



MINUTES

Ordinary Meeting of Council

Tuesday 22 August 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032

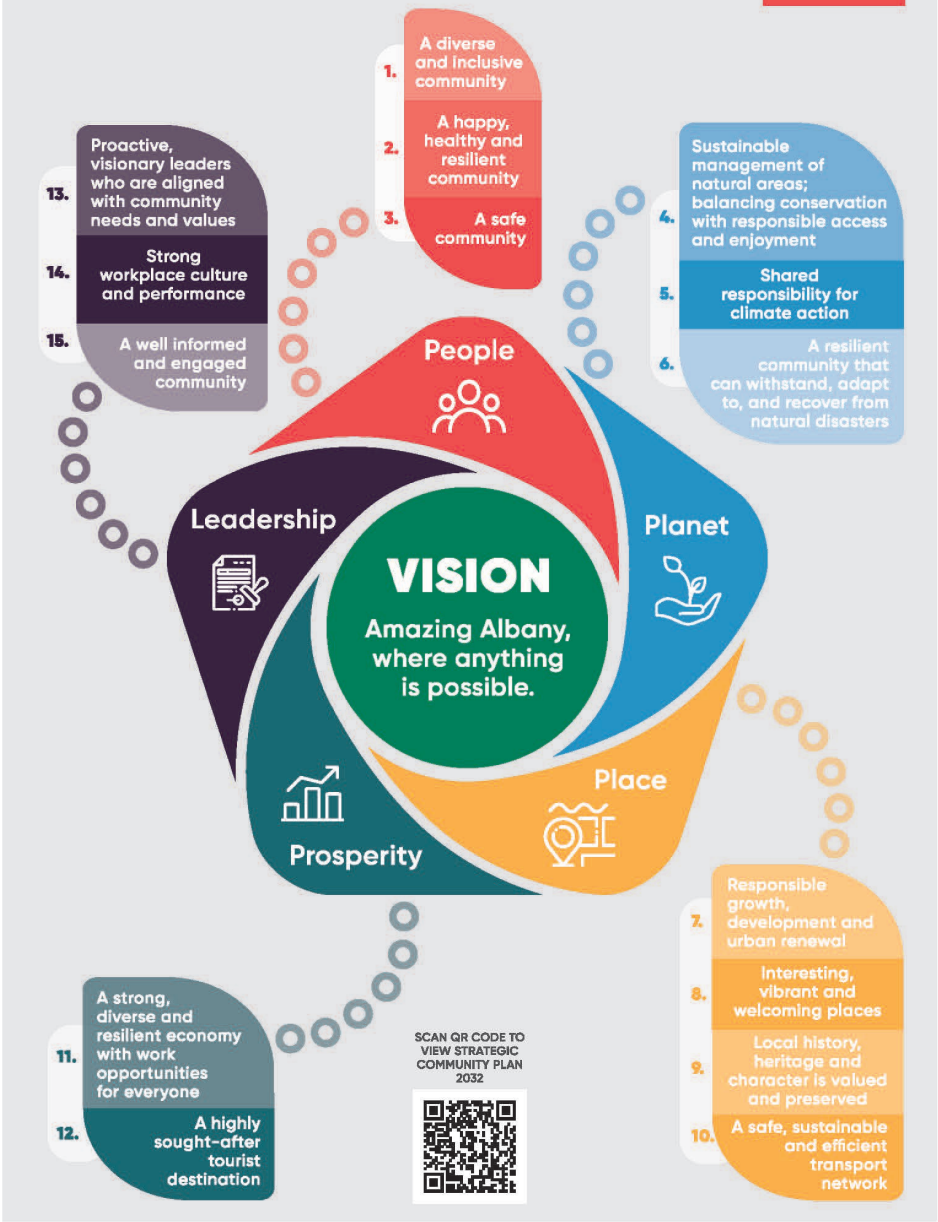


TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
7.	PUBLIC QUESTION TIME	8
8.	APPLICATIONS FOR LEAVE OF ABSENCE	11
9.	PETITIONS AND DEPUTATIONS	11
10.	CONFIRMATION OF MINUTES	12
11.	PRESENTATIONS	12
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	12
13.	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS548	FINANCIAL ACTIVITY STATEMENT JUNE 2023	13
CCS549	LIST OF ACCOUNTS FOR PAYMENT JULY 2023	16
CCS550	DELEGATED AUTHORITY REPORTS – 16 JUNE 2023 TO 15 JULY 2023	19
CCS551	WRITE-OFF RATES DEBT REPORT AS AT 30 JUNE 2023	20
CCS552	PROPOSED NEW LEASE – OLD ALBANY POST OFFICE BUILDING TO THE UNIVERSITY OF WESTERN AUSTRALIA	21
CCS553	PARTIAL SURRENDER AND NEW ADDITIONAL LEASE – J & L SHUTTLEWORTH PTY LTD-BIG 4 EMU BEACH HOLIDAY PARK	27
CCS554	PROSPECTIVE DISPOSAL OF LAND – 47 & 49 WELLINGTON STREET, CENTENNIAL PARK TO SUPPORT GREAT SOUTHERN YOUTH FOYER PROJECT	33
CCS555	STIDWELL BRIDLE TRAIL DETERMINATION	39
CCS556	NATIONAL ANZAC CENTRE ADVISORY GROUP MEMBERSHIP	53
CCS557	NATIONAL ANZAC CENTRE – Q4 2022-23 REPORT	56
CCS558	COMMUNITY SPORTING AND RECREATION FACILITIES FUND 2023 SMALL GRANT ROUND APPLICATIONS	60
CCS559	CLIMATE CHANGE ACTION DECLARATION REVIEW	69
DIS	Development and Infrastructure Services Committee	
DIS360	DRAFT LOCAL PLANNING POLICY 1.10 PERCENT FOR ART	74
DIS361	EXTENSION TO 12-MONTH COMMERCIAL TRIAL OF HIREABLE ELECTRIC SCOOTERS	77
DIS362	PLANNING AND BUILDING REPORTS JULY 2023	83
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	84
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	84
15.1	NOTICE OF MOTION BY COUNCILLOR GRIMMER	84
15.2	NOTICE OF MOTION BY COUNCILLOR GRIMMER	84
16.	REPORTS OF CITY OFFICERS	86
17.	MEETING CLOSED TO PUBLIC	86
18.	CLOSURE	86
	<i>Appendix A-Supporting information supplied by Ms Janet McMillan</i>	87
	<i>Appendix A-Address by Mr Jon Doust</i>	88
	<i>Appendix A-Supporting information supplied by Ms Sonia Emery</i>	90
	<i>Appendix A-Supporting comments from Mr Mark Allen</i>	91
	<i>Appendix A-Document provided by Ms Yasmin Bartlett</i>	92
	<i>Appendix A-Supporting information provided by Dr Mary Gee</i>	93

1. DECLARATION OF OPENING

The Mayor declared the meeting open at **6.00PM**.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
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:Nil	

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. Councillor Traill remained in the Chamber and participated in the discussion and vote for this item.
Executive Director Community Services Mr Nathan Watson	CCS558	Impartiality. The nature of the interest being that Mr Watson's father-in-law is a member of the Emu Point Tennis Club which his affiliated with the Emu Point Sporting and Community Club. Mr Watson remained in the Chamber during the discussion and vote for this item.
Councillor Stocks	CCS558	Financial. The nature of the interest being that a member of the Emu Point Sporting Club has made a financial contribution to Councillor Stocks election campaign. Councillor Stocks left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Sutton

Summary of key points:

Councillor Sutton attended the Kleeman Medal Count at Centennial Park Stadium. Councillor Sutton said that the results were a fantastic result for the Albany Sharks Football and Sporting Club.

6.02pm Councillor Thomson

Summary of key points:

Councillor Thomson attended the Ukraine Independence Day Ceremony and Flag Raising on 20 August 2023. Councillor Thomson also attended the Vietnam Veterans' Day Service.

6.04pm Councillor Smith

Summary of key points:

Councillor Smith acknowledged the anniversary of the passing of Councillor Alison Goode (31/08/2022).

Councillor Smith invited Councillors to read the Great Southern Youth Sector Forum Report which was the culmination of Youth Sector Forums held in 2022 in Albany and Katanning, with over 60 delegates from a range of youth sectors.

Councillor Smith said that the report highlights the strengths and challenges in the Great Southern youth sector and provides a way forward to create approaches and solutions that will lead to better outcomes for young people.

The forums highlighted the need for greater pathways and support for the transition from education and employment, centralised services and support, investment in youth friendly safe spaces and expanding housing options for young people.

6.07pm Councillor Shanhun

Summary of key points:

Councillor Shanhun acknowledged the anniversary of the passing of Councillor Goode, who was not just a fellow elected member but also a much loved member of his family.

Councillor Shanhun participated in a recent Volunteer Bush Fire Brigade Training Day and reminded everyone of the importance of being bush fire ready. Councillor Shanhun said that it was everyone's responsibility to be prepared for the coming fire season, and that Bush Fire Brigade Volunteers homes and families are also at risk whilst they are fighting fires.

Councillor Shanhun said that with the impacts of climate change (increased temperatures including ground temperature) and an increased fuel load due to the wet winter experienced this year, VBFB members expected it to be a very busy fire season.

6.08pm Councillor Benson-Lidholm

Summary of key points:

Councillor Benson-Lidholm commented that this would be the last Council Meeting before the election period commenced. Councillor Benson-Lidholm also commented on the Anzac tradition of Albany.

Councillor Benson-Lidholm attended the Ukraine Independence Day Ceremony and Flag Raising and the Vietnam Veterans' Day Service.

6.14pm Councillor Brough

Summary of key points:

Councillor Brough expressed his concern that with a projected population growth to 50,000 residents in Albany, the current Albany Health Campus was ill equipped to cope. Councillor Brough said that staff working at the AHC were excellent but that the health system is struggling.

Councillor Brough attended the Ukraine flag raising ceremony, and said that the occasion was a reminder of the values of liberty, integrity and national sovereignty

Councillor Brough also commented on the importance of understanding that niceness is about not offending, but kindness is thinking about what is in someone's best interest.

6.16pm Councillor Stocks

Summary of key points:

Councillor Stocks, as Councillor for the Frederickstown Ward for the last 12 years, attended his last Frederickstown Progress Association Meeting before the 2023 Ordinary Local Government Election.

Councillor Stocks commented on the Mayoral Candidate Question and Answer event to be hosted by the Albany Chamber of Commerce and Industry.

6.17pm Councillor Traill
Summary of key points:

Councillor Traill expressed his condolences on the recent passing of Mr Dawson Moore. Mr Moore was a staunch supporter of the RSL as a former National Serviceman. Mr Moore also presented on Albany Community Radio and was a long-time volunteer at the Albany Heritage Park and National Anzac Centre.

Councillor Traill also conveyed his best wishes to Jennifer O'Neill who is retiring from the University of WA Albany Campus after 12 years.

Councillor Traill paid tribute to Mayor Wellington and Deputy Mayor Councillor Smith who are retiring when their terms expire on 21 October 2023.

6.21pm Councillor Terry
Summary of key points:

Councillor Terry acknowledged the passing of Mr Dawson Moore and the retirement of Jennifer O'Neill.

Councillor Terry attended ACCI Leadership Forum which he said was enlightening and interesting, and reinforced the ethos of values being agreed to and upheld by a collective group. Councillor Terry emphasised how important it would be for the new Mayor to set the standard for behaviours and values which would be supported by the whole of Council and provide outstanding leadership for the community.

Councillor Terry attended the Vietnam Veterans Day representing the Mayor, and commented on the moving key note speech delivered by Major Michael Murphy (retd).

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on 25 July 2023, a question by Ms Pip Tilbrook 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

6.25pm Ms Mia Onorato-Sartari, Beam Mobility Australia

Summary of key points:

Ms Onorato-Sartari, as a representative of Beam Mobility Australia, addressed Council in support of the Committee Recommendation for Report Item DIS361: Extension to 12-Month Commercial Trial of Hireable Electric Scooters.

6.30pm Mr John Doust, Angove Road, Spencer Park

Summary of key points:

Mr Doust lodged a Petition requesting that:

"The City of Albany current and future Mayor, current councillors, future councillors who are elected after the October 2023 Local Government Elections, CEO, executive officers and staff enact the following:

- 1. Immediately advise the Dept of Planning, Lands and Heritage to halt the subdivision process for the current route of Range Road and NOT lodge the current deposited plan with Landgate.*
- 2. Consult and negotiate with the Friends of Yakamia Forest Boodja to re-design and re-route Range Road to achieve a significant reduction in the destruction of native vegetation on Lot 4743, 102 North Road, Yakamia and beyond."*

Note: This petition will be presented to Council in the Agenda for the Ordinary Council Meeting to be held on 26 September 2023.

6.33pm Ms Sonia Emery, Finlay Street, Albany

Summary of key points:

Ms Emery addressed Council regarding the request to re-route Range Road. Ms Emery provided supporting information to the City on 31 August 2023. That information is detailed at Appendix A.

6.37pm Mr Rod Sawyer, 27 Target Road, Yakamia

Summary of key points:

Mr Sawyer addressed Council regarding the Yakamia bush land and requested that Council listen to those members of the community opposed to any development which may affect this area of bush land.

6.41pm Ms Lyn McLaren, 31b Beresford Street, Mira Mar

Summary of key points:

Ms McLaren addressed Council regarding land use incentives for protection of remnant vegetation on private land, and asked if Council was making any progress on those incentives.

6.46pm Samantha Stevens, 37 Rowney Road, Robinson

Summary of key points:

Ms Stevens addressed Council in support of the Committee Recommendation for Report Item CCS555: Stidwell Bridle Trail Determination.

Ms Stevens' tabled address is detailed at Appendix A.

6.48pm Ms Erin Metcalfe, 65 Target Road, Yakamia

Summary of key points:

Ms Metcalfe addressed Council regarding the Yakamia bush land and the importance of retaining it in its current state.

6.50pm Ms Mary Gee, 23 Migo Place, Kronkup

Summary of key points:

Ms Gee addressed Council in support of the Notice of Motion by Councillor Grimmer.

Ms Gee provided a supporting letter to the City post the Council Meeting, which is detailed at Appendix A.

6.55pm Ms Janet McMillan, Migo Place, Kronkup

Summary of key points:

Ms McMillan addressed Council in support of the Notice of Motion by Councillor Grimmer.

6.58pm Mr Gary Richardson, 40 Parker Street, Lockyer

Summary of key points:

Mr Richardson addressed Council regarding his concerns over the deliberate addition of Fluoride to the drinking water supply.

7.01pm Mr Mark Allen, 5/12 Symers Street, Mira Mar

Summary of key points:

Mr Allen addressed Council regarding the climate emergency. Mr Allen provided further comments in writing to the City on 23 August 2023. Those comments are detailed at Appendix A

7.03pm Mr Tony Higgs, Meanwood Road, Kronkup
Summary of key points:

Mr Higgs addressed Council in support of the Notice of Motion by Councillor Grimmer.

7.06pm Mr Gary Philpott, Emu Point Sports and Community Centre
Summary of key points:

Mr Philpott addressed Council in support of the Committee Recommendation for report item CCS558: Community Sporting and Recreation Facilities Fund 2023 Small Grant Round Applications.

Mr Philpott said that the Centre has over 342 members and is currently operating from clubrooms which were constructed in 1974, with ad hoc additions and alterations made over the last 50 years.

Mr Philpott said that the vision of the EPSCC board is to have a centre which is fit for purpose and in keeping with today's inclusive standards, with no limitations on access to the facilities by members and the general public. Mr Philpott said that the core value of the project was to increase membership and physical participation by offering the facility to all sectors of the community.

7.10pm Ms Tania Scoles, 452 Hunwick South Road, Torbay
Summary of key points:

Ms Scholes addressed Council regarding the exploration for silica sand mining in the western part of the municipality. Ms Scholes is opposed to allowing mining in that area and urged Council to oppose exploration licences.

7.13pm Mr Craig Heal, Albany Tutoring
Summary of key points:

Mr Heal is opposed to the City of Albany Library facilitating online tutoring services such as Studiosity and the Read Write Now program and providing limited low-cost in-person tutoring to students.

Mr Heal said that his business was the only tutoring centre in Albany, and he felt that the City of Albany offering alternative low cost tutoring opportunities was anti-competitive and had adversely affected his business.

7.18pm Mr Roger Cunnington, 15 Leschenault Street, Lockyer
Summary of key points:

Mr Cunnington addressed Council regarding Report Item DIS361: Extension to 12-Month Commercial Trial of Hireable Electric Scooters.

Mr Cunnington said that he is opposed to the extended trial.

7.22pm Mr Tony Harrison, Little Grove
Summary of key points:

Mr Harrison addressed Council regarding the Climate Change Declaration, and the need to stop mining and clearing of trees in the area.

7.27pm Ms Yasmin Bartlett
Summary of key points:

Ms Bartlett requested that a document supplied by her be displayed on the screens in the Chamber during her address to Council. That document is detailed at Appendix A.

Ms Bartlett informed Council and City staff that they would be sued for harm, injury or loss due to a failure of lawful due process as local government is not constitutionally recognised in Australia. Ms Bartlett said that local government had no rights to impose fees and charges, including rates, on residents.

7.32pm Ms Donna Coyne, Albany
Summary of key points:

Ms Coyne addressed Council as a traditional owner of the land. Ms Coyne said that the City should object strongly to mining activities which may harm or destroy the environment.

There being no further speakers the Mayor declared Public Question Time closed at **7.35pm**.

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

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR GRIMMER

THAT Councillor Traill be GRANTED Leave of Absence for the period 07 September 2023 to 05 October 2023 inclusive.

CARRIED 13-0

9 PETITIONS AND DEPUTATIONS

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR TERRY

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

CARRIED 13-0

Officer Comment:

There are 46 signatories to this petition.

10 CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SHANHUN

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.

CARRIED 13-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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

CARRIED 13-0

CCS548: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Terry
Seconded: Councillor Brough**

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.

CARRIED 13-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TRAILL**

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

CARRIED 13-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTONS
SECONDED: COUNCILLOR SMITH

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

CARRIED 13-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH**

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.

CARRIED 13-0

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	<p><u>Internal Toilets and Lobby</u> 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.

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

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

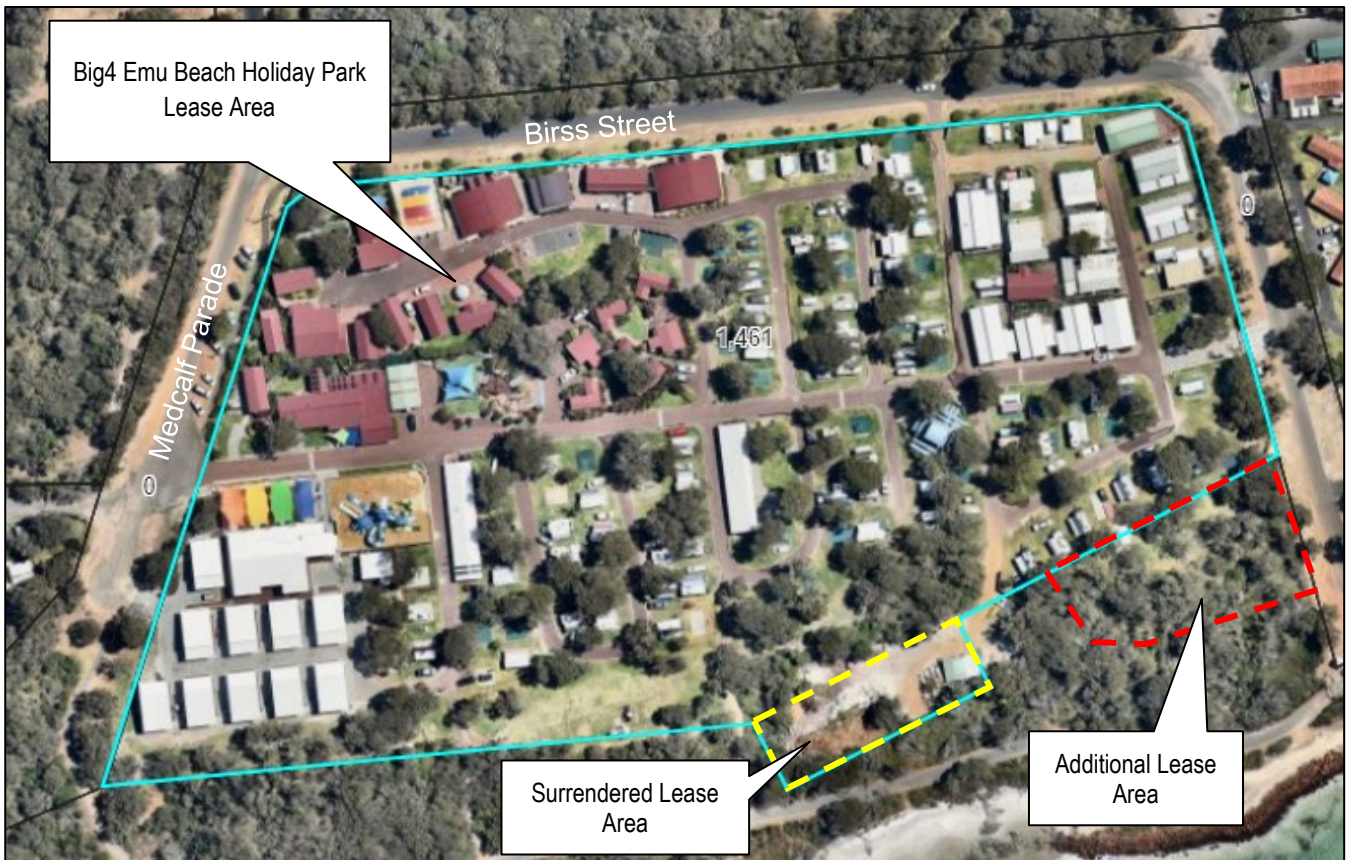
CCS553: PARTIAL SURRENDER & NEW ADDITIONAL LEASE – J & L SHUTTLEWORTH PTY LTD – BIG 4 EMU BEACH HOLIDAY PARK

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 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:** 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BROUGH

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.

CARRIED 13-0

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 Adaptation 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 outgoings, 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.

27. 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.
28. On the above basis, the proposed lease is considered exempt from public notice requirements.
29. No general public consultation on the lease has occurred, as the discussions were limited to the parties involved in the land swap.

STATUTORY IMPLICATIONS

30. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased/licensed land and buildings.
31. 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

32. 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.
33. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: New Lease not approved – land swap does not proceed	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Reputation: New Lease not approved – Impact to City access to conduct foreshore mitigation works	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Financial & Reputation: New Lease not approved – Coastal pathway next to Big 4 closed	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction. Realign path around the back of the existing Big 4 lease area
Opportunity: Retain the popular public coastal pathway corridor along the foreshore side of the Big 4				
Opportunity: Demonstrate the City's commitment to ongoing foreshore management and retaining waterfront experience				
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)				

FINANCIAL IMPLICATIONS

35. 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

36. 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

37. 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.

38. 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.
39. 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.
40. Any future development needs to be considered in the context of the recommendations of the Emu Point to Middleton Beach CHRMAP.
41. 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

42. 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.
43. 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

44. 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.
45. 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.
46. 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.
47. 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.
48. 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.
49. 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

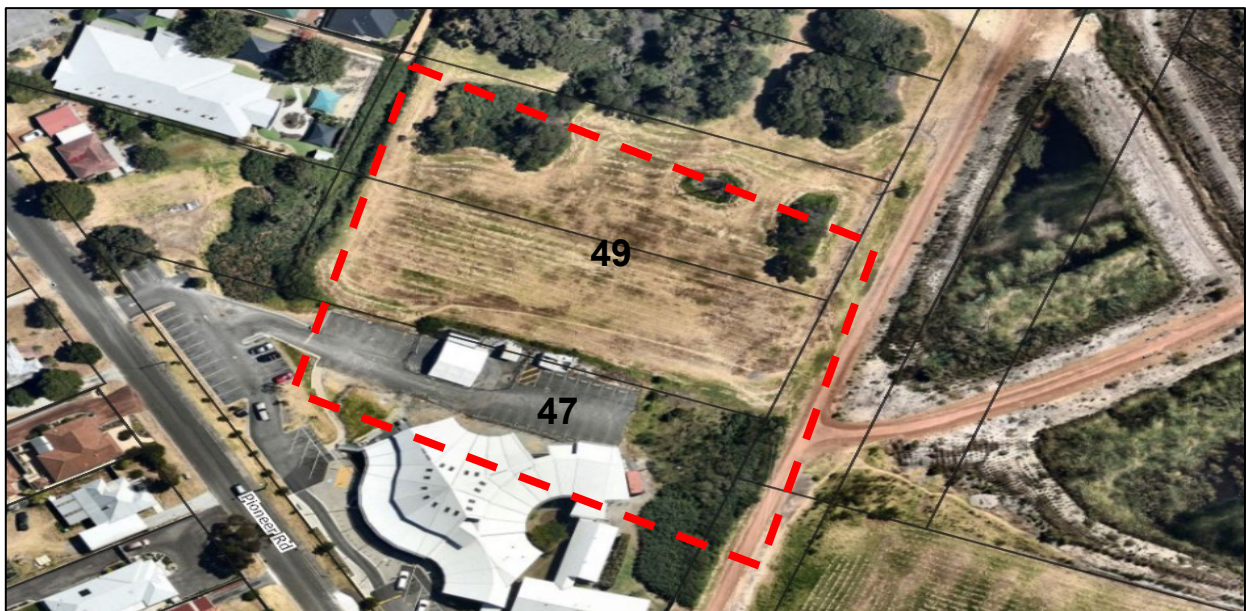
CCS554: PROSPECTIVE DISPOSAL OF LAND – 47 & 49 WELLINGTON STREET, CENTENNIAL PARK TO SUPPORT GREAT SOUTHERN YOUTH FOYER PROJECT

- 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)

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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.**

CARRIED 13-0

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
Reputation: Funding not secured for Youth Foyer	Possible	Moderate	Medium	Land is not disposed of and remains in City ownership for City purposes
Reputation: new Youth Foyer not constructed	Unlikely	Moderate	Medium	Land returned to the City for nil consideration
Reputation: Local residents oppose the Youth Foyer	Possible	Moderate	Medium	Engage in community consultation to address concerns and explain the benefits of the Youth Foyer
Reputation & Community: Setting a precedent for other community groups wanting land	Possible	Moderate	Medium	Assess requests for land on a case by case basis - considering capital contribution and community benefit
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)				
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.				
Opportunity: To support the City's Strategic Plan 2032 objective to plan a compact city with diverse land, housing and development opportunities.				

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.
40. 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY
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, 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**

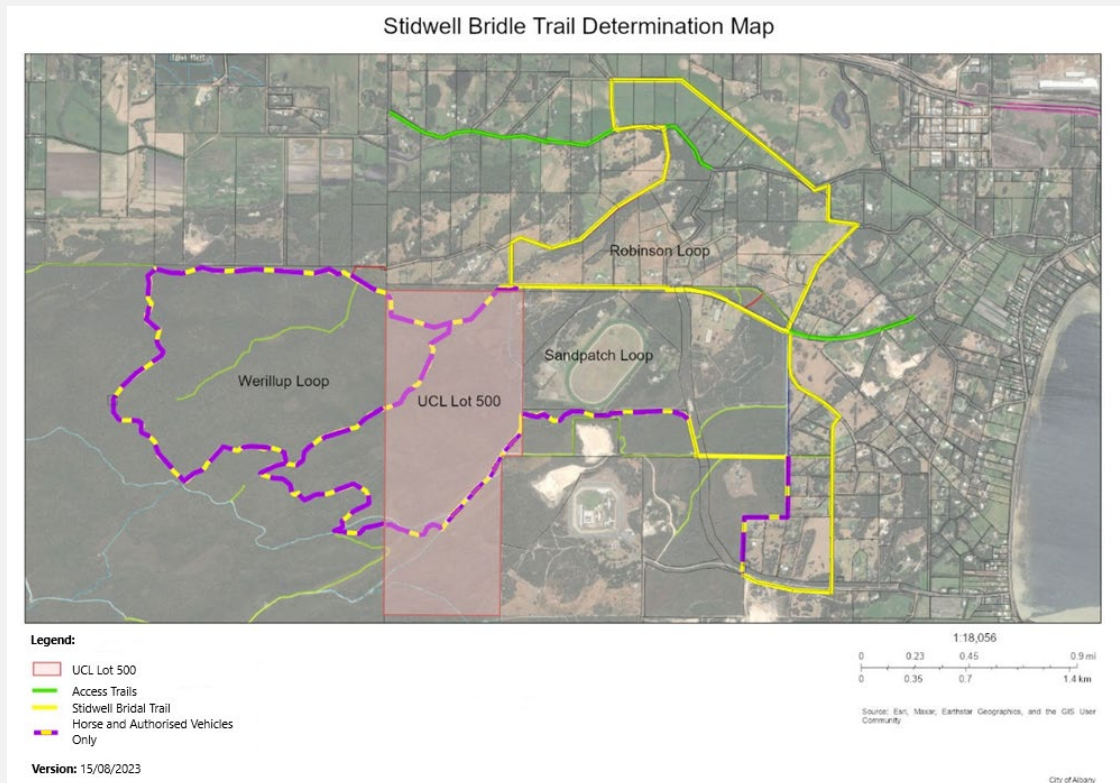
DETERMINATION

**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** 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.

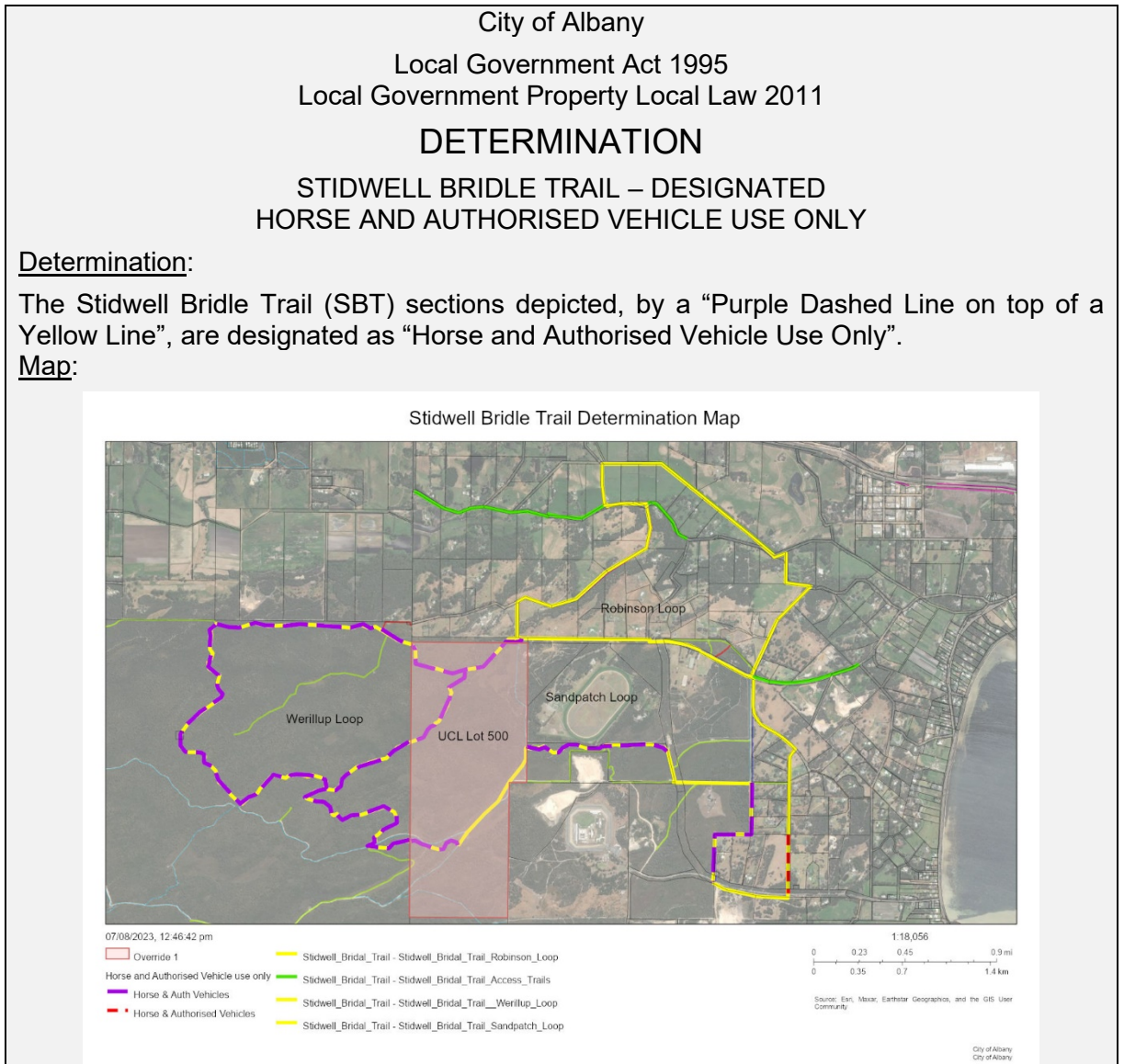
CARRIED 13-0

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'.



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)

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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.

CARRIED 13-0

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

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SHANHUN

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

CARRIED 13-0

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)

7.58PM: Councillor Stocks declared a Financial Interest in this item and left the Chamber.

The Executive Director Community Services Mr Nathan Watson declared an Impartiality Interest in this item. Mr Watson remained in the Chamber and was present during the discussion and vote for this item.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** 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: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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).**

CARRIED 12-0

**CCS558: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR THOMSON**

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.**

CARRIED 12-0

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

FINANCIAL IMPLICATIONS

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

8.04PM: Councillor Stocks returned to the Chamber. Councillor Stocks was not present during the discussion and vote for this item.

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

RESOLUTION (PROCEDURAL MOTION)

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the item be DEFERRED for consideration and re-presented to a future Council Meeting post the October 2023 Ordinary Local Government Election.

CARRIED 8-5

Against the Motion:

Councillors Thomson, Traill, Smith, Baesjou and Terry.

Councillor Comment:

The Climate Change Action Declaration was developed in consultation with the Youth Advisory Group. Any proposed changes to the agreed Declaration should be made in consultation the Youth Advisory Group and, if deemed necessary, the wider community.

Councillor Sutton then moved a Procedural Motion to defer this item.

CCS559: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TRAILL

THAT the revised City of Albany Climate Change Action Declaration be ADOPTED with amendments as follows:

THE CITY OF ALBANY:

1. ACKNOWLEDGES THAT:

- climate change is occurring and requires immediate and urgent action;
- climate change will continue to have significant effects on Albany's environment, society and economy; and
- local government **can and should** play an important role **in reducing** carbon emissions through **its** own actions and advocating for change within the community.

2. ACCEPTS THE:

- environmental, social and economic benefits of addressing climate change immediately; and
- science that underpins **the recognition of** climate change.

3. SUPPORTS THE:

- development and implementation of local, state and federal policies for climate change action; **and**
- ongoing delivery of actions relating to climate change in the City's Corporate Energy Plan, Community Strategic **Plan (including developing a sustainable, low waste, circular**

economy), Local Planning Strategy (specifically vegetation conservation and compact city measures) and Urban Tree Strategy.

4. AND SHALL:

- implement as many as are feasible, and relevant to the City's sphere of influence, of the seven mitigation and adaptation options outlined in the Intergovernmental Panel of Climate Change's (IPCC's) sixth assessment report (i.e. C3.2 to C3.8 of 2023, pp. 30-32) as necessary to "achieve deep and sustained emissions reductions and secure a liveable and sustainable future for all";
- develop a tool to measure and report on corporate and community greenhouse gas emissions;
- develop a Roadmap to Net Zero targeting 2050 with interim targets for 2030 for the City of Albany and the community;
- advocate to state and federal government to implement key climate change actions;
- develop communications to engage, encourage and empower the Albany community on climate change actions;
- engage with the Youth Advisory Council and wider community on climate change initiatives;
- review this declaration every two years to ensure it remains relevant to community priorities and to any changes to the above-mentioned IPCC mitigation and adaptation options; and
- every two years, publicly report on progress toward achieving the measures promised above.

Councillor Thomson then moved an amendment to the Authorising Officer Recommendation that the Climate Change Action Declaration be adopted with his proposed amendments:

CCS559: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

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.

Header	Original Statement	Updated Statement
	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.
	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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BAESJOU

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*.

CARRIED 13-0

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
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.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>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.</i>				

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	:	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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR STOCKS

THAT:

- a) Council **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) Council **NOTE** that a formal decision on the long-term operation of the e-scooter program be deferred until the March 2024 Ordinary Council Meeting;
- c) Council **REQUEST** that the permit holders are reminded of the obligations under the Advice Note of Condition 14 of their permit that *'the permit holder will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes)'*; and
- d) For the rest of the trial that the City revert to designated parking bays.

CARRIED 13-0

DIS361: AMENDMENT BY COUNCILLOR SMITH

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR STOCKS

THAT the Committee Recommendation be AMENDED to include the following two clauses:

- c) Council **REQUEST** that the permit holders are reminded of the obligations under the Advice Note of Condition 14 of their permit that *'the permit holder will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes)'*; and
- d) For the rest of the trial that the City revert to designated parking bays.

CARRIED 13-0

Councillor Smith then moved an amendment to the Committee Recommendation. Further amendments were proposed by Councillor Stocks and were included as part of Councillor Smith's motion.

DIS361: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR BENSON-LIDHOLM

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 clause 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
Community <i>Community members may feel aggrieved if the 12-month trial period is extended without consultation.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>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.</i>				

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	:	<ul 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

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

CARRIED 13-0

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**15.1: RESOLUTION (NOTICE OF MOTION 1 BY COUNCILLOR GRIMMER)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL**

THAT 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.

CARRIED 9-4

Record of Vote

Against the Motion: Councillors Thomson, Smith, Brough and Cruse.

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

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TERRY**

THAT:

1. 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; and
2. The final Policy be presented to Council for formal adoption.

Councillor Thomson then moved an amendment to Councillor Grimmer's Notice of Motion.

**15.2: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH**

THAT the Notice of Motion 2 by Councillor Grimmer be AMENDED to add point 3:

3. The Chief Executive Officer by 30 November 2023 report on the feasibility of publishing an online form on the City website that facilitates an email message being sent, to people who have registered on the form, whenever the City receives a mining application of any sort.

AND

THAT point 1 of the Notice of Motion 2 by Councillor Grimmer be AMENDED to read:

The Chief Executive Officer convene an Elected Member Focus Group meeting to begin the process of developing a Policy Position on Mining Tenement Applications related to land that is under the care and control of the City of Albany, for review and further refinement by the elected member group and key staff members.

CARRIED 10-3

Record of Vote

Against the Motion: Councillors Baesjou, Terry and Benson-Lidholm

The substantive motion was then put to the vote.

15.2: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BROUGH

THAT:

- 1. 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;**
- 2. The final Policy be presented to Council for formal adoption.**
- 3. The Chief Executive Officer by 30 November 2023 report on the feasibility of publishing an online form on the City website that facilitates an email message being sent, to people who have registered on the form, whenever the City receives a mining application of any sort.**

CARRIED 13-0

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

There being no further business the Mayor declared the meeting closed at 10.40pm.

**SUPPORTING INFORMATION BY MS JANET MCMILLAN
RECEIVED 23/08/2023**

Albany City Council OCM 22 August 2023

Janet Macmillan of Migo Place Kronkup spoke in relation to agenda item 15.1 (Notice of Motion by Councillor Grimmer). She requested that Albany City Council (ACC), when responding to the Department of Mines, Industry Regulation and Safety (DMIRS) regarding mining tenement exploration licence applications, consider that land vested with ACC may have valuable habitat for fauna and flora despite the stated 'purpose' of the land. For example, the Kronkup waste transfer station has native vegetation which contributes to links to other reserves where their conservation value is recognised.

ADDRESS BY MR JON DOUST

Jon Doust, 132 Angove Road, Spencer Park, on the cusp, where Spencer meets Yakamia.

Noongar Menang Elders, those here tonight, those from the past, those present, and those coming through ... respect.

Councillors, Mayor, thank you.

You will be pleased to know that the Albany Community Environment Centre has a new committee and some of us are here tonight.

And these people, my friends, and friends of Yakamia, and these creatures they are holding , also our friends. Koomal, karrak.

Primarily I am here to help present this petition, 811 signatures in all.

But first, I'd like to thank Councillor Thompson for his effort with the Ukrainian flag. I am wearing a hat I bought in the mountains of Georgia. Some of you will know, but most of you will not, that they are still fighting a war, with the Putin Russians and after I posted a photograph of the flag raising I got messages from Georgias, thanking us.

Thank you Councilors, Thompson, Benson Lindholm, Brough, Grimmer.

The petition is addressed to you all, and any who follow you, it is about Range Road.

We had, by the way, over 50 people on a walk through Yakamia Forest on Sunday, lead by the knowledgeable Menang Man of kattitdj, karatdj, of knowing, of Boodja, Larry Blight. You should have been there, to see, to feel, to hear, to wonder. So close to the city centre, so close to you here.

The petition: We, the undersigned Albany residents and ratepayers, request the following, that the council ...

1. ... advise the Dept of Planning, Lands and Heritage to halt the subdivision process for the current route of Range Road and NOT lodge the current deposited plan with Landgate.

2. ... Consult and negotiate with the Friends of Yakamia Forest Boodja to re-design and re-route Range Road to achieve a significant reduction in the destruction of native vegetation on Lot 4743, 102 North Road, Yakamia, and beyond.

It makes no sense to build a road through here, through the Paulo Lionetti Goat Park RK, up through beautiful remnant bushland, when it could go up there, where it was first planned. Or even up Sydney.

If it goes here, opposite Sanford, as many have said, you set up a killing zone. All of them will be killing zones, just some less of a kill than others.

And might I remind you of a paragraph from the city's own documentation, where you call on yourselves - To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.

And I should add that of all the people I have spoken to over the past three weeks about Range Road, not one person, including those who did not sign the petition, not one said this re-routing made any sense.

Not one.

Dear oh dear. Thank you.

**SUPPORTING INFORMATION SUPPLIED BY MS SONIA EMERY
31 AUGUST 2023**

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

I acknowledge the traditional custodians, the Menang people, and recognise their 50 000 plus years of unbroken connection and caring for this land that we stand on. I pay respects to elders, past, present and emerging.

I'm speaking on behalf of the Friends of Yakamia Forest Boodja.

Lot 4743 and the vegetated lots to the east and west contain an amazing mix of native vegetation.

The 2010 Albany Regional Vegetation Survey classified no less than 6 different types of vegetation between Target Road and the Yakamia Creek to the south.

1. Dense laterite forest of mature marri, jarrah and sheoak trees.
2. Sandy woodland of jarrah, sheoak and Albany black butt.
3. Priority Ecological Community of banksia coccinea which is beautifully flowering like a meadow at the moment.
4. Peppermint low forest.
5. Callistemon thicket and finally,
6. Taxandria juniperina Closed Forest running along the creekline.

A few weeks ago, the Department of Biodiversity, Conservation and Attractions stated that this mix of vegetation types – intact and in good condition – was found nowhere else in Albany during the survey.

We have a unique asset.

The current route of Range Road will ruin it forever!

Councillors – you must re-route Range Road and protect this high conservation value vegetation and endangered wildlife haven.

There is no acceptable route for a road on Lot 4743.

There are other possible routes for Range Road.

Please come and talk with us.

We need to know where you stand on Range Road, Lot 4743 and all the native vegetation across Albany, so that we can make informed decisions about who to vote for in the October elections.

The environment underpins all aspects of our lives. Please act to keep what we have and add to it.

Thankyou.

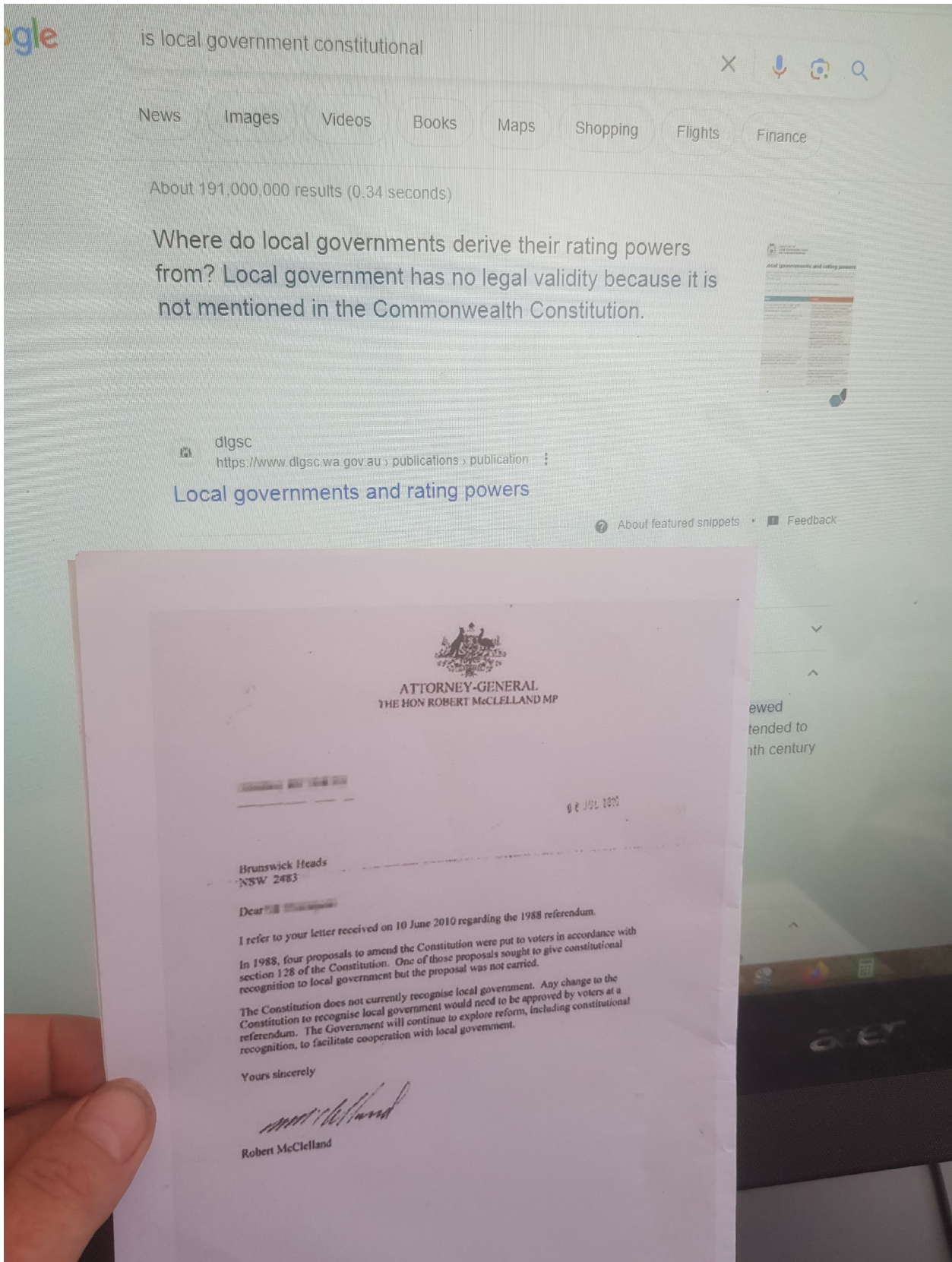
**MR ALLEN PROVIDED THE FOLLOWING COMMENTS
IN WRITING ON 23 AUGUST 2023:**

“I said a few words at the Council meeting yesterday, pointing out the climate tragedies that are unfolding in the Northern Hemisphere and how the world must shift urgently to a new way of thinking.

This is why Albany must be at the forefront of this rapid transition and why we must act to put protecting our ecology at the front and centre of everything that we consider.

For this reason, a new route must be chosen for Range Road and we must put farmers and landholders ahead of granting mining licences.”

DOCUMENT PROVIDED BY MS YASMIN BARTLETT



**SUPPORTING INFORMATION SUPPLIED BY DR MARY GEE
23 AUGUST 2023**

Albany City Council Meeting 22 August 2023

Statement referring to Notice of Motion (15) proposed by Councillor S. Grimmer

Dr Margaret Anne Mary Gee,
23 Migo Place
Kronkup
Albany 6330

The areas to the west of Albany, specifically Kronkup and Marbellup, are very different compared with east of Albany, specifically Mindijup near Manypeaks for the reasons outlined below:

- 1) Higher population density, smaller farming blocks with varied agriculture;
- 2) In Kronkup the amphitheatre-like topography produced by Torbay Hill, and undulating hills around will exacerbate the inevitable noise, dust, and visual impact caused by mining;
- 3) The oldest documented occurrence of Acid Sulfate Soils in Western Australia - exact location and depths below surface unpredictable and laterally and vertically discontinuous. The oxidation process occurs in hours when soils are exposed to air;
- 4) Complex hydro-geology and hydrology with linkage to wetlands, ground-water resources, water for livestock, and irrigation;
- 5) Scenic area and tourism will be affected;
- 6) One exploration tenement will set a precedence for further applications.

Considering the widespread strength of feeling against mining between Albany and Denmark based on published scientific databases, economics and impact on residents and visitors lives, I asked that the Council support the residents and visitors.