



MINUTES

Ordinary Meeting of Council

Tuesday 21 June 2022

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032

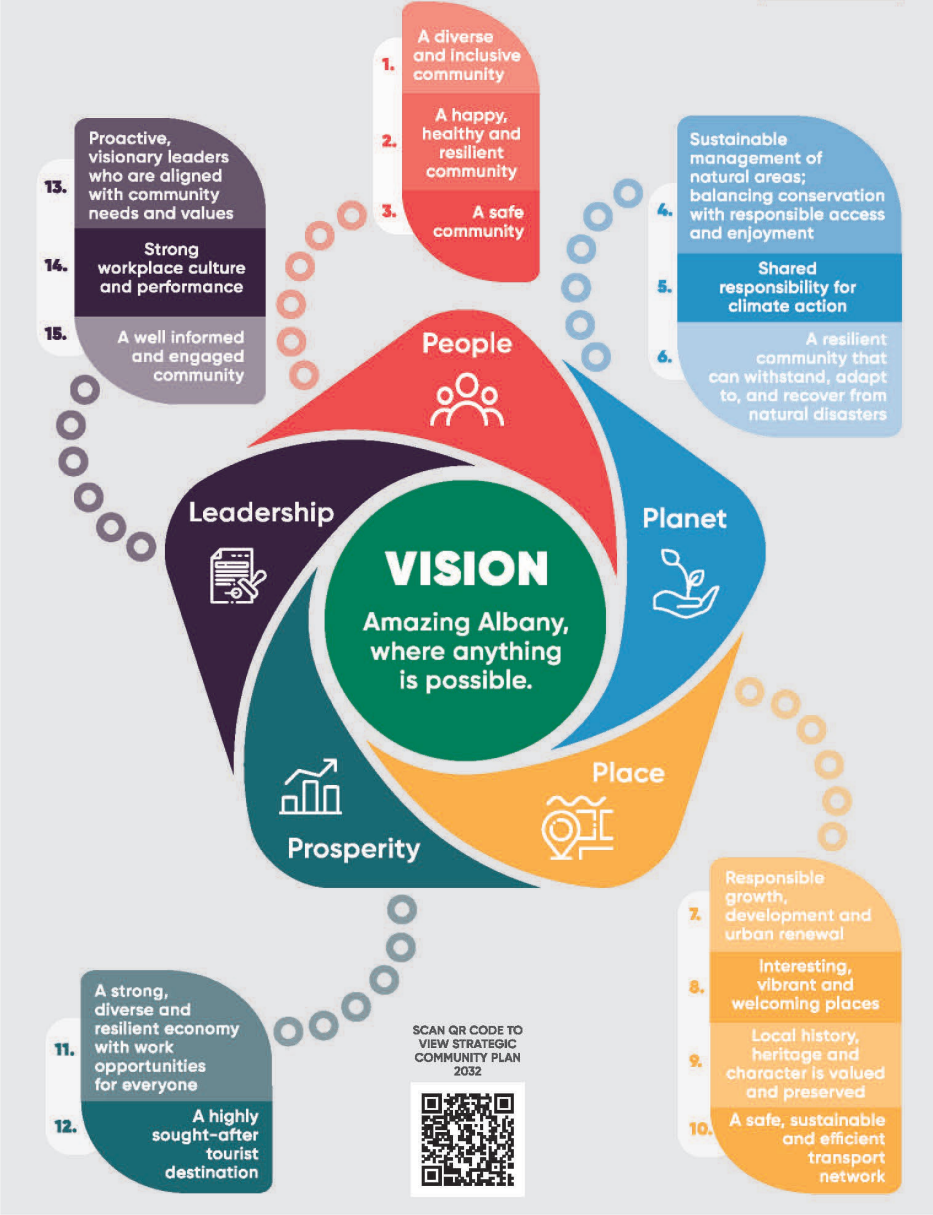


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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL 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 (By Zoom. Councillor Baesjou left the meeting at 7.46pm and did not return)

West Ward

S Smith

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

J Williamson

Apologies:

West Ward

A Goode JP (Apology)

Three members of the media and approximately 50 members of the public were in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Thomson	CCS447	Financial. The nature of the interest being that Councillor Thomson works for the Federal Government and from time to time is involved in negotiations as part of that role with regard to the Albany Motorsport Venue. Councillor Thomson left the Chamber and was not present during the discussion and vote for this item.
Councillor Traill	DIS305	Financial. The nature of the interest being that Councillor Traill is co-host of a short-term accommodation venue. The owner is an absentee landlord, based in Perth, who manages the bookings through the Airbnb platform in consultation with Councillor Traill. Councillor Traill's business receives a percentage of the booking fees and payments for cleaning and consumables. Councillor Traill left the Chamber and was not present during the discussion and vote for this item.
Councillor Smith	DIS305	Financial The nature of the interest being that Councillor Smith has a short-term rental accommodation property being let for holiday accommodation. Councillor Smith left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Terry

Summary of key points:

Councillor Terry paid tribute to Mr Paul Lionetti. Councillor Terry attended the funeral at Due South, and said that it was a fitting service for Mr Lionetti, as evidenced by the huge number of people that were present.

Mr Lionetti welcomed Councillor Terry to Albany, and provided him with his first job in Albany, managing a travel agency. Councillor Terry said that Mr Lionetti was a tireless advocate for Albany.

6.03pm Councillor Traill

Summary of key points:

Councillor Traill attended the Submariners Service, and said that this occasion is a wonderful part of Albany's memorial calendar. Councillor Traill thanked City staff for organising a wonderful and moving memorial, despite horrendous weather conditions. Councillor Traill said that it was wonderful to see past Mayor of the Town of Albany, Mrs June Hodgson, in attendance.

6.05pm Councillor Stocks

Summary of key points:

Councillor Stocks said that when he was first elected as a Councillor for the City of Albany, the population of Albany was 32,000, and had since grown to approximately 42,000 in 2022. Councillor Stocks said that it was challenging to provide infrastructure for the growing population, including appropriate health services.

Councillor Stocks recently attended the Emergency Department at Albany Health Campus and was impressed by the professionalism of the staff, and the level of care provided. Councillor Stocks said that health and education facilities and opportunities are vital to our community.

6.07pm Councillor Brough

Summary of key points:

Councillor Brough said that he was absent from the June 2022 round of Committee meetings as he was travelling. Councillor Brough said that he was pleased to report that the Bendigo Town Clock was working when he visited. Councillor Brough suggested that perhaps the City should consider consulting with the Bendigo Council to obtain advice on repairs to the Albany Town Hall Clock.

6.08pm Councillor Benson-Lidholm

Summary of key points:

Councillor Benson-Lidholm endorsed Councillor Terry's tribute to Paul Lionetti. Councillor Benson-Lidholm alerted Council to the enormous success of the 2022 Albany Car Classic. Councillor Benson-Lidholm thanked Heather Bell, Secretary of Albany Car Classic Committee, Steve Butler from the West Australian Newspaper and Steve Price Radio Announcer 6PR for their support for the event.

6.11pm Councillor Shanhun

Summary of key points:

Councillor Shanhun attended the Museum of the Great Southern Family Day, which he said was a wonderful free family event enjoyed by many participants. Councillor Shanhun also attended the Council Meet and Greet in Vancouver Ward at the Beryl Grant Community Centre. About 30 people attended, and Councillor Shanhun thanked staff for organising and providing support on the day. Councillor Shanhun said that he was privileged to attend a tree planting ceremony for Mr Arthur Peace on the occasion of his 100th birthday.

6.13pm Councillor Baesjou

Summary of key points:

Councillor Baesjou acknowledged and thanked staff for successful Vancouver Ward Meet and Greet. Councillor Baesjou said that the community members who attended raised some interesting points. Councillor Baesjou concurred with Councillor Traill's comments regarding the Submariners Service. Councillor Baesjou praised the fitting commemoration Fitting commemorations held for Mr Paul Lionetti's funeral.

6.14pm Councillor Smith

Summary of key points:

Councillor Smith attended the Boer War Memorial and Submariners Memorial services. Councillor Smith said these memorial services were an important opportunity to acknowledge the sacrifices made by those who served.

Councillor Smith also attended the Inaugural Great Southern Youth Art Award 2022 which will be on display at the Albany Town Hall until 21 July. Councillor Smith said the Awards showcased the incredible level of artistic talent amongst young artists of the Great Southern.

Councillor Smith said 'Vale Paul Lionetti', a past Councillor for the City of Albany who gave so much to the wider community, and was the epitome of selfless service. Councillor Smith said it was fitting that the Albany Town Hall Clock chimed as the funeral cortege passed by.

6.16pm Councillor Thomson

Summary of key points:

Councillor Thomson said that he was excited as planning for the 2026 Bicentenary commemorations and celebrations progressed. Councillor Thomson said the Menang Working Group are very creative and producing some great ideas.

Councillor Thomson also paid tribute to Mr Paul Lionetti, and said that Paul was able to move past differences of opinion and never held a grudge. Mr Lionetti's passing is a great loss for not just his family, but for Albany.

6.19pm Councillor Sutton

Summary of key points:

Councillor Sutton paid tribute to Mr Paul Lionetti and thanked his family for sharing him with the wider community. Councillor Sutton said that during his time as a Councillor, he had been fortunate to work with three wonderful contributors; Mrs Annette Knight, Mr Paul Lionetti and current Mayor, Mr Dennis Wellington.

6.22pm Mayor Wellington

Summary of key points:

Mayor Wellington paid tribute to Mr Paul Lionetti, who was a wonderful example for the community, and made a huge contribution to our community over his lifetime. Mayor Wellington said that City staff implemented traffic control to enable Mr Lionetti's funeral cortege to travel up York Street, where community members had the opportunity to pay tribute. Mr Lionetti will be greatly missed.

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.*

6.24pm Mr Ron Stevens, 5 Elleray Way, Lange

Summary of key points:

Mr Stevens said that the Lower King Road and Bandicoot Drive intersection is very dangerous when turning, particularly as Lower King Road traffic is very busy. Mr Stevens asked if it would be possible for the City to install better signage.

6.26pm Mr David Picton-King, 7 Callistemon View, Yakamia

Summary of key points:

Mr Picton-King spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia. Mr Picton-King's tabled address is detailed at Appendix A.

6.31pm Annabel Paulley, 38 Parker Street, Lockyer

Summary of key points:

Ms Paulley spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia. Ms Paulley's tabled address is detailed at Appendix A.

6.35pm Ms Diana Caley, 12 Franklin Court, Bayonet Head

Summary of key points:

Ms Caley spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia.

6.39pm Ms Deanne Rolland, 79 Target Road, Yakamia

Summary of key points:

Ms Rolland spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia. Ms Rolland's tabled address is detailed at Appendix A.

6.42pm Ms Margaret Sefton, 16 Dicks Street, Mount Melville

Summary of key points:

Ms Sefton spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia.

6.45pm Ms Erin Metcalfe, 65 Target Road, Yakamia

Summary of key points:

Ms Metcalfe spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia.

6.49pm Ms Sonia Emery, 11 Finlay Street, Mount Clarence

Summary of key points:

Ms Emery spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia. Ms Emery's tabled address is detailed at Appendix A.

6.53pm Mr Peter Stewart, 399 Albany Highway, Albany

Summary of key points:

Mr Stewart spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia. Mr Stewart's tabled address is detailed at Appendix A.

6.58pm Mandy Arnold, 28 Chester Pass Road, Albany

Summary of key points:

Ms Arnold spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia.

7.03pm Ms Joy Mealor, 56 Susan Court, Yakamia

Summary of key points:

Ms Mealor spoke against the Authorising Officer Recommendation for Report Item CCS438: Proposed Road Reserve – Lot 4743, 102 North Road, Yakamia.

7.04pm Mrs Lorraine White, 60 Deloraine Drive, Warrenup

Summary of key points:

Mrs White asked if the City could prevent cats wandering.

There being no further speakers, the Mayor declared Public Question Time closed at **7.05pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR SMITH

THAT Councillor Goode be GRANTED Leave of Absence for the period of 21 June 2022 to 31 August 2022 inclusive.

CARRIED 12-0

9. PETITIONS AND DEPUTATIONS

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BROUGH

THAT the petition lodged by Ms Annabel Paulley (as Chief Petitioner) requesting that Council vote against the recommendation for Report Item CCS438: Proposed Road Reserve-Lot 4743, 102 North Road, Yakamia and negotiate with the owner of Lot 420, 58 Sydney Street Yakamia to purchase said lot to protect it as a wildlife reserve which must not be destroyed be RECEIVED.

CARRIED 12-0

Officer Comment:

Ms Paulley's petition contains 130 signatures.

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR SHANHUN

THAT the minutes of the Ordinary Council Meeting held on 24 May 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS438: PROPOSED ROAD RESERVE – LOT 4743 , 102 NORTH ROAD, YAKAMIA

This report is listed for consideration by Council in this agenda after being deferred at the Ordinary Council Meeting held 24 May 2022.

CCS438: PROPOSED ROAD RESERVE - LOT 4743, 102 NORTH ROAD, YAKAMIA

Land Description	: 102 North Road, Lot 4743 Yakamia.
Proponent / Owner	: (Lot 4743) City of Albany, (Lot 420) Archimedes Pty Ltd
Business Entity Name	: Archimedes Pty Ltd Director being Martin J Shuttleworth
Attachments	: Concept Plan and Subdivision Plan
Supplementary Information	: <ul style="list-style-type: none">• Bushfire Management Plan• Standards: AS 2059-2009: Construction of buildings in bushfire prone areas• Bushfire Attack Level (BAL) Public Land Management Policy• Briefing Note 10 June 2022
Report Prepared By	: Manager Governance & Risk (S Jamieson)
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 2032*:
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
2. The item relates to the following strategic objectives of the City of Albany Local Planning Strategy 2019 (the Planning Strategy).
 - Plan for predicted population growth to 2026.
 - Consolidate existing urban form and improve land use efficiency.

Maps and Diagrams:



In Brief:

- **Lot 4743:** The City of Albany is the owner of Lot 4743 (No. 102) North Road, Yakamia (henceforth referred to as the “City’s land”).
- **Lot 420:** Lot 420 (No. 58) Sydney Street, Yakamia adjoins the City’s land on its western boundary.
- The owner of Lot 420, Mr Shuttleworth, has approached the City with a request to:
 - Share the internal subdivisional road with their proposed development; and
 - To enable the subdivision and development of the entire Lot 420, the permission to clear and manage a 7m wide portion of vegetation on the City’s land in addition to the proposed road and road reserve.
- Presented for Council consideration noting, staff have formed the position that the request can be supported, noting:
 - The proposal will promote development that is orderly and appropriate for the Yakamia areas;
 - The subject lots are identified as “Future Urban” in the Yakamia Structure Plan.
 - The concept plan, which includes the City’s land (lot), demonstrates is appropriate for the area now and into the future.
 - Support will be subject to the condition that developer, Mr Shuttleworth funds and accepts responsibility for obtaining all the relevant approvals and clearing permits required under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

7.46PM Councillor Baesjou left the meeting and did not return.

RECOMMENDATION

**CCS438: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT Council:

- (1) **NOTES** the applicant’s response that illustrates the impact of an alternate recommendation.
- (2) **SUPPORTS** the preparation and submission of the proposed subdivision application that will include Lot 4743 North Road, subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.
- (3) **SUPPORTS** the preparation and submission of the proposed subdivision application that will include formation of a 20m wide Road Reserve on the boundary of Lot 420 (No. 58) Sydney Street Yakamia WA 6330.
- (4) **NOTES** that to form the Road Reserve, the City of Albany will be required to cede a 10 metre wide strip of land from Lot 4743 to the Crown.
- (5) **NOTES** that the ceded land will form a 20 metre wide Road Reserve between Lot 420 (No. 58) Sydney Street and Lot 4743 North Road.
- (6) In relation to the abovementioned proposed subdivision, **AUTHORISE** the Chief Executive Officer to make suitable arrangements with the proponent, for the purpose of bushfire risk mitigation, to remove vegetation, and establish and maintain an additional 7 metre wide vegetation management zone on Lot 4743. This is subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.

**CARRIED 9-2
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors Brough and Benson-Lidholm

Officer Comment (ED IDE):

The amendments to the Authorising Officer Recommendation is to clarify the intent of the recommendation, specifically in relation to the fact that subdivision of land is subject to approval by WAPC.

CCS438: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) NOTES the applicant's response that illustrates the impact of an alternation recommendation.
- (2) SUPPORTS submission of the proposed subdivision application that will include Lot 4743 North Road, subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.
- (3) APPROVES the formation of a 20m wide Road Reserve on the boundary of Lot 420 (No. 58) Sydney Street Yakamia WA 6330.
- (4) NOTES that to form the Road Reserve, the City of Albany will be required to cede a 10 metre wide strip of land from LOT 4743 to the Crown.
- (5) NOTES that the ceded land will form a 20 metre wide Road Reserve between Lot 420 (No. 58) Sydney Street and Lot 4743 North Road.
- (6) AUTHORISE the Chief Executive Officer to make suitable arrangements with the proponent, for the purpose of bushfire risk mitigation, to remove vegetation, and establish and maintain an additional 7 metre wide vegetation management zone on Lot 4743, subject to being funded by the applicant.

CCS438: RESOLUTION (PROCEDURAL MOTION)
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR SMITH

THAT consideration of this report be DEFERRED, and the item be re-presented at the Ordinary Council Meeting to be held on 21 June 2022.

CARRIED 7-4

Record of Vote

Against the Motion: Mayor Wellington, Councillors Thomson, Brough and Sutton

CCS438: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TERRY

THAT Council:

- (1) SUPPORTS submission of the proposed subdivision application that will include Lot 4743 North Road, subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.
- (2) APPROVES the formation of a 20m wide Road Reserve on the boundary of Lot 420 (No. 58) Sydney Street Yakamia WA 6330.
- (3) NOTES that to form the Road Reserve, the City of Albany will be required to cede a 10 metre wide strip of land from LOT 4743 to the Crown.
- (4) NOTES that the ceded land will form a 20 metre wide Road Reserve between Lot 420 (No. 58) Sydney Street and Lot 4743 North Road.
- (5) AUTHORISE the Chief Executive Officer to make suitable arrangements with the proponent, for the purpose of bushfire risk mitigation, to remove vegetation, and establish and maintain an additional 7 metre wide vegetation management zone on Lot 4743, subject to being funded by the applicant.

BACKGROUND

3. The owner of Lot 420, Mr Shuttleworth, is preparing a residential subdivision application for their land.
4. An overall concept plan that includes the City's land was also prepared to show how the development of the area can occur in an orderly manner and how the proposed subdivision of Lot 420 fits within this plan.
5. A Bushfire Management Plan (BMP) was prepared for the proposed subdivision.
6. The subdivision plan is for 28 lots fronting Sydney Street and Target Road and a new proposed internal road. This plan shows a road reserve (10 m wide) and a vegetation clearing/management area of 7 m on the City's land.
7. The owner of Lot 420 has approached the City with the following requests:
 - a. To share the internal subdivisional road with their proposed development. This will require the City to agree to a subdivision application that will include a 10 m wide area of City land as a road reserve.
 - b. To enable the subdivision and development of the entire Lot 420, the vegetation will need to be cleared and maintained in a low-fuel state on a 7 m wide portion of the City's land that is additional to the proposed road and road reserve.

DISCUSSION

Topography:

8. The City of Albany is the owner of Lot 4743 (No. 102) North Road, Yakamia.
9. The City's land is located between North Road and Target Road, Yakamia and is approximately 19 ha in area.
10. The City's Administration building is located on the southern part of this lot.
11. The majority of this lot, a part from a number of firebreaks in various locations, remains undeveloped.
12. Lot 420 (No. 58) Sydney Street, Yakamia adjoins the City's land on its western boundary.
13. Lot 420 is 2.4 ha in area, privately owned and undeveloped.
14. Both of these lots are zoned "Future Urban" and are included in the Yakamia Structure Plan.
15. According to the Yakamia Structure Plan, the City's land (Lot 4743) is designated for the following purposes:
 - a. The Range Road Alignment;
 - b. Yakamia Creek and environmental conservation/foreshore reserve areas; and
 - c. 4.8 ha of this land is for residential development and associated Public Open Space.
16. Lot 420 is designated for residential development.

Yakamia / Residential Land Use:

17. There is renewed interest in the development of the Yakamia area.
18. The Yakamia area is one of the preferred residential expansion areas for Albany. The area is zoned Future Urban and a structure plan has been completed for it.
19. The City's Planning Team are having regular discussions with landowners and developers who are considering or preparing plans for development in the area.
20. It is clear from these discussions that the cost of providing reticulated sewer, the development of Range Road, environmental clearing/offset requirements and complying with the bushfire guidelines are the main matters of concern that need to be balanced with lot yield to make projects more feasible.
21. The concept plan that was prepared for the area generally aligns with the structure plan and is considered an efficient layout for the area and the concept is in the main supported by the City's Planners.

Feasibility / Bushfire Mitigation:

22. The location of the proposed Road Reserve has merit.
23. The required Bushfire Attack Levels (BAL 29 or lower) rating for the proposed development cannot be achieved, unless vegetation is cleared on City's land.
24. If the identified vegetation is not cleared, development will be constrained and the development would not be feasible.
25. To support the request to share the road, the CEO will need to sign the subdivision application that will include 10 m of road reserve.
26. To formalise the arrangements for the vegetation management area, an easement to the benefit of the owner and successors in title, i.e. adjoining lot owners, could be lodged on the title. Such an easement will allow the lot owners to maintain the 7 m-wide vegetation management area, until the City or successors in title of Lot 4743 develop that portion of land. The City can alternatively also agree to maintain this area of land on behalf of the developer for a set fee.
27. Any support for this request should however be on the condition that the developer funds and accepts responsibility for obtaining all the relevant environmental approvals including, clearing permits and EPBC Act approvals.
28. Supporting the request will promote the orderly and proper planning and development of this land and the area. Staff are therefore of the opinion that the request can be supported.

GOVERNMENT & PUBLIC CONSULTATION

29. The Structure Plan was publicly advertised. Government agencies would again be consulted as part of the subdivision application process.

STATUTORY IMPLICATIONS

30. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

31. The Council adopted Bushfire Attack Level (BAL) Public Land Management Policy, applies to future development and building applications.
32. The subject land is freehold land owned by the City, therefore this policy position does not apply.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Financial. Risk: It may be perceived that the City of Albany is setting a precedent allowing clearing of City land to improve Bushfire safety on adjoining properties.</p> <p>The consequence rating of Medium has been assigned, even though unsubstantiated, may result in moderate news.</p>	Possible	Moderate	Medium	<p>Clear vegetation on land requires approval under vegetation clearing legislation and processes, such as clearing permits.</p> <p>Removal or modification of vegetation, are subject to appropriate clearing approvals.</p> <p>Both 'clearing' and 'modification' of vegetation to reduce bushfire risk is considered 'clearing' under the EP Act, and requires a clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).</p> <p>The proposal to remove vegetation to enact BAL protection is considered measured and appropriate.</p>
<p>Opportunity:</p> <ul style="list-style-type: none"> This proposal facilitates appropriate and orderly residential development in the Yakamia area. The establishment of the proposed road will contribute to project feasibility and the associated clearing of vegetation will reduce the bushfire hazard to existing and future residents. 				

FINANCIAL IMPLICATIONS

34. All costs associated with the proposal will be borne by the proponent.

LEGAL IMPLICATIONS

35. Legal advice will be sought when any easements etc. are prepared and processed.
36. All legal costs associated with this should be borne by the proponent.

ENVIRONMENTAL CONSIDERATIONS

37. The vegetation located on the proposed site, is known to be habitat for Western Ringtail Possums and endangered Cockatoo species.
38. Given the type of vegetation that will have to be cleared, a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and a clearing permit will be required.

ALTERNATE OPTIONS

39. Council may consider to resolve:
- To not agree or modify the proposal; or
 - Support the proposal subject to conditions.

CONCLUSION

40. It is recommended that the Authorising Officer Recommendation is supported, noting:
- a. The proposal will promote development that is orderly and appropriate for the Yakamia areas;
 - b. The subject lots are identified as “Future Urban” in the Yakamia Structure Plan.
 - c. The concept plan, which includes the City’s land (lot), demonstrates is appropriate for the area now and into the future.
 - d. Support is based on the condition that developer, Mr Shuttleworth funds and accepts responsibility for obtaining all the relevant approvals and clearing permits required under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Consulted References	:	<ul style="list-style-type: none"> • State Planning Policy 3.7 – Planning in Bushfire Prone Areas. • Albany Local Planning Strategy. • Yakamia Structure Plan.
File Number (Name of Ward)	:	<ul style="list-style-type: none"> • Lot 102 North Road and 58 Sydney Street A86373 (Yakamia Ward)
Previous Reference	:	<ul style="list-style-type: none"> • Nil

CCS439: FINANCIAL ACTIVITY STATEMENT – APRIL 2022

Proponent / Owner : City of Albany
Attachments : Financial Activity Statement - April 2022
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 April 2022 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

CCS439: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the Financial Activity Statement for the period ending 30 April 2022 be RECEIVED.

CARRIED 11-0

CCS439: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS439: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 April 2022 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 30 April 2022 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

CCS440: LIST OF ACCOUNTS FOR PAYMENT – MAY 2022

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

- 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

CCS440: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN
THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2022 totalling \$5,409,290.62 be RECEIVED.
CARRIED 11-0

CCS440: COMMITTEE RECOMMENDATION
 MOVED: COUNCILLOR BENSON-LIDHOLM
 SECONDED: COUNCILLOR SHANHUN
 THAT the Authorising Officer Recommendation be ADOPTED.
CARRIED 8-0

CCS440: AUTHORISING OFFICER RECOMMENDATION
 THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2022 totalling \$5,409,290.62 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 May 2022. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$13,103.51
Payroll	\$1,678,280.33
Cheques	\$14,736.60
Electronic Funds Transfer	\$3,703,170.18
TOTAL	\$5,409,290.62

3. The table below summaries the total outstanding creditors as at 15 May 2022.

Current	\$86,521.92
30 Days	\$27,119.65
60 Days	\$7,378.31
90 Days	-\$3,978.95
TOTAL	\$117,040.93
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 May 2022 has been incurred in accordance with the 2021/2022 budget parameters.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

12. That the list of accounts have been authorised for payment under delegated authority.
13. 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

CCS441: DELEGATED AUTHORITY REPORTS – 16 APRIL 2022 to 15 MAY 2022

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report.
Report Prepared By	: PA 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

**CCS441: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR TERRY**

THAT the Delegated Authority Reports 16 April 2022 to 15 May 2022 be RECEIVED.

CARRIED 11-0

CCS441: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR BENSON-LIDHOLM**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS441: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 April 2022 to 15 May 2022 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - Delegation: 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

CCS442: RATES FINANCIAL HARDSHIP POLICY

Business Entity Name : City of Albany
Attachments : Rates Financial Hardship Policy
Report Prepared By : 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 informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

In Brief:

- The current Rates Financial Hardship Policy is in place until 30 June 2022
- Council is requested to consider the proposed revised Rates Financial Hardship Policy for a further three year period.

RECOMMENDATION

CCS442: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BROUGH

THAT the proposed REVISED Rates Financial Hardship Policy be ADOPTED.

CARRIED 11-0

CCS442: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS442: AUTHORISING OFFICER RECOMMENDATION

THAT the proposed REVISED Rates Financial Hardship Policy be ADOPTED.

BACKGROUND

2. On 26 May 2020, Council adopted the current Rates Financial Hardship Policy.
3. The initial adopted policy was to be remain in place until 30 June 2021.
4. At the June 2021 Ordinary Council Meeting, Council adopted a revised version of the policy, with the policy to remain in place until 30 June 2022.
5. This policy is required to be reviewed prior to the 30 June 2022.

DISCUSSION

6. The Local Government (COVID-19 Response) Amendment Order 2021 (the Order), came into effect on 2 June 2021, providing ongoing assistance to WA ratepayers hardest hit by the COVID-19 pandemic for the 2021-22 financial year.
7. Council is to consider whether it will allow ongoing flexibility for payment of outstanding rates and charges for ratepayers in severe financial hardship, irrespective of the status of the COVID-19 pandemic.

GOVERNMENT & PUBLIC CONSULTATION

8. Department of Local Government, Sport and Cultural Industries advised of the amendment order on 1 June 2021.

STATUTORY IMPLICATIONS

9. *Local Government Act 1995* (the Act), section 6.49:

Section 6.49 Agreement as to payment of rates and service charges.

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

POLICY IMPLICATIONS

10. The proposed amended policy does not change the process required for applying and processing financial hardship applications from ratepayers, that existed in the current policy position.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance. <i>Risk: The current policy position expires on the 30 June 2022.</i>	Likely	Moderate	High	Review and adopt the revised policy position by the 30 June 2022.
Opportunity: <i>Continued consistency and understanding of rules for both ratepayers and staff for applications of rates financial hardship.</i>				

FINANCIAL IMPLICATIONS

12. When waiving late payment interest, the City will receive reduced income.
13. A reduction in the timely payment of rates as a result of ratepayers applying for hardship may result in a negative cash flow impact for the City.

LEGAL IMPLICATIONS

14. None.

ENVIRONMENTAL CONSIDERATIONS

15. Not applicable.

ALTERNATE OPTIONS

16. If the proposed revised financial hardship policy is not adopted, City staff will continue to negotiate payment arrangements in accordance with an administrative endorsed policy position that compliments the Local Government (COVID-19 Response) Amendment Order 2021.

CONCLUSION

17. Adoption of a revised policy for rates hardship will continue to provide clear direction to ratepayers and staff.

Consulted References	:	<ul style="list-style-type: none"> Local Government (COVID-19 Response) Amendment Order 2021 <i>Local Government Act 1995</i> Delegations Register
File Number (Name of Ward)	:	RV.RPY.20
Previous Reference	:	OCM 26 May 2020 Resolution CCS247. OCM 24 March 2020 Resolution CCS237. OCM 21 June 2021 Resolution CCS358.

**CCS443: RATES SUBSIDY: SPORTING & COMMUNITY ORGANISATION
RECIPIENT LIST FOR 2021/22**

Business Entity Name : City of Albany
Attachments : Rating Subsidy: Sporting & Community Organisations
Recipient List for 2021/22 financial year.
Report Prepared By : 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 informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

**CCS443: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations
Recipient List for 2021/22.**

CARRIED 11-0

CCS443: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS443: AUTHORISING OFFICER RECOMMENDATION

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations Recipient List
for 2021/22.**

**CCS444: NATIONAL ANZAC CENTRE - LEAGUE OF LOCAL LEGENDS
MEMBERSHIP AND PROMOTION**

Business Entity Name : City of Albany
Report Prepared By : Manager Facilities (L Stone)
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 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.
 - **Objectives:** Create a competitive and sustainable tourism offer.

In Brief:

- To consider a recommendation from the National Anzac Centre Advisory Group to continue the free entry for League of Local Legends members indefinitely as an ongoing strategy to attract local visitation to the museum.

CCS444: ADDENDUM

STATUTORY IMPLICATIONS

Section 6.16(3) Imposition of fees and charges.

Amend a fee or charge during a financial year.

**Absolute Majority.*

RECOMMENDATION

**CCS444: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BROUGHT**

THAT free entry to the National Anzac Centre for League of Local Legends members only, for an indefinite period following the conclusion of the current promotional period ending 30 June 2022, be APPROVED.

**CARRIED 11-0
ABSOLUTE MAJORITY**

CCS444: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR THOMSON**

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 8-0

CCS444: AUTHORISING OFFICER RECOMMENDATION

THAT free entry to the National Anzac Centre for League of Local Legends members only, for an indefinite period following the conclusion of the current promotional period ending 30 June 2022, be APPROVED.

BACKGROUND

1. The National Anzac Centre (NAC) is the City of Albany's most significant tourism asset.
2. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
3. The City established an independent NAC Advisory Group (NACAG) during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
4. The NAC League of Local Legends program aims to provide the local community with discounted opportunities to access one of our community's most important and nationally significant cultural assets.
5. At the NACAG meeting on September 18, 2020, concerns were raised about the ongoing trend of very low local visitation to the NAC and strategies to improve this.
6. The NACAG recommended Council trial free entry for residents from the Great Southern region for a period of 6 months from 1 January 2021 to 30 June 2021.
7. At the Ordinary Council Meeting of 24 November 2020, Council considered NACAG's recommendation and approved expanding League of Local Legends membership eligibility to the Great Southern geographical boundary, and offering a free entry membership promotion for 6 months from 1 January 2021 to 30 June 2021 (CCS308).
8. At the Ordinary Council Meeting of 27 July 2021, Council was briefed on the success of the initial 6-month membership promotion and endorsed a recommendation which was also supported by NACAG to extend the free entry for a further 12 months, concluding 30 June 2022 (CCS364).
9. The expanded membership region encompasses the 11 local government boundaries of Albany, Denmark, Plantagenet, Jerramungup, Broomehill-Tambellup, Cranbrook, Gnowangerup, Katanning, Kent, Kojonup and Woodanilling.
10. Year-to-date (YTD) results (up to 30 April 2022) of the expanded membership program were presented to the NACAG at its most recent meeting (May 2022).

DISCUSSION

11. A breakdown of the League of Local Legends data collected during the promotional period from 1 January 2021 to 30 April 2022 is detailed below.
12. Data for May and June 2022, being the final two months of the 12-month extended promotional period, was not available at the time of compiling this report.

Visitation Summary:

13. In August 2020 the NAC changed to new point-of-sale software – from Centaman to Vend. When the League of Local Legends data was transferred over to Vend, the number associated with the program changed from 5,361 memberships (individuals) to 2,736 memberships (households).
14. Vend counts household memberships, not individual people. Individual people that are registered are still counted when visiting the centre, as well as paying visitors accompanying members.

15. YTD for the promotional period, the League of Local Legends Program had a total of 6,913 memberships / households. This equates to an increase of 3,997 household memberships since the free membership program began in January 2021.

	at 30 April 2022	at 30 Jun 2022
Number of Memberships	6,913	Not yet known

16. Great Southern visitation to the NAC has also increased from what has been a steady 1% of overall WA visitation in past years.
17. The free-entry for League of Local Legends members promotion commenced January 1, 2021, with the visitation during the 18 month period from the Great Southern Region totalling 3,724 people of Western Australia's overall visitation of 62,835 in that period.
18. The visitation data for the full period indicates the free-entry promotion has significantly contributed to growth in locals not only joining, but also visiting the site and bringing accompanying paying visitors.
- 3,724 in visitation from the Great Southern Region represent 4%-11% quarter-on-quarter of WA visitors compared to the steady 1% in previous years;
 - 955 paying visitors accompanied League of Local Legends members;
 - 2,870 in League of Local Legends members visiting; and
 - 3,997 new memberships / households during the promotional period from 1 January 2021 up to 30 April 2022
19. The below table shows the YTD figures of the memberships and visitations, attributed to the League of Local Legends promotional period which began in Q3 of 2021.

Memberships & Visitation 20/21	Q1 Jul-Sep	Q2 Oct-Dec	Q3 Jan-Mar 2021	Q4 Apr- June 2021	Total
Household Memberships	86	94	1,204	1,157	2,541
Visits by League of Local Legends	137	43	445	1,047	1,672
Accompanying Paying Visitors	79	53	134	231	497
Great Southern Visitation	537	373	652	1193	2,755
Memberships & Visitation 21/22	Q1 Jul-Sep	Q2 Oct-Dec	Q3 Jan-Mar	Q4 Apr ONLY	Total
Household Memberships	665	472	371	129	1,637
Visits by League of Local Legends	555	318	350	155	1,378
Accompanying Paying Visitors	167	162	141	120	590
Great Southern Visitation	585	549	506	239	1,879

20. The below tables show a breakdown of the Great Southern visitation across the promotional period from January 2021 to April 2022.

GS Breakdown	Jan 2021 – April 2022
Local Legends	2,932
Not Local Legends	792
Total	3,724

NACAG Recommendation

21. The NACAG has recommended Council consider extending the free entry promotion for League of Local Legends members as an ongoing permanent program, commencing 1st July 2022.
22. Given the ongoing support for the program and positive increase in visitation numbers, it was considered that making the free entry membership offer indefinite would not have any material negative impact on entry income from the NAC.
23. Continuing the program would retain a captured local membership base, make the museum more accessible to residents from our region, and continue to support ongoing Great Southern visitation.
24. The NACAG recommendation took into consideration the above visitation statistics, noting data for the final two months of Quarter 4 (May-June 2022) was unavailable at the time, but it is not expected it would have influenced the NACAG's considerations.

GOVERNMENT & PUBLIC CONSULTATION

25. Not Applicable.

STATUTORY IMPLICATIONS

26. The Local Government Act 1995:

<p>Section 6.12. Power to defer, grant discounts, waive or write off debts (1) Subject to subsection (2) and any other written law, a local government may — (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or (b) waive or grant concessions in relation to any amount of money; or (c) write off any amount of money, which is owed to the local government.</p> <p style="text-align: right;">* Absolute majority required.</p> <p>(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.</p>

27. The delegated authority to waive fees and charges, does not extend to the writing off of admission fees, noting the condition of delegation states:

<p>Condition of Delegation:</p> <p>(a) This authorisation:</p> <ul style="list-style-type: none">• does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.• is subject to:<ul style="list-style-type: none">○ Conditions contained in Council Policies;○ Funding being allocated in the City's Annual Budget; and○ Reporting:<ul style="list-style-type: none">▪ Funding/Donations limited to \$10,000.▪ Funding/Donations above \$10,000 must be reported to Council. <p>(b) Any waiver, reduction or refund of a fee shall be based on the following criteria:</p> <ul style="list-style-type: none">• The proposal not being intended to be a money making venture for the benefit of the entity.• The cost of in-kind support and work undertaken by the City of Albany.• The application is on behalf of a non-profit or charitable organisation or be reflective of the benefit of the proposal to the community.

POLICY IMPLICATIONS

28. Not applicable

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial: <i>12-month promotional period results in loss of ticket revenue from existing annual local visitor intake to the NAC, adversely impacting budgeted revenue.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Continue to monitor budgeted revenue versus actuals this financial year and inform Council of any anticipated material adverse impact on budget.</i>
Legal and Compliance: <i>A visitor attempts to gain free entry fraudulently by providing false residential details on presentation at the NAC.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Utilising the existing League of Local Legends program requires residents to provide their contact details – and these are retained on records – as part of the sign-up process. Officers also request proof of ID, such as a Drivers Licence.</i>

FINANCIAL IMPLICATIONS

30. Offering free entry for League of Local Legends members is not expected to result in any significant loss of ticket revenue as it is attracting visitors to the NAC that were otherwise not engaging with the museum.
31. In fact, there has been an increase in accompanying paying visitors during the promotional period bringing ticket revenue that may not have otherwise been achieved.
32. A full non-discounted or non-concession entry fee to the NAC is \$25. Prior to adopting the free-entry promotion for members, League of Local Legends visitors would receive a 50% discount if visiting the NAC with a paying visitor.

LEGAL IMPLICATIONS

33. Not Applicable

ENVIRONMENTAL CONSIDERATIONS

34. Not Applicable

ALTERNATE OPTIONS

35. Council may choose not to approve the responsible officer's recommendation and return to the status-quo League of Local Legends membership eligibility and incentives that were in place prior to the promotional program.

CONCLUSION

36. During the promotional period up to 30 April 2022, the rate of new League of Local Legends memberships has increased significantly compared to the first two quarters of the 2020-2021 financial year.
37. Visitation by League of Local Legends members has increased over the full period, achieving more visitation in individual quarters than was previously being achieved in 12-month financial years.
38. Accompanying paying visitors has increased and remained steady bringing in revenue that may not have otherwise been achieved.
39. Overall, Great Southern visitation has increased from the previous steady 1% of West Australian visitation to between 4% to 11% quarter-on-quarter over the full trial period, indicating the promotional campaign has attracted significant additional local visitation.

40. Noting these results do not include May and June of 2022, the data as it stands indicates the initiative has been very successful in achieving the desired outcome.
41. The expanded League of Local Legends program will continue to offer membership to the whole Great Southern region, irrespective of whether a discounted entry fee is reinstated or not.
42. Given the additional local visitation generated, and minimal impact the program has on overall ticket revenue for the NAC, there is justification to consider continuing to offer free membership for League of Local Legends members indefinitely.

Consulted References	:	Local Government Act 1995
File Number (Name of Ward)	:	All Wards
Previous References	:	<ul style="list-style-type: none"> • OCM July 2021, Resolution CCS364 – National Anzac Centre League of Local Legends Membership and Promotion. • OCM November 2020, Resolution CCS308 - National Anzac Centre – League of Local Legends Membership and Promotion - – Briefing Note NACAG June 2021. • OCM August 2020, Resolution CCS279 - National Anzac Centre – Q4 Report. • OCM May 2022, CCS437 - National Anzac Centre – Q3 Report.

CCS445: NATIONAL ANZAC CENTRE ADVISORY GROUP – TERMS OF REFERENCE

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre Advisory Group Terms of Reference (current and updated draft) Current Board Members-Confidential
Report Prepared By	: Executive Director Community Services (N Watson)
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 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.
 - **Objectives:** Create a competitive and sustainable tourism offer.

In Brief:

- To update the Terms of Reference for the National Anzac Centre (NAC) Advisory Group.

RECOMMENDATION

**CCS445: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TRAILL**

THAT Council:

1. **ADOPT the revised National Anzac Centre Advisory Group Terms of Reference; and**
2. **ENDORSE the current members of the National Anzac Centre Advisory Group for a four-year term commencing on Wednesday, June 22, 2022.**

CARRIED 11-0

CCS445: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS445: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. **ADOPT the revised National Anzac Centre Advisory Group Terms of Reference; and**
2. **ENDORSE the current members of the National Anzac Centre Advisory Group for a four-year term commencing on Wednesday, June 22, 2022.**

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for May 2022.

DISCUSSION

7. At its most recent meeting in May 2022, the NAC Advisory Group supported the draft revised Terms of Reference for presentation to Council.
8. The purpose of the review is to ensure the Terms of Reference align with the high-level strategic purpose of the NAC Advisory Group and achieve transparency of its objectives, membership and governance.
9. The following key objectives are detailed in the revised Terms of Reference:
 - a. Provide expert guidance to the City of Albany to ensure the continued public appeal, positive visitor experience and financial sustainability of the NAC;
 - b. Provide high-level advocacy of the NAC to State and Commonwealth governments, relevant government agencies and other relevant organisations and strategic stakeholders;
 - c. Assist with identifying funding opportunities to provide new and refreshed visitor experiences within the NAC and surrounding Forts precinct;
 - d. Provide advice on maintenance, renewal and marketing of the NAC as an iconic heritage tourism asset to maximise its effectiveness in attracting ongoing visitation; and
 - e. Ensure the NAC interpretive component remains relevant, refreshed and consistent with a high quality contemporary museum standard.
10. The NAC Advisory Group requires a skills-based membership to ensure it achieves its key objectives and the Advisory Group fulfils its key role in providing high-level and direct advocacy to government and government-run organisations on behalf of the City of Albany and the NAC.
11. The following membership roles and designated representation is required within the revised Terms of Reference:
 - Independent Chair
 - City of Albany Mayor
 - City of Albany CEO
 - Department of Premier & Cabinet senior representative
 - Tourism WA senior representative
 - WA Museum senior representative
 - RSL WA senior representative
 - Up to 3 skills-based representatives from relevant commercial or tourism related agencies or organisations, or community

12. Representatives are determined on agreement between the relevant department or organisation and the City of Albany and are subject to Council endorsement.
13. A number of vacancies have arisen on the NAC Advisory Group recently due to changes within the represented departments and organisations. City officers, in consultation with these departments and organisations, has sought nominations to fill these positions. Council endorsed the new members at the OCM on 26 April 2022 (CCS431).
14. The Chair role is also vacant due to the recent resignation of the incumbent chair after 8 years in the role. A further report will be prepared for Council to endorse a new Chair.
15. The revised Terms of Reference also define the term of membership – four years or for the duration of holding office for designated representative members – and provisions for mid-term changes to membership where vacancies arise.
16. Should Council resolve to endorse the revised Terms of Reference for the NAC Advisory Group, Council is also requested to endorse the current members of the NAC Advisory Group for a four year term commencing Wednesday, June 22, 2022.
17. Future appointments of members to the NAC Advisory Group will be for a four-year term and subject to Council endorsement as required by the Terms of Reference.
18. Further additions to the Terms of Reference include defining the role of the Chairperson and Members, and detailing the administrative processes supporting the Advisory Group.

GOVERNMENT & PUBLIC CONSULTATION

19. Not Applicable.

STATUTORY IMPLICATIONS

20. Not Applicable.

POLICY IMPLICATIONS

21. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational: A lack of governance to guide the operations of the NACAG results in an ineffective committee.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Adopt robust Terms of Reference that clearly define the NAC Advisory Group’s purpose, objectives, meeting and membership requirements.</i>
<i>Reputational: NAC does not fulfil its potential as a nationally-significant cultural attraction.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Ensure that the NAC Advisory Group continues to provide strategic and operational guidance to the City of Albany on the NAC.</i>
<i>Financial: Visitation to the NAC is low and results in a significant Council-funded subsidy to continue to operate the museum.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Seek guidance from the NAC Advisory Group to ensure attraction remains relevant and continue to seek government support to ensure financial sustainability of the NAC.</i>
<i>Operational: Sustainability of the NAC suffers from lack of industry and government input.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Establish a skills based membership for NAC Advisory Group with a high level of relevant expertise and experience.</i>

FINANCIAL IMPLICATIONS

23. The City of Albany supports NAC Advisory Group members with the cost of accommodation and travel and pays the Chairperson an agreed annual sum to undertake their duties as the presiding member.
24. The revised Terms of Reference clarifies the per diems the City will cover.

25. The City of Albany has an annual budget allocation of \$15,000 to cover these costs.

LEGAL IMPLICATIONS

26. Nil.

ENVIRONMENTAL CONSIDERATIONS

27. Nil.

ALTERNATE OPTIONS

28. Council may request additions or changes to the revised NACAG Terms of Reference.

CONCLUSION

- 29. The City established an independent NAC Advisory Group during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
- 30. The NAC Advisory Group has been successful in providing high-level strategic and operational guidance to the City of Albany that has delivered operational improvements to the NAC.
- 31. With a partial transition of membership, refresh of the NAC and ongoing challenges within the tourism sector arising from the Covid pandemic, it is timely to review the NAC Advisory Group's Terms of Reference.
- 32. The purpose of the review is to ensure the Terms of Reference align with the high-level strategic purpose of the NAC Advisory Group and achieve a common understanding between the City and the Group of its scope and objectives.
- 33. It is recommended that Council adopt the revised Terms of Reference for the NAC Advisory Group, and endorse the current members be appointed for a four year term.

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

CCS446: COMMUNICATIONS & ENGAGEMENT STRATEGY - Q3

Proponent / Owner	: City of Albany
Attachments	: City of Albany Communications & Engagement Strategy 2021-2022 Quarter 3 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 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership
 - **Outcome:** A well informed and engaged community.

In Brief:

- Note the City of Albany Communications & Engagement Strategy Q3 progress report.

RECOMMENDATION

CCS446: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STOCKS

THAT Council NOTE the City of Albany Communications & Engagement Strategy progress report ending March 2022 (Q3) and its endorsement by the Communications & Engagement Advisory Group.

CARRIED 11-0

CCS446: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR SHANHUN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS446: AUTHORISING OFFICER RECOMMENDATION

THAT Council NOTE the City of Albany Communications & Engagement Strategy progress report ending March 2022 (Q3) and its endorsement by the Communications & Engagement Advisory Group.

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 meets quarterly to review and endorse the progress report.

DISCUSSION

4. The Advisory Group previously met and endorsed the 2021-2022 Q2 progress report on 23 February 2022, and this was tabled and noted by Council at the OCM of 22 March 2022.
5. The Advisory Group reviewed and endorsed the 2021-2022 Q3 progress report at its meeting on 25 May 2022.
6. The Advisory Group noted new updates to the progress report, including:
 - a. Commencement of broad community and Aboriginal engagement for the Albany Bicentenary;
 - b. Meetings with Redmond community to identify projects for the community's Townsite Revitalisation Fund allocation as part of the City's participatory budgeting initiatives;
 - c. Maritime Festival program and collaborations with local businesses;
7. The Community Development Coordinator provided the group with an update on engagement activity to review the Age Friendly Albany Plan and work with youth to plan and deliver Youth Week activities.
8. The Manager Recreation Services gave an overview of recent capital works at Albany Leisure & Aquatic Centre and the communication implemented.
9. The Manager Major Projects advised the group of the City's jetty link concept and consultation for Binalup / Middleton Beach, including feedback received and how that was informing the project.
10. During the meeting it was noted that the Communications & Engagement Strategy is due for review this year and officers will prepare a project plan for the group's review in the second half of this year.
11. This report includes 65 actions, 40 which have been completed, 20 remain in progress, and 5 are on hold.

GOVERNMENT & PUBLIC CONSULTATION

12. 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.
13. The progress report has been reviewed and supported by the Advisory Group, which includes members representing community.

STATUTORY IMPLICATIONS

14. Nil

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational: If community engagement expectations are not met due to budget, viability, funding agreements, safety or legislative constraints.</i>	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
<i>Reputational: If communications or engagement activity is ad-hoc, untimely, inaccurate or untargeted.</i>	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.
<i>Operational: Some aspirations of the Strategy may not be fully realised due to budget, funding or resource constraints.</i>	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.
<i>Operational: A severe second wave of Covid-19 that results in re-tightening of community restrictions and impacts City operational priorities.</i>	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

17. Nil.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. Nil.

CONCLUSION

21. The Communications & Engagement Strategy is overseen by an Advisory Group comprising community, Elected Member and City staff representatives.
22. Community representation on the Advisory Group ensures community needs and priorities remain central to the implementation of the Communications and Engagement Strategy.
23. 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 Q3 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 March 2022, Resolution CCS422

**CCS447: PROPOSED NEW COMMUNITY LEASE – ALBANY
MOTORSPORT VENUE INC. – ALBANY MOTORSPORT PARK**

Land Description	: Lot 5780 on Deposited Plan 206199 the subject of Certificate of Title Volume 1352 Folio 224, 54 Down Road South, Drome
Proponent	: Albany Motorsport Venue Inc. (IARN: A1042471F)
Owner	: City of Albany
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

7.08PM Councillor Thomson left the Chamber after declaring a Financial Interest in this item

STRATEGIC IMPLICATIONS

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

- **Pillar:** People
- **Outcome:** A happy, healthy and resilient community.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new community lease over portion of 54 Down Road South, Drome to Albany Motorsport Venue Inc. (AMV).
- Council received a briefing on 19 April 2022 on the key terms of the lease.
- The proposed lease term being 20 years for use as a multipurpose Motorsport Park.
- In February 2022, the Regional Joint Development Assessment Panel (JDAP) approved the Development Application for the proposed Motorsport Park.
- It is recommended that Council approve the new lease.

RECOMMENDATION

CCS447: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN

THAT Council APPROVE a new community lease over portion of 54 Down Road South, Drome to Albany Motorsport Venue Inc., subject to:

- a) Lease purpose being “Multipurpose Motorsport Park and Associated Activities” as detailed in this report.**
- b) Lease term being 20 years, commencing as soon as practicable.**
- c) Lease area being approximately 138 hectares, subject to survey.**
- d) Lease rent being peppercorn \$10 plus GST per annum.**
- e) Lease obligation requiring the tenant to take out Environmental Impairment Financial Liability and Pollution Financial Liability Insurance.**
- f) All costs associated with the ongoing management and operations of the lease area being payable by the tenant.**
- g) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant, to a maximum of \$2,000 plus GST.**
- h) Lease being consistent with Council Policy – Property Management (Leases and Licences).**

CARRIED 11-0

CCS447: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS447: ADDENDUM

The Financial Risk detailed in the original report has been removed as it is no longer relevant.

The Permitted Use information in the table at Point 21 of this report has been updated in line with planning advice provided in response to questions raised by elected members.

There are no changes to the Authorising Officer Recommendation.

CCS447: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a new community lease over portion of 54 Down Road South, Drome to Albany Motorsport Venue Inc., subject to:

- a) Lease purpose being “Multipurpose Motorsport Park and Associated Activities” as detailed in this report.
- b) Lease term being 20 years, commencing as soon as practicable.
- c) Lease area being approximately 138 hectares, subject to survey.
- d) Lease rent being peppercorn \$10 plus GST per annum.
- e) Lease obligation requiring the tenant to take out Environmental Impairment Financial Liability and Pollution Financial Liability Insurance.
- f) All costs associated with the ongoing management and operations of the lease area being payable by the tenant.
- g) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant, to a maximum of \$2,000 plus GST.
- h) Lease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

2. The proposed Motorsport Park project on portion of 54 Down Road South, Drome has been considered by City staff and Council on multiple occasions as briefly reflected in the below timeline table.

Date	Matter
2016	Feasibility study supporting need for a motorsport facility in region
2018	City purchased 54 Down Rd South, Drome for Motorsport Park (City to be reimbursed for the land purchase by the State Government)
2019	Council supported scheme amendment to rezone land to facilitate Motorsport Park
2021	Minister for Planning approved the scheme amendment
2021	GHD lodged a development application on behalf of Great Southern Motorplex Group for stages 1A and 1B of the development
2022	JDAP considered and approved the development application for Motorsport Park
2022	Community board representatives recommended by Council for AMV consideration and approval

Land and current leases

3. The land at 54 Down Road South, Drome is approximately 192ha in size. The proposed lease area is 138ha, subject to survey.
4. Two areas within the land will be excluded from the lease area and Motorsport Park development. This being 50ha of native vegetation to the western end of the site and a dam area on the northern boundary which is leased to Plantation Energy Australia Pty Ltd which is due to expire in August 2028.
5. Plantation Energy have agreed to surrender a small portion of the lease area back to the City to accommodate an emergency exit road for the proposed development.
6. At the time of purchase of the land in 2018, third parties held a lease over the land to graze cattle. The lease was surrendered in November 2021 to allow for the future development of the Motorsport Park.
7. However, given the development was still to be considered for approval, the City allowed continued use over a 124ha reduced portion of the property to continue grazing cattle. This assists the City with managing the fuel load until the development can commence. Either party can terminate the licence with seven days’ written notice.
8. Once the lease with AMV is agreed and will commence, the arrangements with the third parties over the property will be terminated.

JDAP Approval

9. Following the recent development approval by JDAP on 1 February 2022, the next step for the Motorsport Park project is to consider a lease to AMV in order to commence the development.
10. It is noted that in March 2022 the City was provided an opportunity to, and gave comment on, correspondence sent to the JDAP Secretariat from Glen McLeod Legal on behalf of some opponents of the Motorsport Park questioning the JDAP's authority and jurisdiction to issue approval on DAP file 21/02062 for proposed Motorsport Park.
11. The City stated it has been open and transparent in the approval process and considers there has been no breach of process.
12. JDAP have advised by letter dated 25 May 2022 that it is satisfied that the planning approval outcome is valid.
13. On this basis the City seeks to progress a lease to AMV.

DISCUSSION

14. The development of the Motorsport Park is supported by funding from both the State and Federal Governments.
15. The City's role in the development is essentially project management and consideration of granting a lease to AMV.
16. Post construction AMV will be the owner of the infrastructure and be fully responsible for the management, operation and maintenance of the facility.
17. AMV recently became a not-for-profit incorporated association on 10 March 2022.
18. The AMV consists of a Board of Directors made up of seven (7) Directors representing:
 - 1 x Motorsport Australia;
 - 1 x Motorcycling WA;
 - 1 x 4-wheel racing clubs;
 - 1 x 2-wheel racing (motorcycle road racing) clubs;
 - 1 x motocross clubs; and
 - 2 x community representatives.
19. Nominations by two community representatives were supported by Council at its meeting 26 April 2022 and have been recommended to AMV for consideration.

Proposed Lease

20. City officers, with guidance from HHG Legal Group, have been in discussion with AMV and their legal representative to agree lease terms, subject to Council approval.
21. The table below summarises the key terms of the proposed lease:

TERM	DETAILS
Tenant	Albany Motorsport Venue Inc. (IARN: A1042471F)
Land Description	Lot 5780 on Deposited Plan 206199 the subject of Certificate of Title Volume 1352 Folio 224, 54 Down Road South, Drome
Lease Area	Approx. 138ha subject to survey
Land Ownership	City of Albany (Freehold)
Building Ownership	Albany Motorsport Venue Inc.
Term	20 years
Initial Rent	\$10.00 plus GST per annum
Outgoings	Tenant responsible for all outgoings, including insurance
Insurance	Tenant responsible for: <ul style="list-style-type: none"> • Building and contents • Public Liability - \$50 Million • Environmental Impairment Liability & Pollution Financial Liability
Maintenance	Tenant responsible for all maintenance, including during the 12 months defect liability period
Permitted Use	Multipurpose Motorsport Park to undertake: <ol style="list-style-type: none"> a) motor car racing, motorcycle racing, other forms of powered vehicle racing, drifting, motocross, driver training and cycling, as may be undertaken by the Tenant or such other users, reasonably approved by the Tenant, that are consistent with the Regional Joint Development Assessment Panel Approval 21/02062 (P2210488), namely for recreation - private and club premises purposes (JDAP Approval); b) associated activities and incidental use with a) above including without limitation vehicle demonstration, vehicle testing, storage, catering, first aid and short-term hiring (of a term not in excess of 3-months per hire) allowing use by third parties of the Leased Premises and Buildings and Infrastructure, provided such activities and use are consistent with the JDAP Approval; and c) any such other use which the Landlord may approve from time to time on receipt of a written request from the Tenant.
Special Condition	Post construction, transfer of ownership of buildings and infrastructure on an “as is, where is” basis to the Tenant
Special Condition	City has the right to terminate the lease should any judicial review be successful
Special Condition	At end of the lease, City can require AMV either demolish the buildings and infrastructure or hand them over to the City

22. The remaining terms of the lease will be developed in line with City Policy – Property Management (Leases and Licences).

GOVERNMENT & PUBLIC CONSULTATION

23. No Government consultation is required as the lease area is located within City of Albany owned freehold land.
24. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease of a property is considered to be a disposal.
25. Clause 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from section 3.58 of the Act. This includes disposal to recreational and sporting bodies where the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transitions.

26. On the above basis, the proposed lease is considered exempt from public notice requirements.
27. No general public consultation on this matter has occurred, as the discussions between the City and AMV were specific to this group.

STATUTORY IMPLICATIONS

28. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property including leased/licensed land and buildings.
29. The Western Australian Planning Commission (WAPC) has not been consulted with regard to the proposed new lease as per Section 136 of the Planning and Development Act, as no comment is required from WAPC when a lease term does not exceed 20 years on freehold land.

POLICY IMPLICATIONS

30. The City’s 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.
31. The Policy provides that community groups leasing land for community purposes will be at a subsidised peppercorn rent of \$10.00 plus GST per annum.
32. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Lease not approved	Possible	Major	High	Key terms have been agreed in principle between the parties. Seek to negotiate terms to Council satisfaction.
Reputation: AMV cease to operate – unable to meet lease obligations	Possible	Major	High	Council to consider alternate management or land use options or sale of the property.
Reputation: There is a major safety incident at the Motorsport Park. Legally City is protected (by terms of lease) but there may be reputational issues if AMV are considered negligent/unprofessional.	Possible	Major	High	Consider termination of the lease if there has been a major breach of safety laws that can't be rectified. EOI to find alternative tenant/ operator.
Reputation: Any development approval could be subject to a judicial review	Possible	Major	High	Include a condition in the lease that the City has the right to terminate the lease if such a judicial review is successful.
Environmental: Pollution event	Possible	Severe	High	Engineering measures in place under the development approval to avoid pollution. Pollution Insurance obligation included in the lease to respond to any pollution event.
Opportunity: A Motorsport Park fulfils a need and demand in the region along with State Government commitments.				
Opportunity: This lease supports the City’s Strategic Community Plan 2032 objective to improve access to sport, recreational and fitness facilities and programs.				

FINANCIAL IMPLICATIONS

- 34. The Tenant will meet the costs for preparation and finalisation of the lease agreement, to a maximum of \$2,000 plus GST.
- 35. Development is supported with State and Federal Government funding. The City of Albany will be project managing as ‘in kind’ support.
- 36. Proposing peppercorn rent as tenant fully responsible and owner of facilities and infrastructure on site.

LEGAL IMPLICATIONS

- 37. The lease documentation will be prepared by City’s lawyers with enforceable terms and conditions.

ENVIRONMENTAL CONSIDERATIONS

- 38. As part of the Development Application, an Environmental Management Plan (EMP) was submitted and approved.
- 39. AMV is obliged to take out environmental impairment and pollution financial liability insurance under the lease to assist with the remediation of any pollution event.

ALTERNATE OPTIONS

- 40. Council may:
 - Approve the new lease with AMV; or
 - Support some elements of the lease although not in its entirety; or
 - Decline the lease.
- 41. Should Council decline the new lease generally, then the proposed Motorsport Park development at the Down Rd South, Drome location will not progress at this location.
- 42. The Development Application approval, Planning Scheme amendment and Government funding, for this location, both received and promised will not apply.

SUMMARY CONCLUSION

- 43. Albany Motorsport Venue Inc. has requested a new community lease over portion of 54 Down Road South, Drome to develop and operate the Albany Motorsport Park.
- 44. The site was purchased by the City in 2018 for the sole purpose of a Motorsport Park.
- 45. The Development Application for the Motorsport Park was approved by the Regional Joint Development Assessment Panel in February 2022.
- 46. In response to correspondence on behalf of some opponents of the Motorsport Park, JDAP have confirmed that the planning approval outcome is valid.
- 47. The proposed lease aligns with the City’s Strategic Community Plan 2032 objective to improve access to sport, recreation and fitness facilities and programs.
- 48. In recognition of the City and Government’s commitment to the Albany Motorsport Park, it is recommended the proposed new lease be supported.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Leases and Licences) Policy • <i>Local Government Act 1995</i>
File Number (Name of Ward)	:	PRO449, A45983 (Kalgan ward)
Previous Reference	:	OCM 15/11/2011 Item 1.7 OCM 23/10/2018 Item DIS122 OCM 23/02/2021 Item DIS245

7.12PM Councillor Thomson returned to the Chamber. Councillor Thomson was not present during the discussion and vote for this item.

DIS304: C22008 – PANEL OF SUPPLIERS – CONSTRUCTION PLANT AND EQUIPMENT

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Operations Administration Coordinator (T Rogister)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

It was recommended that if discussion was required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network.

In Brief:

- Tender to appoint preferred contractors to “wet” and “dry” hire construction plant and equipment.
- Contract shall be for an initial period from 1st July 2022 to 30th June 2023, with a mutually agreed and price negotiated option for a renewal for a further twelve (12) months, and then a further option of another twelve (12) months.

RECOMMENDATION

**DIS304: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN**

THAT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, Contract C22008 for the tenderers recommended by the evaluation panel and detailed in the Confidential Briefing Note attached to this report, be ACCEPTED.

CARRIED 11-0

DIS304: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

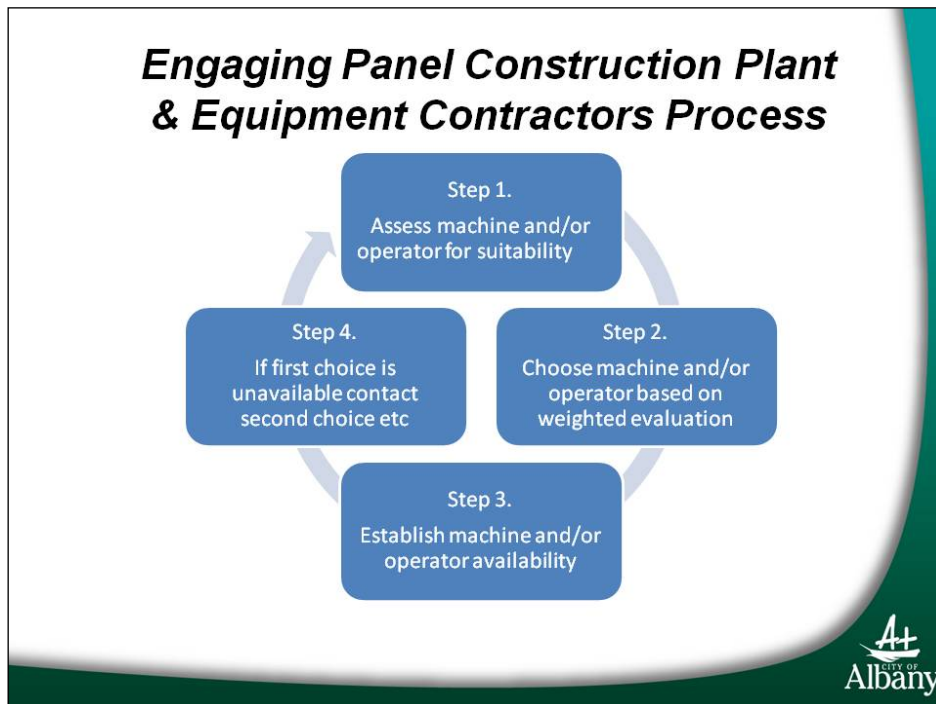
CARRIED 10-0

DIS304: AUTHORISING OFFICER RECOMMENDATION

THAT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, Contract C22008 for the tenderers recommended by the evaluation panel and detailed in the Confidential Briefing Note attached to this report, be ACCEPTED.

BACKGROUND

2. The City of Albany is seeking to re-establish a ‘Panel of Suppliers’ for the supply of construction plant and equipment to augment the City of Albany’s current machinery base during peak construction and maintenance periods.
3. This Panel of Suppliers shall consist of Contractors prepared to “wet” and/or “dry” hire construction plant and equipment to the City of Albany. The term “wet” hire refers to the hire of equipment with an operator and “dry” hire refers to hire of equipment without an operator.
4. This Panel shall be Council’s preferred suppliers and requests for hire of equipment and operators shall be directed to members of this Panel before all others.
5. Plant will be selected from the Contractor identified from the panel who is likely to be able to offer plant which is fit for purpose for the required works and the Contractor will be engaged by the following methodology.



6. In addition to the process map highlighted above, panel members will be engaged for a project after consideration has been given to job requirement, experience of operator (if known), any additional plant required to complete the works, efficient execution of the job, ability to meet the timeframe for the particular project, and best value for money for the City of Albany.
7. The City requires flexibility in this panel to negotiate and evaluate requirements for individual projects. To provide that flexibility we have asked the contractor to tender day rates.
8. During a wet hire period and in the event the machine hired is not being utilised at the time the operator may be instructed by the City of Albany Representative to work on other tasks. This arrangement would maximise operator use and would only occur by agreement with the Contractor and the City of Albany Representative.

DISCUSSION

9. A total of 20 tender documents were issued.
10. Tenders were asked to provide hire rates for items of plant. These preferred suppliers will be used on an “as and when” required basis with no guarantee of the amount of work required by the City of Albany.
11. In addition, the tenderers were given the opportunity of submitting prices for other plant we had not specified in the tender documents. This list enables us to consider other plant, which may be fit for purpose and available for a given project.
12. The tenderers understand these price submissions do not form part of the evaluation process, as they are not common items.
13. To simplify engagement of the Contractors the mobilisation/demobilisation rates were changed to the “low loader wet hire rate”.
14. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	50
Relevant Experience	15
Key Personnel Skills and Experience	15
Tenderer’s Resources	15
Corporate Social Responsibility	5
Total	100

15. Twelve (12) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City’s intention was to appoint up to ten Contractors to the Panel of Suppliers.
16. The following table summarises the recommended tenderers and overall evaluation scores applicable to each category of plant. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are “commercial in confidence”, and will not be made publicly available.
17. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.

GOVERNMENT & PUBLIC CONSULTATION

18. A request for tenders was published in the West Australian on 23rd March 2022 and The Extra on 25th March 2022.

STATUTORY IMPLICATIONS

19. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.00.
20. 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.
21. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

22. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
23. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds the CEO's delegation.

Small Excavator (CCF Class 2/3T)

Tenderer	Weighted Score
Tenderer E	723.35
Tenderer K	675.04
Tenderer I	627.01
Tenderer C	565.47
Tenderer D	560.05
Tenderer J	554.23
Tenderer B	426.44
Tenderer H	345.07

Small/Medium Excavator (CCF Class 6T)

Tenderer	Weighted Score
Tenderer E	707.63
Tenderer K	694.23
Tenderer C	603.65
Tenderer D	594.43
Tenderer J	500.59
Tenderer A	489.63
Tenderer B	476.79
Tenderer H	353.06

Medium Hydraulic Excavator (CCF Class 15T)

Tenderer	Weighted Score
Tenderer E	707.48
Tenderer K	698.71
Tenderer C	619.63
Tenderer J	544.26
Tenderer D	523.1
Tenderer A	494.04
Tenderer B	397.79

Medium Hydraulic Excavator (CCF Class 20)

Tenderer	Weighted Score
Tenderer E	758.35
Tenderer I	695.94
Tenderer K	680.84
Tenderer G	650.99
Tenderer C	645.73
Tenderer J	613.86
Tenderer A	416.46
Tenderer B	408.96
Tenderer F	395.11
Tenderer H	353.75

Long Reach Excavator (19m CCF Class 30)

Tenderer	Weighted Score
Tenderer E	713.84
Tenderer K	659.07
Tenderer B	353.76

Dozer (CCF Class 25)

Tenderer	Weighted Score
Tenderer E	789.75
Tenderer I	747.01
Tenderer F	536.25
Tenderer J	490.68
Tenderer C	486.17
Tenderer B	441.8

Dozer (CCF Class 30)

Tenderer	Weighted Score
Tenderer E	797.28
Tenderer K	680.66
Tenderer J	445.19
Tenderer B	398.53

Dozer (CCF Class 40)

Tenderer	Weighted Score
Tenderer E	780.32
Tenderer K	621.8
Tenderer J	512.24
Tenderer B	407.3

Wheel Loader (CCF Class 3.5 cubic metre bucket capacity)

Tenderer	Weighted Score
Tenderer I	739.96
Tenderer E	638.64
Tenderer C	621.29
Tenderer G	608.06
Tenderer K	572.54
Tenderer J	565.56
Tenderer A	463.38
Tenderer B	405.57

Wheel Loader (CCF Class 4)

Tenderer	Weighted Score
Tenderer I	714.97
Tenderer E	697
Tenderer A	586.28
Tenderer C	552.62
Tenderer J	550.59
Tenderer K	549.52
Tenderer G	531.82
Tenderer H	457.15
Tenderer B	410.06

Wheel Loader (CCF Class 5)

Tenderer	Weighted Score
Tenderer I	755.39
Tenderer E	663.08
Tenderer B	501.41
Tenderer K	485.89
Tenderer F	460.57
Tenderer H	452

Rubber Tyre Backhoe Loader

Tenderer	Weighted Score
Tenderer E	739.47
Tenderer I	720.35
Tenderer J	463.42
Tenderer B	416.75

Grader (CCF Class 15)

Tenderer	Weighted Score
Tenderer I	721.4
Tenderer K	675.9
Tenderer E	671.68
Tenderer J	645.21
Tenderer G	613.51
Tenderer C	598.67
Tenderer B	517.04
Tenderer F	240.7

Self Propelled Vibrating Flat Drum Roller (CCF Class 12.5)

Tenderer	Weighted Score
Tenderer E	734.19
Tenderer I	696.21
Tenderer K	677.88
Tenderer G	631.33
Tenderer A	586.3
Tenderer C	549.23
Tenderer J	533.72
Tenderer B	438.25
Tenderer F	337.9

Self Propelled Pneumatic Tyre Compactor (Gross Weight 12-18T)

Tenderer	Weighted Score
Tenderer E	745.86
Tenderer K	690
Tenderer I	689.42
Tenderer J	574.79
Tenderer C	565.76
Tenderer B	433.54
Tenderer F	360.63

Self Propelled Pad Foot Roller

Tenderer	Weighted Score
Tenderer E	757.91
Tenderer K	702.53
Tenderer C	582.84
Tenderer J	569.16
Tenderer B	476.77
Tenderer F	384.12

Skid Steer Wheeled (CCF Class 600)

Tenderer	Weighted Score
Tenderer I	643.34
Tenderer K	625.01
Tenderer C	577.89
Tenderer B	438.76

Skid Steer Tracked (CCF Class 600)

Tenderer	Weighted Score
Tenderer E	747
Tenderer K	691.19
Tenderer D	580.24
Tenderer G	576.43
Tenderer C	567.38
Tenderer J	552.86
Tenderer B	492.05
Tenderer A	430
Tenderer H	377.86

Low Loader

Tenderer	Weighted Score
Tenderer E	783.58
Tenderer D	656
Tenderer I	625.06
Tenderer G	600.42
Tenderer C	587.09
Tenderer K	558.77
Tenderer B	553.76
Tenderer J	507.5
Tenderer A	460.49
Tenderer F	443.54
Tenderer H	395.46

Semi Tipper

Tenderer	Weighted Score
Tenderer E	721.78
Tenderer I	659.23
Tenderer D	641.7
Tenderer K	622.71
Tenderer G	604.82
Tenderer C	564.75
Tenderer A	530.91
Tenderer J	526.39
Tenderer B	499.33
Tenderer H	435.92
Tenderer F	364.14

Tandem Tipper

Tenderer	Weighted Score
Tenderer E	860
Tenderer I	824.2
Tenderer K	794.52
Tenderer A	676.83
Tenderer J	676.63
Tenderer B	661.15
Tenderer H	496.79
Tenderer C	331.67

Water Truck

Tenderer	Weighted Score
Tenderer E	703.22
Tenderer I	683.99
Tenderer K	676.12
Tenderer C	652.1
Tenderer A	544.4
Tenderer G	540.3
Tenderer J	540.3
Tenderer B	514.18
Tenderer F	330.4

Stone Crusher

Tenderer	Weighted Score
Tenderer B	548.33

Mobile Jaw Crusher

Tenderer	Weighted Score
Tenderer E	860
Tenderer K	794.28
Tenderer I	788.64
Tenderer B	456.53
Tenderer J	345

Mobile Screener

Tenderer	Weighted Score
Tenderer G	699.51
Tenderer K	672.84
Tenderer E	591.58
Tenderer I	579.12
Tenderer J	563.29
Tenderer B	396.99

Mobile Impact Crusher

Tenderer	Weighted Score
Tenderer E	747.22
Tenderer K	683.95
Tenderer J	558.41
Tenderer B	332.08

Crawler Mulcher

Tenderer	Weighted Score
Tenderer B	687.02
Tenderer G	553.03
Tenderer J	498.28

Reach Mulcher (Excavator Mounted)

Tenderer	Weighted Score
Tenderer B	798.33
Tenderer K	468.68
Tenderer G	421.92
Tenderer D	301.67

Road Widener

Tenderer	Weighted Score
Tenderer J	845
Tenderer G	836
Tenderer B	298.33

Road Train (Side Tippers)

Tenderer	Weighted Score
Tenderer K	662.04
Tenderer C	611.89
Tenderer J	588.4
Tenderer B	545.54
Tenderer F	455.47

Dump Truck

Tenderer	Weighted Score
Tenderer G	749.54
Tenderer E	659.63
Tenderer K	603.07
Tenderer C	558.25
Tenderer J	493.65
Tenderer B	434.19

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operations. Panel of suppliers not being approved may result in delays in achieving the capital works and maintenance programmes.	Unlikely	Major	High	Provide further information as required for a decision of Council to approve the Panel of Suppliers.
Legal & Compliance. Non compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination for failure to supply goods and services.
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

25. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
26. Tenderers were required to provide a schedule of rates for their services. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

27. Nil

ENVIRONMENTAL CONSIDERATIONS

28. Nil

ALTERNATE OPTIONS

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

CONCLUSION

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

Consulted References	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C22008
Previous Reference	:	C19007

DIS305: DRAFT LOCAL PLANNING POLICY 1.6: SHORT-TERM ACCOMMODATION

Land Description	:	City of Albany
Proponent	:	City of Albany
Business Entity Name	:	City of Albany
Attachments	:	Draft LPP 1.6: Short-term Accommodation Policy
Supplementary Information & Councillor Workstation	:	DPLH documents: State Planning Policy 3.7 Planning in Bushfire Prone Areas (Dec 2015) Guidelines for Planning in Bushfire Prone Areas V1.4 (Dec 2021) Draft Position Statement: Planning for Tourism (Dec 2021) Draft Planning for Tourism Guidelines (Dec 2021) Planning Bulletin 99 – Holiday Homes Guidelines (Sept 2009) Planning Guidelines – (Holiday Homes) Short Stay Use of Residential Dwellings (Sept 2009)
Report Prepared By	:	Planning Officer (D Ashboth)
Authorising Officer:	:	Executive Director Infrastructure, Development & Environment (P Camins)

8.19PM: Councillor Smith and Councillor Traill left the Chamber after declaring a Financial Interest in this item.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. 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 *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar: People**
 - **Outcome: A safe community.**
 - **Pillar: Planet**
 - **Outcome: A resilient community that can withstand, adapt to, and recover from natural disasters.**
 - **Pillar: Place**
 - **Outcome: Responsible growth, development and urban renewal.**
 - **Pillar: Prosperity**
 - **Outcome: A highly sought-after tourist destination.**
4. The item relates to the following objectives and strategic directions of the Planning Strategy.

Objectives:

 - Facilitate the diversification of the City's competitive advantages in agriculture and tourism.
 - Build on the existing strengths of the regional centre, Middleton Beach and Albany Waterfront.

Directions:

Population and Settlement:

- Deliver a diverse and affordable housing market.

Economy and employment:

- Enable tourist growth and diversification through land use planning mechanisms.
- Support a network of activity centres characterised by their diversity, intensity and vibrancy of activity....to fulfil the range of needs of residents, workers and visitors.

Environment:

- Build resilience to bushfire risk through appropriate planning and building mechanisms.

In Brief:

5. The City has recently reviewed the existing *Holiday Accommodation* and *Bed and Breakfast* local planning policies (LPPs).
6. The City has also identified a number of key matters relating to short-term accommodation which will benefit from clarification and refinement, in the form of the proposed draft Local Planning Policy 1.6: Short-term Rental Accommodation (LPP1.6). Following this, draft LPP1.6 is proposed to consolidate and replace these policies and aims to:
 - a) Consolidates and updates relevant provisions from the existing *Holiday Accommodation* and *Bed and Breakfast* LPPs, with these policies to be revoked following formal adoption of LPP1.6.
 - b) Aims to respond to recent strategic direction and policy changes from the State Government when considering short-term accommodation proposals, specifically in relation to regulatory and operational matters, and determining proposals in bushfire prone areas.
 - c) Aims to provide guidance when addressing relevant planning matters that are consistently raised during the advertising process for these land uses.
7. Council is requested to endorse the draft LPP1.6 for advertising.

RECOMMENDATION

DIS305: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR TERRY

THAT Council in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising, subject to the following modifications to clauses 12 and 13 being made prior to advertising:

- **Clause 12. - delete 'and' and replace with 'or', to read '...purpose, ~~and~~ or proof of strata body...'**
- **Clause 13. - delete 'and be capable of attending the site within two hours' under dot point one, to read '...drive from the site ~~and be capable of attending the site within two hours.~~ For hosted accommodation,...'**

CARRIED 6-3

Record of Vote

Against the Motion: Councillors Benson-Lidholm, Brough and Sutton.

DIS305: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR TERRY)

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT Council in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising, subject to the following modifications to clauses 12 and 13 being made prior to advertising:

- Clause 12. - delete 'and' and replace with 'or', to read '...purpose, ~~and~~ or proof of strata body...'
- Clause 13. - delete 'and be capable of attending the site within two hours' under dot point one, to read '...drive from the site ~~and be capable of attending the site within two hours~~. For hosted accommodation,...'

CARRIED 7-1

Record of Vote:

Against the Motion: Councillor Sutton

DIS305: AMENDMENT BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT the Local Planning Policy 1.6: Short-term Accommodation be AMENDED as follows:

- Clause 12. - delete 'and' and replace with 'or', to read '...purpose, ~~and~~ or proof of strata body...'
- Clause 13. - delete 'and be capable of attending the site within two hours' under dot point one, to read '...drive from the site ~~and be capable of attending the site within two hours~~. For hosted accommodation,...'

CARRIED 7-1

Record of Vote:

Against the Motion: Councillor Sutton

Councillor Reason:

Councillor Terry agrees that the update of the Local Policy should happen to align with changes to State Policy. The changing of the 'and' to an 'or' in Clause 12 allows for instances where a strata body allows the owner of an apartment/unit to have a short-stay facility, regardless of whether the strata is intended for that purpose or not. This provides greater equity of economic opportunity between apartment owners and owners of detached dwellings. The modification of Clause 13 is to remove a repetition in the clause.

Councillor Terry then moved an amendment to the Authorising Officer Recommendation.

DIS305: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising.

DIS305: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.6: Short-term Accommodation for the purpose of advertising.

BACKGROUND

8. City officers have recently commenced a periodic review of the City's existing LPPs. The last in-depth policy review occurred in 2014.
9. A review of the City's existing LPPs found they are no longer fit for purpose for the assessment of short-term accommodation proposals, requiring substantial updates, specifically in response to recent strategic guidance from State Government and changes to State Planning Policy.
10. As part of this review, staff identified a number of key matters relating to short-term accommodation uses, which will benefit from clarification and refinement, in the form of the proposed draft Local Planning Policy 1.6: Short-term Accommodation (LPP1.6).
11. The review has resulted in consolidating the provisions of the existing *Holiday Accommodation* and *Bed and Breakfast* LPPs in to proposed draft LPP1.6.
12. Short-term accommodation is also subject to assessment against other State Planning Policies, including *SPP3.7 Planning in Bushfire Prone Areas* (SPP3.7). Version 1.4 of the Guidelines associated with SPP3.7 was published in December 2021, and contains substantial amendments for the consideration of proposed hosted and unhosted short-term accommodation in bushfire prone areas.
13. These changes have created conflict and inconsistency with the City's policies, and therefore amendments are required to address this.
14. The State Government also recently released the draft *Position Statement: Planning for Tourism* (draft position statement) and associated guidelines for consultation, to provide guidance in the regulation of short-term accommodation offerings.
15. In addition to addressing changes to the SPP3.7 Guidelines, draft LPP1.6 also incorporates the strategic direction proposed by State Government as outlined in the draft position statement.
16. As the position statement is yet to be formally adopted by State Government, the approaches incorporated into draft LPP1.6 are proposed as an interim measure to ensure the provisions in the policy are contemporary and relevant.
17. Any amendments to strategic direction set out under the position statement when it is formally adopted, would be incorporated into LPP1.6.
18. The State Government is also working towards implementation of a central registration scheme for hosted (Bed and Breakfast) and unhosted (Holiday House) short-term accommodation.
19. Draft LPP1.6 does not incorporate provisions in relation to this process, as it is a separate operational matter to be considered by the City. The City's involvement in a registration scheme would be implemented through a more appropriate mechanism, and not through provisions of a local planning policy.

DISCUSSION

20. Substantial growth of the informal tourist accommodation sector, primarily facilitated through online booking platforms has resulted in an uncertain regulatory and legislative environment, that potentially results in issues of inequity with other service providers, land use conflict and places further pressure on rental markets and housing affordability.
21. The review of the Holiday Accommodation and Bed and Breakfast LPPs, informed by changes to State government direction and policy, has resulted in the recommendation to combine and consolidate these policies, to ensure delivery of consistent advice to proponents and the community.
22. In combining the two policies, areas preferred for short-term accommodation (to be changed to the 'Short-Term Accommodation Area') are now proposed to apply to all informal short-term accommodation land uses defined under LPS1, either hosted or unhosted, being 'holiday house', 'holiday accommodation' and 'bed and breakfast'.
23. This is considered appropriate given the benefits of locating all forms of short-term accommodation in high amenity, centrally located areas in close proximity to tourism attractions.
24. The zoning permissibility for these land uses remain applicable under LPS1 – draft LPP1.6 has been prepared to provide guidance in ensuring short-term accommodation uses are appropriately located and provisions previously mitigate potential detrimental impacts on adjoining properties.
25. Existing provisions relating specifically to bed and breakfasts, such as car parking and the requirement for a host to reside on-site at all times will be retained in draft LPP1.6.
26. The review also found a number of inconsistencies in provisions between the policies. For example, the requirements for preparation and submission of a management plan, guest register and capacity limits as set out under the holiday accommodation policy, were also applicable to bed and breakfast proposals however these requirements were not specifically mentioned in that policy.
27. Draft LPP1.6 incorporates the following key changes to the current policy framework, which are discussed in further detail below:
 - a) Update to the criteria and subsequent change in use of terminology from 'Preferred Areas for Holiday Accommodation' to 'Short-Term Accommodation Area', the removal of Goode Beach and Little Grove from the designated short-term accommodation area (due to bushfire considerations), and creation of performance criteria for the assessment of proposals outside of the designated area.
 - b) Providing guidance for the consideration of short-term accommodation proposals in bushfire prone areas, in accordance with SPP3.7 and associated Guidelines.
 - c) Additional guidance and information requirements in relation to management plans.
 - d) Guidance on consideration of short-term accommodation proposals where located grouped dwellings, multiple dwellings or on strata lots, if the complex or development is established for this purpose and the use is agreed to by the strata company or community corporation
 - e) Incorporation of proposed terminology consistent with what has been proposed within the draft position statement and also consistency with definitions under the local planning scheme.
28. As part of the consolidation of the provisions of the existing Holiday Accommodation and Bed and Breakfast LPPs, the 'short-term accommodation' terminology has been used in order to more broadly capture these land uses, and to pre-empt upcoming formal changes to the local planning framework in the consideration of these land uses.

29. Draft LPP1.6 does not cover other forms of formal tourist accommodation such as Hotels, Motels, Caravan Parks or Tourist Developments, nor dwellings that used as a holiday house for owners for their own personal use.
30. Existing approved short-term accommodation uses will not be impacted by the proposed changes as part of draft LPP1.6, subject to a proposed amendment to an approval.

Changes to designated area for short-term accommodation to address bushfire risk and other matters

31. Planning proposals where State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) applies are assessed against the provisions contained within the Guidelines.
32. Short-term accommodation land uses, such as ‘holiday house’, ‘holiday accommodation’ and ‘bed and breakfast’, were previously addressed separately under the Bushfire Guidelines, with less stringent bushfire requirements applied to Bed and Breakfasts, in the belief that the host would be able to aid guests to safety in a bushfire event.
33. The same criteria now applies to both of these land uses under version V1.4 of the Bushfire Guidelines.
34. The latest version of the Guidelines also replaces the now superseded *Tourism Land Uses within Bushfire Prone Areas Position Statement*, which contained additional considerations for the assessment of tourism land uses in bushfire prone areas, including short-term accommodation proposals.
35. Assessment criteria for tourism land uses in bushfire prone areas is now consolidated under SPP3.7 and the associated Guidelines.
36. Hosted and unhosted short-term accommodation land uses are no longer differentiated under the Guidelines. Assessment of short-term accommodation is now based upon whether a proposal is located within a ‘residential built out area’ or not.
37. In accordance with the Guidelines, a ‘residential built out area’ is defined as:
“A locality serviced with reticulated water and is within or contiguous with an urban area or town (or similar), which incorporates a suitable destination.”
38. A Suitable Destination is defined as:
“An area that is not classified as bushfire prone on the Map of Bush Fire Prone Areas, or is greater than 100 metres from classified vegetation as per AS 3959 and can provide shelter during a bushfire event.”
39. Assessment criteria under the Guidelines for short-term accommodation proposal also require public road access in two different directions to at least two different ‘Suitable Destinations’.
40. Under the existing *Holiday Accommodation* policy, the ‘Preferred Areas for Holiday Accommodation’ include both Little Grove and Goode Beach.
41. Little Grove and Goode Beach are not considered to meet the definition of residential built out areas and therefore more stringent bushfire requirements to consideration of short-term accommodation uses in these areas now apply.
42. These changes to the Guidelines have resulted in significant amendments required to the provisions of the City’s LPP, to ensure that the local planning framework is relevant, that it prioritises the safety of the community, and also removes any conflict with state planning policy.
43. To address this and other matters identified as a result of the review, draft LPP1.6 incorporates additional criteria to determine the designation of the ‘Short-Term Accommodation Area’.
44. Central Albany is the only area that meets the assessment criteria of the Guidelines as a ‘residential built out area’. Goode Beach and Little Grove are subsequently removed from the ‘preferred areas’ as outlined under the previous policy, as they do not meet the criteria, including only being accessed in one direction along Frenchman Bay Road.

45. Applications for short-term accommodation may still be considered in areas that do not meet the bushfire requirements, as the Guidelines contain performance solutions, including the use of fire bunkers, the requirement for the preparation of a Bushfire Management Plan (BMP) by a Level 3 accredited bushfire consultant and referral to the Department of Fire and Emergency Services (DFES) for advice.
46. It should be noted that another key change under V1.4 of the Bushfire Guidelines, is that DFES no longer endorse BMP's or emergency evacuation plans, providing technical advice only, with the local government being the determining authority in endorsing a BMP.
47. Given that the City is not the subject matter expert on bushfire, it is unlikely the City would deviate from any advice provided by DFES, and furthermore will adopt a conservative approach in determining an acceptable level of bushfire risk and the whether mitigation methods proposed are adequate when considering an application for short-term accommodation.
48. This position is reflected in the policy by providing further guidance to the applicant on bushfire information requirements, and clarifying circumstances in which short-term accommodation is unlikely to be supported due to unacceptable bushfire risk and where the intensification of risk cannot not adequately mitigated, based on the application of the precautionary principle.
49. In addition to addressing changes to the bushfire requirements, further clarification has also been included in draft LPP1.6, outlining the parameters for the appropriate location of short-term accommodation - being areas of high amenity, in close proximity to tourism areas and centrally located.
50. The central area of Albany meets these parameters, as shown in Figure 1 'Short-term Accommodation Area' contained under draft LPP1.6. This area has been carried over from the existing Holiday Accommodation policy, with no proposed changes to the boundaries at this stage.

Criteria for the assessment of proposals outside of the Short-term Accommodation Area

51. The current Holiday Accommodation LPP establishes 'Preferred Areas for Holiday Accommodation', however it does not contain supporting performance criteria for the assessment of proposals outside of these preferred areas.
52. As a result, the City's ability to adequately consider proposals outside of these areas is limited, with the preferred areas currently having little to no enforcement impact.
53. To address this, criteria is now proposed under draft LPP1.6 to guide the assessment of short-term accommodation outside these areas.
54. Additional provisions also places the onus on the proponent to demonstrate the proposed location of their short-term accommodation offering meets this criterion.
55. The criteria is intended to provide clear guidance and direction to proponents and the community in relation to proposals:
 - a) That are suitably located, would not have a significant impact on residential amenity, where natural hazards such as bushfire risk can be adequately mitigated. These include proposals such as a farmstay in an agricultural environment that would benefit from the tourist experience and/or are close to tourist attractions.
 - b) That are unsuitable for short-term accommodation uses, such as areas at risk of natural hazards or in areas inappropriate for accommodating tourists, such as suburban areas preserved primarily for residential purposes. Short-term accommodation in these areas would be likely to have greater detrimental impact on the amenity of adjoining properties.
56. The additional criteria also aims to address potential impacts created by informal short-term accommodation on housing affordability, including availability of rental properties.

Additional management requirements

57. In most instances, applications for short-term accommodation are referred to adjoining landowners for comment.
58. The City consistently receives objections to short-term accommodation offerings as a result of this advertising process, with concerns over noise and unruly behaviour frequently raised.
59. In order to help mitigate concerns of adjoining landowners raised through the advertising process, additional information requirements for the management plan are proposed, including a mitigation plan to identify how noise, conflict or anti-social behaviour will be controlled.
60. It is also proposed that the City shall require the applicant submit details of nominated property manager residing no greater than a 30 minutes' drive from the site and be capable of attending the site within two hours to respond to serious issues impacting on the amenity of the area.
61. Landowners living greater than 30 minutes from site will be able to engage a property management company to undertake management duties on their behalf.
62. The policy also proposes the requirement for the name of the short-term accommodation and contact details of the property manager to be displayed on a name plate visible from the nearest street frontage.
63. This nameplate, with a maximum area of up to 0.2m² is proposed to be made exempt from requirement to obtain development approval.
64. This approach is consistent with a number of other local governments and will also benefit the landowner by acting as a subtle form of advertising for the short-term accommodation.
65. It is hoped these additional management requirements will encourage more professional short-term accommodation offerings and ensure that operators are held accountable for the behaviour of guests.

Short-term accommodation in grouped dwellings, multiple dwellings and strata lots

66. Through interpretation of existing land use definitions, the City has long held the position that short-term accommodation would not be supported in grouped dwellings, multiple dwellings and strata lots.
67. This position was supported by the *WAPC Guidelines: Holiday Homes – short stay use of residential dwellings*.
68. The draft Planning for Tourism Position Statement proposes that one or more units of a strata or grouped dwelling development can be established for short-term accommodation where approved by the strata company or community corporation.
69. This position is proposed to be adopted within the new policy, with the additional proviso that the complex or development is specifically established for this purpose.
70. This has been proposed with the view that the strata body will be best placed to address any issue that may arise from the operation of the short-term accommodation.
71. This position will also help to facilitate 'mixed use' developments constructed to allow a multitude of uses such as residential, office, shop or short-term accommodation.

GOVERNMENT & PUBLIC CONSULTATION

72. Approval is sought to advertise the draft LPP1.6 in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
73. If the Council resolves to support the draft LPP1.6 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
74. The policy will also be published on the City of Albany website for 21 days.
75. Both the newspaper and the website will give details of:
- Where the draft Local Planning Policy can be inspected;
 - The subject and nature of the draft Local Planning Policy; and
 - In what form and during what period (21 days from the day the notice is published) submissions may be made.
76. A copy of the policy will also be made available for inspection at the City of Albany.
77. After expiry of the period within which submissions may be made, the Local Government is to:
- Review the draft Local Planning Policy in light of any submissions made; and
 - Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

STATUTORY IMPLICATIONS

78. Voting requirement for this item is **SIMPLE MAJORITY**.

City of Albany Local Planning Policy Review

79. The City of Albany has a suite of LPP's which it uses to augment the provisions contained under LPS1 to guide land use and development across the City, and inform the exercise of discretion when determining applications.
80. The State Administrative Tribunal has previously determined that the age of an LPP has direct relevance to the weight afforded to it. Therefore regular reviews are warranted and necessary, to ensure validity and relevance when used in decision-making.
81. Furthermore, it is critical that LPP's are maintained to be consistent with the latest legislation and State Planning Polices.

Preparation and adoption of new and revocation of existing Local Planning Policies

82. The City of Albany *Local Planning Scheme No. 1* (LPS1) is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
83. To address this, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) contains provisions enabling local governments to adopt local planning polices (LPP's) in order to:
- address specific planning and development matters unique to the local government's context.
 - amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
84. New or amended LPP's must be advertised in accordance with Schedule 2, clause 4 of the Planning Regulations prior to their formal adoption.
85. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the LPP, subject to modifications.

Development Application for Short-term Accommodation

86. An application for short-term accommodation (as per the relevant land use definition) is to be assessed in accordance with normal procedures set by the Local Planning Scheme.

LPP terminology and definitions

87. Definitions have been included under draft LPP1.6 for unhosted and hosted accommodation, to provide clarification.

88. Where a land use is defined under a local planning scheme or Schedule 1 (Model Provisions) of the Planning Regulations, a local planning policy should not conflict or be inconsistent with that definition.

89. The draft position statement has identified that the ‘bed and breakfast’ land use definition is proposed to be deleted from Schedule 1 (Model Provisions) of the Planning Regulations, and subsequently from local planning schemes, to be replaced by the definition with ‘hosted accommodation’.

90. Following the above, to progress draft LPP1.6 the existing land use definitions for ‘holiday house’, ‘holiday accommodation’ and ‘bed and breakfast’ as outlined under LPS1 will remain in the interim. LPP1.6 will be updated to reflect any changes to these definitions upon gazettal of the City’s Local Planning Scheme No. 2.

POLICY IMPLICATIONS

91. Draft LPP1.6 is consistent with *SPP 3.7 Planning in Bushfire Prone Areas* and associated Guidelines.

92. An LPP may be revoked by:

- a) A subsequent LPP adopted in accordance with the Planning Regulations, that expressly revokes the local planning policy; or
- b) A notice of revocation prepared and published by the local government, in accordance with the Planning Regulations.

93. Draft LPP1.6 aims to consolidate and update relevant provisions from the existing *Holiday Accommodation* and *Bed and Breakfast* LPPs, with these policies to be revoked following formal adoption of LPP1.6.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Advertising the proposed policy could give rise to objectionable comments from short-term accommodation providers and owners concerned with additional requirements that may apply to them.</p>	Possible	Minor	Low	<p>Provisions within the Policy have been drafted to provide consistency with updated legislation and State Planning Polices, and to identify the City’s position when determining applications for proposals that propose consideration for the mitigation of risk.</p> <p>The Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</p>
<p>Opportunity: Ensure consistency with legislation and State Planning Polices and encourage a higher standard of short-term accommodation proposal.</p>				

FINANCIAL IMPLICATIONS

95. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

96. There are no legal implications relating to endorsing the proposed draft LPP1.6 for advertising.

ENVIRONMENTAL CONSIDERATIONS

97. There are no environmental implications relating to endorsing the proposed draft LPP1.6 for advertising.

ALTERNATE OPTIONS

98. Council has the following alternate options in relation to this item, which are:

- To resolve to proceed with advertising the policy without modification;
- To resolve to proceed with advertising the policy subject to modification; and
- To resolve not to proceed with advertising the policy.

CONCLUSION

99. Following a review of the City’s Holiday Accommodation and Bed and Breakfast LPPs, draft LPP1.6 has been prepared to replace these LPPs and also respond to recent new and proposed changes to the state planning framework.

100. Draft LPP1.6 aims to further embed the City’s position in ensuring short-term accommodation is located appropriately, with outer suburbs preserved for residential purposes.

101. Council is requested to resolve to endorse draft Local Planning Policy 1.6: Short-term Accommodation for advertising.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>Holiday Accommodation Local Planning Policy</i> 4. <i>Bed and Breakfast Local Planning Policy</i> 5. <i>Draft Position Statement: Planning for Tourism</i> 6. <i>Draft Planning for Tourism Guidelines</i> 7. <i>Planning Bulletin 99 – Holiday Homes Guidelines</i> 8. <i>Planning Guidelines – (Holiday Homes) Short Stay Use of Residential Dwellings.</i>
File Number (Name of Ward)	:	All
Previous Reference	:	Strategic Workshop April 2022 Item 3

8.31PM: Councillors Smith and Traill returned to the Chamber. Councillors Smith and Traill were not present during the discussion and vote for this item.

DIS306: PLANNING AND BUILDING REPORTS MAY 2022

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports May 2022
Report Prepared By : Technical Support Officer (Ashton James)
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS306: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT the Planning and Building Reports for May 2022 be NOTED.

CARRIED 11-0

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

There being no further business the Mayor declared the meeting closed at **8.32PM**.



Dennis W Wellington
MAYOR

TABLED ADDRESS BY DAVID PICTON-KING

Mayor and Councillors. My name is David Picton-King of 7 Callistemon View Yakamia, and I am addressing you all about agenda item CCS438.

1. This motion before Council proposes the City of Albany transfer a portion of its land on Lot 4743 Target Road Yakamia, which is owned by the City and its ratepayers. That proposed transfer will be to the owner of adjoining Lot 420, and the Crown. Both Lots are virgin bushland.
2. Lot 420 is a freehold title, zoned R25 for future residential development. It was purchased by a developer in October 2021. He has now signalled his intention to develop that block for 28 residential housing lots.
3. Under current regulations, due to Lot 420 adjoining bushland it must have a cleared flat area of 27 metres width between it and the City's Lot 4743 to satisfy the Bushfire Attack Level (BAL) clearance requirements.
4. Those regulations also specify that the owner of land requiring a BAL clearance area must create it wholly on the lot being developed, in this case Lot 420.
5. Presumably the purchaser performed due diligence before buying Lot 420 and would have certainly been aware of the BAL requirement, which would have been factored into his development plan and profit & loss estimate. The developer would be able to estimate whether the land remaining after removal of the BAL requirement would provide sufficient housing lots to suit his profit estimate.
6. He has now apparently advised the City Council that if he is required to provide the 27 metre BAL clearance area from his own land then the land remaining would not provide sufficient lots to suit his plan for 28 profitable lots.
7. The motion before Council tonight proposes to cede 17 metres of the City's Lot 4743, which borders the approx. 261 metre length of Lot 420. That 17 metre gift of ratepayers land is in two parts;
 - A 10 metre strip to the Crown to be used as a road reserve between Lot 4743 and Lot 420 (coincidentally giving the developer full roadway access to the eastern side of his proposed lots); and
 - A 7 metre strip to the developer of Lot 420, to be used as part of his BAL fire clearance area.
8. The developer proposes to use a 10 metre strip of his own land in the BAL fire clearance area. Coupled with the 17 metres of donated land from the City the developer will achieve his 27 metre BAL clearance using only 10 metres of his own land, apparently leaving enough remaining land for him to achieve the 28 lots he wants.
9. The City proposes to cede to the developer, and the Crown, land which totals about 4437 square metres. An average Albany urban house lot is about 630 square metres; the area ceded by the City would therefore equal about 7 urban residential lots. Let us say lots of that size in Yakamia sell for around \$200,000. There is presumably a

TABLED ADDRESS BY DAVID PICTON-KING

- good profit to be made from each lot. The extra 7 lots worth of land given away by the City of Albany would therefore generate up to 50% more profit for the developer than if he had to develop his land without the City's gift of public land. To put it another way, it increases his potential revenue by up to \$1.4 Million dollars.
10. The City of Albany is required to act in the best interests of its ratepayers. Can the City of Albany offer any explanation to its ratepayers why it considers the donation of that potential worth of ratepayers land, a significant amount of it directly to a developer engaged in a commercial activity, is in the best interests of ratepayers?
11. What is evident here is a huge financial benefit to the developer which gives him the opportunity to avoid his legal obligation to provide the BAL clearance wholly from his own land, and massively increases his return on his development of Lot 420.
12. The developer had ample time for due diligence before purchasing Lot 420. A reasonable question would be, if he knew he would have to use about 7,047 square metres of his own land for his BAL requirements, and that doing this would make his development proposal unviable, why did he buy it? What could cause him to think that he could achieve his 28 lot target if he also satisfied the BAL requirement from his own land? It must surely have been some belief that the BAL clearance would be achieved from somewhere other than his own land, otherwise his 28 lot development plan would be a nonsense.
13. The ratepayers of Albany rightly question why the City Council feels it would have any obligation to minimise the costs (or subsidise the profits) of a private land developer by gifting the City's land holdings to him. It sets a dangerous precedent which is likely to generate future claims on the City for the gifting of land to developers who seek to maximise their profits on similar development proposals, at the expense of, and detriment to Albany rate payers.
14. It is the ratepayers right to hold the view that the City of Albany ought not to be in the business of providing valuable ratepayer land to a commercial entity. Seemingly the City has not made that case to the ratepayers.
15. Many ratepayers, just some of whom are here tonight, vehemently oppose the gifting of land from City of Albany (ratepayers) assets to a commercial developer, or to the Crown, in order to set up an artificial construct purely for the benefit of the developer and ultimately to the detriment of ratepayers.

TABLED ADDRESS BY ANNABEL PAULLEY

Address to City of Albany Council Ordinary Council Meeting on 21 June 2022
regarding CCS438

Mayor and Councillors

I'm Annabel Paulley of 38 Parker Street, Lockyer and I am presenting on CCS438.

I am concerned that this agenda item does not discuss the finer points of State Planning Policy 3.7 – Planning in Bushfire Prone Areas.

Section 6.4 (c) of this policy clearly states that any subdivision application should demonstrate bushfire compliance within the boundary of the subdivision site.

It would set a dangerous precedent if Councillors approved the clearing of our bushland to assist the developer to comply with his BAL requirements. The ramifications of this will be complex and widespread, with developers or individual landowners asking neighbours to clear their vegetation.

The City's reputation in the community will be tarnished if it is seen to be pandering to the profit-driven motives of developers. Do councillors really want to be party to this? It would be irresponsible of you to go against State Planning Policy.

Structure plans are not set in stone and can be amended at any time by the Local Government Authority or landowners within the structure plan area. This is why ratepayers and residents have written to the City to request the

TABLED ADDRESS BY ANNABEL PAULLEY

rezoning of the City's land to a reserve so that it's not destroyed.

Councillors should not be approving the destruction of the 17 metres of Lot 4743 when a rezoning has been proposed.

Also, I have been advised that the 2013 fauna and flora studies which fed into the Yakamia Structure Plan were probably ^{only} broad desktop surveys.

More detailed onsite surveys were probably not undertaken because

structure plans apparently don't require detailed surveys !! *The City should ~~be~~ undertaking detailed fauna + flora surveys on Lot 4743 asap*

The argument about needing to develop land to help the housing shortage

is largely invalid in Albany. I'm told that the cleared agricultural land north

of Hudson Road, Yakamia, has just be sold to a developer covering about 70

housing lots. There is plenty of already cleared land within the Yakamia

Structure Plan area, both north and south of Mercer Road which is

earmarked for housing. The real estate section of Albany newspapers have

pages and pages of houses and vacant blocks of land. One vacant lot in the

CBD has 13 new townhouses planned. In my street alone there are 2 large

lots which ^{have} been vacant for at least 8 years.

There's no shortage of cleared land for houses so why destroy high

biodiversity bushland and critical wildlife habitat at Yakamia?

There's much talk of needing social housing but there is no evidence or

guarantee that Lot 420 will include any social housing.

At the May meeting, councillors said they feared legal action if they don't

allow clearing of Lot 4743. I note that when former WA Premier, Professor

Carmen Lawrence was interviewed on ABC Radio last week after receiving

her Queen's Birthday Honours Award, partly for her conservation work, she

TABLED ADDRESS BY ANNABEL PAULLEY

said that the threat of legal action from the mining industry didn't deter her Government from banning mining in critical conservation areas.

City of Albany councillors should be bold by upholding State Planning Policy and should not be intimidated by the profit-driven desires of developers.

It is not Council's responsibility to solve the poor financial decisions of developers who fail to do their due diligence before purchasing land.

Council has the opportunity here to embrace a new vision for Albany's Bicentenary in 2026. We can use the Yakamia bushland as a shining example of how the City of Albany values biodiversity and the conservation of critical wildlife habitat.

Please vote for any alternate motion which prevents the clearing of bushland on Lot 4743.

Please councillors - have some vision by valuing biodiversity and wildlife habitat so that our children and grandchildren can be proud of the decisions we are making in our community.

ENDS

TABLED ADDRESS BY DEANNE ROLLAND

Good evening Mayor and Councillors. My name is Deanne Rolland. I live at 79 Target Road, Yakamia and I am addressing you all about agenda item CCS438.

Lot 4743 on DP248843 or 102 North Road is owned by the City of Albany. The lot borders Lot 420 or 58 Sydney Street. The proposal before council and the reason I am here is the clearing of a 17 m strip of City owned land.

This piece of land is the home of threatened and endangered species. I cannot stress enough that this is not a pro versus anti development argument. Quite frankly I am bemused by the suggestion. It does not illustrate an understanding of our point of view.

The very term threatened and endangered species is not thrown around casually. Once a species makes this list, they can no longer protect themselves. It is incumbent upon all of us to do our part in the preservation of rapidly declining species.

The very fact that multiples of these species are present serves to highlight the value and the ecological importance of this area.

Council cannot afford to set such a dangerous precedent to allow clearing of such critically important vegetation.

We cannot undo the process after it has been done. It will be too late to ask questions about the Black cockatoo, Western Ring Tailed possums, Quenda's and sensitive vegetation types that provide food and habitat therefore encouraging species to breed.

I am priviledged to know many people who work in the area of saving remnant vegetation and threatened species. Some of whom make it their lifes work to actively protect the species known to inhabit City of Albany land.

I have lived on Target Road for over 16 years. During those 16 years, we have watched the development of the surrounding area grow. There are still vacant blocks in the area. The sentiment that we are anti development is negated by the fact that our property was part of a development.

Since this proposal to clear part of the City owned land was presented to council, a group of very passionate and dedicated individuals have been canvassing and discussing this issue with a huge number of residents and ratepayers in the Yakamia Ward and people in outer areas.

TABLED ADDRESS BY DEANNE ROLLAND

The support and passion from people has been overwhelming. This is an important piece of land owned by the city and loved by its citizens.

I would then urge and encourage the councillors elected to the Yakamia Ward to vote in accordance with the overwhelming interest expressed by your constituents and the remainder of council to vote in support of protection and preservation of biodiversity values within the City and within Lot 4743.

Thank you

TABLED ADDRESS BY SONIA EMERY

Mayor and Councillors,

My name is Sonia Emery of 11 Finlay St, Mt Clarence.

I am a City of Albany ratepayer and I am opposed to the proposal put forth by the developer of Lot 420 Target Rd, which to clear an adjacent strip on council owned bushland (Lot 4743) to meet his BAL 29 compliance.

The owner has the option of building a sufficient distance from his boundary such that the clearing required to meet BAL 29 is carried out within his own property. This is what everybody else normally has to do as this is what the Bushfire Policy requires.

Providing for clearing on adjacent properties to meet the BAL 29 policy requirement would set a very undesirable precedent whereby developers would expect adjacent owners to take responsibility for their fire protection needs for them.

Clearing of the Council owned land would undermine the potential option of Lot 4743 becoming a marvellous area of urban bushland with exceptional biodiversity and passive recreational values.

The world is facing an extinction crisis and Australia has the worst record of species extinction. All remaining natural habitat for threatened species must be preserved. In response to the numerous public calls for the protection of urban bushland that have been made over the last several decades, the City of Albany has consistently cited its inability to protect such areas due to their private ownership and zoning. In this instance the Council owns the land and has the power to change the zoning. Given the biodiversity value of Lot 4743, there would be a strong case for WAPC and the Minister for Planning to support such a change including any change required to the Yakamia-Lange Structure Plan. I understand the creation of this Structure Plan was an involved process before its adoption in about 2015, but much has changed since then. The climate and species extinction emergencies are upon us right now, and this should be the priority consideration of any future planning and development proposal.

Another consideration for preserving natural vegetation is that it is a highly efficient absorber of carbon emissions. I expect in the not too distant future, remnant natural vegetation could attract carbon credits from which the City would stand to benefit financially.

Albany is promoted as a nature destination for tourists, and people live here for its natural beauty that is, the diverse bushland along with the stunning coastline. Too much bushland and animal habitat has been cleared, and precious little remains. I have observed over 35 years of living here, the loss of bushland in Spencer Park, around Collingwood Rd, Bayonet Head and parts of Yakamia. If there isn't a halt to bushland clearing, Albany will become a smaller version of Perth. Who wants that?

TABLED ADDRESS BY SONIA EMERY

Providing housing for a growing population is cited as the reason for needing to clear natural bushland. However, a growing population needs more nature for their wellbeing, not less. Everyone wants their bit of nature, as is demonstrated by the diverse range of activities and users of the Mounts, which are under ever increasing pressure with the increasing population. We need creative, sustainable planning solutions to meet our housing needs, without destroying bushland.

Albany could become a model for sustainable development, if the preservation of our natural bushland and natural amenities was the focus for future planning. The forefathers of Albany had that focus and foresight by preserving Mts Clarence, Adelaide and Melville as reserves . Imagine if they didn't, and these iconic places were built out. Would Albany be the picturesque town that it is today?

Councillors

- **Please vote against any motion which allows the clearing of Lot 4743 to help meet the developer's BAL requirements.**
- **Please vote for any alternate motion relating to CCS438 which stops Lot 4743 bushland and wildlife habitat from being cleared.**

We owe it to our children, grandchildren and future generations to experience and enjoy Albany's rich natural biodiversity, to preserve animal and plant habitat, and to reduce our carbon footprint.

Sonia Emery

TABLED ADDRESS BY PETER STEWART

Albany Council meeting 21/6/2022

Mayor and Councillors. My name is Peter Stewart of 399 Albany Hwy and I am addressing you all about agenda item CCS438

Yakamia – when people talk about beautiful, cultured and dynamic places on this Earth – this is one of them

However, this little suburb – which is part of the discussion tonight, has a big, big problem!

- It is running out of Natural Heritage Values

Natural Heritage – that stuff which surrounds us and has simply been here. The plants, animals, soils and water, the landscape. Complex and intricately linked and for all of us a necessity of life.

Little old Yakamia – some facts

- 326 ha (bit smaller than Kings Park in Perth)
- Contains two sections of Yakamia Creek
- Has a couple of hills and a valley or two
- And some bush scattered around

It is those little bits of bush that ARE this natural heritage that is under so much pressure now from conflicting land use.

Now for botany and ^{amateur} mathematics:

On the ridges and slopes in Yakamia there are three main types of bushland growing and these types were mapped in the ARVS 2010 report.

Lot 420 is Jarrah/Marri/Sheoak Laterite Forest, wonderful, iconic and local tree species you may have heard of. The 2ha of Lot 420 comprise 10% of that type of bushland remaining in Yakamia (20ha total).

- 10%!
- Well, there's the 90% that remains right?

WRONG

- 56% occurs on other private property – not protected! Poorly managed! And disrespected!
- 28% occurs in Lot 4743, Council owned – not protected
-

So what is protected on behalf of the residents? Just 7.5% in Worra Park and Baltic Ridge Reserves, managed by the City.

P

TABLED ADDRESS BY PETER STEWART

This scenario is repeated for the other two main vegetation types BUT with even worse statistics.

Under DBCA categories all these figures would class the bushland in Yakamia as CRITICALLY ENDANGERED – ‘reduced by at least 90%’, ‘facing severe modification or destruction throughout its range in the immediate future (approx. 10 years)’

Where will Yakamia residents go to interact with nature? Maybe take a drive to Frederickstown Ward?

Now Lot 4743 – talk about natural heritage

- Basically intact vegetation
- 7 types of vegetation units
- Representative of landscape from ridge to creek
- Encompasses diverse habitat
- Represents soil type and hydrology changes
- Is Big, bold and beautiful
- Has some disrespect by some people
- Has a lot of appreciation by many

Thank you for your time

In closing:

- ~~DO NOT~~ ^{even} ~~give~~ 1m of City land to the developer of Lot 420 – ~~that would~~
~~be like the first plunge of the knife~~ ^{kick in the guts for + passive recreation}
- PLEASE • ~~REZONING LOT 4743~~ ^{to} with a purpose of conservation + landscape protection
- Look out this very window tomorrow and see that hill side for it's true value – our natural heritage
- ~~Lot 4743 is not worth Kings Park~~ – it is better
- Imagine when all the other private land is developed in Yakamia – geez what I wouldn't do to hear the Black Cockatoos again

Regards Peter Stewart
0478 030 014
399 Albany Hwy, Orana

- Any chance of success with nature conservation relies on keeping the common things common.

- Policies and structure plans from 40 years ago don't cut – society expectations and environmental awareness change!