



AGENDA

Ordinary Meeting of Council

Tuesday 22 August 2023

6.00pm

Council Chambers



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 22 August 2023 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Deputy Mayor, Councillor	S Smith
Councillor	P Terry
Councillor	A Cruse
Councillor	G Stocks
Councillor	M Traill
Councillor	T Brough
Councillor	M Benson-Lidholm JP
Councillor	J Shanhun
Councillor	S Grimmer
Councillor	C Thomson
Councillor	R Sutton
Councillor	D Baesjou
 Staff:	
Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	M Gilfellon
Executive Director Infrastructure, Development & Environment	P Camins
Executive Director Community Services	N Watson
Manager Planning and Building Services	J Van Der Mescht
Meeting Secretary	J Williamson

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Traill	CCS552	Impartiality. The nature of the interest being that Councillor Traill is employed as a casual tutor at the University of WA Albany but is not currently engaged.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on 25 July 2023, a question by Ms Pip Tillbrook was taken on notice. The question and response is detailed below:

Is the City able to provide up to date cadastral boundary information on the City's website to facilitate a survey of residents who may be affected by mining exploration?

Response:

This request is acknowledged and relevant teams will be tasked with implementing an update to mapping information available to website users.

At the Ordinary Council Meeting held on 25 July 2023, questions by Annabel Paulley were taken on notice. Those questions and the responses to them are detailed below:

What is the breakdown of costs within the \$1.23m Range Road Stage 1A and what are the works to be undertaken?

Response:

The Range Road Stage 1A project identified in the budget includes drainage, service adjustments, and the construction of a four-way roundabout at the intersection of the future Range Road with Sanford and North Roads. If there are available funds, the road looping from the roundabout back to Bethel Way will also be commenced.

What progress has the City of Albany made on introducing Cat Local Laws to confine cats?

Response:

None, as the Cat Act 2011 does not make provision for confining cats inside buildings.

Has the City set a timeframe for introducing Cat Local Laws? If not, when will it do so?

Response:

The City is not looking to introduce any new laws relating to cats.

Legislation regarding the keeping of cates was introduced in 2011. Control of cats is administered under the Cat Act 2011 and the City of Albany Animals Local Law 2020.

Under the Animal Local Law 2020:

- *A person shall not keep more than 3 cats over the age of 3 months.*
- *A person in a rural area, commercial or industrial area may keep more than 3 cats with permission.*

The Animals Local Law 2020 was gazetted on 07 September 2020, specifically Part 8 of the local law pertains to the keeping of domestic cats.

It is acknowledged that our community has clearly communicated that cats should not be allowed to leave their owners properties or access biodiverse areas and feed on native wildlife.

Acknowledging the legislative limitations of the Cat Act 2011, the City's Animal Local Law is supported by the City's Wandering Cat Management Policy Position. The policy provides guidance on how the City's Authorised Officers will deal with cats found on land managed by the City and the control of feral cats.

The policy position acknowledges that:

- *The reproductive capacity of cats is such that providing additional resources without a coordinated approach for cat management is likely to make little impact in the immediate term.*
- *Feral cats are the same species as domestic cats but are able to survive in the wild without reliance on human contact.*
- *Feral cats are a declared pest under the Biosecurity and Agriculture Management Act 2007.*

The Wandering Cat Management Policy can be found on the City's website.

The City of Albany received an email from Mr David Picton-King requesting the following questions related to Council's decision on the civic affiliation with Linyi be taken on notice and a written response be provided to him:

At the time of the Ordinary Council Meeting held on 25 July 2023, was the Council in possession of advice from the Department of Foreign Affairs and Trade stating that in DFAT's opinion, other than some possible annoyance to the Chinese Communist Party there would be no economic or political fallout for Albany and the region, or the nation by ending Albany's sister-city relationship with Linyi?

Response:

An Officer Comment was provided in response to Councillor Brough's Notice of Motion. This comment was published as part of the agenda for the Ordinary Council Meeting held on 25 July 2023 and included advice that the City had sought from the Department of Foreign Affairs and Trade. The Officer Comment reads:

'Subnational links are part of the fabric of Australia's broader bilateral relationships with foreign countries, including with China. From time-to-time representatives of those jurisdictions will see fit to consider new arrangements or review existing arrangements.

The Australian Government has measures in place to ensure such foreign arrangements accord with the national interest.

The arrangement with the City of Linyi, dated and signed 24 December 2013, is registered with the Department of Foreign Affairs and Trade (Foreign Arrangements Portal reference FRA-000081).'

It is for Council to decide if they wish to review existing arrangements under the Civic Affiliations Policy.

In addition, point 7 and 8 of Councillor Brough's reasons published in support of his Notice of Motion state:

With respect to concerns about risks of potential adverse political or economic outcomes arising from this motion being successfully passed, City of Albany staff have been in direct communication with the Australian Foreign Arrangements Scheme within the Department of Foreign Affairs and Trade.

*In DFAT's correspondence with the City of Albany they stated that although the Chinese government would be irritated by this motion, there would be **no significant diplomatic or economic consequences** that could not be mitigated by the department.*

If the City Council was in possession of that advice, had Councillors been made aware of it?

Response:

Councillors received the advice listed above as part of the Agenda for the Ordinary Council Meeting 25 July 2023.

In the meeting several Councillors spoke against the motion by Councillor Brough to immediately terminate the Sister-City relationship with Linyi, by presenting an argument that severing the relationship was risky because no-one could say what the economic or political fallout from the Chinese Communist Party might be. If the Council and/or Councillors were in possession of that advice, why was it not made public at the meeting so that the arguments being put by those Councillors could be evaluated in the light of that advice?

Response:

Please see responses above.

7. PUBLIC QUESTION TIME

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

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

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

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Petition requesting that the City of Albany preference the upgrading of Corio Road as Stage One be RECEIVED.

Officer Comment:

There are 46 signatories to this petition.

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 25 July 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS548: FINANCIAL ACTIVITY STATEMENT – JUNE 2023

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement – June 2023
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany’s Statement of Financial Activity for the period ending 30 June 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City’s Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 30 June 2023 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS548: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Financial Activity Statement for the period ending 30 June 2023 be RECEIVED.

CCS548: COMMITTEE RECOMMENDATION

MOVED: COUNCIILOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS548: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 June 2023 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS457, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

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

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

POLICY IMPLICATIONS

- 8. The City's 2022/23 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 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

- 12. Nil.

ENVIRONMENTAL CONSIDERATIONS

- 13. Nil.

ALTERNATE OPTIONS

- 14. Nil.

CONCLUSION

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

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

CCS549: LIST OF ACCOUNTS FOR PAYMENT – JULY 2023

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

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

RECOMMENDATION

**CCS549: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2023 totalling \$11,587,228.47 be RECEIVED.

CCS549: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS549: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2023 totalling \$11,587,228.47 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 July 2023. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$37,250.26
Payroll	\$1,772,679.74
Cheques	\$600.14
Electronic Funds Transfer	\$9,776,698.33
TOTAL	<u>\$11,587,228.47</u>

3. The table below summaries the total outstanding creditors as at 15 July 2023.

Current	\$266,348.49
30 Days	\$152,791.34
60 Days	\$5,485.73
90 Days	\$(951.84)
TOTAL	<u>\$423,673.72</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

4. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

7. Expenditure for the period to 15 July 2023 has been incurred in accordance with the 2022/2023 budget parameters & draft 2023/2024 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 July 2023 has been incurred in accordance with the 2022/2023 budget parameters & draft 2023/2024 budget parameters.

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

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

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

CCS550: DELEGATED AUTHORITY REPORTS – 16 JUNE 2023 TO 15 JULY 2023

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared By	: PA to Mayor and Councillors (D Clark)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS550: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 June 2023 to 15 July 2023 be RECEIVED.

CCS550: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS550: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 June 2023 to 15 July 2023 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - **Delegation: 006** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

CCS551: WRITE-OFF RATES DEBT REPORT AS AT 30 JUNE 2023

Proponent / Owner : City of Albany
Attachments : Write Off Rate Debt Report as at 30 June 2023
Report Prepared By : Senior Finance Officer – Rates (A Bartell)
Authorising Officer: : Executive Director Corporate & Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS551: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Write off Rates Debt Report as at 30 June 2023 be RECEIVED.

CCS551: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS551: AUTHORISING OFFICER RECOMMENDATION

THAT the Write off Rates Debt Report as at 30 June 2023 be RECEIVED.

CCS552: PROPOSED NEW LEASE – OLD ALBANY POST OFFICE BUILDING TO THE UNIVERSITY OF WESTERN AUSTRALIA

Land Description	: Lots B42 and B44 on Deposited Plan 144904 Stirling Terrace, being the whole of the land described in Certificate of Title 1739 Folio 647, 33 – 39 Stirling Terrace, Albany
Proponent	: The University of Western Australia
Owner	: City of Albany (freehold)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate and Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity
 - **Outcome:** A strong, diverse and resilient economy with work opportunities for everyone.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease to The University of Western Australia (UWA) for use of the building commonly referred to as the Old Post Office and associated grounds on Stirling Terrace. This will allow them to continue providing university education and campus facilities.
- The original lease expired on 31 July 2021 and UWA continue to occupy under monthly holding over provisions.
- The proposed new lease term is to be for 10 + 10 years with a market rental of \$165,000 per annum plus GST, determined by a licensed Valuer.
- The lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to facilitate access to quality education, training and work opportunities.
- It is recommended to approve the proposed new lease to UWA.

RECOMMENDATION

**CCS552: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a new lease to The University of Western Australia over premises located 33 – 39 (Lots B42 & B44) Stirling Terrace, Albany subject to the terms and conditions outlined in section 17 of this report.

CCS552: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS552: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to The University of Western Australia over premises located 33 – 39 (Lots B42 & B44) Stirling Terrace, Albany subject to the terms and conditions outlined in section 17 of this report.

BACKGROUND

2. The lease premises, known as the Old Albany Post Office building is located on Stirling Terrace on land owned in freehold title by the City of Albany.
3. The building is of high heritage significance and is contained on various heritage lists, including the State Register of Historical Places. The building was the original post office for Albany and has a conservation plan in place.
4. UWA have occupied the premises under a lease agreement since 1 August 2001. The original lease expired on 31 July 2021 and UWA continue to occupy under holding over arrangements.
5. Under the previous 20 year lease, a rental of \$1.00 per annum payable on demand was agreed at the time in support of UWA establishing university facilities for Albany residents and the wider community.
6. UWA undertook internal renovations to meet university requirements while preserving the building’s heritage. Ownership of these improvements vest with the City.

7. In June 2021, UWA approached the City seeking a new lease to allow the ongoing delivery of university education and campus activities at these premises.
8. City officers have been in negotiations with UWA to agree key lease terms, subject to Council approval.
9. Currently a portion of the ground floor of the building is leased to Spectrum Theatre until 31 January 2029. The remainder of the ground floor and the upper two levels of the building is occupied by UWA.

DISCUSSION

10. The current premises meets the university campus requirements and are located in the heart of Albany’s cultural precinct, close to all amenities. There are also affordable student accommodation apartments located on Serpentine Road and Stirling Terrace.
11. UWA have constructed a new science building on land next to the lease area. The City is not a party to this arrangement.

Building works

12. Over the past few years, the City has done works on the building. These include replacing the roof, renewing the verandahs, replacing ladders leading to the clock tower, replacing clock mechanism, and repairing water damage on the ground floor walls.
13. The City has also responded to water ingress and damp issues. UWA acknowledges the building is affected by damp on the ground floor. Both the City and UWA agree, at their respective cost and expense, to use all reasonable endeavours to minimise the dampness.
14. Works planned in the 2023/2024 budget include maintenance to the clock tower shingles and chimney bricks and further works to address the damp issues on the ground floor.

Negotiation on lease terms

15. The lease area includes the building including verandahs, outside courtyard, garden areas and entry ramp.
16. The Property Management (Leases and Licences) Policy requires annual rent reviews, with market valuations every three years and CPI increases in between. However, UWA proposed fixed 3% increases instead of CPI be considered as this suits their operational needs. As such the key terms below have included fixed 3% increases in between.
17. The table below summarises the essential terms of the proposed new lease.

Item	Details
Tenant	The University of Western Australia
Land Description	Lots B42 and B44 Stirling Terrace, being the whole of the land described in Certificate of Title 1739 Folio 647, an area of approximately 1745m ²
Lease Area	Approx 1745m ²
Land Ownership	City of Albany - freehold
Permitted Use	University Purposes
Term of Lease	10 + 10 years commencing 1 August 2022
Rent	\$165,000 per annum plus GST
Rent reviews	Market Valuation every 3 years with 3% fixed annual increase in between
Outgoings/Utilities	Tenant responsible for all outgoings and utilities
Building Maintenance	City responsible for all structural maintenance, including the clock tower
Special Conditions	<u>Internal Toilets and Lobby</u>

	<p>UWA will share the cleaning and maintenance of the internal ground floor toilet and toilet lobby with Spectrum Theatre.</p> <p><u>Dampness</u></p> <ul style="list-style-type: none">• UWA and City both acknowledge the building ground floor is affected by damp (through external factors, building issues and fit-out causes).• Both UWA and the City, at their respective cost, will use all reasonable endeavours to minimise the dampness. Unless otherwise agreed, the City will focus on the external and building causes, and UWA will address fit-out causes.• If any ad hoc event (not caused by UWA) leads to additional dampness, the City will handle necessary cleaning and repairs. UWA will take care of regular maintenance and cleaning and inform the City of any negative changes in dampness levels.• UWA will conduct annual air quality testing at their discretion and make the results available to the City. The cost of this report will be shared equally between UWA and the City.• Despite the efforts mentioned above, if the damp issue cannot be adequately minimised to the reasonable satisfaction of either UWA or the City, either party can terminate the lease by giving 6 months' notice in writing to the other.
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18. UWA has agreed in-principle to the above terms, subject to Council approval.

GOVERNMENT & PUBLIC CONSULTATION

19. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the process by which the City can dispose of property. A lease of a property is considered to be a disposal.
20. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from Section 3.58 of the Act. This includes disposal to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
21. On the above basis, the proposed lease is considered exempt from public notice requirements.
22. The City owns the land being disposed of in freehold title and therefore no approval from the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

23. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased land and buildings.

POLICY IMPLICATIONS

24. The City's Property Management (Leases and Licences) Policy aims to support the equitable access, and the efficient and effective management of City owned and managed properties in line with statutory procedures.
25. The Policy provides that rent reviews be conducted annually, with market valuations every three years and Perth All Groups CPI increases in between.
26. UWA has proposed 3% fixed annual rent increases rather than CPI. Council's support of this variation for UWA is requested.
27. The remaining terms of the lease agreement will align with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: new lease not approved – perceived lack of support for tertiary education in region</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Key terms of the lease have been agreed by both parties. Seek to negotiate terms to Council satisfaction</i>
<i>Reputation: new lease not approved – university campus not available to the community</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Financial: new lease not approved – no rental income</i>	<i>Unlikely</i>	<i>Severe</i>	<i>High</i>	<i>Seek to negotiate terms to Council satisfaction to retain income generation of approx. \$3.3 million to the City</i>
<i>Opportunity: To provide support for tertiary students by supporting a university campus within the region</i>				
<i>Opportunity: This lease supports the City's Strategic Community Plan 2032 objective to facilitate access to quality education, training and work opportunities</i>				
<i>Opportunity: This lease supports the City's commitment to growing Albany as a university town</i>				

FINANCIAL IMPLICATIONS

29. All costs associated with the development and finalisation of the lease will be met by UWA.
30. The new lease rental as determined by a current market valuation provided by a licensed Valuer, being \$165,000 per annum plus GST.
31. The lease income will generate approximately \$3.3 million over the full tenure of the lease. This calculation does not include any 3 year market review and 3% fixed rent review considerations. It is recommended the income be directed to the City's Building Restoration Reserve.

LEGAL IMPLICATIONS

32. The lease documentation will be prepared by the City's lawyers with enforceable terms and conditions to ensure any risk to the City is appropriately mitigated.

ENVIRONMENTAL CONSIDERATIONS

33. The Old Albany Post Office building is officially listed on the State register for Heritage Places. Therefore, the provisions of the *Heritage of Western Australia Act 1990* will apply.
34. UWA are aware of the obligations associated with occupying a heritage building and are experienced in managing heritage related requirements.

ALTERNATE OPTIONS

35. Council may:
- Approve the lease to UWA; or
 - Support some elements of the new lease although not in its entirety; or
 - Decline the lease request.
36. Should Council decline the request, UWA may need to reconsider its options in providing a university campus in the Albany region. This could hinder the growth of Albany as a university town.
37. If the campus is closed, it would have a significant negative impact on current and future students of the university.
38. Should Council decline the request and the premises remain vacant, there will be a loss of rental income for a period until a new tenant is considered and approved.

CONCLUSION

39. The original 20 year UWA lease for the Old Albany Post Office building on Stirling Terrace expired on 31 July 2021.
40. UWA has requested a new lease to continue providing university education and campus facilities.
41. UWA have requested a new 10 year lease with an option to extend for another 10 years.
42. Both parties have agreed a market rental income of \$165,000 per annum plus GST as provided by licensed Valuer. The lease income will generate approximately \$3.3 million over the full tenure of the lease.
43. UWA are experienced in occupying and maintaining historical buildings making them well suited to manage this heritage listed building.
44. The proposed lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to facilitate access to quality education, training and work opportunities.
45. It is recommended that the new lease to UWA be approved.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Leases and Licences) Policy • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i> • <i>Heritage of Western Australia Act 1990</i>
File Number (Name of Ward)	:	PRO289, A181595 (Frederickstown Ward)
Previous Reference	:	OCM 07/11/2000 – Report Item 14.3.2

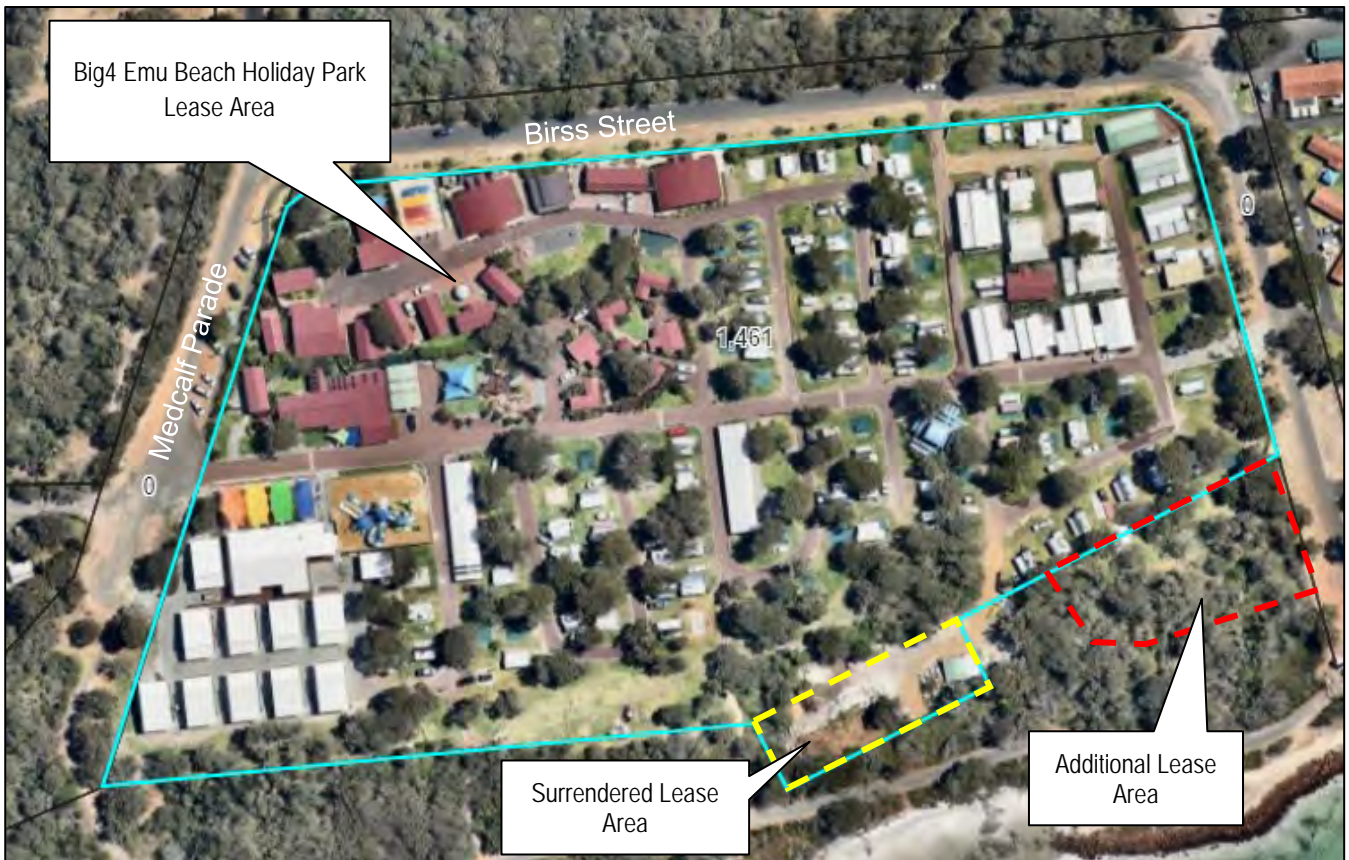
CCS553: PARTIAL SURRENDER & NEW ADDITIONAL LEASE – J & L SHUTTLEWORTH PTY LTD – BIG 4 EMU BEACH HOLIDAY PARK

Land Description	: Crown Reserve 22698, Portion of Lot 1461 on Deposited Plan 219777 the subject of Certificate of Crown Land Title Volume LR3110 Folio 171, Emu Point
Proponent	: J & L Shuttleworth Pty Ltd (ACN 166 818 079) trading as Big 4 Emu Beach Holiday Park <ul style="list-style-type: none">• Directors being Joshua, Luke, Patricia & Simon Shuttleworth
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Giffellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Planet.
 - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

Maps and Diagrams:



In Brief:

- Council is requested to consider a land swap arrangement with the current tenant to facilitate the realignment of the coastal pathway, which is at risk due to coastal erosion.
- The proposed land swap involves the tenant surrendering a 1257m² portion of their current lease area back to the City and in return granting the tenant an additional area of 1627m² for Big 4 operations.
- The surrendered area returned to the City will be used to realign the coastal pathway to ensure safe public access to it.
- The new additional lease area will be used for caravan or camping sites. Noting development of the additional area is limited by clearing restrictions.
- The City's Executive Management team support the land swap proposal, subject to Council approval.
- It is recommended that the proposed land swap be approved.

RECOMMENDATION

**CCS553: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the partial surrender and an additional new lease area over portion of Crown Reserve 22698 to J & L Shuttleworth Pty Ltd trading as Big 4 Emu Beach Holiday Park, subject to the terms and conditions outlined in section 21 in this report.

CCS553: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS553: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the partial surrender and an additional new lease area over portion of Crown Reserve 22698 to J & L Shuttleworth Pty Ltd trading as Big 4 Emu Beach Holiday Park, subject to the terms and conditions outlined in section 21 in this report.

BACKGROUND

Land Tenure

2. Crown Reserve 22698 is under management order issued to the City of Albany with the power to lease, sublease or licence for any term not exceeding 50 years and for the purpose of "Recreation and Associated Business Purposes".
3. In 2009 the City entered into a new lease over portion of Crown Reserve 22698 for an area of approximately 4.2ha, for the purpose of Caravan Park, Holiday Accommodation, Recreational Purposes and Spa and Wellness Facilities. The lease term was 30 years.
4. The lease was later transferred to the current tenants in 2014 and is due to expire in March 2039.
5. The current tenants recently made improvements to the Holiday Park including a recreation room, water playground, jumping pillow, new road corridors for access and emergency evacuation, 10 new transportable two bedroom chalets and parking bays.

Coastal Hazard Risk Management Adaption Plan (CHRMAP) – Emu Point to Middleton Beach

6. Following the State Government's Coastal Planning Policy (State Planning Policy No. 2.6) the City of Albany undertook an assessment of the Middleton Beach to Emu Point area to identify coastal hazards. The aim was to provide guidance and recommend measures to manage and reduce risks both in the short and long term.
7. In December 2019, Council adopted the final CHRMAP Implementation Plan for Middleton Beach to Emu Point. The plan recommended a managed retreat of assets approach for the Big 4 Holiday Park and the coastal pathway adjacent to the park.
8. Severe weather conditions, including intense storms, have made the foreshore area directly south of the Big 4 a coastal hazard 'hot spot'. The coastal pathway is at risk and needs to be realigned to ensure safe public access.

Land Swap

9. The City and the tenant have been discussing the proposed land swap for sometime, and have recently reached an agreement on the arrangement.
10. In the proposed land swap, the tenant will surrender a 1257m² portion of their current lease area back to the City. In return the tenant will receive an additional area of 1627m² for Big 4 operations.
11. The surrendered area returned to the City will be used to realign a portion of the coastal pathway at risk from erosion.
12. The new additional lease area will be used for caravan or camping sites only as there are restrictions on the amount of clearing that can be done in this area.
13. On 26 June 2023 the City received a letter from the tenant confirming their agreement to proceed with the land swap. They believe it is in the best interest for the community and allows the City to better manage coastal erosion issues in this area.

DISCUSSION

Proposed Partial Surrender and New Lease

14. The proposed partial surrender of 1257m² from the existing lease area will be on the southern boundary of the Big 4 lease area, right next to the coastal pathway.
15. To facilitate the land swap, the tenant needs to apply for a clearing permit for the new area with the Department of Water and Environmental Regulations before submitting a Development Approval Application.
16. The partial surrender of lease will only take effect once the new lease for the agreed additional area is granted.
17. The CHRMAP for the Middleton Beach to Emu Point mentions that the Big 4 lease site is located in an area likely to be subject to coastal erosion and/or inundation within the next 100 years.
18. Therefore, it is proposed to include a special condition in the lease acknowledging the CHRMAP and making the tenant aware of potential requirements and limitations on the lease area.
19. The City will have expanded rights to conduct works related to coastal protection treatments.
20. Additionally, the lease will have further indemnification clauses that the City and the Minister for Lands are not held liable for any loss or damage suffered by the tenant due to coastal processes.

21. The table below provides a summary of the key terms of the proposed additional lease to Big 4 Emu Beach Holiday Park:

Item	Details
Tenant	J & L Shuttleworth Pty Ltd (ACN 166 818 079) as Trustee for The J & L Shuttleworth Family Trust
Land Description	Crown Reserve 22698, Portion of Lot 1461 on Deposited Plan 219777 the subject of Certificate of Crown Land Title Volume LR3110 Folio 171, Emu Point
Lease Area	Approx 1,627m ²
Land Ownership	Crown (City of Albany under Management Order)
Permitted Use	Caravan Park, Holiday Accommodation and Associated Activities
Term of Lease	Approximately 15 years. To run concurrent with the existing lease expiring 17 March 2039
Rent	No initial adjustment to rent given the land swap agreement. A market valuation will be undertaken in March 2024 for the entire lease area, including the new area of 1627m ² .
Maintenance	Tenant responsible for all cleaning and maintenance of the facilities
Outgoings	Tenant responsible for all outgoing, including insurance
Utilities	Tenant responsible for all utility costs
Special Conditions	<ul style="list-style-type: none"> • Partial surrender effective only on granting the new additional lease • Include Coastal Hazard provisions • Lease is subject to DWER clearing permit and Development Approval

22. Big 4 Emu Beach Holiday Park has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

GOVERNMENT & PUBLIC CONSULTATION

23. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Lands.
24. The Department of Planning, Lands and Heritage has been consulted and provided in-principle consent to proceed with a partial surrender of lease and new additional lease with the tenant, subject to final Section 18 of the *Land Administration Act 1997* Ministers consent being sought.
25. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease of a property is considered a type of disposal.
26. Clause 30(2)(a)(i & ii) of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from section 3.58 of the Act. One of these exceptions is when land is being disposed of to an owner of adjoining land and its market value is less than \$5,000. In such cases, if the Local Government does not consider that ownership of the land would be of significant benefit to anyone other than the adjoining land owner, public notice requirements are exempt.
27. On the above basis, the proposed lease is considered exempt from public notice requirements.
28. No general public consultation on the lease has occurred, as the discussions were limited to the parties involved in the land swap.

STATUTORY IMPLICATIONS

29. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased/licensed land and buildings.
30. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: New Lease not approved – land swap does not proceed</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Reputation: New Lease not approved – Impact to City access to conduct foreshore mitigation works</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Financial & Reputation: New Lease not approved – Coastal pathway next to Big 4 closed</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Realign path around the back of the existing Big 4 lease area</i>
<i>Opportunity: Retain the popular public coastal pathway corridor along the foreshore side of the Big 4</i>				
<i>Opportunity: Demonstrate the City’s commitment to ongoing foreshore management and retaining waterfront experience</i>				
<i>Opportunity: The lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to encourage more people to use active transport (walking and cycling)</i>				

FINANCIAL IMPLICATIONS

- 34. All costs associated with the development and finalisation of the lease documentation will be met by the City, as the proposed land swap is at the City request.

LEGAL IMPLICATIONS

- 35. The lease documentation will be prepared by City’s lawyers with terms and conditions that can be enforced to minimise any potential risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

- 36. The Big 4 Emu Beach Holiday Park lease area is located within the Coastal Hazard Risk Management Plan (CHRMAP) area for Emu Point to Middleton Beach. As such the lease area is likely to be subject to coastal erosion and / or inundation over the next 100 years.
- 37. The new lease will include coastal hazard provisions to ensure that the tenant acknowledges and accepts the potential impact of coastal erosion and/or inundation, sea level rises and other coastal processes.
- 38. Further indemnification clauses will be included to ensure that the City and Minister for Lands will not be liable for any loss or damage, or liability to any third parties as a result of erosion or the coastal location of the site and that the City has rights to conduct works relating to coastal protection treatments.
- 39. Any future development needs to be considered in the context of the recommendations of the Emu Point to Middleton Beach CHRMAP.
- 40. The Big 4 will need to act in accordance with any imposed conditions of the approved clearing permit from the Department of Water and Environmental Regulation.

ALTERNATE OPTIONS

41. Council may:
 - a. Approve the partial surrender and new additional lease request; or
 - b. Support some parts of the lease proposal although not in its entirety; or
 - c. Not agree to the proposed new lease request.
42. If Council does not agree to the partial surrender of lease area and new lease, the City will face restrictions in managing coastal hazards in this area and ensuring the safety of the public coastal pathway. The City may need to consider realigning the path around the Big4 existing lease area.

CONCLUSION

43. The City and Big 4 Holiday Park tenant have come to an agreement on a proposed land swap arrangement which will allow for the realignment of the coastal pathway near the park due to the threat of coastal erosion.
44. The tenant will give back a portion of their current lease area (1257m²) to the City. In return the tenant will be granted an additional lease area of 1627m² for Big 4 operations.
45. The new additional lease area will be used for caravan and camping sites, noting there are restrictions on how much clearing can be done and limiting use of the area.
46. Big 4 supports the land swap proposal as they believe it is in the best interest for the community and allows the City to manage the coastal erosion issues in this area.
47. The lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to encourage more people to use active transport such as walking and cycling.
48. It is recommended that the proposed partial surrender and new lease be approved.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Lease and Licences) Policy • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO048, A155079 (Breaksea Ward)
Previous Reference	:	OCM 25/02/2014 Item CSF054 OCM 20/11/2007 Item 13.5.2

**CCS554: PROSPECTIVE DISPOSAL OF LAND – 47 & 49
WELLINGTON STREET, CENTENNIAL PARK TO SUPPORT GREAT
SOUTHERN YOUTH FOYER PROJECT**

- Land Description** : Lots 296 and 297 on Deposited Plan 222005, being the whole of the land described in Certificate of Title 1146 Folio 788 and 805, 47 and 49 Wellington Street, Centennial Park
- Proponent** : Albany Youth Support Association and Advance Housing Ltd
- Attachments** :
 - Submission letter
 - Albany Youth Support Association and Advance Housing Ltd - Presentation **Confidential Attachment**
 - Albany Youth Support Association and Advance Housing Ltd - Business Case **Confidential Attachment**
- Owner** : City of Albany (freehold)
- Report Prepared By** : Team Leader Property and Leasing (T Catherall)
- Authorising Officer:** : Executive Director Corporate and Commercial Services (M Gilfellon)

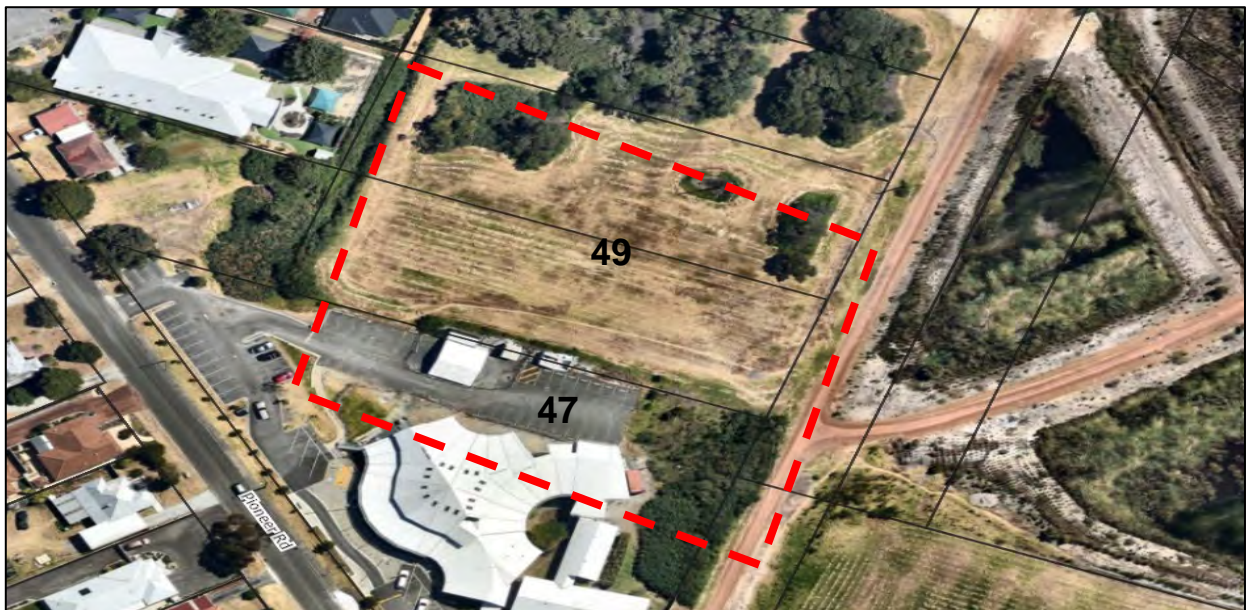
CONFIDENTIAL ATTACHMENT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcome:** A diverse and inclusive community

Maps and Diagrams:



In Brief:

- Council is requested to consider providing in principle support for the prospective disposal of Lots 296 and 297 (47-49) Wellington Street, Centennial Park to Albany Youth Support Association (AYSA) and Advance Housing Ltd (AHL) for constructing the Great Southern Youth Foyer.
- These two lots, a combined area of 0.726 hectares, will be reserved for the Great Southern Youth Foyer subject to AYSA and AHL securing capital and operational funding from third parties for the project within three years, by December 2026.
- The project's estimated capital investment to construct the Great Southern Youth Foyer is between \$20-\$30 million.
- Once this funding milestone has been achieved, a further item will be presented to Council to consider the formal disposal of land process.
- Council received a briefing about the Great Southern Youth Foyer project on 18 July 2023
- The Great Southern Youth Foyer will be a place where young people aged 15-25 years, who are at risk of or experiencing homelessness, can stay. It will offer crisis accommodation and transitional housing for them.
- Council is asked to support the Officer Recommendation to demonstrate its commitment and contribution to the project. Noting the final determination for the disposal of Lots 296 and 297 will be the subject of a further report for Council consideration and decision.

RECOMMENDATION

**CCS554: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RESOLVES to support in principle the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer, subject to:

- a) Albany Youth Support Association and Advance Housing Ltd securing capital and operational funding for the Great Southern Foyer project within three years, by December 2026; and**
- b) A further item to Council to consider the formal disposal of the subject land and decide on the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer.**

CCS554: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS554: AUTHORISING OFFICER RECOMMENDATION

THAT Council RESOLVES to support in principle the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer, subject to:

- a) Albany Youth Support Association and Advance Housing Ltd securing capital and operational funding for the Great Southern Foyer project within three years, by December 2026; and
- b) A further item to Council to consider the formal disposal of the subject land and decide on the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer.

BACKGROUND

2. Following a presentation to Elected Members on 18 July 2023, the City has received a formal request from AYSA and AHL requesting support for the proposed Great Southern Youth Foyer project.
3. AYSA and AHL seek the City's commitment to provide land suitable for the establishment of the Great Southern Youth Foyer for nil consideration. They confirm they will not be seeking any further contribution from the City for site works or remediation. It is the intention to dispose of the land as is, without any further changes or improvements.
4. The estimated capital investment required for constructing the Great Southern Youth Foyer is between \$20-\$30 million.
5. The proposed site, consisting of Lot 296 and 297 (47-49) Wellington Street, Centennial Park has been identified for the Great Southern Youth Foyer. The location is considered ideal as near to local education institutions, public transport and connection to local amenities and services.
6. The land, an area of 0.726 hectares, is owned by the City in freehold title. The land is partially cleared and partly vegetated. The land is located one lot north of Pioneer Road, alongside a relatively large medical development and backing onto low-density residential accommodation.
7. AYSA and AHL request a period of three years, by December 2026, to secure capital and operational funding from third parties for the project.
8. Once this funding milestone is achieved the proposal is for Council to receive a further report to consider the dispose of the land to AYSA and AHL.
9. The Great South Youth Foyer aligns with the City's Strategic Plan 2032 objective goal of creating a compact city with diverse land, housing and development opportunities. The land is zoned as R60 Residential.

DISCUSSION

10. The Great Southern Youth Foyer is a considered a critical initiative aimed at addressing the growing issue of homelessness among young people aged 15-25 years in our community.
11. The Great Southern Youth Foyer will serve as a haven for at-risk and homeless youth providing crisis accommodation and transitional housing. In addition to shelter, the facility will offer essential support services, education opportunities, life skills training and guidance to empower young individuals to transition towards a more stable and independent life.
12. The project aligns with the City's Strategic Plan 2032 objective to provide and promote programs positively engage and develop young people (12-25 years).

Disposal of land

13. It is suggested the conditions subsequent to the disposal of land will include but not limited to the following.
 - Construction of the facility has substantially commenced within two years of the disposal of land.
 - It must at all times be used for the proposed not-for-profit purpose for which it was granted.
 - If AYSA and AHL no longer need the land, they must transfer back to the City for nil consideration.
 - The City may lodge an absolute caveat over the land to protect its rights.
14. The disposal of land is required to comply with section 3.58 of the *Local Government Act 1995* requirements.
15. A further item will be presented to Council to consider the formal disposal of land process. This allows Council to assess all aspects of the land disposal and decide on whether to proceed with the disposal of land
16. The subject land is part of the asset review recently undertaken by Paul Rosair, Naja Business Consulting Services to determine whether to retain, develop or dispose of land.
17. The review found the six vacant lots 296-303 Wellington Street have a combined sale value of \$2.15 million. The subject lots 296 & 297 covering an area of 0.726ha, are estimated to be worth \$748,000 if they are sold.
18. The review concluded the best option for the subject land would be disposal as it is considered low value land with significant development costs, which include expenses for road construction with pathway connectivity, stormwater easement and pipe stormwater.
19. It is anticipated that a summary of this report will be available for review by Council prior to the August Ordinary Meeting of Council.
20. It is noted that the City does not currently have a policy to guide the strategic disposal of land or the acquisition of land.

GOVERNMENT & PUBLIC CONSULTATION

21. Nil

STATUTORY IMPLICATIONS

22. The disposal of land will be undertaken in accordance with section 3.58 of the *Local Government Act 1995*. However, the Act provides for several circumstances where section 3.58 do not apply.
23. Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations* defines those dispositions which are exempt under the Act where the land is disposed of to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
24. AYSA and AHL are considered not-for-profit charitable organisations. Therefore, Council is not required to give local public notice of the proposed disposal of land.

POLICY IMPLICATIONS

25. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: Funding not secured for Youth Foyer</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Land is not disposed of and remains in City ownership for City purposes</i>
<i>Reputation: new Youth Foyer not constructed</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Land returned to the City for nil consideration</i>
<i>Reputation: Local residents oppose the Youth Foyer</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Engage in community consultation to address concerns and explain the benefits of the Youth Foyer</i>
<i>Reputation & Community: Setting a precedent for other community groups wanting land</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Assess requests for land on a case by case basis - considering capital contribution and community benefit</i>
<i>Opportunity: To support the City’s Strategic Plan 2032 objective to provide and promote programs positively engage with and develop young people (12-25 years)</i>				
<i>Opportunity: The establishment of the Great Southern Youth Foyer will provide a supportive environment for young people in the community to prepare them for independent living.</i>				
<i>Opportunity: To support the City’s Strategic Plan 2032 objective to plan a compact city with diverse land, housing and development opportunities.</i>				

FINANCIAL IMPLICATIONS

27. The Great Southern Youth Foyer project has no immediate financial impact on the current budget. However, there is a value associated with the subject land.
28. The recent land asset review evaluated the six vacant lots 296-303 Wellington Street and determined that the combined sale value is \$2.15 million. The subject two lots, 296 & 297, which cover an area of 0.726ha, are estimated to be worth \$748,000 if they are sold.
29. The review determined the best course of action for the subject land is disposal as it is considered low-value parcels of land with high development costs.

LEGAL IMPLICATIONS

30. Any transfer of land will be completed by the City’s lawyers.

ENVIRONMENTAL CONSIDERATIONS

31. Nil

ALTERNATE OPTIONS

32. If Council doesn’t support committing the identified land for the Great Southern Youth Foyer project, it is expected the project will be delayed until another suitable parcel of land is found.
33. Council may consider leasing the land instead of disposing the land to AYSA and AHL. This way, the City will keep ownership of the land.

CONCLUSION

34. The Great Southern Youth Foyer by AYSA and AHL is a significant step towards addressing homelessness among young people in our community.
35. AYSA and AHL have requested the City’s support and commitment in providing suitable land for the construction of the Great Southern Youth Foyer.
36. Lots 296 and 297 (47-49) Wellington Street, Centennial Park have been identified as an ideal local for the establishment of this much needed facility.
37. The lots, a combined area of 0.726 hectares, is owned by the City in freehold title.
38. To build the Great Southern Youth Foyer, the project requires an estimated capital investment of \$20-\$30 million.
39. It is recommended that Council shows its commitment to the project and the well-being of our community’s youth by providing in principle support for the prospective disposal of land. Noting a final decision on the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer will require a further report to Council for consideration and decision on the disposal of land.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	A132083, A132114 (Yakamia Ward)
Previous Reference	:	Nil

CCS555: STIDWELL BRIDLE TRAIL DETERMINATION

Land Description	: City of Albany, DPLH, Water Corporation
Proponent / Owner	: City of Albany
Attachments	: Consolidated Stakeholder Feedback & Reference Maps
Report Prepared By	: Manager City Reserves (J Freeman) Manager Recreation Services (M Green) Manager Governance & Risk (S Jamieson)
Authorising Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar: Leadership.** A well governed city that uses resources wisely to meet local needs.
 - **Outcome:** A well informed and engaged community.
 - **Objective:** Grow awareness, understanding and engagement in City projects, activities and decisions.
 - **Pillar: People.** A welcoming, healthy, and inclusive community, with pride in our rich history and heritage.
 - **Outcome:** A happy, healthy, and resilient community and a safe community.
 - **Objective:** Improve access to sport, recreation and fitness facilities and programs and improve community safety.

In Brief:

- Council consider initiating the determination process under the City of Albany Local Government Property Local Law 2011.

Purpose & Effect:

- **Purpose:** Determine horse and authorised vehicle only sections of the Stidwell Bridle Trail (SBT).
- **Effect:** Sections will be restricted to Horse and Authorised Vehicle Use Only.

Maps:

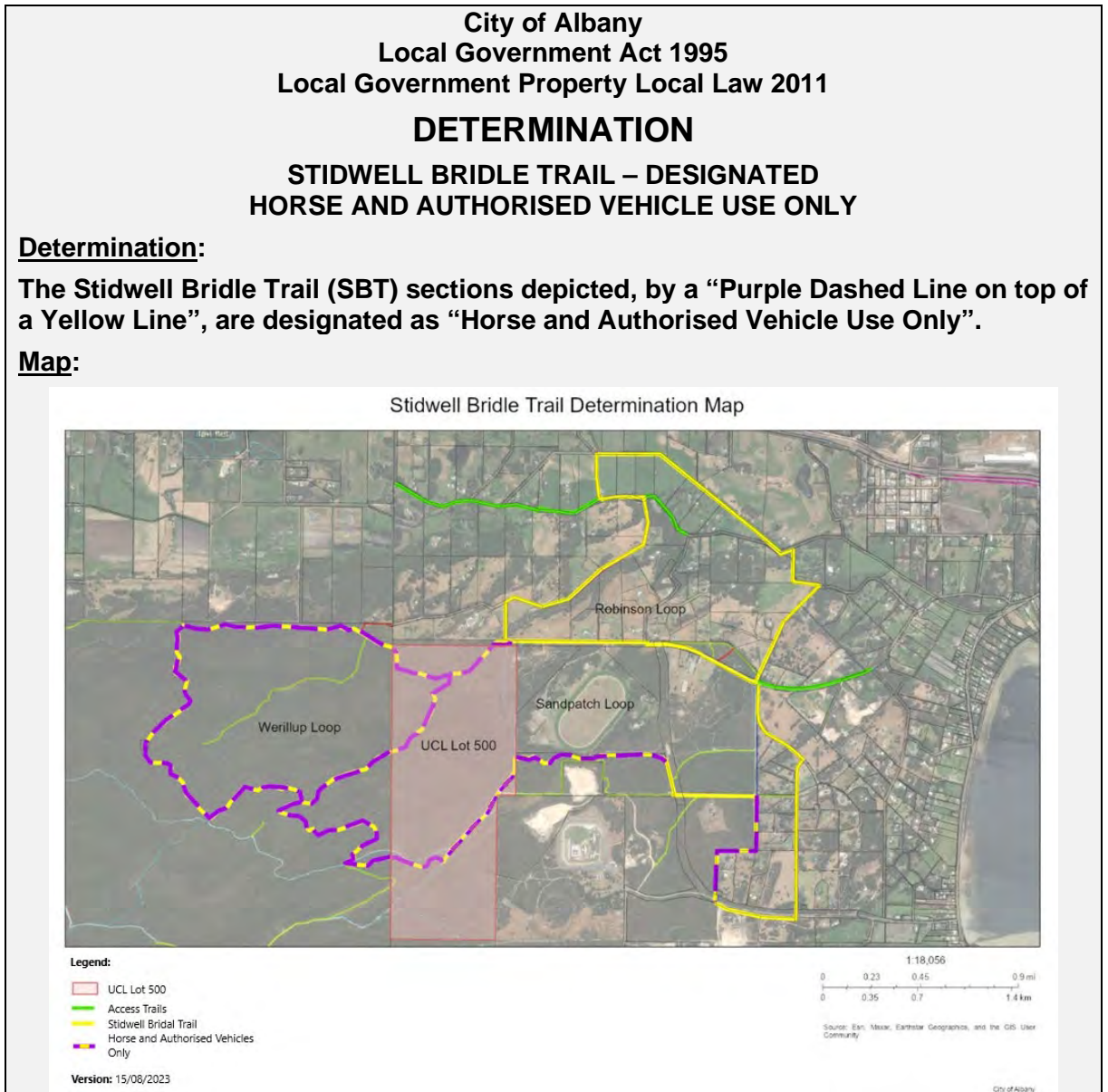
- Maps are detailed in the attachment to this report.

RECOMMENDATION

**CCS555: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) **APPROVE** for the purpose of seeking public comment the proposed **Stidwell Bridle Trail (SBT) determination** under the **City of Albany Local Government Property Local Law 2011**, with the map amended to reflect changing UCL Lot 500 to show ‘horse and authorised vehicle use only’.



Legend:

Purple Dashed/Yellow Line – - Horse and Authorised Vehicle Use Only.

*Note: High resolution maps can be sourced from the City of Albany website:
www.albany.wa.gov.au*

- (2) **NOTE** the determination is to be **PRESENTED** at the **December 2023** meeting of Council, to consider the current **Horse Area Determination** depicting the **Stidwell Bridle Trail (SBT)** loops under the **City of Albany Animals Local Law 2020**, and the submissions received.

CCS555: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT Council:

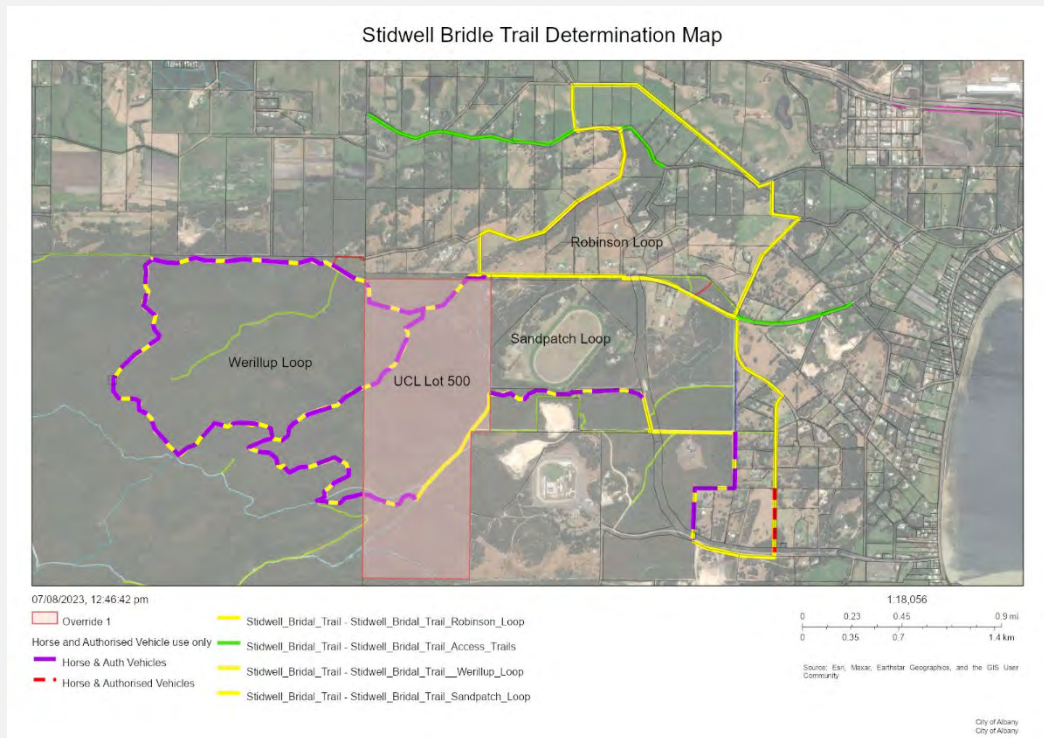
- (1) APPROVE for the purpose of seeking public comment the proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, with the map amended to reflect changing UCL Lot 500 to show ‘horse and authorised vehicle use only’.

City of Albany
Local Government Act 1995
Local Government Property Local Law 2011
DETERMINATION
STIDWELL BRIDLE TRAIL – DESIGNATED
HORSE AND AUTHORISED VEHICLE USE ONLY

Determination:

The Stidwell Bridle Trail (SBT) sections depicted, by a “Purple Dashed Line on top of a Yellow Line”, are designated as “Horse and Authorised Vehicle Use Only”.

Map:



Legend:

Purple Dashed/Yellow Line – - Horse and Authorised Vehicle Use Only.

*Note: High resolution maps can be sourced from the City of Albany website:
www.albany.wa.gov.au*

- (2) NOTE if the determination is **to be PRESENTED ADOPTED** at the **December 2023** future meeting of Council, **to consider** the current Horse Area Determination depicting the Stidwell Bridle Trail (SBT) loops under the City of Albany Animals Local Law 2020, **and the submissions received**.

CARRIED 12-0

CCS555: AMENDED MOTION: COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT Point 1 of the Authorising Officer Recommendation be AMENDED to read:

- (1) APPROVE for the purpose of seeking public comment the proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, **with the map amended to reflect changing UCL Lot 500 to show 'horse and authorised vehicle use only'**.

CARRIED 12-0

Councillor Brough then moved a further Amendment to the Authorising Officer Recommendation.

CCS555: AMENDMENT BY MAYOR WELLINGTON

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR THOMSON

THAT the Point 2 of the Authorising Officer Recommendation be AMENDED to read:

- (2) NOTE ~~if the determination is~~ **to be PRESENTED ADOPTED** at the **December 2023** ~~future~~ meeting of Council, **to consider** the current Horse Area Determination depicting the Stidwell Bridle Trail (SBT) loops under the City of Albany Animals Local Law 2020, **and the submissions received**.

CARRIED 12-0

Mayor Wellington then moved an Amendment to the Authorising Officer Recommendation.

CCS555: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT Council:

- (1) APPROVE for the purpose of seeking public comment the proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011.

City of Albany
Local Government Act 1995
Local Government Property Local Law 2011

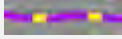
DETERMINATION

STIDWELL BRIDLE TRAIL – DESIGNATED
HORSE AND AUTHORISED VEHICLE USE ONLY

Determination:
The Stidwell Bridle Trail (SBT) sections depicted, by a “Purple Dashed Line on top of a Yellow Line”, are designated as “Horse and Authorised Vehicle Use Only”.

Map:

Stidwell Bridle Trail Determination Map

Legend:
Purple Dashed/Yellow Line –  - Horse and Authorised Vehicle Use Only.

*Note: High resolution maps can be sourced from the City of Albany website:
www.albany.wa.gov.au*

(2) NOTE if the determination is ADOPTED at the future-meeting of Council, the current Horse Area Determination depicting the Stidwell Bridle Trail (SBT) loops under the City of Albany Animals Local Law 2020, will be amended.

PROCEDURAL MOTION: COUNCILLOR THOMSON

MOVED: COUNCILLOR THOMSON:
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT this report be DEFERRED and be presented to a future meeting.

LOST 2-10

Record of Vote

For the Motion: Councillors Thomson and Benson-Lidholm

BACKGROUND

2. In 2021, a project working group was established to conduct an independent study of the Robinson Precinct and Stidwell Bridle Trail (SBT) to address various issues and inform future management of the area and trail maintenance. The study covered historical aspects, current management, environmental concerns, and safety issues, with a particular focus on equestrian use. It sought recommendations for improved future management and enhancements.

3. Extensive consultations were conducted with the project working group, key stakeholders (such as DWER and Water Corp), and targeted members of the trail user community to gather information for the study.
4. At the OCM held in July 2022, the Council acknowledged the study's findings, and City officers proposed developing a determination based on the City's local laws. The objective was to clarify permitted uses within the SBT network to assist with addressing conflicts among users, enhance safety, and improve overall trail and reserve management, working with the Friends of the Stidwell Bridle Trail (FSBT).
5. City officers have reviewed the tracks and trails and assessed the existing authorised uses to arrive at a balanced community approach for the proposed determination.
6. On June 20, 2023, City officers briefed Elected Members on the progress made since July 2022.
7. City officers have shown a high level of commitment to the SBT project and supported the implementation and determination, meeting with representatives of the FSBT on 20 occasions since January 31st, 2023 ensuring the FSBT remains informed and involved in the process.

DISCUSSION

8. The Stidwell Bridle Trail (SBT) is a recognised Horse Exercise Area under the City of Albany Animals Local Law 2020.
9. The proposed determination aims to address user conflicts, enhance safety, and improve management within the trail area.
10. Under the City of Albany Property Local Law 2011 the proposed determination's cause and effect is summarised as follows:
 - a. 'Horse and Authorised Vehicle Only' Sections of the SBT:
 - This will allow for improved management, signage, and safety measures within the trail area.
 - Access for authorised vehicles will be maintained to allow for relevant management authorities to access the area.
 - b. Motorised Vehicle Access:
 - Historically, licensed vehicles have used Sandpatch Reserve for accessing surfing and fishing spots and engaging in other recreational activities.
 - Unlicensed off-road vehicles will remain prohibited in the trail area.
 - Under the proposed determinations, tracks not designated as 'horse and authorised vehicles only' will continue to be available for licenced recreational vehicles, as permitted by the Property Local Law 2011.
 - It is acknowledged that to manage motorised vehicle access, appropriate signage, gates, and education efforts will need to be implemented to prevent public access and minimise conflicts with other trail users.
 - c. Fire Access and Other Maintenance Tracks:
 - The Fuel Management Strategies and Works Program for Sandpatch Reserve highlighted the need for improved fire access tracks (FATs) due to heavy vegetative fuel loads.
 - The proposed determination for the SBT complements the existing fire access tracks, i.e., Bibbulmun track and Water Corporation maintenance bore access tracks; and improves access to fire management response agencies and formalises fire cell boundaries.

d. Compliance and Enforcement:

- Rangers will conduct compliance work proactively and reactively, prioritising risks. Area patrols will occur based on available resources. Complaints with evidence of breaches will be followed up with appropriate actions.
 - The Regulatory Compliance Policy emphasises education first but allows enforcement when necessary. Improved signage, education, and access management methods, like gates, will enhance user safety and reduce conflicts.
 - For dangerous situations, local government officers won't be the first responders. Specialised training by the WA Police Force is necessary for pursuing and detaining possible offenders or impounding vehicles, particularly for unauthorised off-road trailbike use within the South Coast bore field.
 - Collaboration with DPLH, DWER, and Water Corporation is vital, especially for wind farm and water bores expansion plans in Sandpatch Reserve. DPLH authorised persons and Water Corporation Rangers also have responsibility for compliance and enforcement in public drinking water source areas.
11. Implementation and Timeline. The implementation of the proposed determination, along with improved signage, education efforts, and access management measures, is expected to be phased over a period of six months. This timeline allows for the necessary adjustments to be made and ensures smooth transitioning and adaptation to the changes within the trail area.
12. Sandpatch Reserve Management. It was identified that ongoing collaboration with DWER and Water Corporation is essential, especially regarding the wind farm and water bores expansion plans within Sandpatch Reserve. DPLH and the Water Corporation have historically advised that management of the reserve is desired, but resourcing and funding issues need to be addressed.
13. In addition to the determination, other control measures such as gates and improved signage are proposed for implementation on sections of the trail that traverse road reserves and access tracks (refer to the attachment).

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive stakeholder consultation was conducted during the development of the Stidwell Bridle Trail Study report. In line with requirements, the proposed determination will be subject to a minimum 21-day public comment period to gather feedback and ensure transparency.
15. A change management plan will be developed to support implementation, emphasising effective communication, education, and enforcement.
16. The proposed determination has been developed in consultation with the FSBT group.
17. Throughout the process the FSBT have provided highly valued feedback on behalf of the local equestrian community.
18. City Officers have undertaken initial consultation with DWER, Water Corporation and DPLH as part of the determination development and these departments will be invited to make further comment during the public notice period.

STATUTORY IMPLICATIONS

19. The Local Government Act 1995 (the Act) is based on the principle of serving the whole community and promoting inclusivity, fairness, and democratic decision-making processes.
20. The Act establishes a structure that encourages public participation, open meetings, and access to information, enabling residents to have a say in matters that affect them directly.
21. Local governments are accountable to the community they serve, and their actions should reflect the diverse needs and interests of the people they represent.
22. Exclusivity is generally discouraged under the Act. It emphasises inclusivity and fairness in decision-making processes to ensure that all members of the community have an opportunity to participate and contribute. Local governments are expected to avoid favouring specific individuals, groups, or organisations over others and instead focus on the overall well-being and development of the entire community.
23. Local Government Act 1995:

Section 3.52 Public access to be maintained and plans kept

(2) Except to the extent that it is authorised by law to close them or restrict their use, a local government is to ensure that public thoroughfares are kept open for public use.

(3) In fixing or altering the level of, or the alignment of, a public thoroughfare, a local government is to ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided.

Section 3.53. Control of certain unvested facilities

(1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.

(2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

Note: Local government can only enforce a determination on land vested in the care and control of the local government and Unallocated Crown Land (UCL).

24. Control of Vehicles (Off-road Areas) Act 1978 (ORV Act):
 - a. The City of Albany has not established any Off-Road Vehicle (ORV) areas under the Control of Vehicles (Off-road Areas) Act 1978 (ORV Act).
 - b. The ORV Act regulates the illegal use of ORV inside designated Prohibited Areas but does not provide for the regulation of illegal ORV use outside of prescribed Prohibited or Permitted Areas.
 - c. The Department of Water and Environmental Regulation also advises that the ORV Act also applies to any public drinking water source area (i.e., drinking water catchments and wellheads) across the State.
 - d. It is the City's position that local government's authorised officers are not the appropriate first responders for dangerous and high-risk situations. The WA Police Force has specialised training and expertise to enable them to safely pursue vehicles and stop or detain possible offenders or impound vehicles (such as suspected hoon drivers).
 - e. Off-Road Vehicle (ORV) areas: No public land within the City of Albany is designated for unlicensed vehicle use. The use of an unlicensed vehicles, except on private land, is prohibited.

25. Local Government Property Local Law 2011:

Clause 2.2 Procedure for making a determination	
(1)	The local government is to give local public notice of its intention to make a determination.
(2)	The local public notice referred to in subclause (1) is to state that—
(a)	the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
(b)	a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
(c)	submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
(3)	If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
(a)	give local public notice that the proposed determination has effect as a determination on and from the date of publication;
(b)	amend the proposed determination, in which case subclause (5) will apply; or
(c)	not continue with the proposed determination.
(4)	If submissions are received in accordance with subclause (2)(c) the Council is to—
(a)	consider those submissions; and
(b)	decide—
(i)	whether or not to amend the proposed determination; or
(ii)	not to continue with the proposed determination.
(5)	If the Council decides to amend the proposed determination, it is to give local public notice—
(a)	of the effect of the amendments; and
(b)	that the proposed determination has effect as a determination on and from the date of publication.
(6)	If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
(7)	A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
(8)	A decision under subclause (3) or (4) is not to be delegated by the Council.

POLICY IMPLICATIONS

26. Four Wheel Drive Vehicles & Motor Bikes: The City’s current position is that vehicles are not allowed on City of Albany managed reserves, parks or beaches unless indicated via signage at each location.
27. Off-road vehicles such as unlicensed motor bikes, quad bikes and beach buggies can only be driven or ridden on private property with the consent of the property owner (also refer to point 24(e) of this report).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Changes to track access may not be accepted by some residents.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Provide clear signage, information, and education on any changes.</i>
People Health & Safety <i>Risk: Continued vehicle access to the trail may continue to pose a risk to horse users. Horse use may also pose a risk to other track users.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Horse and Authorised Vehicle Only Determination. Install gates and signage at appropriate locations and provide information and education. Facilitate compliance with the proposed determination.</i>
Opportunity: <i>To manage the SBT for current use and consolidate compliance requirements.</i>				

FINANCIAL IMPLICATIONS

29. The cost of facilitating the determination process will be accommodated within existing budget lines.
30. The cost for the proposed signage and future works will be subject to current and future budget allocation.

LEGAL IMPLICATIONS

31. Section 3.5 of the Local Government Act 1995 (the Act) provides the power for local governments to make local laws to help perform their functions.
32. Section 3.7 of the Act states that a local law is inoperative to the extent that it is inconsistent with the Act or any other written law.
33. The applicable local laws that have informed the proposed determination are:
 - a. City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011.
 - b. City of Albany Animals Local Law 2020.
 - c. City of Albany Local Government Property Local Law 2011.
34. City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011: This local law provides specific provisions for horses being ridden on carriageways and verges in built up areas. Specifically:

Clause 1.5 Interpretation

“carriageway” has the meaning given to it in the Road Traffic Code 2000 and means the paved or made portion of a thoroughfare, whether sealed or unsealed, used or intended for use by vehicles;

“kerb” includes the edge of a carriageway;

“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

Clause 2.19 No driving on closed thoroughfare

(1) In this clause—

“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

(2) A person shall not drive or take a vehicle on a closed thoroughfare unless—

- (a) that is in accordance with any limits or exceptions specified in the order made under section of the Act; or
- (b) the person has first obtained a permit.

Clause 4.2 Prohibitions relating to animals

(2) An owner of an animal shall not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden, or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden, or driven in a public place; or
 - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride, or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

35. Local Government Property Local Law 2011: Under this local law, the use of licensed vehicles are managed. Vehicles includes animals being ridden or driven.
36. Failure to comply with a determination (as communicated through signage), is associated with a prescribed offence and modified penalties.

Clause 2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2—
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in subclauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

37. **Division 2 – Activities which may be pursued or prohibited under a determination:**

Clause 2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may—
- (a) bring, ride, or drive an animal; ...
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
- (d) may limit the activity to a class of vehicles, boats, equipment, or things, or may extend it to all vehicles, boats, equipment or things; ...
 - (f) may distinguish between different classes of the activity.

Clause 2.8 Activities which may be prohibited on specified local government property

- (2) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;...
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;...
 - (i) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (3) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (2) and, in particular—
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

**Note: A horse is classified as a vehicle under the Road Traffic Act 1974 and Road Traffic Code 2000.*

Clause 2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

38. The City of Albany Animals Local Law 2020: The City of Albany Animals Local Law 2020 regarding horses can be summarised as follows:
- a. Council may designate specific reserves or foreshores for horse riding or driving.
 - b. Horses are prohibited from entering areas not designated for horse use.
 - c. Horse riding, driving, exercise, or training in designated areas must not exceed walking pace or cause danger or nuisance to the public, individuals, or animals.
 - d. Horses are not allowed in areas specifically designated for dog exercise.
 - e. Dogs may be exercised in horse exercise areas, but they must be leashed at all times.
 - f. It is an offense for horse owners to permit horses to excrete on public places or land without proper consent, and excreta must be promptly removed and disposed of as per Council's approval.
 - g. The designated Horse Exercise Areas are detailed at Schedule 2 to the local law.

39. Road Traffic Code 2000 and Road Traffic Act 1974:

Section 268. Rider of animal on footpath or nature strip to give way to pedestrians

The rider of an animal must give way to any pedestrian on a footpath or nature strip.

40. In a Western Australian law context, managing compliance issues on verges and determining whether further actions are required in response to the request for making trail sections on road verges 'horse only' involves considering relevant laws and regulations.
41. The *Road Traffic Act 1974* is the primary legislation that establishes the legal framework for road traffic in Western Australia, while the *Road Traffic Code 2000* is a subordinate legislation that provides detailed regulations and guidelines to support and supplement the provisions of the act.
42. The code is more specific and addresses various aspects of road use, while the act sets out the overarching principles and establishes the regulatory framework for road traffic.
43. The Road Traffic Code 2000 prescribes the use of carriageways, including road verges, noting these laws outline who can use a carriageway, including animals (in this case specifically horses) being driven or ridden, and specifies how it can be used. Specifically:
44. Part 18 – Miscellaneous provisions, Division 2 – Provisions for people in charge of animals
- s267. Leading animals.
 - s268. Rider of animal on footpath or nature strip to give way to pedestrians.
 - s269. Riding animal alongside more than one other rider.
 - s270. Proper control of animals.
45. Land Administration Act 1997: Enforcement action on the portion of UCL (Unallocated Crown Land) Lot 500 on DP60582 may be undertaken by the City of Albany if permitted by DPLH.

ENVIRONMENTAL CONSIDERATIONS

46. Water Corporation's position in relation to Policy 13: Is supportive of the City's position in principle. Also, in line with Operational Policy 13, Water Corporation does not support any horse events on the SBT and requests that the CoA provide the capacity of the SBT as at 2012 levels as a baseline for future reference and any comments.
47. As the City is aware, Water Corporation uses tracks in this area for operational purposes, including accessing water infrastructure, which is required on an ongoing basis. From the information provided it does not appear that this access will be impacted/changed, however if Water Corporation is of the view that there are any operational constraints with the proposed determination, the City remains open to discussing this in more detail as part of the public comment process.
48. DWER's position in relation to Policy 13 is that: All SBT feeder trails that are defined as existing based on historical documented information are recognised under Policy 13 as an existing approved recreation facility.
49. Under Policy 13, submission for assessment and approval would not be required for these existing trails unless use or carrying capacity were to increase and/or expansion was proposed.
50. Proposed additional feeder trails identified in the Robinson Precinct and Stidwell Bridle Trail Study Final Report (Tredwell, April 2022) would be subject to assessment and approval under the policy as they are not an existing approved recreation facility.
51. The proposed 'horse and authorised vehicle only' sections of the trail align with the recommendations from Policy 13, and the City has achieved this goal.
52. Any trail realignment, or new feeder trails will need assessment and approval under Policy 13, which is the policy for the management of recreation within public drinking water source areas.
53. Any proposed changes to feeder trails will be required to be referred to DWER to assess under Operational Policy 13.

ALTERNATE OPTIONS

54. Council may choose not to support seeking public comment at this time.

CONCLUSION

55. The proposed determination and control measures detailed in the attachment represent a significant improvement to the SBT.
56. It is recommended that the Council resolves to initiate the determination process and seek public comment, based on the following justification:
 - a. The City has engaged with FSBT in developing the proposed position, considered the group's feedback, and presented this feedback to Council as an attachment to this report for its consideration.
 - b. The City has given DWER, Water Corp and DPLH the opportunity to provide initial feedback as part of the development process, and further formal submissions from these departments will be invited through the public comment period for further consideration.
 - c. The proposal is seeking to clarify permitted uses and implement control measures on sections of the trail and road reserves that fall within the City's land management control.
 - d. The proposed determination will be advertised for a period of public comment.
 - e. The public comment period will give everyone, including government departments, the opportunity to support or object to the proposal.
 - f. The public comment period can be extended if necessary and all submissions will be considered before presenting a final position to Council for decision.

<p>Consulted References</p>	<p>:</p>	<ul style="list-style-type: none"> • <i>City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> • <i>City of Albany Animals Local Law 2020</i> • <i>City of Albany Local Government Property Local Law 2011</i> • <i>Control of Vehicles (Off-road Areas) Act 1978</i> • <i>Land Administration Act 1997</i> • <i>Local Government Act 1995</i> • <i>Operational Policy 13 – Recreation in public drinking water source areas on Crown land</i> • <i>Robinson Precinct and Stidwell Bridle Trail Study Report by Tredwell</i>
<p>File Number:</p>	<p>:</p>	<p>EM.PLA.5 – Environmental Management – Planning</p>
<p>Previous Reference</p>	<p>:</p>	<ul style="list-style-type: none"> • Strategic Workshop Briefing – 20 June 2023 • Robinson Precinct and Stidwell Bridle Trail – Implementation Briefing – 28/11/2022 • Ordinary Council Meeting July 2022, Resolution CCS455

**CCS556: NATIONAL ANZAC CENTRE ADVISORY GROUP:
MEMBERSHIP**

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre Advisory Group Members – Confidential Member Nominee Bio's – Confidential
Report Prepared By	: Executive Director Community Services (N Watson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(iii) of the Local Government Act 1995, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.
 - **Objective:** Create a competitive and sustainable tourism offer.

In Brief:

- In accordance with the National Anzac Centre Advisory Group (NACAG) Terms of Reference, the Chief Executive Officer is to present to Council for endorsement nominations for members of the NACAG.
- Due to the recent resignation of two members of the NACAG, the nominations for membership as detailed in the confidential attachment are presented to Council for approval.

RECOMMENDATION

**CC556: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the two nominations for the National Anzac Centre Advisory Group received by the City (as detailed in the confidential attachment) be APPROVED and the nominees APPOINTED as members.

CC556: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CC556: AUTHORISING OFFICER RECOMMENDATION

THAT the two nominations for the National Anzac Centre Advisory Group received by the City (as detailed in the confidential attachment) be APPROVED and the nominees APPOINTED as members.

BACKGROUND

2. The National Anzac Centre Advisory Group (NACAG) is a working group which provides the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
3. The Terms of Reference designates membership representation from the Department of Premier and Cabinet, Tourism WA, Museums WA and RSL WA, and includes up to 3 skills-based representatives from relevant commercial or tourism-related agencies or organisations, or community.
4. Due to the recent resignation of two members, there now exists two vacancies on the NACAG for two of the three skills-based member roles.

DISCUSSION

5. The NACAG requires a skills-based membership to ensure it achieves its key objectives and the Advisory Group fulfils its key role in providing high-level and direct advocacy to government and government-run organisations on behalf of the City of Albany and the NAC.
6. The City of Albany, in consultation with the NACAG, has sought suitable candidates to nominate to fill the two skills-based vacancies on the NACAG. Please refer to the confidential attachment for candidate details.
7. These nominations are recommended for Council approval.
8. The next meeting of the NACAG is scheduled for November 2023 and, subject to Council’s approval of their appointment, the new members will be invited to attend this meeting.

GOVERNMENT & PUBLIC CONSULTATION

9. Not Applicable.

STATUTORY IMPLICATIONS

10. The NACAG Terms of Reference govern the functions of the advisory group and defines its role in providing the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
11. As members of the group are not being appointed to a Committee of Council the voting requirement is **Simple Majority**.

POLICY IMPLICATIONS

12. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation Risk: Nominations to the NACAG are not supported.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek other relevant candidates to nominate for Council to consider appointing to fill the vacancies.</i>
<i>Opportunity: The combined expertise of the group has the potential to increase the financial performance of the NAC and the Albany Heritage Park.</i>				

FINANCIAL IMPLICATIONS

14. The City of Albany will be responsible for the cost of travel and accommodation for board members, with an annual budget allocation for NACAG of \$10,000.
15. The working group formally meets two times per year, alternating between Albany and Perth.

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. Council may choose not to support the recommendation and seek further candidate nominations to consider filling these vacancies.

CONCLUSION

19. It is recommended that the nominations be approved for a four-year term.

Consulted References	:	National Anzac Centre Advisory Group Terms of Reference
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM (26/04/2022) – Report Item CCS431

CCS557: NATIONAL ANZAC CENTRE – Q4 2022-23 REPORT

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 4 (Q4) 2022/23 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.
 - **Objective:** Create a competitive and sustainable tourism offer.

In Brief:

- To provide Council with an update on Q4 2022/23 performance of the NAC.

RECOMMENDATION

**CCS557: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the NAC Operational Report for Q4 2022/23 be RECEIVED.

CCS557: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS557: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q4 2022/23 be RECEIVED.

BACKGROUND

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

6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for November 2023.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Q4 2022/23 achieved overall total visitation numbers of 521,994 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 60,230 visitors per year.
10. NAC Visitation of 14,083 for Q4 is an increase of 2,254 compared with same period in 2021/22 which recorded 11,829.
11. May NAC visitation numbers of 4,271 were the highest performing May figures since opening in 2014/15.
12. April NAC visitation numbers of 7,118 is an increase of 1,398 compared with same period in 2021/22 which recorded 5,720.
13. The visitation in Q4 2022/23 from the Great Southern Region totalled 670 people, equating to 10.3% of Western Australia's overall visitation of 6,522 (increase on the 6.5% in the previous quarter).
14. The total visitation in Q4 2022/23 originated from Western Australia (46%), interstate (47%) and international (5%).
15. Visitors from other States and Territories consisted of 34% from NSW, 26% from VIC, 23% from QLD, 12% from SA, followed by TAS, ACT and NT all on 1-3%.
16. Interstate visitation of 6,576 (46.7% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
17. Revenue generated in Q4 2022/23 by the NAC was \$50,704 more compared to the same quarter in 2021/22.
18. The Forts Store revenue of \$115,260 was \$5,587 less than same period in 2021/22.
19. As at the end of Q4 2022/23, 8,959 households hold memberships to the NAC League of Local Legends program, an increase of 464 from the previous quarter.
20. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

GOVERNMENT & PUBLIC CONSULTATION

21. Not Applicable.

STATUTORY IMPLICATIONS

22. Not Applicable.

POLICY IMPLICATIONS

23. Not Applicable.

RISK IDENTIFICATION & MITIGATION

24. Nil.

FINANCIAL IMPLICATIONS

25. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at June 30 2023.
26. Full year operating expenditure budget includes:
- a. \$199,000 of costs from accounts that are “shared” across the AHP. A total of \$774,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$774,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$77,000 of the \$199,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2022/23 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$850,000	\$971,166	\$121,166
Operating Expenditure	\$(556,691)	\$(556,691)	\$(510,716)	\$45,975
Net Operating Income/(Expense) before Indirect Costs	\$293,309	\$293,309	\$460,450	\$167,141
Shared Costs of the Precinct	\$(196,004)	\$(196,004)	\$(184,666)	\$11,338
Internal Service Delivery	\$(29,072)	\$(29,072)	\$(29,070)	\$2
Net Operating Income/(Expense)	\$97,305	\$97,305	\$275,784	\$178,479
Capital Expense	\$(373,835)	\$(373,835)	\$(197,452)	\$176,383
Total	\$(276,350)	\$(276,530)	\$78,332	\$354,862

27. The \$373,835 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh. Further works did not progress in 2021-2022 and the amount has been carried-forward to the 2022-2023 Budget to progress.
28. The balance of the drawdown as at 30 June 2023 being \$197,452 has been carried forward to the 2023-2024 Budget to continue the refresh program as previously discussed with Council.

LEGAL IMPLICATIONS

29. Nil.

ENVIRONMENTAL CONSIDERATIONS

30. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

32. Overall, Q4 2022/23 has shown steady visitation to the NAC, and is showing some patterns in line with pre-covid years. Q4 has demonstrated a steady interstate visitation.
33. Q4 has had a slow return of international visitors, although only 643 visitors, this represents 4.6% of visitation.
34. Great Southern visitation to the NAC was 10.3% of overall WA visitation during the April – June period in Q4 2022/23.

35. This is 3.8% higher than the previous quarter (Q3 of 2022/23) and remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
36. Interest in the Princess Royal Fortress and exhibitions continues with 1,003 people taking part in 109 Princess Royal Fortress Tours.
37. Overall Q4 generated higher figures compared to Q4 in 2021/22 and 2020/21 in the NAC, which could be attributed to increasing interstate and international visitation and the return of cruise ship visitation.
38. NAC revenue of \$250,958 for Q4 2022/23 was an increase of \$50,704 compared to the same quarter in 2021/22.
39. Fort Store revenue of \$115,260 for Q4 2022/23 was a decrease of \$5,587 compared to the same quarter in 2021/22.

Consulted References	:	Nil.
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM 23/05/2023 – Report Item CCS528

**CCS558: COMMUNITY SPORTING AND RECREATION FACILITIES FUND
2023 SMALL GRANT ROUND APPLICATIONS**

Proponent / Owner	: City of Albany
Attachments	: Correspondence and Project Assessment Sheet; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy
Report Prepared By	: Manager Recreation Services (M Green)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

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

In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round applications.
- To seek Council support to provide funding assistance to the priority ranked projects in line with the Council's Community Sports & Recreation Facilities Small Grant Funding Policy.

RECOMMENDATION

**CCS558: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2023 Funding Round:

1. **Green Range Country Club – Bowling Green Revitalisation Project (Ranked 1 of 2).**
2. **Emu Point Sporting & Community Club – Clubhouse Redevelopment Project (Ranked 2 of 2).**

**CCS558: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a total of \$190,575 (exc. GST) from the 2023/2024 Budget as the Council's commitment towards the CSRFF small grant applications as follows;

- a) **Emu Point Sporting & Community Club (\$90,575.00), Green Range Country Club (\$100,000.00)**
- b) **This funding will still be allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and**
- c) **The funding amount does not exceed a total of \$190,575.00 (exc. GST)**
- d) **Noting a total of \$140,575 is to be drawn down from the 2023/24 Parks and Recreation Reserve to support these projects.**

CCS558: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SMITH
SECONDED: MAYOR WELLINGTON

THAT Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 12-0

CCS558: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2023 Funding Round:

1. Green Range Country Club – Bowling Green Revitalisation Project (Ranked 1 of 2).
2. Emu Point Sporting & Community Club – Clubhouse Redevelopment Project (Ranked 2 of 2).

CCS558: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR GRIMMER

THAT Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS558: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council APPROVE a total of \$190,575 (exc. GST) from the 2023/2024 Budget as the Council's commitment towards the CSRFF small grant applications as follows;

- a) Emu Point Sporting & Community Club (\$90,575.00), Green Range Country Club (\$100,000.00)
- b) This funding will still be allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- c) The funding amount does not exceed a total of \$190,575.00 (exc. GST)
- d) Noting a total of \$140,575 is to be drawn down from the 2023/24 Parks and Recreation Reserve to support these projects.

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funds including:
 - Small Grant Funding Round (Summer)
 - Annual and Forward Planning Funding Round
 - Small Grant Funding Round (Winter)
3. The CSRFF program is now a \$20 million program. All three rounds are often oversubscribed, and clubs may need to reapply on a number of occasions to be successful.
4. DLGSC also opens a Club Night Lights funding round concurrent to CSRFF for which applications are also eligible to receive funding through the City of Albany's Capital Seed Fund. There are no Club Night Lights applications this round.
5. The Small Grants Round has increased its maximum eligible project cost criteria from \$300,000 to \$500,000. This streamlines the application process for projects under \$500,000 with two funding rounds available per year.

6. Traditionally the CSRFF program has only funded one third of the total project costs. The revised guidelines now fund up to a half of the total project cost up to a limit of \$200,000 for successful small grant recipients.
7. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
8. Clubs and local government authorities applying for funds must demonstrate equitable access to the public on a short term and casual basis.
9. The land on which the facility is to be developed must be one of the following:
 - Crown reserve;
 - Land owned by a public authority;
 - Municipal property; or
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
10. Whilst there is no obligation for local government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.
11. The City of Albany has a Community Sports & Recreation Facilities Small Grant Funding Policy to guide how it will allocate funding through its annual Capital Seed Fund towards community sporting projects applying for CSRFF funding.
12. The DLGSC – Sport and Recreation application form requires applications to be initially submitted to the local government within which the project proposal is located.
13. The CSRFF funding application process requires local government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSC on behalf of the applicants prior to August 31, 2023.
14. Once the assessment process from Local Government Authorities is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSC – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

15. The DLGSC grant guidelines require Council to provide a ranking for the projects.
16. The DLGSC – Sport and Recreation provides guidelines for local government authorities to assess each submission. This assessment uses the following criteria 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; and
 - Sustainability.

17. With overall project rating, being:
 - Well planned and needed by municipality;
 - Well planned and needed by applicant;
 - Needed by municipality, more planning required;
 - Needed by applicant, more planning required;
 - Idea has merit, more planning work needed; or
 - Not recommended.
18. The type of projects which will be considered for funding through the CSRFF program include:
 - New playing surfaces – ovals, courts, synthetic surfaces etc;
 - Floodlighting projects (must be to Australian standards);
 - Change rooms and ablutions; and
 - Sports storage.
19. 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.
20. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
21. The City of Albany have engaged two external and one internal officer/s to provide an independent peer review of the City's assessment process and subsequent ranking of projects. The independent assessment panel involved;
 - W Harrington, CEO, Southerly Magazine
 - T Moir, Business Development Manager, Wellington and Reeves
 - J Pouwelson, Commercial Service Coordinator, City of Albany
22. This independent assessment review provides a higher level of transparency and gives Council a higher level of confidence in considering the officer recommendation to endorse the rankings.
23. Of the three reviews, all were of the view that the projects submitted met the CSRFF criteria and were supportive of the proposed project rankings. The independent review comments are attached.
24. The City of Albany has received two (2) Small Grant applications this round. The following additional information is provided about the projects and funding applications.

Green Range Country Club – Bowling Green Revitalisation Project

25. The funding application is a Small Grant application to replace the grass bowling green with a synthetic surface and installing new lighting and fencing to the facility.
26. The overarching purpose of the project is to upgrade the Country Club's bowling green to a synthetic surface with new fencing and lighting. This will allow home games to be played (currently unavailable due to the type and quality of the existing green) and will consequently reduce the burden on members due to constant need to travel to the nearest bowling green 70km away.
27. The lighting component of the project will enable greater access and associated use/participation for what is at its core a farming community (few daylight hours available for recreation and socialisation).
28. Club members include skilled tradesmen and builders who will donate their skilled trades and equipment to reduce costs for the project. Local product will be sourced wherever possible.
29. The Green Range community is serviced by the Green Range Country Club, it is a vital social and recreational facility with an 18-hole golf course, an aged grass bowling green, and cricket oval.

30. Bowls has not been regularly played at the club for over 15 years due to the current quality and type of green. Preparing the current green for use would be a regular and extensive job for volunteers.
31. The Club has previously applied for CSRFF Funding in the February 2022 Small Grants Round. The previous project scope did not include floodlighting. Unfortunately this application was unsuccessful with feedback from the Department at that time indicating the application was unsuccessful due to a funding shortfall.
32. The Club currently has 103 members and ambitions to enable more regular bowls participation and community events. Members use the facility all year round as a meeting place.
33. The Club is contributing both cash and volunteer labour to the project.
34. The application, installation and project will be managed by Green Range Country Club.

Emu Point Sporting and Community Club – Clubhouse Redevelopment Project

35. The funding application is a Small Grant application to upgrade and make enhancements to the amenity of the club's existing facility.
36. The overarching purpose of the project is to deliver on a building master plan vision the club has developed. It is likely the master plan will be staged over several years. The club is requesting support through the CSRFF program to achieve only those components that are the highest priority.
37. The project will address the following key priority areas;
 - Upgrades to several internal rooms to construct a medical and bowls/sports storage rooms (refer to medical room and storage of 42m² on the proposed attached floor plan);
 - Improve universal accessibility with the construction and installation of an integrated covered access ramp and observation platform to facilitate access needs for members and guests to enter the clubhouse from the tennis court area. This also includes expansion of the western veranda to improve accessibility for the bowling green;
 - Upgrades to the male toilets and change rooms to a unisex facility. This change will facilitate the ability to hold more club events in which multiple unisex facilities may be required; and
 - Construction of office space and additional storage facilities.
38. The Emu Point Sporting and Community Club (EPSCC) is a sports and community centre. The Club has 342 members and operates out of clubrooms that were first constructed in 1974.
39. Only minor additions have been made over the past 50 years and the clubhouse is in desperate need of change and modification to make the facilities fit-for-purpose and compliant with current building codes – especially in regard to universal access for members and the public.
40. The Club is committed to the delivery of its building master plan over several years. It is estimated the total project costs of the entire master plan is circa \$1.3 million.
41. The Club is contributing cash to the project.
42. The application, installation and project will be managed by Emu Point Sporting and Community Club.

Rankings

43. The below ranking recommendation has been provided by the independent assessment panel based on the applicant meeting the required criteria:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Green Range Country Club	Replace grass bowling green with a synthetic surface and installation of a new fence.	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 2
2	Emu Point Sporting and Community Club	Redevelop existing changeroom and ablutions, improve accessibility issues with access ramps and observation platforms and additional office and storage space.	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. Elements of the project are a high/medium priority and based on hierarchy of facilities this project is ranked 2 of 2

44. Correspondence requesting financial assistance and independent project assessments for the project applications is attached.

GOVERNMENT & PUBLIC CONSULTATION

45. The DLGSC – Sport and Recreation Regional Manager for the Great Southern has been consulted with regarding these applications by the City of Albany (May and June 2023).
46. The City of Albany has conducted a site visit for each of the projects listed above (June 2023) with the Sport and Recreation Regional Manager for the Great Southern.

STATUTORY IMPLICATIONS

47. Council officers assess each project and make a recommendation for the ranking of projects based on the DLGSC criteria and strategic overview.
48. The Council officers’ ranking recommendations have been independently peer reviewed.
49. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
50. It should be noted that the DLGSC – Sport and Recreation will make the final decision on funding allocation.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation & Community Property 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 may choose to support the funding application, or work with City officers and the Club to source alternate funding streams.</i>
<i>People Health & Safety Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the funding application, or work with City officers to source other funding streams.</i>
<i>Reputation & Financial Failure to distribute the Council’s 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>Council may choose to support the officer’s recommendation, or work with City officers to deliver an equitable allocation of funding.</i>

FINANCIAL IMPLICATIONS

53. The City allocated a total of \$135,000.00 Capital Seed Funding for Sporting Clubs in the 2023/2024 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.

- a. \$50,000 is allocated to Cricket Great Southern’s previous Capital Seed Fund allocation; and
- b. This leaves \$85,000 remaining in the Capital Seed Fund for 2023/24.

54. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds are allocated according to the City’s Community Sports and Recreation Facilities Small Grant Funding Policy and if allocations are not drawn down within the prescribed period, they are returned to the Capital Seed Reserve Fund to be reused for other grant applications.

55. The total projected costs of both projects in the current applications is \$771,905.

56. The clubs have requested a total of \$190,575 from the City of Albany. These applications exceed the balance of funds in the 2023/24 Capital Seed Fund by \$105,575.

57. The following table provides the project budget detail and requests for financial support from each of the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Emu Point Sporting & Community Club	\$ 381,150.00	\$ 100,000.00	\$ 190,575.00	\$ 90,575.00
Green Range Country Club	\$ 390,755.00	\$ 95,377.00	\$ 195,378.00	\$ 100,000.00
TOTAL	\$ 771,905.00	\$ 195,377.00	\$ 385,953.00	\$ 190,575.00

58. Noting the updated CSRFF Guidelines and that CSRFF will now fund up to a half of the total project cost up to a limit of \$200,000 for successful small grant recipients, the applications received represent good value for investment.
59. However, the scale of the projects and requested funding contribution from the City is beyond the capacity of the Capital Seed Fund.
60. It is the officer’s recommendation that a mixture of the Capital Seed Fund and the City’s Parks and Recreation Reserve is used to support both of these applications.
61. There is surplus funds and capacity within the Parks and Recreation Reserve (\$440,000 forecast for 30 June 2024) to support these requests and assist in leveraging 50% funding from the CSRFF Program.
62. The following table provides the proposed financial model based on club requests:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	City of Albany Parks & Rec Reserve	City of Albany Capital Seed Funding Allocation
Emu Point Sporting & Community Club	\$ 381,150.00	\$ 100,000.00	\$ 190,575.00	\$ 40,575.00	\$ 50,000.00
Green Range Country Club	\$ 390,755.00	\$ 95,377.00	\$ 195,378.00	\$ 100,000.00	n/a
TOTAL	\$ 771,905.00	\$ 195,377.00	\$ 385,953.00	\$ 140,575.00	\$ 50,000.00

63. The next CSRFF Small Grant round is due in February 2024. The proposed model above would maintain a balance of \$35,000 within the Capital Seed Fund to support applications in the February grant round.
64. Should Council approve the draw down of funds from the Parks and Recreation Reserve as indicated in the table above, this would leave a forecasted balance of \$299,425 in the Reserve.
65. If the applications are unsuccessful, the clubs can reapply in the next round.

LEGAL IMPLICATIONS

66. Nil

ENVIRONMENTAL CONSIDERATIONS

67. Nil.

ALTERNATE OPTIONS

68. Council may choose not to provide funding assistance to one or all of these projects.
69. Council may choose to provide more or less funding assistance to these projects.
70. Council may choose to change the project ranking based on its strategic priorities.
71. Council may choose to amend the 2023/24 Budget to increase the allocation within the Capital Seed Fund to ensure the fund has capacity to cover the City’s contribution towards each application.

CONCLUSION

- 72. DLGSC – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.
- 73. All projects meet the criteria provided by the DLGSC – Sport and Recreation. Council is required to rank the projects.
- 74. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
- 75. DLGSC – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 31st August 2023.

Consulted References	:	Community Sports & Recreation Facilities Small Grant Funding Policy
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 28/03/2023 – Report Item CCS517

CCS559: CLIMATE CHANGE ACTION DECLARATION

Proponent / Owner	: City of Albany
Attachments	: Revised Climate Change Action Declaration - 2023
Report Prepared By	: Community Development Coordinator (T Flett)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Planet
 - **Outcomes:** Shared responsibility for climate action.

In Brief:

- To adopt the updated City of Albany Climate Action Declaration, reviewed in collaboration with the Youth Advisory Council.

RECOMMENDATION

CCS599: AUTHORISING OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the revised City of Albany Climate Change Action Declaration be ADOPTED.

BACKGROUND

2. The City of Albany is playing a key role in leading localised action on climate change due to its impacts on all aspects of the City's operations and the Albany community.
3. Following a youth-led Climate Strike on 20th September 2019, a Declaration on Climate Change petition containing nearly 1,000 signatures was submitted by the Albany Youth Advisory Council (YAC) and received by Council at its October 2019 Ordinary Council Meeting (OCM).
4. This submission led to a commitment from Council to work with the YAC to develop a City of Albany Climate Change Action Declaration, and ultimately the adoption of the Declaration at the October 2020 OCM.
5. The agreement included a commitment to review the Declaration every two years.
6. From the Declaration, a number of key initiatives have been progressed including Council's adoption of a Corporate Power Plan, which outlines the City's commitment to transition to 100% renewable energy for City-owned and operated buildings by 2030.

DISCUSSION

7. Under the United Nations Framework Convention on Climate Change, Australia is a signatory to the Paris Agreement which aims to limit global temperature rises to well below two (2) degrees Celsius, and to pursue efforts to limit this even further to 1.5 degrees Celsius.
8. The Government of Western adopted a greenhouse gas emissions policy in 2020 for major projects assessed by the Environmental Protection Authority (EPA), as the state government commits to working with all sectors of the WA economy to achieve net zero greenhouse gas emissions by 2050.
9. In 2018, the Western Australia Local Government Association (WALGA) developed a WALGA Climate Change Policy statement for local governments.

10. WALGA reports 51 local governments have endorsed either a climate declaration or a climate emergency declaration.
11. The City’s Declaration acknowledges that climate change is occurring and requires immediate and urgent action, acknowledges the City’s support for climate change and sustainability initiatives, and includes a number of actions in an effort to reduce carbon emissions and increase renewable energy technology.
12. The City began the process of reviewing the Declaration in collaboration with YAC in September 2020 and has held multiple workshops and meetings to work through a number of changes.
13. One of the key changes of the revised Declaration is its acknowledgement of the science that underpins climate change, and recognition of the key areas of influence identified by the Intergovernmental Panel on Climate Change that impact the City.
14. The following table details the changes made to the Declaration through the review workshops with Council and the YAC:

Header	Original Statement	Updated Statement
The City of Albany acknowledges that: <i>(No change to header wording.)</i>	Local government plays an important role in eliminating, or where not possible significantly reducing, carbon emissions.	Local government plays an important role towards eliminating carbon emissions through our own actions and advocating for change within the community.
The City of Albany supports the: <i>(No change to header wording.)</i>	Development of State and Federal policies for climate change action.	Development and implementation of local, state and federal policies for climate change action.
	Climate change and sustainability initiatives that have already been achieved in the energy efficiencies and renewable, transport, water, environment and waste areas in line with the City of Albany Community Strategic Plan and the Carbon Footprint Reduction Strategy.	Ongoing delivery of the actions relating to climate change in the Albany Community Strategic Plan and Corporate Energy Plan. Science that underpins climate change and recognises the Intergovernmental Panel on Climate Change (IPCC) key areas of influence that impact the City of Albany.
The City of Albany will: <i>(Header wording changed from “commits to” to “will”.)</i>	Measuring and reporting on our corporate and community greenhouse gas emissions, and developing emission reduction targets.	Develop a tool to measure and report on corporate and community greenhouse gas emissions.
	Developing a Corporate Energy Plan that aims to transition the City’s assets to renewable energy to achieve 100% renewable energy by 2030.	Develop a Roadmap to Net Zero targeting 2050 with interim targets for 2030 for the City of Albany and the community.
	Advocating to State and Federal government to implement key climate change actions in line with international agreements to access regionally specific opportunities.	Advocate the state and federal governments to implement key climate change actions.
	Undertake a review of strategic plans and strategies to ensure that climate change actions reflect climate change management priorities.	Removed.

Header	Original Statement	Updated Statement
	Developing a climate change communications strategy to effectively engage, encourage and empower the Albany community on climate change actions.	Develop communications to engage, encourage and empower the Albany community on climate change actions.
	Continued engagement with young people and Youth Advisory Council as the next generation of community leaders on climate change.	Engage with the Youth Advisory Council and wider community on climate change initiatives.
	Reviewing the Climate Change Action Declaration every two years to ensure that climate actions identified within the declaration are undertaken.	Review the Climate Change Action Declaration every two years to ensure it remains relevant to community priorities and any changes to key focus areas outlined by the IPCC.

GOVERNMENT & PUBLIC CONSULTATION

15. The following workshops have been held with Council and the Youth Advisory Council to inform the review of the Climate Action Declaration:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Collaborate	Workshop with YAC	30 September 2022 21 March 2023	7 elected members 5 YAC members 12 elected members 4 YAC members	N/A
Consult	Feedback session with YAC	3 February 2023 4 August 2023	5 YAC members 4 YAC members	N/A N/A

STATUTORY IMPLICATIONS

16. Not Applicable.

POLICY IMPLICATIONS

17. This item relates to the City of Albany Environmental Policy (Climate Change).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: Should the updated Climate Action Declaration not be adopted, the City may be perceived as not taking the climate concerns of the community seriously.	Unlikely	Moderate	Medium	If the proposed policy is not endorsed, officers will support Council and YAC to address the areas of concern.
Financial: Actioning the commitments made in the Climate Change Action Declaration may require expenditure not currently budgeted for.	Likely	Minor	Medium	Seek external grant funding to support activity delivery. Seek Council approval for additional budget requirements as necessary.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and an ongoing commitment to engage with the Youth Advisory Council.				

FINANCIAL IMPLICATIONS

- 19. Any actions that result from the commitments in the Climate Declaration which incur a direct cost to the City will be undertaken within existing budget, seeking external grant funding, or prioritised through future budgets.
- 20. Any initiatives pursued by the City in response to the Declaration will support activity undertaken as part of the Corporate Power Plan (2023).

LEGAL IMPLICATIONS

- 21. Not applicable

ENVIRONMENTAL CONSIDERATIONS

- 22. The Declaration relates to and will support activity delivered through the Corporate Power Plan (2023) (which supersedes the Carbon Footprint Reduction Strategy 2021) and the City of Albany Environmental Policy.

ALTERNATE OPTIONS

- 23. Council may choose not to adopt the revised Climate Change Action Declaration and continue business as usual through the review and implementation of the City of Albany Environmental Policy and Corporate Power Plan (2023), however this is not recommended.
- 24. Council may choose to make further amendments to the Climate Change Action Declaration.

CONCLUSION

- 25. The City has a strong track record of achievement on environmental sustainability and emissions reduction efforts. Adopting the revised Climate Change Action Declaration consolidates these efforts and demonstrates Council’s ongoing leadership on the issue of carbon abatement.

Consulted References	:	City of Albany Environmental Policy; Carbon Footprint Reduction Strategy (2021); Corporate Power Plan (2023) IPCC AR6 Synthesis Report: Climate Change (2023)
Previous Reference	:	Resolution CCS298 – OCM 20/10/2020

DIS360: DRAFT LOCAL PLANNING POLICY 1.10 PERCENT FOR ART

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Final draft <i>Local Planning Policy 1.10: Percent for Art</i> Percent for Art Developer's Guidelines
Supplementary Information & Councillor Workstation	: City of Albany Public Art Local Planning Policy
Report Prepared By	: Planning Officer (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:** Interesting, vibrant and welcoming places.

In Brief:

- Draft *Local Planning Policy 1.10: Percent for Art* (LPP1.10) was advertised for public comment in June 2023, following Council's endorsement to advertise at its meeting in May (DIS349).
- No submissions were received on draft LPP1.10 during the advertising period.
- Staff recommend Council resolve to adopt final draft LPP1.10, without modification (refer Attachment 1).

RECOMMENDATION

**DIS360: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **ADOPT** Local Planning Policy 1.10: Percent for Art, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. **NOTE** Local Planning Policy 1.10: Percent for Art supersedes the existing Public Art local planning policy, and that this policy is to be revoked following notice being issued in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DIS360: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS360: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ADOPT Local Planning Policy 1.10: Percent for Art, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. NOTE Local Planning Policy 1.10: Percent for Art supersedes the existing Public Art local planning policy, and that this policy is to be revoked following notice being issued in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. Draft LPP1.10 was endorsed for advertising by Council at its May 2023 Ordinary Council Meeting.
3. The draft LPP1.10 is proposed to supersede the existing City of Albany *Public Art Local Planning Policy* and seeks to promote cultural identity through the introduction of developer funder public art works throughout the City of Albany.
4. The draft policy was prepared in collaboration with the City's Visual Arts Team who have also prepared the Percent for Art Developer Guidelines (Attachment 2) to accompany LPP1.10.
5. Refer to previous report item for further information and background on the draft policy.

DISCUSSION

6. Draft LPP1.10 was advertised for public comment in June 2023 via an advert in a local paper and published on the City's website. No submissions were received during advertising.
7. No changes are proposed to the draft policy following close of advertising.
8. It is recommended that Council adopt *Local Planning Policy 1.10: Percent for Art* in its current form.

GOVERNMENT & PUBLIC CONSULTATION

9. The draft policy was advertised in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), for a period of 21 days.
10. Details of advertising as follows:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	20/06/2023 – 11/07/2023	No submissions received	Yes
Consult	Public comment – City website	20/06/2023 – 11/07/2023		Yes

STATUTORY IMPLICATIONS

11. Voting requirement for this item is **Simple Majority**.
12. A periodic review of the City's local planning policy (LPP) suite is currently underway.
13. Consideration of draft new LPPs and proposed modifications to existing LPPs require resolution of Council for endorsement to advertise and final adoption following advertising, subject to modifications, in accordance with the Planning Regulations.
14. Should Council resolve to adopt LPP1.10, a notice must be published in accordance with clause 87 of the Planning Regulations that advises of both the adoption of LPP1.10 and the subsequent revocation of the current Public Art policy, as it has been superseded by LPP1.10.

POLICY IMPLICATIONS

15. There are no policy implications relating to adopting draft LPP1.10.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational</i> Not adopting draft LPP1.10 would result in the continued use of an existing policy that is no longer considered fit for purpose.	Almost Certain	Minor	High	Adopting the draft LPP1.10 pursuant to Schedule 2, clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.
<i>Opportunity:</i> Encourages art in the built environment to improve visual amenity and promote cultural identity.				

FINANCIAL IMPLICATIONS

17. There are no financial implications beyond what will be used for notice of adoption.

LEGAL IMPLICATIONS

18. There are no legal implications relating to adopting LPP1.10.

ENVIRONMENTAL CONSIDERATIONS

19. There are no environmental implications relating to adopting LPP1.10.

ALTERNATE OPTIONS

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

- To resolve to adopt the policy subject to modification; and
- To resolve not to proceed with adopting the local planning policy.

CONCLUSION

21. Based on the discussion above, staff recommend Council resolve to adopt *Local Planning Policy 1.10: Percent for Art* without modification.

22. Upon formal adoption of LPP1.10, a notice will be published in a local newspaper and on the City of Albany website advising of the adoption of LPP1.10 and subsequent revocation of the existing *Public Art Local Planning Policy*, in accordance with the Planning Regulations.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>City of Albany Public Art Local Planning Policy</i> 4. <i>Draft City of Albany Percent for Art Developers Guidelines</i>
Previous Reference	:	DIS349

DIS361: EXTENSION TO 12-MONTH COMMERCIAL TRIAL OF HIREABLE ELECTRIC SCOOTERS

Land Description	: City of Albany
Proponent / Owner	: Beam Mobility Australia Pty Ltd (ACN 629 999 533) Bird Rides Australia Pty Ltd (ACN 628 452 399)
Business Entity Name	: As above
Attachments	: 1. Activities on Thoroughfares and Public Places and Trading Local Law 2011 2. Local Government Property Local Law 2011
Supplementary Information & Councillor Workstation	: 1. Permit to Operate 12-month Commercial Trial of Hireable Electric Scooters: Bird Rides 2. Permit to Operate 12-month Commercial Trial of Hireable Electric Scooters: Beam Mobility 3. DIS315:12-month Commercial Trial of Hireable Electric Scooters
Report Prepared By	: Planning Officer (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People
 - **Outcome:** A happy, healthy and resilient community
 - **Objective:** Improve access to sport, recreation and fitness facilities and programs
 - **Pillar:** Planet
 - **Outcome:** Shared responsibility for climate action.
 - **Objective:** Work towards net zero greenhouse gas emissions.
 - **Pillar:** Place
 - **Outcome:** A safe, sustainable and efficient transport network.
 - **Objective:** Encourage more people to use active transport.
2. The item relates to the following strategic objectives of the City of Albany Local Planning Strategy 2019 (the Planning Strategy).
 - Improve public transport, walking and cycling opportunities.

In Brief:

- Council resolved to issue a notice of determination granting Bird Rides and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters at its September 2022 Ordinary Council meeting.
- A conditional permit was subsequently issued to both Bird Rides and Beam Mobility on 11 October 2022 and is due to expire on 28 October 2023.
- Extending the permit's duration ensures that the outcomes and implications of the scooter programme can be thoroughly reviewed over two summer vacation/main tourist periods before deciding on a longer-term arrangement.
- Staff recommend that the permit to run an e-scooter programme be extended until 28 April 2024, and that a formal decision on long-term operations be deferred until the March 2024 Ordinary Council Meeting.

RECOMMENDATION

**DIS361: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- a) AGREE to extend the conditional permits issued to both Beam Mobility and Bird Rides until 28 April 2024 subject to payment of permit extension fees at a rate of \$2500 per annum (pro rata) for the administration of the permit.**
- b) NOTE that a formal decision on the long-term operation of the e-scooter program be deferred until the March 2024 Ordinary Council Meeting.**

DIS361: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-1

Record of Vote

Against the Motion: Councillor Terry

DIS361: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- a) AGREE to extend the conditional permits issued to both Beam Mobility and Bird Rides until 28 April 2024 subject to payment of permit extension fees at a rate of \$2500 per annum (pro rata) for the administration of the permit.
- b) NOTE that a formal decision on the long-term operation of the e-scooter program be deferred until the March 2024 Ordinary Council Meeting.

BACKGROUND

- 3. Council resolved to issue a notice of determination granting Bird Rides and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters under the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and *Local Government Property Local Law 2011* at its September 2022 Ordinary Council meeting.
- 4. A conditional permit was subsequently issued to both Bird Rides and Beam Mobility on 11 October 2022 and is due to expire on 28 October 2023.
- 5. Refer to previous report item (DIS315) for further information and background on the e-scooter program.

DISCUSSION

- 6. The conditional permit to operate a 12-month commercial trial of hireable electric scooters issued to both Bird Rides and Beam Mobility on 11 October 2022 and is due to expire on 28 October 2023.
- 7. Both Bird Rides and Beam Mobility have confirmed they wish to continue their operations in the City of Albany once the current permit expires.
- 8. Following expiry of the permit, council must decide on the future of the e-scooter program in the City of Albany.

9. It is noted that the caretaker period commences on 14 September 2023 which may limit Council's ability to make a decision on the long-term future of the e-scooter program at the September or October Ordinary Council Meetings.
10. The City has received a number of community complaints relating to the e-scooter program with complaints recorded in a nominated complaints register.
11. Although complaints cover a wide variety of issues, the most common complaint involves the inappropriate parking of e-scooters (blocking footpaths, driveways etc.) and associated visual pollution.
12. A number of measures were subsequently put in place by operators to improve e-scooter parking outcomes including:
 - i. Reducing the extent of operating areas;
 - ii. Increasing the number of staff allocated to e-scooter collection and maintenance
 - iii. Introduced fines for inappropriately parked e-scooters (i.e.blocking footpaths).
13. These measures appear to be working as complaints regarding inappropriate parking of e-scooters have reduced significantly. However, the reduction in the number of complaints also coincides with the quieter winter period.
14. Extending the permit will allow council to fully understand the impact and effectiveness of these changes over the peak summer period before making a decision on the future of the e-scooter program in Albany.
15. Any decision on the longer-term future of the e-scooter program is complex and would require consideration be given to various aspects of the current e-scooter program and e-scooters more generally. Issues for considerations may include:
 - Should e-scooter program continue in the City of Albany, either temporarily or permanently?
 - Are current permit conditions appropriate?
 - Is the current dual operator model working and in the best interest of the City?
 - Should the City continue with existing operators or seek interest from alternative operators?
16. Officers have begun research and drafting of evaluation criteria, as well as a potential community survey, to aid in the evaluation of the scooter programme in the City of Albany. It is anticipated that the survey could be rolled out in the early summer months to provide time to analyse and inform a report to Council.
17. Officers may also directly consult Albany Health Campus, WAPOL, accommodation providers along with disability and seniors' groups.
18. Additional time will enable officers to provide a better-informed recommendation to Council.
19. It is therefore recommended that the conditional permits issued to both Beam Mobility and Bird Rides be extended until 28 April 2024 with a formal decision on the continued operation of the e-scooter program deferred until the March 2024 Ordinary Council Meeting.

Permit fees

20. Operators are each charged permit fee of \$2500 for the administration of the permit.
21. The operation of the e-scooter program requires a significant amount of officer time which is allocated to things such as:
 - Regular face to face meetings with operators
 - Responding to complaints/feedback from community members
 - Ongoing maintenance of geofences and operating areas
 - Enforcement of permit conditions.

22. It is therefore recommended that any extension of the conditional permits issued to both Beam Mobility and Bird Rides will be subject to payment of permit extension fees at a rate of \$2500 per annum (pro rata) for the administration of the permit) (approximately \$1250.

GOVERNMENT & PUBLIC CONSULTATION

23. No public or government consultation has occurred since the commencement of the 12-month trial period on 11 October 2022.

STATUTORY IMPLICATIONS

24. The City may permit trading on thoroughfares and public places through issue under under 6.3(1) of the *Activities on Thoroughfares and Public Places and Trading Local Law 2011*.
25. The operation and use of e-scooters must comply with WA Government eRideables legislation.
26. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

27. There are no policy implications relating to granting extensions to the permits issued to Bird Rides and Beam Mobility to operate a commercial trial of a hireable shared e-scooter program.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Community</i> Community members may feel aggrieved if the 12-month trial period is extended without consultation.	Possible	Minor	Medium	Extending the permits until April 2024 will allow targeted and community consultation to occur prior to any formal decision on the future of the e-scooter program in Albany following the trial.
<i>Opportunity:</i> Extending the duration of the current permit will allow officers to commence a formal review of the program to date and inform a recommendation to Council at the March 2024 OCM.				

FINANCIAL IMPLICATIONS

29. All costs associated with the e-scooter program will be borne by the operator.
30. Cost of staff time allocated to administration of the permits can be substantially recouped through permit fees.

LEGAL IMPLICATIONS

31. There are no legal implications relating to extending the duration of the trial.
32. Should Council decide against extending the duration of the trial, operators (both current and new) may lodge new applications for provision of e-scooter services following expiration of the current permits.

ENVIRONMENTAL CONSIDERATIONS

33. Growth in micro mobility and the use of e-rideables potentially leads to the overall reduction in the use of carbon emitting vehicles for short trips.

ALTERNATE OPTIONS

34. Council has the following alternate options in relation to this item, which are:
- To resolve to extend the conditional permits issued to Beam Mobility and Bird Rides until 28 April 2024.
 - To resolve not to extend the conditional permits issued to Beam Mobility and Bird Rides.

CONCLUSION

35. The conditional permits to operate a 12-month Commercial Trial of Hireable Electric Scooters issued to both Bird Rides and Beam Mobility are due to expire on 28 October 2023.
36. Extending the duration of the permit will ensure that the outcomes and impacts of operations can be properly evaluated over two summer holiday periods before a decision is made around longer-term operations.
37. It is recommended that Council resolve to extent conditional permits issued to both Beam Mobility and Bird Rides until 28 April 2024 with a formal decision on the continued operation of the e-scooter program deferred until the March 2024 Ordinary Council Meeting.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> 2. <i>Local Government Property Local Law 2011.</i> 3. WALGA – Electric Scooter Shared Services Discussion Paper 4. Road Traffic Code 2000 5. Road Safety Commission – eRideables rules
Previous Reference	:	DIS315

DIS362: PLANNING AND BUILDING REPORTS JULY 2023

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports July 2023
Report Prepared By : Technical Support Officer (P Ruggera)
Authorising Officer: : Manager Planning and Building Services
(J van der Mescht)

RECOMMENDATION

DIS362: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for July 2023 be NOTED.

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**15.1: NOTICE OF MOTION BY COUNCILLOR GRIMMER
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT:

- 1. The Mayor, on behalf of Council, write to the WA Minister for Mines to acknowledge the impact applications for mining tenements between Albany and Denmark are having on some residents and the stress this is causing; and**
- 2. The Chief Executive Officer convene an Elected Member Focus Group meeting to begin the process of developing a Policy Position on Mining Tenement Applications within the City of Albany municipality, for review and further refinement by the elected member group and key staff members.**
- 3. The final Policy be presented to Council for formal adoption.**

Councillor Reason:

A number of exploration and mining permits for silica sand covering an area between Albany and Denmark have been lodged with the Department of Mining, Industry Regulation and Safety. The applications cover both private property, natural reserves, priority water catchment areas and Crown land.

Community members have formed an action group to increase public awareness of this issue, and to lodge objections against the exploration permits. The City of Albany has been requested to support affected residents, and where necessary, lodge objections with the Wardens Court.

Residents living in those areas, and the wider community, have expressed their fears that silica mining is incompatible with current land uses.

Exploration and mining would adversely impact areas of significant biodiversity and environmental value, including the integrity of public drinking water sources, waterways, wetlands, riparian vegetation and coastal reserves.

There will also be significant adverse impacts on social, cultural, heritage and economic value. The area is highly valued by the community and visitors for its outstanding natural beauty, and opportunities for active and passive recreation.

It is acknowledged that Council is bound to represent all electors and ratepayers of the district, and that individual landowners have the right to economic benefit by accepting a mining development proposal for their property.

A Policy Position on Mining Tenement Applications would guide the Council in determining if an objection should be lodged.

Officer Comment:

Officers accept any decision Council wish to make on this matter. There could however be significant time investment in developing, implementing, and objecting to Mining Exploration licences in Albany. Given the State's aspiration for mineral exploration and mining and the processes required, any City of Albany input may be of minimal influence. Officers would therefore recommend a process that balances the effort with the potential results that can be achieved.

Currently, the standard response that the City of Albany provides to DMIRS regarding Mining Tenement Exploration Licences includes the following content:

"The City does not support exploration within the following:

- Waterways and wetlands, including areas of riparian vegetation*
- Any townsite, residential and/or urban areas*
- City reserves (owned or managed)*
- City owned or leased land*
- Public Drinking Water Source Areas, as gazetted by Water Corporation, without prior approval from Department of Water and Environmental Regulation.*

Other than within the areas identified above, the City has no objection to the proposal, provided that the Applicant/Client, whomever undertakes any approved activities, ensure that all relevant requirements and responsibilities are met, and that consideration is given to the following:

- Responsibility for ongoing maintenance of local roads as a result of the generation of increased traffic volumes from approved exploration activities, the subject of the application.*
- AHIS should be consulted to ensure sites of Aboriginal Heritage significance are not impacted without consent.*
- If activities are in close proximity to public roads, traffic management is required.*
- Consent from landowners should be obtained prior to accessing private lands.*
- Appropriate compensation is granted to parties affected by exploration activities, where relevant.*
- Native vegetation within the application area is likely to be habitat for a number of threatened fauna and flora species. Extra care is to be taken when conducting activities in these areas so as not to interfere or minimise disturbance.*
- Unauthorised camping is not permitted as part of any activities."*

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC

18. CLOSURE