office of the Auditor General.
4. The audit exit meeting between the City of Albany, KPMG, and the Office of the Auditor General, has been scheduled for 5:00pm on Monday 29th November 2021.
5. Any findings, including updates made the DRAFT Annual Financial Report will be presented and discussed at the meeting and recorded as an addendum to this report.

Annual Report

6. The City's Communications Team is in the process of finalising the section of the Annual Report, which provides an overview of the City's operations, and compliance with policy and legislation as required by the Act and associated regulations.
7. The additional information that will be presented with the finalised Annual Financial Report provides an overview of the operations, activities and major projects undertaken by the City for the period, and includes major initiatives proposed to commence or to continue in the next financial year.
8. The performance of the Council is assessed against the City of Albany Strategic Community Plan and the actions contained in the Corporate Business Plan.
9. These plans provide strategic focus for elected members and the organisation and affirms our commitments to the community.

GOVERNMENT & PUBLIC CONSULTATION

10. Public consultation will be facilitated through the convening of an Annual Meeting of Electors, which will be held as soon as practicable after the finalised Annual Report has been accepted by the local government.

STATUTORY IMPLICATIONS

11. In accordance with section 7.9 of the Act, an audit is required to examine the accounts and Annual Financial Report prepared for the Mayor, the CEO and the Minister.
12. Under the Audit and Risk Committee – Terms of Reference, the committee is to review the financial audit report and make appropriate recommendations to Council.

13. Section 5.54 of the Act, states in part:

“The Annual Report (which includes auditor’s report) is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.”.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational: Financial Audit Report not accepted by the Audit & Risk Committee.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Audit & Risk Committee and Officers work with the auditors to address areas of concern to come to position of acceptance.</i>

FINANCIAL IMPLICATIONS

16. There are no budget financial implications related to this report.

LEGAL IMPLICATIONS

17. The City is yet to receive the auditor’s report, therefore there it is unknown whether or not there are legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

19. The Committee may recommend to Council to accept or reject the Annual Financial Report.

CONCLUSION

20. It is recommended that the Authorising Officer’s Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 (the Act); Local Government (Administration) Regulations 1996, Operational Guideline No. 9-Appointment, Function and Responsibilities of Audit Committees
File Number (Name of Ward)	:	<ul style="list-style-type: none"> IM.PUB.24 (All Wards) – Publication - Annual Budget – City of Albany FM.MEE.3 (All Wards) – Meetings – Audit & Risk Committee
Previous Reference	:	<ul style="list-style-type: none"> Audit & Risk Committee 18/11/2020 Report AR083. OCM 15/12/2020 Resolution AR085.

AR102: REVIEW OF COUNCIL POLICY POSITIONS

Business Entity Name	: City of Albany
Attachments	: • Revised: Sporting, Recreational and Community Organisations Rating Subsidy Policy • Revised: Mayoral Vehicle Policy
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance.
 - **Pillar:** People.
 - **Outcome:** A happy, healthy and resilient community.
 - **Outcome:** A diverse and inclusive community.

In Brief:

- Council is requested to review the attached policies.

RECOMMENDATION

AR102: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR CRUSE

THAT the following reviewed policy positions be ADOPTED:

- **Sporting, Recreational and Community Organisations Rating Subsidy Policy; and**
- **Mayoral Vehicle Policy.**

CARRIED 13-0

AR102: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 6-0

AR102: AUTHORISING OFFICER RECOMMENDATION

THAT the following reviewed policy positions be ADOPTED:

- **Sporting, Recreational and Community Organisations Rating Subsidy Policy; and**
- **Mayoral Vehicle Policy.**

BACKGROUND

2. It is a role of Council to determine policy positions.
3. The attached policies were reviewed by the Executive Management Team and have been presented for review.

DISCUSSION

4. The intent of each policy and how they relate to State legislation and current Council policy positions is still relevant.
5. Within the attachments is a copy of the proposed new policy, as well as a marked up version, outlining changes from the most previous approved policy position.

6. Amendments made in summary:

Policy Title:	Officer Comment:
Sporting, Recreational and Community Organisations Rating Subsidy Policy	This policy must be reviewed every two years after a general Local Government election, or earlier if Council considers it necessary. _Eligibility: Properties (or part of a property) used for a commercial purpose with the revenue and surplus retained by a third party, and/or residential purpose, will not receive a rating subsidy. _Change of terminology from Entity (Group) to organisation. _Legislative and strategic context updated. _Change of review position and date. Minor editorial edits applied.
Mayoral Vehicle Policy (Statutory Requirement)	This policy must be reviewed every two years after a general Local Government election, or earlier if Council considers it necessary. _Amended so that private use of Mayoral Vehicle will be administered in accordance with the City of Albany Fleet Management Policy and procedures. Minor editorial edits applied only.

GOVERNMENT & PUBLIC CONSULTATION

7. No government or public consultation was required in preparing this report.

STATUTORY IMPLICATIONS

8. Nil.

POLICY IMPLICATIONS

9. Yes, as per the content of the proposed policies

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>

FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

11. Nil

ALTERNATE OPTIONS

12. Council may support the review and re-adoption of these policies or not.

13. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

CONCLUSION

14. It is recommended that the Authorising Officer’s Recommendation is adopted.

Consulted References	:	• <i>Local Government Act 1995</i>
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	• OCM 23/05/2017 Resolution CCCS028.

AR105: PROPOSED PETITION POLICY

Business Entity Name	: City of Albany
Attachments	: <ul style="list-style-type: none">• Proposed Petition Policy (Amended)• Previous proposed guideline
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance.
 - **Pillar:** People.
 - **Outcome:** A diverse and inclusive community.

In Brief:

- Council requested staff prepare a petition policy for consideration.

RECOMMENDATION

**AR105: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: COUNCILLOR THOMSON
Seconded: COUNCILLOR CRUSE**

THAT the proposed Petition Policy be ADOPTED with the inclusion of the following conditions:

- **That petitions created using on-line petition platforms will not be accepted by Council.**
- **That the City of Albany petition template is updated to record the number of signatures received**

CARRIED 13-0

AR105: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR CRUSE)

**Moved: COUNCILLOR CRUSE
Seconded: COUNCILLOR THOMSON**

THAT the proposed Petition Policy be ADOPTED with the inclusion of the following condition:

That petitions created using on-line petition platforms will not be accepted by Council.

CARRIED 6-0

AR105: AMENDMENT BY COUNCILLOR CRUSE

**Moved: COUNCILLOR CRUSE
Seconded: COUNCILLOR THOMSON**

THAT the proposed Petition Policy be AMENDED to include the following condition:

'That petitions created using on-line petition platforms will not be accepted by Council.'

CARRIED 6-0

AR105: AUTHORISING OFFICER RECOMMENDATION

THAT the proposed Petition Policy be ADOPTED to include the following amendment:

BACKGROUND

2. Petitions are documents used by persons to directly lobby representative bodies such as parliament or local governments about matters of public concern.
3. A petition is basically a request for action. However, the subject of a Petition must be a matter on which the Council has the power to act.
4. A proposed petition guideline was presented for Council review in January 2021 for endorsement.
5. Post feedback received it was requested that a policy position be prepared for Council consideration.

DISCUSSION

6. There are no rules prescribed in the *Local Government Act 1995* (the Act) with regard to petitions.
7. To assist persons with the preparation of a petition, persons are currently referred to the City of Albany Standing Orders Local Law, which prescribes the process and states:

4.5 Petitions

(1) A petition is to—

- (a) be addressed to the CEO or the Presiding Member;
- (b) be made by at least two electors of the City;
- (c) state the request and contain a summary of the reasons for the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request, and the date each elector signed; and
- (e) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the CEO is to submit the petition to the next ordinary Meeting of Council.

(3) The CEO may provide to Council relevant facts, information and circumstances pertaining to the petition.

(4) At any Meeting, Council is not to vote on any matter that is the subject of a petition presented to that Meeting, unless—

- (a) the matter is the subject of a Report included in the agenda; and
- (b) Council has considered the issues raised in the petition.

8. Additional research was conducted and the content of the following proposed policy has been prepared for consideration by the Audit & Risk Committee, prior to presentation to Council:

a. Objective

Any member of the public may submit a petition to Council for consideration.

The purpose of this policy is to:

- clearly communicate Council's expectations in relation to the information to be included with a petition submitted from a member of the public and to specify the legislative requirements that attach to petitions; and
- assist Council in effectively managing petitions in accordance with its legislative obligations and in the interests of the community; and
- ensure robust communication channels exist between Council and the public in relation to issues of community importance; and
- ensure adequate and fair opportunity for community participation in Council decision-making, including at formal Council meetings.

b. Scope

This policy applies to all petitions submitted to Council.

c. Policy Statements

The City of Albany welcomes petitions as one way in which people can let us know their concerns.

A: Submitting a Petition

- Any person may submit a petition to Council.
- Council will only communicate with the principal signatory in respect of a petition.
- The Chief Executive Officer is required to act in accordance with the policy position set by Council.
- A petition that is provided for consideration at a Council meeting extends to compliant petitions only.

B: Form of Petition

- Where a petition comprises multiple pages, the cause must be clearly set out on the top of each page.
- The petition must include the name and address of each signatory. For the purposes of this policy, an address may be a residential or business address (not an electronic address) and at the very least, must include reference to a street name and suburb.
- The number of the signatory's address may be omitted at the discretion of the signatory.
- Note: Council considers the inclusion of an address of a signatory to be essential because depending upon the nature of the cause; Council will have regard to the address of each signatory in determining the weight to be given to the petition.
- Where a hardcopy petition is submitted to Council, the original petition must be submitted.

C: Electronic or Online Petitions

- For the avoidance of doubt, a compliant petition may be in an electronic format that is sent to the principal office of Council via email with 'Petition' typed in the subject line and addressed to staff@albany.wa.gov.au.
- The principal signatory must notify council of an online petition by including a link to the online petition within the body of the email. The mere existence of an online petition addressed to Council is not sufficient to trigger the application of this Policy.

D: Procedure upon receipt of a petition

- Council will acknowledge receipt of a petition within 7 business days, to the principal signatory.
- Council's acknowledgement of receipt of a petition will include a statement requiring that the principal signatory be responsible for all correspondence to signatories.
- If the petition is not a compliant petition the Chief Executive Officer may determine whether or not to address the petition within the agenda for a Council meeting. The Chief Executive Officer's decision in this regard is final.
- If the petition is a compliant petition or the Chief Executive Officer determines that the petition should be addressed within the agenda for a Council meeting, the principal signatory will be advised of the date of the meeting at which the petition will be referred to in Council's agenda.
- A compliant petition that is received no less than 14 clear days prior to a scheduled ordinary Council meeting will be addressed within the agenda for that ordinary meeting. Upon receipt of a compliant petition less than 14 days prior to a scheduled meeting, Council will make a practical effort to include that petition in the upcoming agenda.
- The petition itself will not be placed on the agenda, but the cause as stated on the petition form and number of signatories endorsing the petition, will be extracted and included within the business papers.
- Prior to an upcoming meeting, Council members will receive a copy of any petitions to be received by Council for consideration.

- Persons who wish to speak to a petition received by council may submit a Deputation Request Form by application at least 1 days before the respective meeting.
- Upon Receipt of a petition, council may resolve to :
 - (1) Receive and note the petition,
 - (2) Prepare a report in relation to the cause for consideration by Council at a future meeting,
 - (3) Notify the principal signatory of the outcome,
 - (4) Publish the petition on the website for inspection
 - (5) Execute any other action council sees fit.
- As soon as practicable after a petition has been considered by Council, the Chief Executive Officer (or delegate) will notify the principal signatory of any outcome made by Council in relation to it.

E: Privacy Considerations

- As a public document, Council has discretion to publish a petition in the agenda, minutes, or to the council website. Petitions published by Council will be done so as an image, or any other way, which ensures the information, cannot be searched or discovered by search engine.
- It is the responsibility of the principal signatory to ensure that signatories to a petition are aware of the public nature of petitions submitted to Council.

d. Legislative and Strategic Context

Legislation and policy, which applies to this policy:

- There are no rules prescribed in the Local Government Act 1995 (the Act) with regard to petitions.
- Clause 4.5 of the City of Albany Standing Orders Local Law 2014 (as amended), prescribes the overarching law pertaining to petitions.

This policy relates to the following elements of the City of Albany Strategic Community Plan:

- **Pillar:** Leadership.
- **Outcome:** Strong workplace culture and performance.
- **Pillar:** People
- **Outcome:** A diverse and inclusive community.

e. Review Position and Date

This policy and procedure is to be reviewed by the document owner at least every three years.

f. Associated Documents

Documents that have a bearing on this policy and that may be useful reference material for users of this policy, follow:

- *City of Albany Standing Orders Local Law 2014* (as amended).
- *Electronic Transaction Act 2011*. This legislation is relevant in respect of electronic petitions. This legislation provides that if the law requires a person to give information in writing, in prescribed circumstances (which extend to the Council's receipt of an electronic petition) that requirement is taken to have been met if the person gives the information by means of an electronic communication.

g. Definitions

Key terms and acronyms used in the policy, and their definitions:

- *Petition* means a formal written request, typically signed by a number of people and addressed to a person in authority or power, soliciting a favour, right or benefit or that otherwise appeals to the person in respect of a particular cause.
- *Online Petition* is a compliant petition, which is signed online, usually though a form on a website.

GOVERNMENT & PUBLIC CONSULTATION

9. The proposed content was based on research conducted across the Australian local government sector.

STATUTORY IMPLICATIONS

10. City of Albany Standing Orders Local Law 2014 (As amended), clause 4.5 (Petitions) is applicable to this proposed policy position.

POLICY IMPLICATIONS

11. If adopted, a new policy position will be established.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Legal: Risk of perceived bias, if petitions are vetted without the knowledge of the governing body (Council).	Possible	Moderate	Medium	<p>It is the governance role of Council to consider the validity of a petition.</p> <p>It is not considered appropriate to have petitions vetted by a member of staff and/or an elected member.</p> <p>All petitions, regardless of content will be distributed to all elected members for openness and transparency.</p>
Reputation: Risk of publication of inappropriate content (i.e. hate speech).				<p>The City working with the Mayor and Council, will determine and communicate to petitioners where it is determined that content is not appropriate for deliberation by the Council.</p> <p>Under the City's Standing Orders Local Law 2014 it is the right of the Presiding Member to not respond to or publish where—</p> <p>(a) the same or similar content was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;</p> <p>(b) the content is considered to be offensive, unlawful or defamatory in nature, provided that the City has taken reasonable steps to the person(s) to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.</p>

FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Council may either choose to:

- a. Adopt the proposed policy position with or without modification; or
- b. Not adopt the proposed policy.

CONCLUSION

15. It is recommended that the Authorising Officer's Recommendation is adopted.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Electronic Transactions Act 2011
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	<ul style="list-style-type: none">• Elected member workshop – December 2020.

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

CCS405 Financial Activity Statement – November 2021

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC Nil

18. CLOSURE

There being no further business the Mayor declared the meeting closed at **7:02PM.**

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR