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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 22 August 2017**

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING  
MINUTES 22/08/2017

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**1. DECLARATION OF OPENING**

[6:00:58 PM](#) The Mayor declared the meeting open.

**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 both past and present”.*

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

Mayor	D Wellington
<b>Councillors:</b>	
Breaksea Ward	P Terry
Breaksea Ward	R Hammond
Frederickstown Ward	G Stocks (Deputy Mayor)
Frederickstown Ward	C Dowling
Kalgan Ward	B Hollingworth
Kalgan Ward	J Price
Vancouver Ward	J Shanhun
West Ward	A Goode JP
West Ward	S Smith
Yakamia Ward	A Moir
Yakamia Ward	R Sutton
<b>Staff:</b>	
Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Development Services	P Camins
Executive Director Works and Services	M Thomson
Executive Director Commercial Services	A Cousins
Executive Manager Community Service	S Stevens
Meeting Secretary	J Williamson
<b>Apologies:</b>	
Vancouver Ward	N Mulcahy (Apology)

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Chief Executive Officer A Sharpe	PR003	<b>Financial.</b> The nature of the interest being that the matter to be discussed is Mr Sharpe's performance review and remuneration. Mr Sharpe left the Chamber and was not present during the discussion of this matter.
Councillor Terry	CCCS049	<b>Financial.</b> The nature of the interest being that one of Councillor Terry's sons works for the entity that owns the lot named. Councillor Terry left the Chamber and was not present during the discussion and vote for this item.
Executive Director Works and Services M Thomson	DIS042	<b>Impartiality.</b> The nature of the interest being that a relation of Mr Thomson is listed on the panel of recommended tenderers. Mr Thomson left the Chamber and was not present during the discussion and vote.
Councillor Stocks	CCCS049	<b>Financial.</b> The nature of the interest being that Councillor Stocks has a business relationship with one of the directors of the proponent. Councillor Stocks left the Chamber and did not participate in the discussion and vote for this item.

**5. REPORTS OF MEMBERS**

6:01:40 PM **Councillor Stocks**

**Summary of key points:**

- Attended Ms Margaret Martin's funeral, former long serving Councillor who made a great contribution to the community.

6:02:18 PM **Councillor Dowling**

**Summary of key points:**

- Thanked elected members and staff for the flowers received during her recent knee replacement surgery.

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

**7. PUBLIC QUESTION TIME**

[6:03:33 PM](#) **Ms Carol Pettersen**

**Summary of key points:**

- Ms Pettersen spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:05:11 PM](#) **Mr Basil Schur, Denmark**

**Summary of key points:**

- Mr Schur spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:07:02 PM](#) **Mr Rex Beach, Chauncy Way, Spencer Park on behalf of Merrifield Tennis Club**

**Summary of key points:**

- Mr Beach spoke in support of the Committee Recommendation for CCCS047: Community Sporting and Recreation Facilities Fund 2017-18 Small Grant Round Applications.

[6:08:16 PM](#) **Mr J Dale Roberts, 5/18 Cockburn Road, Mira Mar**

**Summary of key points:**

- Mr Roberts spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:10:38 PM](#) **Mr Tony Harrison, Little Grove**

**Summary of key points:**

- Mr Harrison addressed Council regarding coastal erosion.

[6:14:59 PM](#) **Mr John Hassell, Mount Claremont**

**Summary of key points:**

- Mr Hassell spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:16:45 PM](#) **Ms Jane Jefferies, Warriup Road, Green Range**

**Summary of key points:**

- Ms Jefferies spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:20:03 PM](#) **Ms Chris Hassell, Mount Claremont**

**Summary of key points:**

- Ms Hassell spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:23:12 PM](#) **Ms Monica Hewson, 17 Shorts Place, Mira Mar**

**Summary of key points:**

- Ms Hewson spoke against the Committee Recommendation for DIS041: Nelson Street and Bathurst Street Local Area Traffic Management.

[6:27:28 PM](#) **Ms Alison Hewson, 17 Shorts Place, Mira Mar**

**Summary of key points:**

- Ms Hewson spoke against the Committee Recommendation for DIS041: Nelson Street and Bathurst Street Local Area Traffic Management.

[6:31:47 PM](#) **Mr Bob Van Den Berg, Warrenup**

**Summary of key points:**

- Mr Van Den Berg spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

- 

[6:35:30 PM](#) **Ms Kate Jefferies**

**Summary of key points:**

- Ms Jefferies spoke against the Alternate Motion for DIS035: Water Skiing Activities on Lake Mullocullup.

[6:37:52 PM](#) There being no members of the public who wished to address Council, the Mayor declared Public Question Time closed.

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING**

**SECONDED: COUNCILLOR HAMMOND**

**THAT Councillor Sutton be GRANTED Leave of Absence for the September 2017 Ordinary Council Meeting.**

**CARRIED 12-0**

**9. PETITIONS AND DEPUTATIONS Nil.**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING**

**SECONDED: COUNCILLOR SHANHUN**

**THAT the minutes of the Ordinary Council Meeting held on 25 July 2017, 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**



**CCCS043: FINANCIAL ACTIVITY STATEMENT – JUNE 2017**

**Proponent** : City of Albany  
**Report Prepared by** : Manager Finance (D Olde)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CCCS043: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR TERRY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 June 2017.**

**CARRIED 12-0**

CCCS043: COMMITTEE RECOMMENDATION

MOVED:COUNCILLOR GOODE  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 10-0**

CCCS043: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 June 2017.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 June 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. 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.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

*“Please note 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:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, 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);
    - b. budget estimates to the end of the month to which the statement relates;
    - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - 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.
  - II. 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;
    - 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.
  - III. The information in a statement of financial activity may be shown –
    - a. according to nature and type classification;
    - b. by program; or
    - c. by business unit.
  - IV. 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.

### POLICY IMPLICATIONS

8. The City's 2016/17 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 June 2017 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CCCS044: LIST OF ACCOUNTS FOR PAYMENT – JULY 2017**

**Proponent** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared by** : Senior Accounting Officer (P Martin)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**Responsible Officer's Signature:**

**RECOMMENDATION**

**CCCS044: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR GOODE**

**That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2017 totalling \$7,687,047.23.**

**CARRIED 12-0**

CCCS044: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
 SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 10-0**

CCCS044: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2017 totalling \$7,687,047.23.

**BACKGROUND**

- 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.

**DISCUSSION**

- The table below summarises the payments drawn from the municipal fund for the period ending 15 July 2017. Please refer to the Attachment to this report.

**Municipal Fund**

Trust	\$ 18,728.00
Credit Cards	\$ 16,142.59
Payroll	\$ 1,255,289.53
Cheques	\$ 131,626.96
Electronic Funds Transfer	\$ 6,265,260.15

**TOTAL**

**\$ 7,687,047.23**

- As at 15 July 2017, the total outstanding creditors, stands at \$821,988.69 and made up as follows:-

Current	\$234,762.61
30 Days	\$587,271.38
60 Days	\$0.00
90 Days	-\$45.30
<b>TOTAL</b>	<b><u>\$821,988.69</u></b>

Cancelled cheques – 31640 – incorrect creditor and 30667 never presented.

#### 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 July 2017 has been incurred in accordance with the 2016/2017 budget parameters.

#### FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 July 2017 has been incurred in accordance with the 2016/2017 budget parameters.

#### SUMMARY CONCLUSION

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCCS045: DELEGATED AUTHORITY REPORTS**

**Proponent** : City of Albany  
**Attachments** : Executed Document and Common Seal Report  
**Report Prepared by** : Personal Assistant to the ED Corporate Services (H Bell)  
**Responsible Officer** : Chief Executive Officer (A Sharpe)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CCCS045: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SMITH**

**THAT the Delegated Authority Reports 16 June 2017 to 15 July 2017 be RECEIVED.**

**CARRIED 12-0**

**CCCS045: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR DOWLING**

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

**CARRIED 10-0**

**CCCS045: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 June 2017 to 15 July 2017 be RECEIVED.**

**CCCS046: YOUTH FRIENDLY ALBANY STRATEGY**

**Attachments** : Youth Friendly Albany Strategy  
Youth Consultation Report  
Literature Review  
Draft Strategy - Submissions

**Report Prepared By** : Senior Community Development Officer (T Flett)

**Responsible Officers:** : Acting Executive Manager, Community Services (S Stevens)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. **Key Theme:** 3. A Connected Built Environment , 4. A Sense of Community;
  - b. **Strategic Objectives:** 3.1 To advocate, plan and build friendly and connected communities,
  - c. 4.3: To develop and support a healthy, inclusive and accessible community.
  - d. **Strategy:** 4.3.1 Develop a range of activities and facilities that are appropriate for all ages.

**In Brief:**

- Review and adoption of the City of Albany 'Youth Friendly Albany' Plan 2017-2020.
- The Strategy will provide a framework for the City to become more inclusive and welcoming of young people aged 12-25.
- The Strategy has been developed through a period of research, consultation, internal and external stakeholder engagement and builds on and informs a number of key City strategies and plans.
- The plan will be partly delivered through the partnership agreement with Rio Tinto for the provision of funding towards a Youth Development Officer.

**RECOMMENDATION**

**CCCS046: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: COUNCILLOR DOWLING**

**THAT the 'Youth Friendly Albany' Strategy 2017-2020 detailed at attachment A, be ADOPTED noting that initiatives will be subject to budget allocation and external funding.**

**CARRIED 12-0**

CCCS046: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-1

**Record of Vote**

Against the Motion: Councillor Price

CCCS046: RESPONSIBLE OFFICER RECOMMENDATION

THAT the 'Youth Friendly Albany' Strategy 2017-2020 detailed at attachment A, be ADOPTED noting that initiatives will be subject to budget allocation and external funding.

**BACKGROUND**

2. The City of Albany received funding from the Department of Local Government and Communities (DLGC) to consult with young people on the development of a youth strategy.
3. The DLGC provided themes to guide the consultation process and define the principles of Youth Friendly Communities.
4. The Youth Friendly Communities principles are based on UNICEF's Child Friendly Cities Framework which implements the UN Convention of the Rights of a Child.

**DISCUSSION**

5. The proposed Strategy gives consideration to:

**Youth Friendly Communities Framework**

6. The Framework developed by Department of Local Government and Communities identified eight domain areas young people were to be consulted upon including:
  - a. Civic participation and volunteering;
  - b. Education, training and employment;
  - c. Community support and health services;
  - d. Leisure, recreation and social life;
  - e. Transport and housing;
  - f. Respect and inclusion;
  - g. Community and information; and
  - h. Public spaces, buildings and natural environment.
7. These domains cover the whole of the City of Albany, illustrating the need for the Youth Friendly Albany Strategy to have a whole-of-City response.
8. The framework is based on UNICEF's Child Friendly Cities Framework.

**Role of Local Government**

9. The role of local government in youth spaces varies from council to council. While there are councils who do provide direct assistance to young people experiencing crisis, Albany is serviced by a number of youth agencies who provide this support.
10. The City has an advocacy role in ensuring these vital services continue to be available and meet the needs of young people in our community.
11. As with the Age Friendly Communities Strategy, the role of the City is at a population level rather than individual level.

**Youth Friendly Albany Strategy 2017-2020**

12. The development of the Strategy was led by Community Development staff in partnership with the Albany Youth Advisory Council. Young people were invited to participate in the development of the Strategy through a number of methods using the domains for guidance. Youth sector stakeholders were also invited to participate.

13. The data was reviewed by the Youth Development Officer Trainee and Senior Community Development Officer. The responses indicated four key themes as priorities for young people including:
  - a. Youth engagement and inclusion;
  - b. Youth spaces and places;
  - c. Employment education and training; and
  - d. Events and social opportunities.
14. Feedback from the consultation with young people was that Council does not consider a young person's views or value their opinions. Many expressed concern that their voice would not be deemed to be as important as adults simply because of their age.
15. The Youth Friendly Albany Strategy is a whole-of-City document with the achievement of objectives and actions linked to the annual budget and work plans, and reported to the Executive. This ensures the Strategy remains a living document and progress on the plan is reported regularly to Council.

### **GOVERNMENT & PUBLIC CONSULTATION**

16. 685 young people participated in the consultation for the strategy. A number of methods were utilised including: Youth forums, online survey and 'townhallapp' daily question.
17. 43 youth stakeholder agencies were invited to participate in the consultation, with 16 agencies participating. Stakeholders were also invited to provide further feedback through a follow up survey, of which three were received.
18. A detailed consultation report was sent to the Department of Local Government and Communities as per the requirements of the grant funding.
19. A full Literature Review and the draft Strategy was distributed for peer review with feedback being provided by Shire of Katanning Manager of Community Services, Shire of Kulin Chief Executive Officer, and Julie Yusop former Manager of Albany Youth Support Association.
20. Peer review feedback was considered and included in the final draft of the strategy.
21. The strategy was made available for public comment and feedback from 10 July 2017 to 21 July 2017. An email was sent to each youth stakeholder and each young person who indicated an interest in participating further in City consultations. A media release and public announcement also promoted the draft strategy.
22. A total of five submissions were received from:
  - a) Department of Local Government and Cultural Industries (Sport & Recreation);
  - b) headspace Albany;
  - c) Youth Advisory Council Member (collated feedback from young people); and
  - d) Two young people who participated in the survey.

### **STATUTORY IMPLICATIONS**

23. Nil.



## POLICY IMPLICATIONS

24. The Strategy contributes to the achievement of DLGC ‘Our Youth – Our Future – Western Australia’s Youth Strategic Framework’.

25. The Strategy also builds on and informs a number of City plans, strategies and policies including:

- Connected Communities (2014-2018);
- Cycle City Albany (2014-2019);
- Public Parkland Policy;
- Corporate Communications Strategy;
- Community Engagement Policy;
- Trails Hub Strategy (2015-2025);
- Public Health Plan

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Community</b> <i>The City is unable to meet community expectations contained in the Strategy.</i></p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ol style="list-style-type: none"> <li>1. <i>Media and communications strategy to manage community expectations.</i></li> <li>2. <i>Partner with stakeholders to deliver the strategy.</i></li> <li>3. <i>Funds to be allocated in forward budgets to address actions identified in the plan.</i></li> </ol>
<p><b>Reputational</b> <i>The Youth Friendly Albany Strategy is not adopted</i></p>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Further review and development of the Strategy as required for adoption.</i>

## FINANCIAL IMPLICATIONS

27. Funding for achieving specific outcomes of the Strategy will be considered as part of the annual budget allocation and review processes.

28. Some outcomes will require external funding to enable their delivery. The City will continue to pursue funding opportunities to enable delivery of outcomes in accordance with the Strategy.

## LEGAL IMPLICATIONS

29. Nil.

## ENVIRONMENTAL CONSIDERATIONS

30. Nil.

**ALTERNATE OPTIONS**

31. Council can choose not to adopt this strategy. The strategy was a promised outcome of the DLGC funding and was used to obtain commitment from Rio Tinto for funding of the Youth Development Officer.
32. Council can choose to modify the Strategy. If Council chooses this option it is recommended the Strategy be presented to an Elected Member Strategic Workshop for feedback prior to being re-presented to Council for adoption.

**CONCLUSION**

33. The Youth Friendly Albany Strategy (2017-2020) provides strategic guidance to Council and the City and will enable the implementation of the Youth Friendly Communities Framework.

<b>Consulted References</b>	:	DLGC Youth Friendly Communities Principles; UNICEF Child Friendly Cities
<b>File Number (Name of Ward)</b>	:	CS.PLA.1
<b>Previous Reference</b>	:	Nil

**CCCS047: COMMUNITY SPORTING AND RECREATION FACILITIES  
FUND 2017/2018 SMALL GRANT ROUND APPLICATIONS**

**Proponent** : Merrifield Park Tennis Club  
**Attachments** : Merrifield Park Tennis Club - Correspondence and Project Assessment Sheet; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy  
**Report Prepared By** : Acting Executive Manager Community Services (S Stevens)  
**Responsible Officer(s):** : Acting Executive Manager Community Services (S Stevens)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. The ranking and provision of financial support to the Community Sporting and Recreation Facilities Fund Annual and Forward Planning Grant Round Applications relates to the following [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 4. A Sense of Community
  - b. **Strategic Objective:** 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
  - c. **Strategic Initiative:** 4.2.1 Sport & Recreation Infrastructure

**In Brief:**

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round.
- To seek Council support to provide funding assistance in line with the Council Policy of the Community Sports & Recreation Facilities Merrifield Park Tennis Club project upon return of successful CSRFF Annual Grant application.

**RECOMMENDATION**

**CCCS047: RESOLUTION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR HOLLINGWORTH**

That Council **RANK** the CSRFF Small Grant application in the following order for the CSRFF August 2017 Funding Round:

1. Merrifield Park Tennis Club – Re-surfacing of 4 x tennis courts (rank one of one)

**CARRIED 12-0**

**CCCS047:RESOLUTION 2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR SUTTON**

That Council **APPROVE** a total of \$4,000.00 (exc. GST) from the 2017/2018 budget to the Merrifield Park Tennis Club community sporting project as the Councils commitment upon successful CSRFF Annual grant application.

**CARRIED 12-0**

**CCCS047: COMMITTEE RECOMMENDATION 1**

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MOIR

That Responsible Officer Recommendation 1 be ADOPTED.

CARRIED 11-0

**CCCS047: RESPONSIBLE OFFICER RECOMMENDATION 1**

That Council RANK the CSRFF Small Grant application in the following order for the CSRFF August 2017 Funding Round:

1. Merrifield Park Tennis Club – Re-surfacing of 4 x tennis courts (rank one of one)

**CCCS047:COMMITTEE RECOMMENDATION 2**

MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR SMITH

That Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 11-0

**CCCS047:RESPONSIBLE OFFICER RECOMMENDATION 2**

That Council APPROVE a total of \$4,000.00 (exc. GST) from the 2017/2018 budget to the Merrifield Park Tennis Club community sporting project as the Councils commitment upon successful CSRFF Annual grant application.

**BACKGROUND**

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries has three rounds of available funds including:
  - Small Grant Funding Round (Winter) – current
  - Annual And Forward Planning Funding Round – current
  - Small Grant Funding Round (Summer) - pending
3. The CSRFF program is a \$12 million program. All three rounds are often oversubscribed and clubs may need to reapply on a number of occasions to be successful.
4. The Small Grants Round targets community sport projects where the financial value of the total project is up to \$200,000 and is delivered within a 12 month period.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
6. Clubs and local government authority must demonstrate equitable access to the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
  - Crown reserve
  - Land owned by a public authority
  - Municipal property
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities.

10. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation on behalf of the applicants prior to August 31 2017.
12. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## DISCUSSION

13. The grant guidelines require Council to provide a ranking for the projects.
14. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
  - Project justification
  - Planned approach
  - Community input
  - Management planning
  - Access and opportunity
  - Design
  - Financial viability
  - Coordination
  - Potential to increase physical activity
  - Sustainability

With overall project rating, being:

- Well planned and needed by municipality
  - Well planned and needed by applicant
  - Needed by municipality, more planning required
  - Needed by applicant, more planning required
  - Idea has merit, more planning work needed
  - Not recommended
15. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
  16. The City of Albany has received only one (1) Small Grant Application this round. The following additional information is provided about the project and funding application:

### **Merrifield Park Tennis Club – Court Resurfacing**

17. The funding application is a Small Grant Application to resurfacing 4 tennis courts with Tennis Australia approved Rebound Ace tennis court paint.
18. Merrifield Park Tennis Club facilities are used by the Lower Great Southern Tennis Association (LGSTA), the Albany Tennis Academy (Private Business) and the Merrifield Park Tennis Club.

The membership numbers have steadily increased for the Merrifield Park Tennis Club and all 3 organisations will benefit from the resurfacing.

2014/15	Merrifield Park Tennis Club	64
2015/16	Merrifield Park Tennis Club	73
2016/17	Merrifield Park Tennis Club	78

19. Merrifield Park Tennis Club forms part of the Lower Great Southern Tennis Association (LGSTA) and is one of number of tennis clubs in Albany.
20. The City of Albany, LGSTA (affiliated clubs), and Tennis West are currently investigating the feasibility of a Regional Tennis Centre in Albany that will deliver a long term vision for tennis in the region (Regional Tennis Centre Feasibility Study). The City was successful in recent application to CSRFF for the study and is in the process of submitting a Tennis Australia application for the remaining third of the project costs. This is a long term project and may take a number of years to realise. The resurfacing of the courts aims to extend the life of the existing courts to reduce the risk of injury and serve as a short term solution whilst the feasibility study is being undertaken.
21. The resurfacing of the courts directly impacts on the club's and the region's ability to deliver their sport and competitions.
22. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager assessed the project as having a medium priority.
23. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Merrifield Park Tennis Club	Merrifield Park Tennis Club – Court Resurfacing (4)	Well planned and needed by the applicant.

24. Correspondence requesting financial assistance and a completed Officers Project Assessment Sheet for the project application is attached.

#### **GOVERNMENT & PUBLIC CONSULTATION**

25. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern has been consulted with by the City of Albany.
26. The City of Albany has conducted site visits and consulted with the club benefiting from this Community Sporting project.

#### **STATUTORY IMPLICATIONS**

27. There are no statutory implications related to this item.
28. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.
29. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.

30. It should be noted that the Department of Local Government, Sport and Cultural Industries – Sport and Recreation will make the final decision on funding allocation.

### POLICY IMPLICATIONS

31. The Recreation Planning Strategy adopted in 2008 has been applied in ranking this submission.

32. The Community Sports and Recreation Facilities Small Grant Funding Policy has been applied in the assessment and recommendations.

### RISK IDENTIFICATION & MITIGATION

33. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Community Property</b> <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council can choose to support the funding application, or work with City officers to source other funding streams.</i>
<b>Reputation &amp; Financial</b> <i>Failure to upgrade facilities may result in community missed economic and social opportunities.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Support the funding application, or work with City officers and club to source other funding streams.</i>
<b>Reputation &amp; Financial</b> <i>Failure to distribute the Councils Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support the officer's recommendation, or work with City officers to deliver an equitable allocation of funding.</i>

### FINANCIAL IMPLICATIONS

34. The City allocated a total of \$75,000 Capital Seed Funding for Sporting Clubs in the 2017/2018 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.

35. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.

36. The total projected costs for the Merrifield Park Tennis Park project is \$12,000 (GST exc)

37. The club is requesting one third from Department of Local Government, Sport and Cultural Industries – Sport and Recreation (\$4,000) and one third from the City of Albany (\$4,000). The remaining one third costs will be contributed by the club (\$4,000).

38. There is still one remaining Small Grants round for 2017/2018 financial year and it is likely that Council will receive further requests for financial contributions for that round.

39. The Merrifield Park Tennis Club application draws down on the current capital seed fund. If the application is successful there will be \$71,000 remaining.

40. If the application is unsuccessful, the club can reapply in the next round.

**LEGAL IMPLICATIONS**

41. Nil

**ENVIRONMENTAL CONSIDERATIONS**

42. There are no environmental impacts associated with the project.

**ALTERNATE OPTIONS**

43. Council can choose not to provide funding assistance for this project.

44. Council can choose to provide more or less funding assistance to this project.

**SUMMARY CONCLUSION**

45. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.

46. This project meets the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. It is considered well planned and needed by the applicant. Council is required to endorse the officers ranking. City officers have ranked the application as the number one (1) priority.

47. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.

48. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on the priority ranking order by 31 August 2017.

<b>Consulted References</b>	:	NIL
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	Nil



**CCCS048: ALBANY HERITAGE PARK – FINANCIAL YEAR 2016-17  
REPORT**

**Proponent** : City of Albany  
**Attachments** : Albany Heritage Park – Financial Year 2016-17 Report  
**Report Prepared By** : Manager Albany Heritage Park (M Hammond)  
**Responsible Officer(s)** : Acting Executive Director Commercial Services (A Cousins)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This report directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014-2018.
  - a. **Key Theme: 1.** Smart Prosperous and Growing.
  - b. **Strategic Objective: 1.2** To strengthen our region's economic base.
  - c. **Strategic Objective 1.3** To develop and promote Albany as a unique and sought after destination.
  - d. **Strategy 1.2.2.** Strengthen our economy by supporting business innovation and diversity.
  - e. **Strategy 1.3.2.** Promote the Albany region as a sought after and iconic tourism destination.

**In Brief:**

- To provide Council with update on the Financial Year 2016-17 performance of the National Anzac Centre.

**RECOMMENDATIONS**

**CCCS048: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR MOIR**

**THAT Council NOTE the National Anzac Centre operational report for the Financial Year 2016/17.**

**CARRIED 12-0**

**CCCS048: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR DOWLING**

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

**CARRIED 11-0**

**CCCS048: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council NOTE the National Anzac Centre operational report for the Financial Year 2016/17.**

**BACKGROUND**

2. The National Anzac Centre is the City of Albany's most significant tourism asset.
3. The National Anzac Centre is 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 the asset and understands the importance of generating economic outcomes for the region using the National Anzac Centre and the Albany Heritage Park (AHP) assets to encourage both increased visitation and extended stays to the region.
5. Key stakeholders will also receive this quarterly report in an effort to further develop the relationships and as recognition of their significant investment and commitment to the City of Albany.
6. The City established an independent National Anzac Centre Advisory Committee 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 and attract both local repeat visitation and visitors from outside the region. The final quarterly meeting for 2016/17 was held on Wednesday 19<sup>th</sup> July. Minutes are currently being finalised.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of NAC and the AHP and has established a reserve on the understanding that any surplus funds will be reinvested and be used to leverage additional grant funding to improve the asset.

#### **DISCUSSION**

8. This NAC report template is constantly being reviewed to ensure that the Commercial, Community & Corporate Services Committee and the National Anzac Centre Advisory Group receive all relevant information as to its performance.
9. Ongoing feedback from both the Commercial, Community & Corporate Services Committee and the National Anzac Centre Advisory Group is encouraged to ensure the report is meeting expectations.
10. The National Anzac Centre has exceeded \$1 million in ticket sale revenue for the third consecutive financial year since opening.
11. Visitation for the National Anzac Centre in 2016/17 was down by 7,053 people (10.42%) compared to the previous year (2015/16).
12. The National Visitor Survey results for the year ending March 2017 show Western Australia had the poorest performance in domestic tourism of any State. The number of intrastate overnight visitors in WA fell by 3.9 per cent compared with average growth of 3.4 per cent across Australia. Interstate visitor numbers decreased by 8.2 per cent, in comparison with average growth of 3.7 per cent across Australia. In total, Western Australia is down by more than 450,000 visitors compared with last year.
13. As at financial year end average annual visitation to the National Anzac Centre was 72,883.
14. The proportion of INTER-state visitors has increased marginally from 40% in the first half of 2016/17 to 48% as at financial year end.
15. The proportion of INTRA-state visitors has decreased from 57% in the first half of 2016/17 to 52% as at financial year end which may be attributable to an increase in INTER-state visitation.
16. Local visitation remained unchanged at 4%. It is hoped that the recently launched 'League of Local Legends' program will generate an increased proportion of local visitation by end of Quarter 1 2017/18.
17. Since launch of the 'League of Local Legends' program, in excess of 600 locals have joined as members.

#### **GOVERNMENT & PUBLIC CONSULTATION**

18. Not Applicable.

**STATUTORY IMPLICATIONS**

19. Not Applicable.

**POLICY IMPLICATIONS**

20. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

21. Nil.

**FINANCIAL IMPLICATIONS**

22. Refer to financial summary below for Albany Heritage Park budget position as at June 30 2017 noting that:

- a. The summary provided is operational in nature and does not include movement of funds to and from the National Anzac Centre and AHP Infrastructure reserves.
- b. The variance of \$69,496.00 in operating income is attributable to better than expected performance in retail and ticket sales.
- c. The variance of \$62,601.00 in capital expenditure is attributable to delay in the delivery of projects that are now planned for 2017/18.

	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
Operating Expenditure	\$1,754,991.00	\$1,755,336.00	-\$345.00
Operating Income	\$1,566,900.00	\$1,636,396.00	\$69,496.00
Net Operating Loss/Surplus	-\$188,091.00	-\$118,940.00	\$69,151.00
Capital Expenditure	\$136,000.00	\$73,399.00	\$62,601.00

**LEGAL IMPLICATIONS**

23. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

24. Nil.

**ALTERNATE OPTIONS**

25. The Committee can request further development and refinement of the quarterly reporting tool including both content and frequency of reporting.

**SUMMARY CONCLUSION**

26. A 10% decline in visitor numbers for 2016/17 as compared to 2015/16 reflects a comparable decline in visitor numbers across the entire state as reported by the National Visitor Survey results for the year ending March 2017. Despite this the National Anzac Centre remains an important economic anchor for the region given the average of 72,000 visitors it attracts per year.

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

**CCCS049: RANGE ROAD LAND RESUMPTION AFFECTING LOT 421  
NORTH ROAD, YAKAMIA**

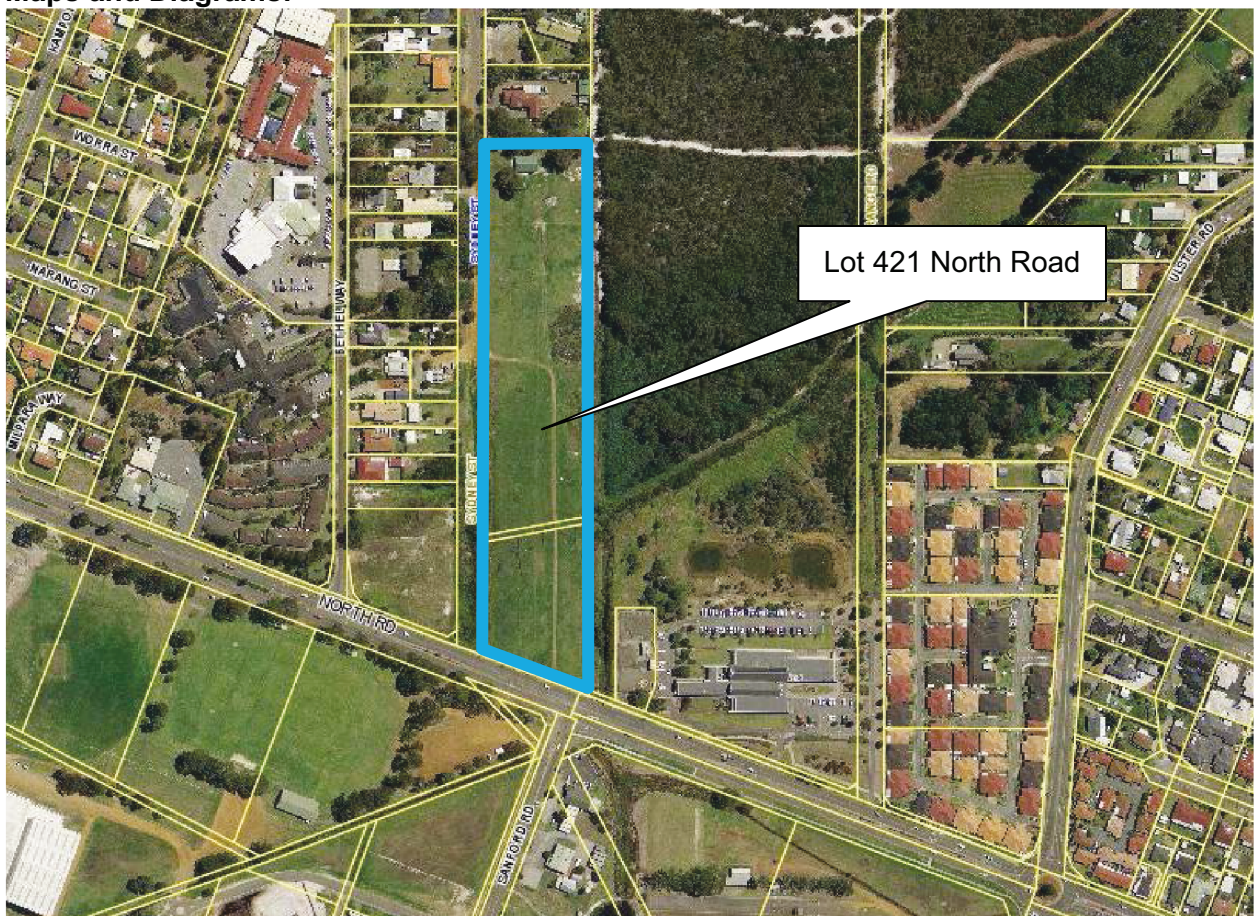
**Land Description** : Lot 421 No 130 North Road, Yakamia  
**Proponent / Owner** : Ocean View Nominees P/L  
**Attachments** : Consent to Taking by Agreement document with maps  
**Report Prepared By** : Senior Lands Officer (N Crook)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**Responsible Officer's Signature:**

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. **Key Theme:** 2. Clean, Green & Sustainable  
3. A Connected Built Environment
  - b. **Strategic Objectives:** 2.2 To maintain and renew city assets in a sustainable manner  
3.1 To advocate, plan and build friendly and connected communities
  - c. **Strategy:** 2.2.1 Deliver effective asset planning and delivery programs  
3.1.1 Improve connectedness and traffic flows

**Maps and Diagrams:**



[6:44:45 PM](#) Councillor Terry left the Chamber after declaring a Financial Interest in this item.

**In Brief:**

- The Yakamia / Lange Structure Plan 2015 and the Catalina Outline Development Plan, both adopted by Council and approved by the Western Australian Planning Commission, provide for a significant district road link running between the Sanford Road / North Road intersection and Mercer Road, being Range Road.
- Traffic modelling indicates that Range Road will be required in the next 10 years, with a roundabout at the North and Sanford Road intersection scheduled for construction in 2019/20. As such, achieving the road reserve at least to Hudson Road has been identified as a high priority.
- Given the need for this road, the City has entered into negotiations with the owner of Lot 421 North Road to resume the required road reserves.
- The City has also previously purchased 5 Bethel Way for the future road link between Range Road and Bethel Way. The link road to this land has also been considered in the negotiations with the affected landowner, so that only one resumption action is required.
- An agreement has been reached with this landowner and Council's endorsement of this position is sought, so as to action the legislative processes required to create the first stage of Range Road and the Bethel Way road link.

**RECOMMENDATION**

[6:45:50 PM](#) Councillor Stocks declared a Financial Interest in this item and left the Chamber.

**CCCS049: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH**

**SECONDED: COUNCILLOR MOIR**

**That Council:**

1. **SUPPORTS** the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 4945m<sup>2</sup> portion of land from Lot 421 North Road, Yakamia to provide for the creation of the Range Road reserve and a link road to Bethel Way.
2. **SUPPORTS** the payment of compensation required under Part 10 of the Land Administration Act 1997 in the following form:
  - a. The transfer of 2742m<sup>2</sup> of land from the City's freehold Lot 4743 North Road for inclusion into the resultant lot;
  - b. The transfer of 269m<sup>2</sup> of land from the City's freehold Lot 45 North Road for inclusion into the resultant lot;
  - c. The transfer of 2088m<sup>2</sup> of land currently forming part of the Sydney Street road reserve.
3. **SEEKS** approval under Section 168 of the *Planning and Development Act 2005* to resume the 4945m<sup>2</sup> portion of land from Lot 421 North Road, Yakamia as a public road through the lodgement of a subdivision application. This application shall also consider the land to be included into the resultant lot as stated in the Taking by Agreement.
4. **REQUIRES** that the public notification process for the disposal of local government property required by s3.58 of the *Local Government Act 1995* be observed and if any public submissions are received, a further item to Council will be necessary.
5. **ACTIONS** the public notification process for the closure of a 2088m<sup>2</sup> portion of Sydney Street, as required by s.58 of the *Land Administration Act 1997*.
6. Should no public submissions be received during the road closure consultation process, **REQUESTS** under s.58 of the *Land Administration Act 1997*, that the Minister for Lands to close a 2088m<sup>2</sup> portion of the Sydney Street reserve and that the balance land be used as compensation for the taking of the Range Road and Bethel Link road reserves.

7. **REQUESTS** the Minister for Lands to dedicate the balance of Lot 45 North Road, Yakamia and Lot 39 No 5 Bethel Way, Yakamia as a public road under s.56 of the *Land Administration Act 1997*.
8. **INDEMNIFIES** the Minister for Lands from any claims for compensation associated with all road dedication and closure actions, as is required under Section 56 of the *Land Administration Act 1997*.

CARRIED 10-0

CCCS049: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCCS049: RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **SUPPORTS** the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 4945m<sup>2</sup> portion of land from Lot 421 North Road, Yakamia to provide for the creation of the Range Road reserve and a link road to Bethel Way.
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  - c. The transfer of 2088m<sup>2</sup> of land currently forming part of the Sydney Street road reserve.
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7. **REQUESTS** the Minister for Lands to dedicate the balance of Lot 45 North Road, Yakamia and Lot 39 No 5 Bethel Way, Yakamia as a public road under s.56 of the *Land Administration Act 1997*.
8. **INDEMNIFIES** the Minister for Lands from any claims for compensation associated with all road dedication and closure actions, as is required under Section 56 of the *Land Administration Act 1997*.

## BACKGROUND

2. The Catalina Outline Development Plan was prepared to guide the future development of the land generally at the intersection of Chester Pass Road and south of Catalina Road. This plan was adopted by Council on 11 October 2011 and subsequently endorsed by the Western Australian Planning Commission (WAPC) on 16 April 2012.
3. The Yakamia / Lange Structure Plan was prepared to guide the development of the Future Urban zoned land in these localities. This structure plan was adopted by Council on 15 December 2015 and was subsequently endorsed by the WAPC on 10 June 2016.
4. The Yakamia / Lange Structure Plan and the Catalina Outline Development Plan both provide for a significant district road link running between the Sanford Road / North Road intersection and Mercer Road, being Range Road.
5. The Yakamia / Lange Structure Plan provides for a contribution plan for the creation of Range Road. This road will serve the suburbs of Yakamia and Lange, as well as providing an alternate route for the expanding north corridor, relieving traffic pressure from Ulster Road. Upon the subdivision of land in the structure plan area, landowners are required to make a per lot contribution towards the construction of Range Road.
6. Main Roads WA has undertaken traffic projection / modelling studies for Albany and this data indicates that Range Road requires construction to Target Road by 2025/26. The model forecasts 6813 vehicles per day on Range Road by 2031. The City's 10 Year Plan also provides for the construction of a roundabout (and associated drainage) at the intersection of North and Sanford Roads in 2019/20 (which requires some additional land from Lot 421).
7. On 26 April 2016, Council considered an item recommending the purchase of 5 Bethel Way, Yakamia required for the future road reserve between Range Road and Bethel Way. Council supported this land purchase, drawing the funds from the Land Acquisition Reserve. The purchase of this property settled on 24 May 2016 and it is now owned in freehold title by the City.
8. In view of these future road requirements, the City initiated discussions with the first landowner to be affected by this proposed road. These discussions also considered the Bethel link road which will also pass through this owners land, so that only one resumption action would be required.

## DISCUSSION

### Impact on Lot 421 North Road

9. In the commencement of negotiations, the affected owner stated that they would agree to ceding the land required for Range Road, on the basis that there would be no net loss of land area from their existing property.
10. The City considered various options to achieve the land resumption, including land swaps (land as compensation) of adjoining City freehold land or financial compensation. Legal advice on achieving the land resumption was also sought, to ensure proper process was observed. Ultimately, the resumption with compensation payable in land area was considered the preferred option.
11. The City owns two freehold properties adjoining or passing through Lot 421 North Road. Lot 4743 is the City's property to the east of Lot 421, containing the City's Administration Centre building and extending through to Target Road. Lot 45 North Road bisects Lot 421 and appears to have been set aside for drainage purposes, however there is no drainage infrastructure contained in this land and neither is it required for any infrastructure in the future. As such, it is considered surplus to requirements.
12. Land valuations were sought on the various land parcels, as the use of land as compensation is based on value, not land area. Preliminary discussions with the Department of Planning, Lands and Heritage were also undertaken, as it was proposed to use a surplus portion of the Sydney Street road reserve in the land compensation.

13. A negotiated agreement has been reached with the landowner on the following basis:

Option	Land Area	Land Value
Landowner to cede land from Lot 421 for the Range Road reserve	4945m <sup>2</sup>	\$120,188
<b>Total Landowner</b>	<b>4945m<sup>2</sup></b>	<b>\$120,188</b>
City to transfer land from freehold Lot 45 for inclusion into Lot 421	269m <sup>2</sup>	\$6,537
City to transfer land from freehold Lot 4743 for inclusion into Lot 421	2742m <sup>2</sup>	\$66,631
City to close surplus portion of Sydney Street road reserve for inclusion into Lot 421	2088m <sup>2</sup>	\$50,738
<b>Total City &amp; Crown</b>	<b>5099m<sup>2</sup></b>	<b>\$123,906</b>

On this basis, the owner has agreed that the land given up is equal to the land granted and no further financial compensation will be payable (see Taking by Agreement Deed attached).

14. The small cost variance in favour of the landowner is considered a minor concession when viewed against legal costs and officer time if the matter was to be escalated to compulsory acquisition. Further, it is not uncommon to offer a solatium payment of 10% above the land value in negotiating a consent to taking by agreement.
15. In order to achieve this land resumption, various legislative actions will need to be enacted, including a notice of intent to dispose land under s.3.58 of the *Local Government Act 1995* and a road closure process under s.58 of the *Land Administration Act 1997*. These processes will be observed following Council's approval of this item and should any submissions be received, a further item to Council will be presented.
16. It is further noted that the balance of Lot 45 not included into Lot 421 will be dedicated as a public road reserve, as it will form part of Range Road.

Lot 4743 North Road – City Freehold Title

17. As part of the creation of the Range Road reserve, the City will also enact the subdivision of its own freehold Lot 4743 to take the road reserve from this land. With this action, the Range Road reserve will be created from North Road to Hudson Road.
18. One of the considerations in this proposal will be whether the City progresses a super-lot subdivision to align with the recommendations of the Yakamia / Lange Structure Plan 2015. Under this plan, Lot 4743 includes the Range Road reserve, the Yakamia Creek foreshore reserve, an area of private conservation (could be sold as a single house lot), an active recreation reserve and an area suitable for residential development.
19. It may be possible to create individual land uses so as to isolate the land for future residential development, allowing Council to consider the sale of the developable area to an independent developer in the future.

5 Bethel Way – City Freehold Title

20. This land was purchased in 2016 for the future road link between Bethel Way and Range Road. At present, this land remains in freehold title, though at the time of purchase it was noted that it would eventually be dedicated as a public road.
21. As this land resumption action will result in the ceding of the balance of this road reserve, it may also be appropriate to dedicate this land as a road. This will also be encompassed in the recommended Council resolution.



**GOVERNMENT & PUBLIC CONSULTATION**

- 22. The City has had early discussions with the Department of Lands on using the surplus portion of Sydney Street in the land compensation agreement. The in-principle support of this Department was obtained prior to entering into the Consent to Taking by Agreement with the affected landowner.
- 23. Discussions have occurred with the affected landowner, though no other general public consultation has been undertaken.
- 24. The public notification process required for land disposals and road closures will be observed following Council’s support of the land resumption.

**STATUTORY IMPLICATIONS**

- 25. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
- 26. Section 58 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to close a road (or portion thereof). This part requires that a public advertising period be observed prior to the request being forwarded to the Minister.
- 27. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement.
- 28. Part 10 of the *Land Administration Act 1997* states that every person having an interest in land taken under the Act is entitled to compensation. Clause 212 states that a claimant may request that the compensation occurs in a form other than money i.e. by the transfer of property.
- 29. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land on a diagram or plan of survey as a new road or road widening, will be dedicated as a road.
- 30. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property. This part states that a local government can only dispose of property other than at public auction or tender if it gives notice of the proposed disposal and Council considers any submissions made.

**POLICY IMPLICATIONS**

- 31. This proposal is consistent with Council Planning Policy – Catalina Outline Development Plan and the Yakamia / Lange Structure Plan 2015.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation.</b> Public perception that the affected landowner benefits from the City adjoining freehold land holdings.	Possible	Moderate	Medium	Legislative processes to be properly observed and City communications to make clear that landowner is giving up land area for the benefit of the greater community and compensation is commensurate.

**FINANCIAL IMPLICATIONS**

- 33. While there will be no financial compensation payable to the affected landowner, the actions associated with the land resumption will cost approximately \$15,000 - \$20,000. This will include survey costs, subdivision fees, advertising costs, land transfer and lodgement fees, etc. All associated costs can be drawn from the Manage Land Assets Costs line item.

### LEGAL IMPLICATIONS

34. All actions will be undertaken in accordance with the relevant legislation and in line with the legal advice provided.

### ENVIRONMENTAL CONSIDERATIONS

35. The future road construction will need to consider drainage implications, particularly with regard to the nearby Yakamia Creek. This will be a matter to be considered at the design stage, though this item primarily concerns the creation of the appropriate tenure in which to construct the road.
36. The future road construction will also require the clearing of native vegetation and this aspect was considered as part of the adoption of the Yakamia / Lange Structure Plan.
37. Yakamia Creek is also a known Registered Aboriginal Site and these future works may necessitate an approval process under the *Aboriginal Heritage Act 1972*.

### ALTERNATE OPTIONS

38. Given that Range Road has been identified as an important district road link, there is not considered to be any alternative than to proceed with the creation of the road reserve to facilitate its future construction.
39. Whilst there are alternate options for the compensation payable for the resumption to create this road reserve, compensation in the form of land is considered most acceptable to the affected landowner and it is not certain that a financial offer would be considered.
40. While some of the Range Road reserve through to Mercer Road could await the future development of the area, there is no guarantee on the timing when private development might occur. As such, forward action by the City may be required in some circumstances to achieve this road. Further, this action might facilitate the future development of Yakamia and Lange.

### CONCLUSION

41. Range Road has been identified as a significant district road link requiring construction in the next 5-10 years. At present, this road reserve does not exist and while it could be created as part of the future subdivision of Yakamia & Lange, the timing of this development may not coincide with the requirement for this road.
42. Given the roundabout and drainage works proposed for the construction in 2019/20 at the intersection of North and Sanford and the additional land required to achieve these works, discussions with the affected landowner have occurred, in view of the time required to achieve some land dealings.
43. The affected landowner has agreed to the taking of land for the creation of the Range Road and Bethel link road reserves from his property, with compensation payable in the form of land. This has been agreed as a Consent to Taking by Agreement Deed, in the form attached to this item and having regard to the requirements of the Land Administration Act 1997.
44. As this action will result in the first stage of Range Road being created and can be achieved without significant financial implications for the Council, it is recommended that the staff recommendation be supported.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	RD.ACQ.2
<b>Previous Reference</b>	:	OCM 11.10.2011 Item 2.2 OCM 26.04.2017 Item OCM 15.12.2017 Item PD093

[6:46:45 PM](#) Councillors Stocks and Terry returned to the Chamber.

**CCCS050: PROPOSED NEW AIRPORT CAFE LEASE – ANNA KEKESI TRADING AS WAFFLES GALORE – ALBANY REGIONAL AIRPORT**

**Land Description** : Lot 5643 on Deposited Plan 157458 and Lot 4861 on Deposited Plan 157338, the subject of Certificate of Title Volume 2088 Folio 492, Drome

**Proponent** : Anna Kekesi trading as Waffles Galore

**Owner** : City of Albany

**Report Prepared by** : Team Leader Property and Leasing (T Catherall)

**Responsible Officer** : Executive Director Corporate Services (M Cole)

**Responsible Officer's Signature:**

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 5 Civic Leadership
  - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures
  - c. **Strategy:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new lease for Anna Kekesi trading as Waffles Galore in order to continue providing café services within the Airport terminal during access hours.
- In 2015, following the surrender of the Airport Café lease, an interim short term licence was put in place with Anna Kekesi to ensure café services were available to Airport customers.
- This licence has since expired and the tenant has continued to occupy and provide café services.
- The City and tenant have reached agreement, based on the existing licence terms and seek to formalise these arrangements in a new lease.
- The lease will be subject to the provisions of the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.
- It is recommended that the proposed lease be approved.

**RECOMMENDATION**

**CCCS050: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR TERRY**

**THAT Council APPROVE a new lease to Anna Kekesi trading as Waffles Galore, over the Airport Café space located within the Albany Airport terminal, subject to:**

- a) Lease permitted use being café service, including takeaway food and beverages.
- b) Lease area approximately 28.4 m<sup>2</sup> with Landlord's Fixtures and Fittings.
- c) Lease rent being \$3,012 plus GST per annum.
- d) Lease term being 2 years and 10 months, commencing 1 September 2017.
- e) All costs associated with the ongoing operations of the leased premises being payable by the tenant.
- f) Lease being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- g) Pursuant to section 14B of the *Commercial Tenancy (Retail shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the Deed of Lease being paid by the City of Albany, as Landlord; and
- h) Lease being consistent with Council Policy – Property Management (Leases and Licences).

**CARRIED 12-0**

**CCCS050: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR HOLLINGWORTH**

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

**CARRIED 11-0**

CCCS050: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to Anna Kekesi trading as Waffles Galore, over the Airport Café space located within the Albany Airport terminal, subject to:

- a) Lease permitted use being café service, including takeaway food and beverages.
- b) Lease area approximately 28.4 m<sup>2</sup> with Landlord's Fixtures and Fittings.
- c) Lease rent being \$3,012 plus GST per annum.
- d) Lease term being 2 years and 10 months, commencing 1 September 2017.
- e) All costs associated with the ongoing operations of the leased premises being payable by the tenant.
- f) Lease being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- g) Pursuant to section 14B of the *Commercial Tenancy (Retail shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the Deed of Lease being paid by the City of Albany, as Landlord; and
- h) Lease being consistent with Council Policy – Property Management (Leases and Licences).

**BACKGROUND**

2. The cafe kiosk located within the Albany Regional Airport Terminal building was previously leased to a commercial operator from 2008. The lease was surrendered by mutual agreement of parties in May 2015.
3. In order to meet the immediate needs of Airport customers, an interim short term licence was put in place with Anna Kekesi trading as Waffles Galore to provide café services.
4. It was agreed that the licence would be for a short term period of less than 6 months so as not to create a retail shops lease and trigger the 5 year statutory right granted to tenants under the *Commercial Tenancy (Retail Shops) Act 1985* (Retail Shops Act). The Act specifies that any term greater than 6 months provides a 5 year guaranteed term for the tenant.
5. The licence fee was \$1 + GST plus a utility fee of \$250 + GST per month which equates to \$3,012 + GST per annum, inclusive of outgoings.
6. The licence expired in December 2015. At the time, given the uncertainty around a new Regular Public Transport (RPT) provider and potential switch in operations, the tenant was allowed to remain at the premises. It was considered essential for continuous café services to be available to the public, knowing the tenant would accrue a statutory right to a 5 year retail tenancy.
7. It is considered that the arrangement has been successful in meeting the needs of both the City and Airport customers and all parties sought for the service to continue.

**DISCUSSION**

8. With the introduction of the new RPT provider REX Airline's operating smaller aircraft with more regular flights, it was considered there may be some impact on the café operations.
9. It was agreed to allow time for the tenant to monitor and adjust to the new airport flight schedule prior to considering a new agreement for the café. During this time it was established that the financial viability of the café has been impacted, in particular due to the same number of passengers now being spread over a greater period of time increasing café operating and staff expenses.

10. It was intended to negotiate a new lease based on a market rent and in line with Council's Property Management (Leases and Licences) Policy. However the market valuation completed in January 2016 returned a rental of \$5,200 + GST per annum, which was not accepted by the tenant given the marginal nature of the business.
11. Since the valuation, City staff have been in discussions with the tenant in an attempt to reach agreement to formalise a lease. It has been requested by the tenant and agreed by City staff to progress a new lease on similar terms and conditions as the existing licence arrangement, including the rent, based on the following reasons:
  - a. The operation of a café concession at the Airport is considered an important service to the travelling public and those farewelling and greeting passengers.
  - b. The operation of the business is considered marginal in terms of financial viability and if it had to be run by the City would operate at a significant loss factoring in penalty rates for early morning and late night flights.
  - c. The change in RPT aircraft operations in 2016 from the larger 46-48 seat aircraft at 15 flights per week to the smaller 34 seat aircraft at 23 flights per week has also worked to negatively impact the financial viability, such that there is the same number of passengers and potential revenue, however spread over a greater time period increasing staffing expenses.
37. It is acknowledged that the current rental of \$3,012 plus GST per annum is less than market rates and may not always fully cover all expenses incurred by the City for this leased premises. However the rent it is considered appropriate given the above and it is recognised that it may be difficult to secure a new tenant in this location.

#### **GOVERNMENT & PUBLIC CONSULTATION**

38. No Government consultation is required as the lease area is located within City of Albany owned freehold land.
39. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licenced land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.
40. The proposed lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

#### **STATUTORY IMPLICATIONS**

41. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licenced land and buildings including advertising requirements.
42. The lease will be prepared pursuant to the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

**POLICY IMPLICATIONS**

43. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
44. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
45. The Policy provides that any rent for commercial leases or licences will be determined by initial market valuation with rent reviews conducted every three years by market valuation and by CPI, All Groups (Perth) for intervening years.
46. It is recommended that Council relax current Policy provision for commercial leases requiring market rent. This is on the basis of the operational limitations for the Airport café.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: new lease not approved</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Community: new lease not approved – café services to Airport users limited</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>

**FINANCIAL IMPLICATIONS**

48. All costs associated with the development, execution and completion of the lease agreement documentation will be payable by the City of Albany as Landlord, in accordance with Section 14B of the Retail Shops Act.
49. The lease rental of \$3,012 plus GST per annum will continue to be directed to Airport operating income.

**LEGAL IMPLICATIONS**

50. The commercial agreement with the tenant will be a formal Deed of Lease with enforceable conditions governed by the Retail Shops Act. The Deed will be developed by the City's lawyer.
51. The Act specifies that any continuous tenancy term greater than 6 months provides a 5 year guaranteed term for the tenant. There is a requirement to approve a lease for the remaining term with the current tenant to comply with legislation.
52. The City will provide the disclosure statements to the tenant as required under the Act. Failure to do so may result in the tenant having a right to terminate the lease and/or seek an order for compensation from the State Administrative Tribunal.

**ENVIRONMENTAL CONSIDERATIONS**

53. There are no environmental implications.

**ALTERNATE OPTIONS**

54. Given that the tenant has a statutory right to continue their existing arrangements, there is not considered to be any alternative than to approve the lease term for a further 2 years and 10 months, to comply with the Retail Shops Act.
55. While approving the lease term to comply with legislation, Council does have some discretion in regard to the proposed rent and outgoings. However it is noted that the tenant has not agreed to any variation to the existing financial arrangements.

56. Should Council not wish to support the proposed rent, further negotiations with the tenant will be required. It is considered that further negotiations may not be successful. It is also noted that securing a new tenant in this location may be difficult to achieve given the financial viability of the business.

**SUMMARY CONCLUSION**

57. The current tenant at the Airport café has been operating under a licence arrangement since 2015. This arrangement has been successful in meeting the needs of both the City and Airport customers.
58. With support of the Tenant, the City proposes to formalise the lease agreement in accordance with the Retail Shops Act. Under this Act the tenant has a right to occupy the café for a further 2 years and 10 months.
59. The current rental paid by the tenant is less than the market rental however it is considered appropriate to continue this rental in order maintain a café service to Airport customers and in view of the marginal nature of this business.
60. It is recommended the new lease to Anna Kekesi trading as Waffles Galore is approved to satisfy the Retail Shops Act requirements and to formalise the current arrangements.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management (Leases and Licences)</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO404, A160418 (Kalgan Ward)
<b>Previous Reference</b>	:	Nil



**CCCS051: PROPOSED LEASE – AUSTRALIAN BLUEGUM  
PLANTATIONS, LOT 20 LAKE WARBURTON ROAD, PALMDALE**

**Land Description** : Lot 20 Lake Warburton Road, Palmdale on Deposited Plan  
400803 comprised in Certificate of Title Volume 2837 Folio 569

**Proponent** : Australian Bluegum Plantations

**Owner** : City of Albany

**Attachments** : Gravel Extraction Areas Map

**Report Prepared By** : Senior Lands Officer (N Crook)  
Senior Team Leader Property, Leasing and Customer Service  
(T Catherall)

**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**Responsible Officer's Signature:**



**This item was withdrawn from the August Ordinary Council Meeting, and will  
now be considered at the September 2017 Ordinary Council Meeting.**

**CCCS052: CHANGE OF DATE FOR OCTOBER 2017 ORDINARY COUNCIL MEETING**

**Report Prepared By** : Council Liaison (J Williamson)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
  - a. **Key Theme:** 5. Civic Leadership.
  - b. **Strategic Objectives:**
    - 5.1. To establish and maintain sound business and governance structures.
    - 5.3 To engage effectively with our community.
  - c. **Strategy:** 5.3.2. Improve community engagement processes and platforms

**In Brief:**

- The Ordinary Local Government Election polling day will be held on Saturday October 21 2017.
- In order to prioritise the Induction Program for Councillors elect, it is proposed that the Ordinary Council Meeting scheduled to be held on Tuesday 24 October 2017 be held on the following Tuesday 31 October 2017.
- That a Mock Council Meeting be held on Wednesday 25 October 2017 to familiarise Councillors Elect with the meeting procedure and the agenda for the October 2017 Ordinary Council Meeting.

**RECOMMENDATION**

**CCCS052: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING**  
**SECONDED: COUNCILLOR TERRY**

**THAT the Ordinary Council Meeting previously scheduled for Tuesday 24 October 2017 (as per the 2017 Council and Committee Meeting Calendar), be rescheduled to Tuesday 31 October 2017 to prioritise the Induction Program for Councillors Elect following the Ordinary Local Government Election on 21 October 2017.**

**CARRIED 11-1**

**Record of Vote**

Against the Motion: Councillor Price

**BACKGROUND**

2. The current 2017 City of Albany Council and Committee Meeting Calendar was approved at the Ordinary Meeting of Council held on 13 December 2016.

**DISCUSSION**

3. The Local Government Ordinary Election polling day will be held on Saturday 21 October 2017.
4. The first Ordinary Council Meeting that Councillors Elect will attend is currently scheduled for Tuesday 24 October, 2 working days post the election.

5. In order to ensure that Councillors Elect are able to fully participate in the planned induction program, it is proposed that the Ordinary Council Meeting for October be delayed by one week, to Tuesday 31 October 2017.
6. This will allow Councillors Elect to receive initial training and briefings on current agenda items prior to participating in their first official Council meeting.
7. It is proposed to hold a mock Council meeting on Wednesday 25 October 2017 to allow Councillors Elect to become familiarised with meeting procedures.
8. The proposed new date for the Ordinary Council Meeting will not impact the committee meeting schedule.

#### GOVERNMENT & PUBLIC CONSULTATION

9. No government or public consultation is necessary.

#### STATUTORY IMPLICATIONS

10. It is a statutory requirement that Council give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to the public to attend.
11. *Local Government Act 1995, s 5.25(1)(g) and as prescribed by the Local Government (Administration) Regulations 1996, Regulation 12:*

*(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

*(a) the ordinary council meetings; and*

*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

*(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

12. Voting requirement for this item is **Simple Majority**.

#### POLICY IMPLICATIONS

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

#### RISK IDENTIFICATION & MITIGATION

14. To ensure appropriate decisions are made with quality information, stakeholder consultation and research, Council must be informed of the risk the City faces as a result of its decision making.
15. Risk identification and mitigation advice assists Council maximise opportunity and minimise risks and hazards that may impact upon the effective and efficient management of City assets, functions and services.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations</b>  <i>If it is not possible to defer the Council meeting by one week, the induction time frame will be compressed and Councillors Elect may not have sufficient time to familiarise themselves with the current decisions being made by Council.</i></p>	<i>Possible</i>	<i>Medium</i>	<i>Moderate</i>	<i>The induction process will be prioritised over other work processes for staff to brief Councillors Elect on reports to be considered at the Ordinary Council Meeting.</i>

**FINANCIAL IMPLICATIONS**

16. A budget line exists for the cost of giving public notice and advertising.

**LEGAL IMPLICATIONS**

17. Local public notice must be given to ensure legislative compliance, detailing changes to the forecast ordinary meeting schedule.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

19. Council may choose not to reschedule the Ordinary Council Meeting for October 2017.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Report Item CSF28913 December 2016 OCM

**PR003: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

- Attachments** : • *CONFIDENTIAL – Minutes and attachments of the CEO Review Committee held on 20 July 2017 - distributed under separate confidential cover.*
- Report Prepared by** : Executive Director Corporate Services (M Cole)
- Responsible Officer** : Chief Executive Officer (A Sharpe)

**Responsible Officer's Signature:**



*This matter was discussed behind closed doors in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee*

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. **Key Theme:** 5. Civic Leadership
  - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
  - c. **Strategy:** 5.1.1 Develop informed and transparent decision making processes.

**In Brief:**

- Review feedback and confirm the CEO Performance Appraisal and confirm the CEO Key Result Areas (KFAs) for the next reporting period (2017/2018).
- Consider the recommendation from the CEO Review Committee.

**RECOMMENDATION**

The Chief Executive Officer Mr Andrew Sharpe declared a Financial Interest in this item. Mr Sharp left the Chamber and was not present during the discussion of this item.

**PR003: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR SUTTON**

**THAT this item be discussed behind closed doors in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee.**

**CARRIED 12-0**

All members of the public, media and staff left the Chambers.

**PR003: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MOIR**  
**SECONDED: COUNCILLOR SUTTON**

**THAT the meeting be re-opened to the public.**

**CARRIED 12-0**

Staff returned to the Chamber. No members of the public or media returned to the Chamber.

**PR003: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MOIR**

**That Council ENDORSES the Committee Recommendations detailed in the minutes of the CEO Performance Review held on 22 July 2017 and ADOPTS the Chief Executive Key Result Areas for the 2017/18 appraisal period.**

**CARRIED 12-0**

**BACKGROUND**

2. The Chief Executive Officer’s contract of employment defines the performance criteria and the review of performance process.
3. It is a contract requirement that the CEO Key Performance Areas (KPA’s), also known as Key Performance Indicators (KPI’s) are reviewed annually.
4. The purpose of this report is to ensure that Council are fully aware of:
  - a. Key Result Areas that the Chief Executive Officer was assessed against;
  - b. The performance feedback received; and
  - c. The Key Result Areas set for the next reporting period.

**DISCUSSION**

5. The review process was facilitated by an independent consultant (John Phillips) and conducted in accordance with the adopted Council policy position and the following schedule:
6. Date: 20 July 2017

<b>Serial:</b>	<b>Activity:</b>	<b>Attendance:</b>
1	Committee briefing conducted by Mr John Phillips, Council appointed review facilitator.	Councillor Stocks Councillor Hollingworth Councillor Goode, JP Mr John Phillips (Consultant)
2	Presentation by CEO to the Committee (Review Panel). This activity was conducted as an open conversation at the request of the CEO.	Councillor Stocks Councillor Hollingworth Councillor Goode, JP Mr John Phillips (Consultant) Mr Andrew Sharpe (CEO)
3	CEO Appraisal Review Panel – Appraisal and Review of CEO, Mr Andrew Sharpe. <ul style="list-style-type: none"> <li>• CONFIDENTIAL - Team Plan – Chief Executive Officer (which details the CEO KFAs) 2015-2016</li> </ul>	Councillor Stocks Councillor Hollingworth Councillor Goode, JP Mr John Phillips (Consultant) Mr Andrew Sharpe (CEO)
4	Setting of CEO, KPIs for 2017-18 period. <ul style="list-style-type: none"> <li>• CONFIDENTIAL - Team Plan – Chief Executive Officer (which details the CEO KFAs) 2016/2017</li> </ul>	Councillor Stocks Councillor Hollingworth Councillor Goode, JP Mr John Phillips (Consultant) Mr Andrew Sharpe (CEO)
5	Review of process, summary, directions regarding report and recommendation to Council.	Councillor Stocks Councillor Hollingworth Councillor Goode, JP Mr John Phillips (Consultant) Mr Andrew Sharpe (CEO)

7. It is recommended the CEO Performance Review Panel Recommendations and associated reports are presented to Council under confidential cover as this matter relates to a subject affecting an employee.

### GOVERNMENT & PUBLIC CONSULTATION

8. Not applicable.

### STATUTORY IMPLICATIONS

9. It is a statutory requirement that the CEO's performance is reviewed annually.  
10. The voting requirement for this item is **Simple Majority**.

### POLICY IMPLICATIONS

11. There are no direct policy implications related to this report.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal &amp; Compliance.</b> <i>Non-compliance with the contract of employment.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Key Focus Areas, Key Performance Indicators set in accordance with the CEOs employment contract. Setting of future KFAs, set with the agreement of both parties.</i>
<b>Legal &amp; Compliance.</b> <i>Breach of fidelity.</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>Confidential Reports distributed under confidential copy in hardcopy.</i>

### FINANCIAL IMPLICATIONS

13. Any increase to the Chief Executive Officer's remuneration is included in the overall employee cost in the 2017-18 Annual Budget.

### LEGAL IMPLICATIONS

14. Refer to risk identification and mitigation section of the report.

### ENVIRONMENTAL CONSIDERATIONS

15. Nil.

### ALTERNATE OPTIONS

16. Not applicable to this report.

### SUMMARY CONCLUSION

17. It is recommended the minutes of the CEO Performance Review Panel and associated reports be received and the agreed Key Focus Areas for 2017/2018 be adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <a href="#">Local Government Act 1995</a></li> <li>• <a href="#">Council Policy: CEO Performance Review Process</a></li> </ul>
<b>File Number (Name of Ward)</b>	:	Personal File
<b>Previous References</b>	:	Committee 22/07/2017 OCM 23/08/2016 Report Item PR002

**DIS035: WATER SKIING ACTIVITIES ON LAKE MULLOCULLUP**

- Land Description** : City of Albany Managed Reserve 16367 (Lake Mullocullup).  
**Proponent / Owner** : City of Albany (Land vested in the care and control of the City of Albany).  
**Attachments** : WA Birdlife Australia Avian Fauna Report February 2016.  
GSIT Ecology Report July 2014.  
**Report Prepared By** : Reserves Officer (A Tucker)  
**Responsible Officers:** : Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:-
  - a. **Key Themes:**
    - 2 – Clean, Green & Sustainable, and
    - 5 – Civic Leadership.
  - b. **Strategic Objectives:**
    - 2.1 - To protect and enhance our natural environment, and
    - 5.3 – To engage effectively with our community.
  - c. **Strategy:**
    - 2.1.2 – Sustainably protect and enhance our iconic coastline and reserves.

**Maps and Diagrams:**



*Lake Mullocullup – off Warriup Road, Green Range*

**In Brief:**

- For Council to support gazettal of Lake Mullocullup for water skiing, and for the activity to be controlled through the issue of a permit from the City of Albany.



**RECOMMENDATION**

**DIS035: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH**

**THAT Council SUPPORT the gazettal of Lake Mullocullop by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:**

- (1) That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal;**
- (2) That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;**
- (3) An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;**
- (4) That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.**

**CARRIED 8-4**

**Record of Vote**

Against the Motion: Councillors Moir, Terry, Hammond and Hollingworth

Councillor Price then proposed a minor amendment to Point 1 of the Alternate Motion:

1. "That the City monitor the use of the lake and review the requirement for a permit system twelve months after gazettal." The mover and seconder of the Alternate Motion (Councillors Sutton and Smith) agreed to the amendment, which then became the substantive motion.

**DIS035: ALTERNATE MOTION BY COUNCILLOR SUTTON  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH**

**THAT Council SUPPORT the gazettal of Lake Mullocullop by the Department of Transport for the purpose of allowing the operation of speed boats, excluding jet skis, subject to the following:**

- (1) That the City monitor the use of the lake and review the requirement for a permit system;**
- (2) That City staff consult with the local Noongar Community and adequately address any concerns raised concerning the use of the lake;**
- (3) An annual environmental monitoring program be developed by the City. The results of the monitoring shall be reviewed every two (2) years;**
- (4) That Council temporarily permit the use of Speed Boats (excluding jet skis) pending the Department of Transport gazettal process being undertaken.**

**Councillor Reason:**

The lake has a history of being a meeting place for local families to recreate on the water body for over 35 years.

There is no evidence of environmental damage as a result of ongoing use of the lake.

There are issues with the implementation of a permit system as it will require ongoing staff time to administer and presents challenges when trying to implement conditions. It is proposed that City staff continue to monitor the use of the lake to determine whether a future permit system is necessary.

**Officer Comment: (Executive Director Works and Services):**

There is no objection to the proposed alternate motion. There is some risk that through the gazettal process that the lake could become more popular as a result of it becoming known to users outside the district. Without a permit system the City of Albany has little control however ongoing monitoring is supported to inform future consideration regarding permits.

DIS035: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

That Council NOT SUPPORT the gazettal of Lake Mullocullopp for the purpose of water skiing or the use of speed boats in general including jet skis.

DIS035: COMMITTEE RECOMMENDATION (ALTERNATE MOTION BY COUNCILLOR TERRY)  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR HAMMOND

That Council NOT SUPPORT the gazettal of Lake Mullocullopp for the purpose of water skiing or the use of speed boats in general including jet skis.

CARRIED 6-5

**Record of Vote**

Against the Motion: Mayor Wellington and Councillors Sutton, Smith, Price and Shanhun

**Councillor Reason:**

The proposed solution to gazette Lake Mullocullopp to allow water skiing has a number of issues with it, the biggest being how the permit system would be enforced. It's all well and good having a determination for other water bodies under the control of the City, as per item DIS039 (if passed), but what's the point of having a permit system for Lake Mullocullopp if it cannot be effectively enforced, other than self-enforcement by permit holders? It's acknowledged in the report that resources are constrained both by the City and the Department of Transport.

The reasons why this issue has come to a head specifically in relation to Lake Mullocullopp is due to resident's concerns about the increased number of people using the lake for water skiing over the years, and also jet skiers, who arguably have been causing more damage to the marine environment.

In addition, gazettal of the lake by the Department of Transport will mean it is advertised State-wide and could lead to more people from outside the local area attempting to use the lake for water skiing activities. If the gazettal leads to more people wanting to access the lake from outside the local area then how is that going to be enforced with the limited resources available to do so?

As Councillors we should also consider part of our Strategic Plan in regards to Delivering Clean and Green objectives, mainly to protect and enhance our pristine natural environment. I would argue that gazetting Lake Mullocullopp for water skiing, even with what would effectively be a self-enforcing permit system, would go against this objective when there are other gazetted water skiing areas available within the City of Albany.

**Officer Comment (Executive Director Works and Services):**

The reasoning to the alternative is accepted and considered reasonable. The implementation of a permit system is considered possible however it would create an administrative burden on the City and enforcement would be limited due to resource constraints. There is no objection to the alternate motion.

DIS035: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council SUPPORT the gazettal of Lake Mullocullopp by the Department of Transport for the purpose of allowing the operation of speed boats, specifically for water skiing, subject to the following:

- a) That City staff implement a system to issue a limited number of permits to allow controlled water skiing on the lake;
- b) That City staff consult with the local Noongar Community and adequately address any concerns raised;
- c) An annual environmental monitoring program be developed by the City.

**BACKGROUND**

2. At the Ordinary Council Meeting on 25<sup>th</sup> July 2017, Council considered this matter in a single report DIS035 where it was resolved:

1. *THAT DIS035: Motorised Watercraft on Lake Mullocullopp be DEFERRED for consideration at the August 2017 Development and Infrastructure Services Committee Meeting.*

2. *THAT two separate reports be prepared to consider:*

a) *The recommendations to adopt a determination to control Motor Boats operating within the Albany Municipality under the Local Government Property Local Law 2011.*

b) *Consider the use of Motor Boats specifically from Lake Mullocullopp.*

c) *That the Environmental Reports previously mentioned be supplied as an Attachment to the report to be presented to the August Development and Infrastructure Services Committee.*

3. Due to the report (DIS035) seeking to deal with multiple issues, complex in their nature, the Development and Infrastructure Committee felt that the matters for consideration should separate into two distinct reports such that further more detailed information can be provided and decisions can be made independent of one another with. This report deals with part b) of the above resolution.

4. Further reference is made to Council report WS088 which was presented for determination at the Ordinary Council Meeting held on the 27 October 2015 where Council resolved the following:

*“THAT Council:*

1. *APPROVE the following determination under the City of Albany Property Local Law 2011, for the purpose of Public Consultation:*

*Determination: Motorised Watercraft*

i. *A person is prohibited from operating a motorised watercraft on bodies of water (rivers, lakes, dams) located on local government property except on water which is gazetted by the Department of Transport or approved by the City of Albany.*

ii. *An authorised person shall have the authority to close a dam/lake/river to motorised watercraft if the water depth or condition may result in damage to the natural environment or pose a threat to public health and safety.*

iii. *Definition: Motorised Watercraft means a craft propelled by an inboard or outboard motor powering a water jet pump or propeller. This includes the following*

*watercraft vessel descriptions: Powerboats, Personal Water Craft (Jet Ski), Recreational Vessels.*

2. *Pending no objections being received during the public consultation period, ADOPT the determination detailed above.”*
5. The term *Determination* is described in Part 2 of the City of Albany Property Local Law. The procedures for making a determination is also described in the Local Law. Determinations effectively enable the Local Government to enforce specific issues relating to the Local Law. Furthermore they are not subject to the rigorous process involved in the making of a Local Law however once made, they become part of the Local Law.
6. In accordance with the resolution made in October 2015, a public consultation period was commenced advising of the proposed determination. During this period, significant feedback was received from stakeholders who were particularly concerned about potential implications for water skiing at Lake Mullocullop (also referred to as Lake Warriup and Mireembin Lake).
7. Lake Mullocullop (Reserve R16367 Warriup Road) has been a popular place for water skiing for many years. The lake is not gazetted for this purpose and concerns have been raised regarding the safety of this activity and the impact it is having on the environment.
8. Lake Mullocullop is considered highly significant from an environmental perspective and therefore its ongoing management requires a considered approach.
9. Generally speaking, water skiing areas are set aside by the Department of Transport (DoT) by gazettal. In these instances the DoT provides enforcement and compliance to ensure the safety and ongoing suitability of the area. It would be considered unusual for a Local Government to manage water skiing areas although it can occur if the Local Government has an appetite to do so.

## DISCUSSION

### Community Feedback during Determination Process

10. At the conclusion of the public consultation period, the City received a total of 59 submissions. 46 objected to the determination being made and 13 were in support. All of the submissions made reference to Lake Mullocullop. In summary, there was strong objection to prohibiting water skiing on Lake Mullocullop.
11. As a result of this feedback, City officers considered it appropriate to conduct further investigations and consult with stakeholders before further consideration by Council.

### Investigations into suitability for Water Skiing

12. City staff undertook a preliminary site investigation to ascertain water depths and to observe the general condition of the site from an environmental perspective.
13. The City engaged with the Department of Transport (DoT) to undertake a water depth (bathymetry) survey and provide advice as to whether the lake is suitable for water skiing.
14. The investigations revealed that the Lake has sufficient depth for skiing (seasonal impacts noted) and that the Lake itself appeared in good condition apart from signs of indiscriminate parking and environmental damage adjacent to the boat launching area.
15. There is no evidence of any damage to foreshore vegetation apart from where clearing has occurred.
16. Notwithstanding the above, in July 2016, the City installed an information sign to all users warning that the lake is not currently a gazetted water ski area and that there may be potential hazards to water skiers using the lake. This sign was developed in consultation with City's insurers LGIS.

### Gazettal Process

17. The process of gazetting an area for water skiing is administered by the DoT under Regulation 48(a) of the Navigable Waters Regulations 1958. The initial bathymetry survey undertaken is fundamental to this process.
18. The DoT have indicated that they would be willing to initiate the gazettal process for Lake Mullocullop based on the information they have.

### Additional Stakeholder Consultation

19. Two public meetings were held (7 February and 6 June 2017) to further discuss concerns over the use of the Lake and work through potential solutions or options.
20. The following matters were raised and discussed at the meeting on 7<sup>th</sup> February:
  - a. Environmental being caused by water skiing;
  - b. Dangerous behaviour and particularly jet ski's being unsuitable;
  - c. Noise;
  - d. Over use;
  - e. Historic use of the site by local people;
  - f. Local people using the Lake as a recreational meeting place and the importance of local recreational areas.
  - g. Results of bathymetry surveys and a plan discussed showing a possible gazetted area for skiing.
21. In response to the discussion at the February meeting, staff considered the issues further and presented the following three options at the public meeting on the 6<sup>th</sup> June:
  - a. Option 1: Enforcing a ban on water-skiing on non-gazetted lakes and waterbodies within the City of Albany in accordance with the determination;
  - b. Option 2: Gazetting the waterbody and opening it up to all water-skiers thus enabling some enforcement and control though conditions;
  - c. Option 3: Gazetting the waterbody to water-skiing with a condition that a permit from the City of Albany must be obtained, thus enabling similar controls to the above but also to control the number of permits issued.

### Option Feedback

22. Feedback on the above options at the meeting was varied.
23. Option 1 was considered by many as being the only appropriate outcome from an environmental perspective.
24. Option 2 was considered inappropriate in that if the Lake is gazetted then it would be advertised state wide leading to potential over use.
25. Option 3, was supported by local users as it was felt that this could be an acceptable compromise noting that there was still some work to be done in order to determine exactly how a permit system would be administered. Option 3 was not supported generally by those who supported option 1, however some commented about the potential for some compromise.
26. It was widely agreed that the use of jet skis is not appropriate for this area.

### Permits and Enforcement

27. The *City of Albany Property Local Law 2011* allows for the provision of permits under *Part 3 – Permits*. Whilst the exact details would need to be determined, it is envisaged that permits would be valid for a finite period (for example two (2) years) and carry conditions such as restricted daily times for skiing, be associated with the watercraft (rather than a family name) and any other conditions that may be appropriate.

28. Permits can be limited and City staff can be selective as to who may be issued with a permit (for example local residents) however it is important to develop an equitable system to manage this.
29. Permits can be cancelled at the discretion of the City of Albany.
30. Enforcement can be undertaken by the City of Albany however this is constrained by resources. Should the area be gazetted, enforcement and monitoring would also be undertaken by the DoT. Noting that both agencies have finite resources.
31. Once the system is developed and ready to implement, a policy would be presented to Council for adoption.

#### Suggested Way Forward

32. City staff have ascertained that, in their view, water skiing can occur at this location under controlled circumstances.
33. A permit system working in conjunction with the Lake's gazettal is likely to provide some control over the current activities in that Jet Skis can be prohibited and the number of skiers and boats can be controlled. It is envisaged that some self-regulation could occur noting that permits could be cancelled if there is any poor behaviour or environmental damage evident.
34. It is suggested that the City pursue the process of gazetting the area for water skiing with the DoT, and implement a permit system in parallel. The DoT have indicated that this can be accommodated.
35. The environmental value of the lake as a result of continued water skiing and use of speed boats needs to be monitored. There is limited detailed knowledge of the historic environmental condition of the lake. It is suggested that if water skiing activities are to continue, City officers will develop, in consultation with local stakeholders, an annual environmental monitoring program.
36. Limited consultation has occurred with the local Noongar community concerning the ongoing use of the Lake for skiing. Further discussions will take place with a view to establishing any concerns and implementing measures to address them. Prohibiting speed boats in this instance is not considered precluded as an option, however endeavours would be made explore means of mitigating impacts rather than prohibiting the activity.

#### **GOVERNMENT & PUBLIC CONSULTATION**

37. A total of 59 submissions were received during the public consultation period in 2015. Of those, 13 of them expressed opinions in favour of prohibiting water skiing, while the remaining 46 expressed opinions against. Two public meetings with interested community members were held on 7 February and 6 June 2017 to further discuss the options.
38. Significant consultation with the Department of Transport has taken place since October 2015.
39. Initial discussions have been held with the local Noongar community. This site has cultural significance to the Noongar Community and there are likely to be issues to work through. The gazettal process will not be finalised until these issues have been resolved.

#### **STATUTORY IMPLICATIONS**

40. Prior to implementing a permit system, the waterbody must first be gazetted under Regulation 48(a) of the *Navigable Waters Regulations 1958*. This process would be undertaken by DoT.
41. Following gazettal, the City may implement a permit system under the *City of Albany Property Local Law 2011*.
42. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

- 43. There is no specific Council policy position, as boating on crown land is dealt with under the *Local Government Property Local Law 2011, Part 2, Division 1 - Determinations*.
- 44. However, *Division 3 of Part 3 of the Property Local Law 2011* does allow for the creation of a policy adopted by Council containing conditions subject to which an application for a permit maybe approved.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community, People Health and Safety</b> <i>Indiscriminate water-skiing on water bodies not suitable for the activity and protection of the environment.</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Proceed with recommended determination under the City’s Local Law, to allow Council Rangers to provide public education and enforcement if necessary.</i>

**FINANCIAL IMPLICATIONS**

- 46. Administrative costs for issuing of permits will be absorbed by general operating budgets. Similarly with costs associated with signage. There will be annual cost associated with an Environmental Monitoring Program, the details of which are yet to be determined. This is estimate to be in the order of \$5,000.

**LEGAL IMPLICATIONS**

- 47. There are no direct legal implications related to this report, noting that actions may result as a result of enforcement.

**ENVIRONMENTAL CONSIDERATIONS**

- 48. The City of Albany recognises that an inland freshwater wetland body such as Lake Mullocullup has significant environmental value and the importance of protecting it for future generations.
- 49. In February 2016, a member of WA Birdlife Australia undertook a snapshot survey of the lake. Thirty (30) waterbird species were recorded at the lake and depend on the lake for their habitat requirements. However, the lake is considered not suitable for a migratory shorebird, nor for the endangered Australasian Bittern due to a lack of mudflats and dense reed beds.
- 50. Black cockatoos have been recorded in the area however they are most likely to be passing through rather than residing on site as no suitable trees with hollows were noted in the vicinity.
- 51. In July 2014, the City engaged the Great Southern Institute of Technology (GSIT) to undertake a snapshot ecological survey of the lake, and this report serves as a good base structure to compare future ecological data against.
- 52. As a part of the proposal to allow limited / controlled use of speed boats and water-skiing on this lake, the City proposes to instigate an annual environmental monitoring program.
- 53. It is likely that a monitoring program will need to include disturbances/changes to the shoreline, the lake bed and the water column. Information from this monitoring will inform future management.
- 54. It is envisaged that any monitoring program will be designed to be able to be undertaken by the community with assistance from City officers to ensure long term sustainability.

**ALTERNATE OPTIONS**

55. Council may wish to not support water skiing on Lake Mullocullop, in which case the default position would apply (subject to Council making the appropriate determination under the Local Law) which is that the use of speed boats would be prohibited.
56. This would eliminate any risk of environmental harm as a result of the use of speed boats and encourage more passive recreational pursuits.

**CONCLUSION**

57. This report recommends supporting the gazettal process for Lake Mullocullop subject to the City being able to control its use through a permit arrangement.

<b>Consulted References</b>		<ul style="list-style-type: none"><li>• <i>Navigable Waters Regulations 1958</i></li><li>• <i>Local Government Act 1995</i></li><li>• <i>City of Albany Local Government Property Local law 2011</i></li></ul>
<b>File Number (Name of Ward)</b>	:	CR.COC.42 (Kalgan Ward)
<b>Previous Reference</b>	:	DIS Committee 12 July 2017 – Resolution DIS035 OCM 27 October 2015 - Resolution WS088



**DIS039: LOCAL LAW DETERMINATION – USE OF SPEED BOATS**

<b>Land Description</b>	: City of Albany (Managed Land)
<b>Proponent / Owner</b>	: City of Albany (Land vested in the care and control of the City of Albany)
<b>Attachments</b>	: N/A
<b>Report Prepared By</b>	: Reserves Officer (A Tucker)
<b>Responsible Officers:</b>	: Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 – 2018:
  - a. **Key Theme:** 2 – Clean, Green & Sustainable
  - b. **Strategic Objectives:**
    - 2.1 – To protect and enhance our natural environment.
  - c. **Strategy:**
    - 2.1.2 – Sustainably protect and enhance our iconic coastline and reserves.

**In Brief:**

- Under the City of Albany Local Government Property Local Law 2011, approve the determination to prohibit speed boats on water bodies vested in the care and control of the City of Albany.

**Purpose & Effect:**

- **Purpose:** Protection of the waters placed in the care and control of the City of Albany and public safety.
- **Effect:** Where water depth and / or condition poses a risk to the natural environment and / or public safety, or unless otherwise approved, authorised officers will be empowered to prohibit the use of speed boats.

**RECOMMENDATION**

**DIS039: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH**

**SECONDED: COUNCILLOR SUTTON**

**THAT the Responsible Officer Recommendation be AMENDED to remove Point 2, and Point 1 be amended to read:**

1. **A person is prohibited from operating a 'Speed Boat' on bodies of water (rivers, lakes, dams) located on local government property unless otherwise permitted by the City of Albany or gazetted by the Department of Transport.**

**Definition:**

**For the purpose of this determination the term "Speed Boat" means any watercraft or motor boat which is designed for, or capable of a speed in excess of 12 knots as per the description under the *Navigable Waters Regulations 1958*.**

**CARRIED 10-2**

**Record of Vote**

Against the Motion: Councillors Terry and Hammond

A minor amendment to Point 1 of the motion was proposed, to read “1. A person is prohibited from operating a ‘Speed Boat’ on bodies of water (rivers, lakes, dams) located on local government property unless otherwise permitted by the City of Albany **or gazetted by the Department of Transport.**” The proposed amendment was approved by the mover and seconder. The amendment then became the substantive motion.

DIS039: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR DOWLING

THAT a decision be ADJOURNED until the Ordinary Council Meeting on 22 August 2017 pending further advice from the officer in respect to making the determination specific to Lake Mullocullopp.

CARRIED 10-1

DIS039: MOTION

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be AMENDED to remove Point 2, and Point 1 be amended to read:

- (1) A person is prohibited from operating a ‘Speed Boat’ on bodies of water (rivers, lakes, dams) located on local government property **unless otherwise permitted by the City of Albany.**
- ~~(2) This determination does not apply to water bodies gazetted to allow water-skiing by the Department of Transport.~~

Definition:

For the purpose of this determination the term “Speed Boat” means any watercraft or motor boat which is designed for, or capable of a speed in excess of 12 knots as per the description under the *Navigable Waters Regulations 1958*.

DIS039: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the following determination under the City of Albany Property Local Law 2011:

PROPERTY LOCAL LAW 2011 – DETERMINATION – USE OF SPEED BOATS

- (1) A person is prohibited from operating a ‘Speed Boat’ on bodies of water (rivers, lakes, dams) located on local government property.
- (2) This determination does not apply to water bodies gazetted to allow water-skiing by the Department of Transport.

Definition:

For the purpose of this determination the term “Speed Boat” means any watercraft or motor boat which is designed for, or capable of a speed in excess of 12 knots as per the description under the *Navigable Waters Regulations 1958*.

**BACKGROUND**

2. At the Ordinary Council Meeting on 25<sup>th</sup> July 2017, Council considered this matter in a single report DIS035 where it was resolved:
  1. *THAT DIS035: Motorised Watercraft on Lake Mullocullopp be DEFERRED for consideration at the August 2017 Development and Infrastructure Services Committee Meeting.*
  2. *THAT two separate reports be prepared to consider:*
    - a) *The recommendations to adopt a determination to control Motor Boats operating within the Albany Municipality under the Local Government Property Local Law 2011.*

- b) *Consider the use of Motor Boats specifically from Lake Mullocullup.*
  - c) *That the Environmental Reports previously mentioned be supplied as an Attachment to the report to be presented to the August Development and Infrastructure Services Committee.*
3. This report deals with part a) of the above resolution.
4. Reference is made to Council report WS088 which was presented for determination at the Ordinary Council Meeting held on the 27 October 2015 where Council resolved the following:
- ‘THAT Council:*
- (1) APPROVE the following determination under the City of Albany Property Local Law 2011, for the purpose of Public Consultation:*

*Determination: Motorised Watercraft*

- (i) A person is prohibited from operating a motorised watercraft on bodies of water (rivers, lakes, dams) located on local government property except on water which is gazetted by the Department of Transport or approved by the City of Albany.*
  - (ii) An authorised person shall have the authority to close a dam/lake/river to motorised watercraft if the water depth or condition may result in damage to the natural environment or pose a threat to public health and safety.*
  - (iii) Definition: Motorised Watercraft means a craft propelled by an inboard or outboard motor powering a water jet pump or propeller. This includes the following watercraft vessel descriptions: Powerboats, Personal Water Craft (Jet Ski), Recreational Vessels.*
- (2) Pending no objections being received during the public consultation period, ADOPT the determination detailed above.’*
5. In accordance with the October resolution, a public consultation period was commenced advising of the proposed determination. During this period, significant feedback was received from stakeholders.
6. Following further research into the *Navigable Waters Regulations 1958*, some terminology changes have been suggested in the determination. In particular the use of the term ‘Speed Boat’ in lieu of ‘Motorised Watercraft’ or ‘Motor Boat’. A speed boat is defined as any motor boat which has the capacity to exceed a speed of 12 knots.
7. In addition, item (ii) of earlier proposed determination is not relevant as there would be no instances in the City of Albany where the authorisation would be required. Subsequently this has been removed from the final wording.
8. Should this determination be adopted, the default position is then that speed boats are prohibited from being used on any water body controlled by the City of Albany, unless the water body has been assessed and gazetted by the Department of Transport. This gazettal process would require City of Albany approval and could include conditions.

**DISCUSSION**

9. At the conclusion of the public consultation, the City received a total of 59 submissions on the matter, 46 of which objected to the determination and 13 were in support.
10. The submissions which objected to the determination are being addressed in a separate report to Council. Refer item b) in the July 2017 resolution above.
11. The current Property Local Law does not include a determination for speed boats. In order for any action by way of enforcement, the City of Albany requires the determination to be made.
12. The determination encompasses all water bodies that are under the management of the City of Albany. These include:

- a. Lake Mullocullup (otherwise referred to as Lake Warriup and Mireembin Lake);
  - b. Nanarup Inlet;
  - c. Lake Seppings; and
  - d. Lake Vancouver and several small waterbodies / lakes within urban developed reserves.
13. Under the *Navigable Waters Regulations 1958*, motor boat means a vessel propelled by any means other than oars or sail and includes a speed boat and a sailing vessel which is equipped with propelling machinery and propelled by mechanical power. Under the same regulations, speed boat means a motor boat designed for, or capable of a speed in excess of 12 knots (22km/h).
14. The term ‘*speed boat*’ has been used as it specifically targets vessels used for water-skiing, while not impacting on vessels most commonly used by recreational fisherman or other passive recreational uses.

**GOVERNMENT & PUBLIC CONSULTATION**

15. The matter of Lake Mullocullopp which was highlighted in the submissions and is the subject of a separate report to Council as per item b) of the July resolution above.
16. There is no objection to the determination as it pertains to other water bodies within the City of Albany. It is therefore considered appropriate that the determination is made so that the default position on City of Albany waterbodies is clear. The default position is that speed boats are prohibited unless otherwise approved.

**STATUTORY IMPLICATIONS**

17. Clause 2.8 of the City’s Local Government Property Local Law 2011 stipulates inter alia:
- (3) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –*
- (e) taking or using a boat, or a particular class of boat.*

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

**POLICY IMPLICATIONS**

19. There is no specific Council policy position, as boating on Crown Land is dealt with under the Local Government Property Local Law 2011. There are no policy implications related to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational Risk:</b> <i>If the need for the proposed local law is not articulated and justified, negative community feedback may result.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>If the proposed local law determination is not endorsed, staff will review and address areas of concern.</i>
<b>Community, People Health and Safety</b> <i>Indiscriminate water-skiing on water bodies not suitable for the activity</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Proceed with recommended determination under the City’s Local Law, to allow Council Rangers to provide public education and enforcement if necessary.</i>

**FINANCIAL IMPLICATIONS**

21. Costs for installation of signage and closing of access to the water using physical barriers will be funded, as required per site, within the natural reserves budget. Any signage installed will be placed on the City’s register for capital maintenance and replacement.

**LEGAL IMPLICATIONS**

22. Determinations under the Local Government Property Local Law 2011 must be implemented in accordance with the City of Albany Local Government Property Local Law 2011, clause 2.2

**ENVIRONMENTAL CONSIDERATIONS**

23. There are no direct environmental considerations related to this item. However, prohibiting the use of speed boats on inappropriate water bodies does have a direct effect on the natural environment and public safety.

**ALTERNATE OPTIONS**

24. Council may resolve to:
- a. Not support the determination; or
  - b. Support the determination with modification.
25. If Council resolves to not make a determination, the current situation would apply where the City of Albany is unable to provide any enforcement in respect to the use of speed boats as the Local Law does not specifically about the issue.

**CONCLUSION**

26. It is recommended that the Council approve the determination to prohibit the use of speed boats on water bodies managed by the City of Albany unless it is gazetted for the purpose by the Department of Transport.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i> <i>City of Albany Property Local Law 2011</i>
<b>File Number (Name of Ward)</b>	:	All wards
<b>Previous Reference</b>	:	DIS Committee 12 July 2017 – Resolution DIS035 OCM 27 October 2015 – Resolution WS088

**DIS040: SUMMARY OF CORONER'S REPORT**

**Proponent** : City of Albany  
**Attachments** : Coroners Court of Western Australia – Record of Investigation into Death of Wendy Elizabeth Bearfoot  
**Report Prepared by** : Manager Ranger and EM Services (T Ward)  
**Responsible Officer** : Executive Director Development Services (P Camins)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. **Key Theme:** Civic Leadership
    - To provide strong, accountable leadership supported by a skilled & professional workforce.
    - To provide positive leadership that delivers community outcomes.
  - b. **Strategic Objectives:** A Sense of Community
    - To build resilient and cohesive communities with a strong sense of community spirit.
  - c. **Strategy:**
    - Promote and develop an authentic sense of community.

**In Brief:**

- The Coronial Inquest into the circumstances surrounding the Black Cat Creek Fire of October 12, 2012 has been completed.
- The Inquest found that a series of cumulative errors lead to the fatality but found no individual or organisation at fault.
- Improvements in incident control and training made by involved agencies have been acknowledged.
- The Coroner has made no formal recommendations for further improvements or systemic changes.

**RECOMMENDATION**

**DIS040: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Goode**  
**Seconded: Councillor Sutton**

**THAT this summary of the Coroner's Record of Investigation into Death, in association with the event known as the Black Cat Creek Fire on 12 October 2012 be NOTED.**

**CARRIED 12-0**

DIS040: COMMITTEE RECOMMENDATION

Moved: Councillor Hammond  
Seconded: Councillor Goode

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 11-0**

DIS040: RESPONSIBLE OFFICER RECOMMENDATION

THAT this summary of the Coroner's Record of Investigation into Death, in association with the event known as the Black Cat Creek Fire on 12 October 2012 be NOTED.

## BACKGROUND

2. On October 12, 2012, City of Albany Volunteer Bush Fire Brigades responded to a bushfire event, later known as the Black Cat Creek fire. The fire ultimately burnt 1,300 hectares of land.
3. Initial control of the fire was undertaken by City volunteers but as the event escalated, several requests were made for the Fire and Emergency Services Authority (now DFES) to take over responsibility for its management.
4. An unanticipated wind change occurred during the fire, which resulted in a burn-over (a section of fire that runs over personnel and/or equipment). Several fire-fighters were injured, including Department of Environment and Conservation employee, Mrs Wendy Bearfoot, who was severely burnt. Tragically, she died in hospital some weeks later as a result of her injuries.
5. Following the incident, a number of operational reviews were undertaken. These actions have resulted in significantly improved standards of safety for fire appliances, training programs and personnel protective equipment (PPE).
6. As a result of the death of Mrs Bearfoot, an inquest into the circumstances of the Black Cat Creek Fire and subsequent fatality was held from 31 October and 7 November 2016, before Ms Sarah Linton, Coroner. The findings were released publically on 22 June 2017.

## DISCUSSION

7. Ms Linton was sensitive to the level of community concern and acknowledged the significant impact that the death of Mrs Bearfoot has imparted on her community and colleagues, who still carry the burden of responsibility for what happened to this day. She paid tribute to the outstanding bravery and commitment shown by those involved in the burn-over.
8. A combination of circumstances were identified as contributing to the eventual death.
9. Spot weather forecasts were not fully read and broadcast by a number of personnel.
10. As a culture, fire-fighting personnel did not consistently use PPE.
11. Fire crews were located in the 'dead man zone' – the area that is likely to burn within five minutes in the case of a sudden wind change – immediately prior to the burn-over.
12. Fire appliances were not provided with available crew protection measures such as heat shielding and water spray or 'deluge' systems. The Coroner noted that these same measures are fitted to vehicles in other states of Australia as standard.
13. Comprehensive training for burn-over situations was not provided to fire-fighters.
14. Native vegetation in the vicinity of the incident had not been burnt for a very long time, with local estimates indicating that the bush had been unburnt for approximately 50 years prior to the Black Cat Creek fire.
15. In addition to these matters, the Coroner noted that a truck belonging to the South Coast Volunteer Bush Fire Brigade that was directly involved in the burn-over has not been upgraded to the same standard as DFES supplied appliances, being a higher standard than that required by Work Safe WA notices issued to the City of Albany in 2012.
16. Ms Linton noted that there is an inherent risk in fighting fires that cannot be fully eliminated, but that the significant changes implemented by the various agencies involved after the tragedy will hopefully make the fire ground safer.

### Analysis:

17. The Coroner did not deliver any adverse findings or recommendations against the City of Albany or any other agencies involved in the incident.
18. No formal recommendations have been made, although the Coroner has urged DFES to complete the retrofitting of state-wide volunteer fire appliance fleet with upgraded crew protection measures.

**Subsequent Actions taken:**

19. Since the public release of the Coroner’s report, the Chief Executive Officer has ordered the removal of two City-owned heavy appliances from the City’s fire fighting fleet as they do not currently meet the same crew protection safety standards as the DFES-supplied vehicles.
20. A request has since been made to DFES to assist in bringing these appliances up to the same safety standards as the latter vehicles before they are returned to service.

**GOVERNMENT AND PUBLIC CONSULTATION**

21. Extensive consultation with involved agencies has occurred since the initial incident in 2012. This collaborative approach has resulted in the City of Albany being amongst the industry leaders in the areas of volunteer safety and emergency management.

**STATUTORY IMPLICATIONS**

22. There are no direct statutory implications associated with this report however, Local Government has statutory authority under the *Bush Fires Act 1954* for volunteer Bush Fire Brigades.
23. Voting requirement for this item is **SIMPLE MAJORITY**

**POLICY IMPLICATIONS**

24. Minimum training standards for Bush Fire Brigade volunteers have been established under adopted Brigade Operating Procedures.

**RISK IDENTIFICATION & MITIGATION**

25. N/A

**FINANCIAL IMPLICATIONS**

26. There are no financial implication associated with the recommendation as presented.

**LEGAL IMPLICATIONS**

27. There are no legal implication associated with the recommendation as presented.

**ENVIRONMENTAL CONSIDERATIONS**

28. There are no environmental consideration related to the noting of this report.

**CONCLUSION**

29. The coronial investigation into the circumstances of the Black Cat Creek Fire and subsequent tragedy on October 12, 2012 are now finalised. Major improvements have been made to all aspects of volunteer safety and bush fire response within the City of Albany and are subject to regular review and continuous improvement.
30. The Coroner’s report and summary of findings, in particular the bravery and dedication of involved personnel, volunteers and staff alike, should be noted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Volunteer Bush Fire Brigade Operating Procedures 2015</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	<i>All Wards</i>
<b>Previous Reference</b>	:	<i>Nil</i>



**DIS041: NELSON STREET AND BATHURST STREET LOCAL AREA  
TRAFFIC MANAGEMENT.**

**Land Description** : Road Reserve – Nelson and Bathurst Streets  
**Proponent / Owner** : City of Albany  
**Business Entity Name** : Nil  
**Attachments** : Concept Layout Plan  
**Supplementary Information & Councillor Workstation** : Nil  
**Report Prepared By** : Manager City Engineering (David King)  
**Responsible Officers:** : Director of Works and Services (Matt Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. **Key Theme:** 3. A Connected Built Environment
  - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
  - c. **Strategic Initiative:** 3.1.2. Traffic Modelling. Improved traffic flows.

**In Brief:**

- Issues concerning traffic speed on Bathurst and Nelson streets have been ongoing since 2010.
- Speed cushions were installed in 2010 but noise concerns have since seen them removed in early 2015.
- Options to realign the road in line with the Local Area Traffic Management (LATM) Plans have been proposed but unsupported by Council.
- This report proposes an alternative Local Area Traffic Management (LATM) treatment that will reduce traffic speeds whilst minimising additional noise.

**RECOMMENDATION**

**DIS041: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR GOODE**

**THAT this matter be deferred for two months to allow officers to present further options for the consideration of Council.**

**CARRIED 10-2**

**Record of Vote**

Against the Motion: Councillors Terry and Moir

DIS041: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR SHANHUN

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

DIS041: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS041: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. SUPPORT the permanent installation of six (6) Local Area Traffic Management Devices on Bathurst Street in accordance with the attached plans, subject to a Road Safety Audit and approval by Main Roads Western Australia.
2. NOTE that following approval, Council will consider the allocation of \$25,000 in the capital budget through a budget amendment for the installation in 2017/2018.

## **BACKGROUND**

2. Issues concerning the geometry of the intersection of Bluff, Nelson and Bathurst Streets resulted in the intersection being reconfigured in 2009/10. Ongoing concerns led to the installation of rubberised speed cushions in 2012.
3. Whilst effective at reducing traffic speeds, the City received a number of complaints due to the excessive additional noise created by the cushions. In addition, a number of erratic traffic actions in attempt to avoid the cushions were observed. This prompted further consultation and ultimately to their removal in early 2015.
4. Since the removal of the speed cushions traffic speeds have increased to previous levels. Initiatives such as campaigned speed enforcement have not resulted in any long lasting impacts.
5. Traffic numbers and speeds have been monitored continually throughout the period 2009 to present, and City officers have continued to receive public complaints about speeding on Bathurst and Nelson Streets.
6. The installation of Local Area Traffic Management treatments (such as traffic calming devices) are often effective however their installation can have unintended consequences and therefore careful consideration needs to be given before installing any treatments on a permanent basis.

## **DISCUSSION**

7. The 85<sup>th</sup> percentile speed is the standard measure that is analysed to determine if a road environment and associated speed zone is appropriate. Typically, the 85<sup>th</sup> percentile speed should be on or around the posted speed limit.

8. Without Local Area Traffic Management (LATM) treatments, Bathurst and Nelson Streets have 85<sup>th</sup> percentile speeds of 62km/hr and 55.8km/hr respectively.
9. Whilst not uncommon for streets in Albany to record speeds in this range, they are usually found on long, straight, wide streets where the environment is conducive to higher operating speeds.
10. In this case Bathurst and Nelson Street are narrow with variable vertical and horizontal geometry which indicated the measured operating speeds are at a point where intervention is warranted.
11. In these cases, City officers often receive requests to support a reduced speed limit to Main Roads Western Australia (MRWA). However, this is generally not the solution and MRWA often do not support this as usually the only outcome is an increased non-compliance.
12. LATM's or traffic calming devices are often the preferred solution and can be a number of different treatments. LATM's attempts to reduce the speed environment and therefore 85<sup>th</sup> percentile speeds.
13. City Engineers have investigated alternatives and given the constraints of the site the most appropriate treatment is slow points as shown in the attachment.
14. Six (6) temporary slow points were installed as a two week trial between 06/02/2017 and 20/02/2017 to gauge both traffic and public reaction to the treatment.
15. The slow points are a treatment that can be installed between the kerbs which essentially narrows the road to a single lane width, and gives priority of movement in a particular direction.
16. By staging a number of the devices in succession, travelling vehicles have to give way at some point therefore reducing speed and encouraging more cautious driving. The slow points were effective at reducing both speed and vehicle numbers as shown in table A below:

TABLE A

	Location	Post Trial	During Trial
VPD (Average)	Bathurst	1012	995
	Corner	951	875
	Nelson	937	862
85 <sup>th</sup> ile Speed (Km/h)	Bathurst	62.0	52.2
	Corner	47.2	46.1
	Nelson	55.8	50.4
VPD (avg) 50-60 km/hr	Bathurst	479	193
	Corner	68	46
	Nelson	353	130
VPD (avg) 60-70 km/hr	Bathurst	197	28
	Corner	3	3
	Nelson	53	14
VPD (avg) >70 km/hr	Bathurst	31	4
	Corner	0	1
	Nelson	4	3

17. Note VPD denotes vehicles per day.
18. During the trial there was one minor incident. A rear end collision caused by the forward vehicle braking heavily for a give way sign with the following vehicle not responding in time.
19. The incident was considered driver error, and was not considered a result of insufficient signage or advance warning of LATM devices.
20. Prior to installation of any permanent treatments, a Road Safety Audit of the design will be undertaken by an accredited auditor.

#### **GOVERNMENT & PUBLIC CONSULTATION**

21. Community feedback was directed at major stakeholders, those being the immediate residents and property owners on Bathurst and Nelson Streets. Consultation was in the form of a letter drop requesting comment and a number of community workshops post trial to discuss any issues, advantages and disadvantages.
22. 88% of the respondents that lived on Bathurst and Nelson Streets were supportive of the trial and wanted to see the slow points installed permanently and cited reduced speed and increased safety of the Street.
23. However, seven (7) residents from the wider area contacted officers to register their opposition to the treatments. It is thought that these respondents use Bathurst and Nelson as a through route, and as such it is not surprising to receive negative feedback.
24. Given the overwhelming support from street residents, and the positive reduction in speeds, particularly on the corner of Bluff and Bathurst, it is considered appropriate to proceed with a permanent installation.
25. If permanent installation is supported, a further detail design and additional consultation will be undertaken with the street residents to determine the best locations, and to finalise a resolution to minor issues with the placement of the trial treatments discussed at the workshops.
26. Consultation with MRWA will be required to support permanent regulatory signage required in the installation of the treatments.
27. Extensive consultation including letters and two on site workshops have been undertaken with the residents of Bathurst and Nelson Street (Bathurst to Seymour).

#### **STATUTORY IMPLICATIONS**

28. The plans of the proposed LATM require approval from Main Roads Western Australia as the agency that is responsible for regulatory line marking.
29. There are no other statutory implications.

#### **POLICY IMPLICATIONS**

30. Nil

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational:</b> A vehicle accident occurs because of excessive speed exposing council to negative publicity.	Possible	Moderate	Medium	Address the unresolved safety issues by completing the LATM process and installing identified treatment.
<b>Financial:</b> An inappropriate LATM strategy is chosen and an accident occurs increasing council liability.	Unlikely	Major	Medium	Conduct a post design road safety audit to identify any outstanding issues.
<b>Reputational Opportunity:</b> There is an opportunity to positively respond to the continued concerns being raised by residents on this street.				

**FINANCIAL IMPLICATIONS**

32. The cost of the treatment is approximately \$25,000 and will require a capital budget line allocation. At this stage, there is no allocation made. If the permanent installation is supported by Council, City Engineers will progress the full design and approvals process and will look to seek Council’s approval to allocate funds through the budget review process.

**LEGAL IMPLICATIONS**

33. There are no direct legal implications related to this item.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

35. Nil.

**CONCLUSION**

36. The proposed LATM treatment option is to install up to six (6) slow points on Bathurst and Nelson Streets in order to reduce the incidence of excessive traffic speeds.
37. A trial has been conducted and resulted in a reduction of speed.
38. The trial received positive feedback from the street residents but a lack of support from local residents that do not live on the street.
39. This report recommends that Council support a permanent installation subject to relevant approvals being obtained through Main Roads Western Australia.

<b>Consulted References</b>	:	Local Government Act 1995
<b>File Number (Name of Ward)</b>	:	RD.PRG.2 (Breaksea and Frederickstown Wards)
<b>Previous Reference</b>	:	OCM 19/04/2011 - Item 3.1 OCM 25/02/2014 – Item WS027 OCM 27/05/2014 – Item WS039

**DIS042: C17022 – PANEL OF SUPPLIERS – VEGETATION MAINTENANCE WORKS**

**Land Description** : N/A  
**Proponent / Owner** : City of Albany  
**Business Entity Name** : N/A  
**Attachments** : N/A  
**Supplementary Information & Councillor Workstation** : N/A  
**Report Prepared By** : Acting Manager City Reserves (J Freeman)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
  - a. **Key Theme:** 2. Clean, Green & Sustainable.
  - b. **Strategic Objectives:** 2.2. To maintain and renew city assets in a sustainable manner.
  - c. **Strategy:** 2.2.1 Deliver effective asset planning and delivery programs

**In Brief:**

- Council approval is sought to appoint a Panel of Suppliers for vegetation maintenance works within the City of Albany.
- Seven (7) compliant tenders were received with Greenman Trading Company, Arbor Guy, Alec Henry Pty Ltd and Jack The Chipper being recommended to be included in the panel.

**RECOMMENDATION**

[7:32:49 PM](#) Executive Director Works and Services left the Chamber after declaring an Impartiality Interest in this item.

**DIS042: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR DOWLING**

**THAT tenders from the following service providers:**

- i. **Greenman Trading Company;**
- ii. **Arbor Guy;**
- iii. **Alec Henry Pty Ltd; and**
- iv. **Jack The Chipper;**

**be ACCEPTED for inclusion on the Panel of Suppliers for Contract C17022 – Vegetation Maintenance Works.**

**CARRIED 12-0**

**DIS042: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**DIS042: RESPONSIBLE OFFICER RECOMMENDATION**

THAT tenders from the following service providers:

- i. Greenman Trading Company;
- ii. Arbor Guy;
- iii. Alec Henry Pty Ltd; and
- iv. Jack The Chipper;

be ACCEPTED for inclusion on the Panel of Suppliers for Contract C17022 – Vegetation Maintenance Works.

**BACKGROUND**

2. The current contract for vegetation maintenance works expires on 26 August 2017.
3. Tenders were called for vegetation maintenance works for a period from 27 August 2017 (or the date awarded whichever occurs latest) for a two year period, with a mutually agreeable and price negotiated extension of one year.
4. The tender is for all work which may including, among other things vegetation/tree removal, pruning, Western Power vegetation clearing, mulching, chipping, stump grinding and arboriculture reports at nominated sites within the City of Albany.

**DISCUSSION**

5. A total of 27 tender documents were issued by the City of Albany.
6. Seven (7) completed tender documents were submitted on or before the stipulated closing date and time.
7. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weighs their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	35%
Relevant Experience	15%
Key Personnel Skills & Experience	15%
Tenderer's Resources	20%
Demonstrated Understanding	10%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

8. The following table summarises the tenders and overall evaluation scores applicable to each submission:

Tenderer	Total Evaluation Score
Greenman Trading Company	513
Arbor Guy	504
Alec Henry Pty Ltd	502
Jack The Chipper	420
Tenderer E	406
Tenderer F	319
Tenderer G	Non-conforming

9. It is recommended that the top four ranking suppliers be accepted to the panel.
  - a. Greenman Trading Company;
  - b. Arbor Guy;
  - c. Alec Henry Pty Ltd; and
  - d. Jack the Chipper.
10. Tenderer G did not provide a conforming price schedule and was unable to provide satisfactory clarification.

#### GOVERNMENT & PUBLIC CONSULTATION

11. A request for tenders was published in the West Australian on Wednesday 31 May 2017 and the Albany Weekender on Thursday 1 June 2017.

#### STATUTORY IMPLICATIONS

12. 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 \$150,000.
13. 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.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

#### POLICY IMPLICATIONS

15. The City of Albany Tender policy and Regional Price Preference Policy are applicable to this item.

#### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial:</b> <i>Non-compliance with contract or business failure.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract as outlined in the tender process allow for contract termination on the basis of failure to supply goods and services.</i>

#### FINANCIAL IMPLICATIONS

17. The value of this tender is expected to be in excess of \$1 million over 3 years, and therefore the approval is referred to Council for consideration.
18. The cost per job will be included in the specific budget line item.

#### LEGAL IMPLICATIONS

19. There are no legal implications related to report.

#### ENVIRONMENTAL CONSIDERATIONS

20. All works that are not general maintenance will be passed through the Environmental Planners prior to commencement of works to ensure there are no issues to address with regards to significant flora and fauna.

#### ALTERNATE OPTIONS

21. Nil



**CONCLUSION**

22. Following the tender evaluation process, the submissions from Greenman Trading Company, Arbor Guy, Alec Henry Pty Ltd and Jack the Chipper are recommended to be added to the Panel of Suppliers as they scored the highest average Evaluation Score.

<b>Consulted References</b>	:	<i>Local Government (Functions and General) Regulations 1995</i> <i>Council Policy – Purchasing</i> <i>Council Policy – Buy Local (Regional Price Preference)</i>
<b>File Number (Name of Ward)</b>	:	C17022 (Across all wards)
<b>Previous Reference</b>	:	Nil

[7:33:21 PM](#) Executive Director Works and Services returned to the Chamber.

**DIS043 PLANNING AND BUILDING REPORTS JULY 2017**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports July 2017  
**Report Prepared By** : Administration Officer-Planning (V Martin)  
Administration Officer-Development Services (J Corcoran)  
  
**Responsible Officer(s):** : Executive Director Development Services (P Camins)

**Responsible Officer's Signature**



**RECOMMENDATION**

**DIS043: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR MOIR**

**THAT Council NOTE the Planning and Building Reports for July 2017.**

**CARRIED 12-0**

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

CCCS051: PROPOSED LEASE-AUSTRALIAN BLUEGUM PLANTATIONS, LOT 20 LAKE WARBURTON ROAD, PALMDALE - WITHDRAWN

PR003: CEO PERFORMANCE APPRAISAL

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at [7:43:47 PM](#)



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Dennis W Wellington  
**MAYOR**