



MINUTES

Ordinary Meeting of Council

Tuesday 23 February 2021

6.00pm
Council Chambers

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



ORDINARY COUNCIL MEETING
MINUTES 23/02/2021

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1. DECLARATION OF OPENING

The Mayor Declared the Meeting Open at 6.00pm

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Kalgan Ward

E Doughty

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

T Sleeman

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson by Zoom

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development
& Environment

P Camins

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

Apologies:

Frederickstown Ward

R Stephens (Leave of Absence)

Frederickstown Ward

G Stocks (Leave of Absence)

Vancouver Ward

J Shanhun (Apology)

Executive Director Community Services

N Watson (Apology)

Two members of the media and 50 members of the public were in attendance

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Sleeman	CCS323	Impartiality. The nature of the interest being that Councillor Sleeman is the Manager of the Albany Regional Volunteer Service, who have a service agreement with the City of Albany. Councillor Sleeman remained in the Chamber and was present during the discussion, and participated in the vote for this item.
Councillor Benson-Lidholm	DIS245	Impartiality. The nature of the interest being that Councillor Benson-Lidholm's brother is a member of the Great Southern Street Machine Association Inc. (GSSMA). The GSSMA appointed Thomas Benson-Lidholm as its spokesperson at the Association's February 2021 AGM with the express intent of liaising with the Great Southern Motorplex Group Inc. (GSMG). At the time of Council voting, the GSSMA did not have an official position on the Motorplex Scheme Amendment. Councillor Benson-Lidholm remained in the Chamber and participated in the discussion and vote for this item.
Councillor Thomson	DIS245	Financial. The nature of the interest being that Councillor Thomson has a potential financial interest due to his employment with the Commonwealth government, which administers the Building Better Regions Fund for which the proponent of the proposed Motorplex that is the subject of this report will be an applicant. Councillor Thomson attended the meeting by Zoom. Councillor Thomson's access to the meeting was paused by the meeting secretary. Councillor Thomson did not participate in the discussion or vote for this item.
Councillor Smith	DIS251	Proximity. The nature of the interest being that Councillor Smith is part owner of a property which is across the road from the development. Councillor Smith left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.07pm Councillor Hammond

Summary of key points:

Councillor Hammond informed Council that he had been receiving a large volume of complaints regarding wandering and feral cats. Councillor Hammond stated that Council had previously adopted a policy position to manage wandering cats.

6.08pm Councillor Benson-Lidholm

Summary of key points

Councillor Benson-Lidholm recently visited the Wellstead Community Resource Centre, which have received a grant of \$10,000 towards the upgrade of their servers and computers. Councillor Benson-Lidholm thanked the Chairperson and Coordinator of the Wellstead Community Resource Centre for their work in securing the grant.

6.11pm Councillor Sutton
Summary of key points

Councillor Sutton was pleased to see shoulder works being undertaken around Albany on the highways maintained by Main Roads WA. Councillor Sutton said that the works were a great improvement in road safety.

6.013pm Councillor Thomson
Summary of key points:

Councillor Thomson attended this meeting by Zoom. Councillor Thomson provided this written copy of his address during Reports of Members.

Councillor Thomson said that his ability to attend via Zoom from interstate was one example of how COVID has seen local authorities, and people, work better together from afar.

The ability to live in Albany and work in Perth or elsewhere is a big reason behind Albany's current housing boom.

The City needs to redouble its efforts to plan for this growth so that growth does not come at the expense of the idyllic natural environment, which is another reason people are moving to Albany in the first place.

Suggested innovative planning mechanisms that encourage the development of, and greater housing diversity on, underutilised sites in the CBD.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6.15pm Mr Shane Martin, 1042 Millbrook Road, Millbrook
Summary of key points:

Mr Martin addressed Council regarding DIS245: Local Planning Scheme Amendment No. 35-Lot 5780 Down Road South, Drome. Mr Martin spoke in support of the Scheme Amendment, which would allow the Albany Motorsport Park project to proceed.

6.17pm Ms Pip Tilbrook, Hunwick South Road, Torbay
Summary of key points:

Ms Tilbrook addressed Council regarding DIS245: Local Scheme Amendment No.35-5780 Down Road South, Drome. Ms Tilbrook said that the scheme amendment was not in accord with State planning principles. Ms Tilbrook also stated that the proposed development would compromise food security and water quality.

6.20pm Mr Theo Newhouse, Randall Crescent, Warrenup, Chairman of Great Southern Motorplex Group Inc.
Summary of key points:

Mr Newhouse addressed Council in support of DIS245: Local Planning Scheme Amendment No.35-Lot 5780 Down Road South, Drome. Mr Newhouse's tabled address is detailed at Appendix A.

6.24pm Ms Mandy Arnold, 28 Chester Pass Road, Yakamia
Summary of key points:

Ms Arnold addressed Council regarding DIS245: Local Planning Scheme Amendment No. 35-Lot 5780 Drome Road South, Drome. Ms Arnold said that she was not opposed to the development of a Motorsport Park, but questioned the location of the proposal. Ms Arnold said that the proposed development would compromise the water quality in the Torbay catchment area.

6.28pm Mr Grant Simmons, 24 Boolgana Court Albany
Summary of key points:

Mr Simmons addressed Council in support of DIS245: Local Planning Scheme Amendment No35-Lot 5780 Down Road South, Drome. Mr Simmons' tabled address is detailed at Appendix A.

6.33pm Mr Peter Eades, Redmond Road, Redmond
Summary of key points:

Mr Eades addressed Council regarding DIS245: Local Planning Scheme Amendment No.35-Lot 5780 Down Road South, Drome. Mr Eades said that as a resident in the area he was concerned that the noise that may be generated by a Motorplex would interfere with his quality of life.

6.37pm Keith Hornsey, 13 Garden Street, Middleton on behalf of the Albany Classic Motorsport Club Inc.
Summary of key points:

Mr Hornsey addressed Council regarding DIS245: Local Planning Scheme Amendment No.35-Lot 5780 Down Road South, Drome.

Mr Hornsey spoke in support of the scheme amendment which would allow the Albany Motorplex development to proceed, bringing social and economic benefits to Albany.

6.41pm Dr James Lie, Emu Point
Summary of key points:

Dr Lie addressed Council in support of DIS245: Local Planning Scheme Amendment No.35-Lot 5780 Down Road South, Drome.

There being no further speakers, the Mayor declared the meeting closed at **6.43pm**.

- 8. APPLICATIONS FOR LEAVE OF ABSENCE Nil**
- 9. PETITIONS AND DEPUTATIONS Nil**
- 10. CONFIRMATION OF MINUTES**

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Ordinary Council Meeting held on 15 December 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH

THAT the minutes of the Special Council Meeting held on 11 November 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Special Council Meeting held on 21 December 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR DOUGHTY

THAT the minutes of the Special Council Meeting held on 10 February 2021, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS320: FINANCIAL ACTIVITY STATEMENT – DECEMBER 2020

Proponent	: City of Albany
Attachments	: Financial Activity Statement – December 2020
Report Prepared by	: Manager Finance (S Van Nierop)
Responsible Officer	: Executive Director Corporate & Commercial Services (D Olde)

RECOMMENDATION

**CCS320: RESOLUTION
VOTING REQUIREMENT: SMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SMITH**

THAT the Financial Activity Statement for the period ending 31 December 2020 be RECEIVED.

CARRIED 10-0

CCS320: COMMITTEE RECOMMENDATION

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

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS320: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 December 2020 be RECEIVED.

COVID-19 IMPACT

1. Impacts to the financial performance of the City are detailed in the 'Explanation of Material Variances to the YTD Budget in Excess of \$100,000' (Note 1) of the Attachment to this report (Statement of Financial Activity).

BACKGROUND

2. The Statement of Financial Activity for the period ending 31 December 2020 has been prepared and is attached.
3. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

4. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
5. 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.
6. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
7. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

8. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the 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.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; 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.
 - III. 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.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.
 - V. 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

9. The City's 2020/21 Annual Budget provides a set of parameters that guides the City's financial practices.
10. 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

11. Expenditure for the period ending 31 December 2020 has been incurred in accordance with the 2020/21 proposed budget parameters.
12. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS321: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2020

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

RECOMMENDATION

CCS321: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TERRY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2020 totalling \$6,477,936.75 be RECEIVED.

CARRIED 10-0

CCS321: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS321: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2020 totalling \$6,477,936.75 be RECEIVED.

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 December 2020. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$10,123.67
Payroll	\$1,495,552.39
Cheques	\$29,003.95
Electronic Funds Transfer	\$4,943,256.74
TOTAL	\$6,477,936.75

As at 15 December 2020, the total outstanding creditors stands at \$297,102.18 and is made up as follows;

Current	\$106,679.94
30 Days	\$179,823.97
60 Days	\$10,956.10
90 Days	-\$366.83
TOTAL	<u>\$297,102.18</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. 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

6. Expenditure for the period to 15 December 2020 has been incurred in accordance with the 2020/2021 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 December 2020 has been incurred in accordance with the 2020/2021 budget parameters.

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS322: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 2021

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

RECOMMENDATION

CCS322: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2021 totalling \$7,104,376.22 be RECEIVED.

CARRIED 10-0

CCS322: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS322: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2021 totalling \$7,104,376.22 be RECEIVED.

BACKGROUND

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

DISCUSSION

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

Municipal Fund	
Trust	\$0.00
Credit Cards	\$12,094.15
Payroll	\$2,361,652.25
Cheques	\$2,841.61
Electronic Funds Transfer	\$4,727,788.21
TOTAL	<u>\$7,104,376.22</u>

As at 31 December 2020, the total outstanding creditors stands at \$135,543.87 and is made up as follows;

Current	\$138,284.91
30 Days	-\$2,240.98
60 Days	\$0.00
90 Days	-\$500.06
TOTAL	\$135,543.87
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. 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

6. Expenditure for the period to 15 January 2021 has been incurred in accordance with the 2020/2021 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 January 2021 has been incurred in accordance with the 2020/2021 budget parameters.

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS323: DELEGATED AUTHORITY REPORTS – NOVEMBER 2020 to JANUARY 2021

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

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

BACKGROUND

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

RECOMMENDATION

CCS323: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT the Delegated Authority Reports 16 November 2020 to 15 January 2021 be RECEIVED.

CARRIED 10-0

CCS323: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS323: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 November 2020 to 15 January 2021 be RECEIVED.

COVID-19 IMPACT

- COVID-19 has no impact on this report.

**CCS324: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO
DECEMBER 2020**

Proponent	: City of Albany
Attachments	: Quarterly Report – Tenders Awarded – October to December 2020
Report Prepared by	: Senior Procurement Officer (H Hutchinson)
Responsible Officer	: Executive Director Corporate & Commercial Services (D Olde)

RECOMMENDATION

**CCS324: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT the Quarterly Report – Tenders Awarded – October to December 2020 be RECEIVED.

CARRIED 10-0

CCS324: COMMITTEE RECOMMENDATION

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

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS324: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – October to December 2020 be RECEIVED.

CCS325: NATIONAL ANZAC CENTRE – Q2 2020-21 REPORT

Proponent	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2020/21 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Responsible Officer(s)	: 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
 - **Key Theme:** Smart Prosperous and Growing.
 - **Strategic Objectives:** To strengthen our region's economic base; and
 - To develop and promote Albany as a unique and sought after destination.
 - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
 - Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- To provide Council with update on Q2 2020-21 performance of the NAC.

RECOMMENDATION

CCS325: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE**

THAT the NAC Operational Report for Q2 2020-21 be RECEIVED.

CARRIED 10-0

CCS325: COMMITTEE RECOMMENDATION

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

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS325: RESPONSIBLE OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q2 2020-21 be RECEIVED.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million 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 assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards. The NAC Advisory Group has been meeting quarterly since convening.
6. It was agreed in November 2018 that the NAC Advisory Group would now meet twice a year. The next meeting is planned for April 2021.
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. Q2 2020/21 achieved overall total visitation numbers of 383,534 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 62,194 visitors per year.
10. Total visitation for Q2 2020/21 decreased by only 126 visitors compared to the same period in 2019/20.
11. The visitation in Q2 2020/21 from the Great Southern Region totalled 373 people, equating to 3% of Western Australia's overall visitation of 13,434.
12. The total visitation in Q2 2020/21 originated from Western Australia (98%) and interstate (2%).
13. Visitors from other States and Territories consisted of 40% from QLD, 22% from VIC, 18% from NSW, 9% from SA, followed by TAS, ACT and NT all with similar figures between 1-4%.
14. Revenue generated in Q2 2020/21 by the NAC was \$5,610 less compared to the same period in 2019/20. The Forts Store revenue of \$112,719 saw a decrease of \$13,670 compared to the same period in 2019/20.
15. Fort Store revenue for Dec of \$35,592 was a minor decrease of \$1,194 from the previous year.
16. November and December NAC ticket sales are higher compared to the same time in the previous two years 18/19 & 19/20.
17. As at the end of Q2 2020/21, 2,916 households hold memberships to the NAC League of Local Legends program.
18. In Q2 2020/21, further progression was achieved of phase one of the NAC Refresh. The Viewing Hall was completed with interpretation, photographic panels, Convoy table and showcase. Annex room carpentry works were completed and awaiting exhibition content, while the theatre space is now complete and screening the '100 Stories' film.

19. In Q2 2020/21, the National Anzac Centre re-opened 7 days from 26th Dec 2020 following a temporary reduction in opening hours due to the impact of Covid.

GOVERNMENT & PUBLIC CONSULTATION

20. Not Applicable.

STATUTORY IMPLICATIONS

21. Not Applicable.

POLICY IMPLICATIONS

22. Not Applicable.

RISK IDENTIFICATION & MITIGATION

23. Nil.

FINANCIAL IMPLICATIONS

24. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at December 31, 2020.

a. Full year operating expenditure budget includes:

- i. \$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	FY20/21 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$805,500	\$395,500	\$476,640	\$81,140
Operating Expenditure	\$(529,001)	\$(254,167)	\$(171,841)	\$82,326
Net Operating Income/(Expense) before Indirect Costs	\$276,499	\$141,333	\$304,799	\$163,466
Indirect Expenses	\$(199,077)	\$(99,688)	\$(84,096)	\$15,593
Net Operating Income/(Expense)	\$77,422	\$41,645	\$220,703	\$179,059
Capital Expense	\$(492,882)	\$(186,384)	\$(112,822)	\$73,562
Total	\$(415,460)	\$(144,739)	\$107,881	\$252,621

LEGAL IMPLICATIONS

25. Nil.

ENVIRONMENTAL CONSIDERATIONS

26. Nil.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

28. Overall Q2 2020/21 has shown a strong hold in numbers visiting the NAC, this is pleasing after the unknown impact COVID may have. Q2 has shown the highest numbers for Nov-Dec since 18/19 same period, yet very similar to previous years. The assumption being visitation from within our state is higher due to state border closures/restrictions.
29. Great Southern visitation to the NAC has increased from what has been a steady 1% of overall WA visitation in the past, to 3% during Oct - Dec period. This increase would anecdotally be due to travel restrictions and Great Southern residents exploring their own backyards.
30. Interest in the Princess Royal Fortress and exhibitions has only increased during Q2 due to volunteer services recommencing late September, with 116 people take part in Princess Royal Fortress Tours during Q2. The opening of the newly renovated Barracks Building and return of the volunteer services has been embraced by visitors favourably since 26th September.
31. Overall Q2 generated high figures of attendance in the NAC and Fort Store sales. Visitation and figures for the full period Oct - Dec remain relatively in-line with all previous years. December visitation alone of 4,974 is the highest December since 2017.

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

AR087: COMPLIANCE AUDIT RETURN (CAR) - 2020

Business Entity Name	: City of Albany
Attachments	: Albany – Compliance Audit Return 2020
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officers:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - a. **Theme:** Leadership.
 - b. **Objectives:** To establish and maintain sound business and governance structures.
 - c. **Community Priorities:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

COVID-19 IMPACT

- Nil.

In Brief:

- Receive and critique the Compliance Audit Return (CAR) Report – 2020

RECOMMENDATION

AR087: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY
THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2020 to 31 December 2020 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2021.

CARRIED 10-0

AR087: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

AR087: RESPONSIBLE OFFICER RECOMMENDATION

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2020 to 31 December 2020 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2021.

BACKGROUND

2. Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council.
3. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk."
4. The Audit Committee is required to review the results of the annual CAR prior to presentation to Council for endorsement.

5. To complete the process, the CAR is signed by the Mayor and the CEO and submitted to the Department.

DISCUSSION

6. Additional information explaining and quantifying the compliance review is detailed in the attachment.

GOVERNMENT & PUBLIC CONSULTATION

7. Guidance has been communicated by the Department of Local Government, Sport & Cultural Industries via government circulars and guidelines.

STATUTORY IMPLICATIONS

8. **Compliance audits by local governments:** Prescribed actions are detailed at Regulation 14 of the *Local Government (Audit) Regulations 1996*.
9. An adopted return is required to be submitted to the Department by 31 March 2021.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance: The CAR not endorsed by Council.	Unlikely	Minor	Low	CAR re-presented once concerns are adequately addressed and submitted to the Dept. prior to the 31 March 2021.
Opportunity: Facilitates Audit & Risk Committee critique.				

FINANCIAL IMPLICATIONS

12. Nil.

LEGAL IMPLICATIONS

13. Nil.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. Nil.

CONCLUSION

16. Nil.

Consulted References	:	<ul style="list-style-type: none">Local Government Act 1995Local Government (Audit) Regulations 1996Department Circulars
File Number (Name of Ward)	:	(All Wards)
Previous References	:	<ul style="list-style-type: none">OCM 25/02/2020 Resolution AR072.

AR088: INTERNAL AUDIT – ACTION PLAN – PROGRESS REPORT

Business Entity Name	: City of Albany
Attachment	: Internal Audit Action Plan – Progress Report
Report Prepared By	: Manager Finance (S van Nierop)
Responsible Officers:	: Executive Director Corporate & Commercial Services (D Olde)

COVID-19 IMPACT

- This report outlines where the City can improve. COVID-19 may impact the desired timeframe to implement the actions detailed in the Internal Audit Action Plan.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

RECOMMENDATION

AR088: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR DOUGHTY

THAT the Internal Audit Action Plan – Progress Report be RECEIVED.

CARRIED 10-0

AR088: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

AR088: COMMITTEE RECOMMENDATION

THAT the Internal Audit Action Plan – Progress Report be RECEIVED.

BACKGROUND

2. Internal auditing is an important element of our governance structure. It gives Council and the Executive Management Team independent assurance that a robust internal control structure is in place and our outputs are operating effectively, efficiently and lawfully.
3. At the Audit & Risk Committee meeting held on 2 June 2020, the three internal audit reports prepared by AMD Chartered Accountants (“AMD”) and inclusive of City of Albany management comments, were considered.

4. The three internal audit reports covered the following four audit modules:
 - a. Project, Tender & Contract Management;
 - b. Insurance Management;
 - c. Financial Management Systems Review; and
 - d. General Financial Controls.
5. The Committee made the following recommendation:

THAT the Audit and Risk Committee:

 1. *RECEIVE the three internal audit reports.*
 2. *NOTE that the management comments will be refined to include ED summaries and defined actions.*
 3. *REQUEST that City Officers provide a quarterly update to the Audit and Risk Committee tracking against the defined actions of the internal audit reports.*

DISCUSSION

6. As requested by the Audit and Risk Committee at point three of the recommendation, City staff have prepared an Internal Audit Action Plan outlining the progress of the agreed upon recommendations in the Internal Audit reports prepared by AMD.
7. The commentary included with the report has been reviewed by the City's Executive Management Team.
8. The next internal audit programs will commence as follows:
9. Week beginning – 1 February 2021:
 - a. Risk Management; and
 - b. Fraud Control Review.
10. Week beginning – 22 February 2021:
 - a. IT Systems Review; and
 - b. Policy & Procedure Maintenance.
11. Further audit modules will be completed in 2022, the modules selected for audit will be at the discretion of the Audit & Risk Committee, planned to be decided upon early in the FY21/22 year.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

13. The Local Government Amendment (Auditing) Regulations 2017 states, in part:

Regulation 16. Functions of audit committee: *An audit committee has the following functions –*

 - (a) to guide and assist the local government in carrying out –*
 - (i) its functions under Part 6 of the Act; and*
 - (ii) its functions relating to other audits and other matters related to financial management.*

Regulation 17. CEO to review certain systems and procedures:

 - (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –*
 - (a) risk management; and*
 - (b) internal control; and*
 - (c) legislative compliance.*
 - (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
 - (3) The CEO is to report to the audit committee the results of that review.*

POLICY IMPLICATIONS

14. There are no direct policy implications related to this report; however, findings of the internal audit may require the formulation of new and/or amended policy positions and associated guidelines and procedures.

RISK IDENTIFICATION & MITIGATION

15. Not applicable, information only report.

FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

16. Nil

ALTERNATE OPTIONS

17. Nil

CONCLUSION

18. That the Responsible Officer Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government Amendment (Auditing) Act 2017</i>• <i>Auditor General Act 2006</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	<ul style="list-style-type: none">• Audit & Risk Committee - 02/06/2020 - Report AR077• Audit & Risk Committee - 04/08/2020 - Report AR079• Audit & Risk Committee - 18/11/2020 - Report AR084

AR089: REVIEW OF DELEGATIONS & AUTHORISATIONS REGISTER

Proponent	: City of Albany
Attachments	: Delegations & Authorisations Register 2020/2021 (v12.4)
Report Prepared by	: Manager Governance & Risk (S Jamieson)
Responsible Officer(s)	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - a. **Theme:** Leadership.
 - b. **Objectives:** To establish and maintain sound business and governance structures.
 - c. **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to our community.

COVID-19 IMPACT

- Nil.

In Brief:

- Council review and approve the Register of Delegations & Authorisations (v12.4) and the Specific COVID-19 delegated authority (v1.6).

RECOMMENDATION

AR089: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

Moved: Councillor Smith

Seconded: Councillor Terry

THAT:

1. The reviewed and amended Register of Delegations & Authorisations, consisting of the following updated elements:
 - Main document (document control, forward, contents);
 - Attachment A: Delegations Designated and Authorised Positions Register;
 - Attachment B: Local Law Designated and Authorised Positions Register;
 - Attachment C: Council Policy Positions Register; and
 - Attachment D: Statutory Delegations to Local Government from External Agencies.

be **ADOPTED**.

2. The current COVID-19 Delegations detailed in the report, which expired on 31 December 2020, be extended till the 30 June 2021.

**CARRIED 10-0
ABSOLUTE MAJORITY**

AR089: COMMITTEE RECOMMENDATION

Moved: Councillor Goode

Seconded: Councillor Terry

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

CARRIED 4-0

AR089: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

- (1) The reviewed and amended Register of Delegations & Authorisations, consisting of the following updated elements:
 - Main document (document control, forward, contents);
 - Attachment A: Delegations Designated and Authorised Positions Register;
 - Attachment B: Local Law Designated and Authorised Positions Register;
 - Attachment C: Council Policy Positions Register; and
 - Attachment D: Statutory Delegations to Local Government from External Agencies.
- be ADOPTED.
- (2) The current COVID-19 Delegations detailed in the report, which expired on 31 December 2020, be extended till the 30 June 2021.

BACKGROUND

2. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.
3. Without delegated authority, most decisions of the City would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.
4. The Act requires local government to keep a register of its delegations and review this register once every financial year.
5. The last review was adopted by Council on 25 February 2020 and a review is now due.

DISCUSSION

6. The COVID-19 Delegated Authority, listed as follows, expired on the 31 December 2020:

DELEGATION CCS237– COVID-19 DELEGATED AUTHORITY (25/03/2020)

Delegated Authority:

THAT the **Chief Executive Officer** and the **Executive Director Corporate & Commercial Services** are delegated until **31 December 2020** the authority to DEFER, DISCOUNT, and/or SUSPEND fees, charges, including licensing and leasing fees in accordance with the *Local Government Act 1995* and City of Albany administrative guidelines.

Conditions applicable to delegation:

City guideline for each application:

- Will be assessed on a case by case basis, for each application.
- This does not extend to writing off debt owed.
- Council is to be provided with a list of all delegations enacted.
- Interest on unpaid debt be waived.
- This position is to be reviewed at the end of the calendar year (31 December 2020).

Rates Financial Hardship Policy Position:

- This policy outlines the process required for applying and processing financial hardship applications from ratepayers.

Reporting requirement: Report to file and Council.

7. Proposed amendments are detailed in the document control section of the attached registers.
8. The reviewed and amended Register of Delegations & Authorisations, consisting of the following elements, has been prepared for your review and re-approval:
 - Main document (document control, forward, contents);
 - Attachment A: Delegations Designated and Authorised Positions Register;
 - Attachment B: Local Law Designated and Authorised Positions Register;
 - Attachment C: Council Policy Positions Register; and
 - Attachment D: Statutory Delegations to Local Government from External Agencies.
9. Council Policies and their associated delegation(s) are listed at attachment C to the Delegations Register.
10. Council may choose to identify and prioritise specific:
 - Delegations; or
 - Council Policy Positions for separate review.

GOVERNMENT & PUBLIC CONSULTATION

11. The Executive Management Team and relevant staff have been provided with an opportunity to review their respective delegations.

STATUTORY IMPLICATIONS

Legislative powers for delegations in local government

12. The *Local Government Act 1995* (the Act) has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'council' is used, then it is the council itself which must carry out that function.
13. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.
14. It is a requirement of section 5.18 of the Act, that Council review the delegations at least once every financial year.
15. Voting requirement: **Absolute Majority.**

POLICY IMPLICATIONS

16. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 31 March 2021.</i>

FINANCIAL IMPLICATIONS

18. Nil.

LEGAL IMPLICATIONS

19. In September 2020 the WA Government extended the emergency period under WA's *Commercial Tenancy (COVID-19 Response) Act 2020* & WA's *Residential Tenancies (COVID-19 Response) Act 2020* from 26 September 2020 to 28 March 2021.
20. This means existing laws, including the moratorium on evictions, freeze on rent increases and rent relief will continue to apply until 28 March 2021, only to those tenants who are able to demonstrate ongoing financial hardship as a result of the pandemic.
21. It is anticipated that this moratorium will be extended.

ENVIRONMENTAL CONSIDERATIONS

22. There are no direct environmental considerations related to this report.

SUMMARY CONCLUSION

23. That the reviewed registers received for review.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• Local Government: Operational Guidelines Number 17 – January 2007• Delegations (dlgsc.wa.gov.au)
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM February 2020 Resolution AR071

DIS244: LAND DISPOSAL LOT 7333 PRINCESS AVENUE, TORNDIRRUP

Land Description	: Lot 7333 Princess Avenue, Torndirrup
Proponent / Owner	: City of Albany & Haynes Robinson on behalf of J & PA La Bianca
Report Prepared By	: Lands Officer (A Veld)
Responsible Officers:	: Executive Director Development, Infrastructure and Environment (P Camins)

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:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provider positive leadership that delivers community outcomes.

Maps and Diagrams:



In Brief:

- Council is requested to consider the disposal of Lot 7333 (Ex Reserve 33476 for Public Recreation previously vested with the City of Albany) to the adjoining owner at Lot 24 No 11 Princess Avenue. The Department of Planning Lands & Heritage undertook divesting of Reserve status on the condition the land would be amalgamated with the adjoining land. Any proceeds from the sale would go into Trust for reallocation into improving and maintaining recreation facilities within the area.

RECOMMENDATION

**DIS244: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR DOUGHTY**

THAT Council RESOLVES to dispose of Lot 7333 Princess Avenue to the adjoining landowners on the condition that this land is amalgamated into Lot 24 Princess Avenue.

CARRIED 10-0

DIS244: COMMITTEE RECOMMENDATION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR THOMSON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS244: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES to dispose of Lot 7333 Princess Avenue to the adjoining landowners on the condition that this land is amalgamated into Lot 24 Princess Avenue.

BACKGROUND

2. The City received an enquiry from the owner of Lot 24 No 11 Princess Avenue, Torndirrup in July 2012. This landowner had discovered that part of the land contained within the fence line of their property was not in their ownership. They had been actively using this land area as part of their residential garden and advised that they were not aware that it was a Crown Reserve
3. A report was presented to Council on 20 August 2013 and it was resolved to revoke the Management Order over Reserve 33476 (amongst other actions) so that the subject lot could be divested to the City of Albany for sale to the adjoining landowners.
4. Public consultation with regards to divesting of Reserve 33476 was undertaken in September 2013 with no objections received.
5. On 22 October 2013 the City applied to the Department of Planning Lands & to undertake the relevant actions. This was finalised in March 2020 with the Department of Planning Lands & Heritage transferring Lot 7333 in freehold to the City of Albany for sale to the landowner of Lot 24.

DISCUSSION

6. An independent valuation of the land was undertaken in February 2020 and delivered an estimate of \$70,000. This was in line with a previous valuation of \$68,000 undertaken in April 2013 which the landowner agreed to in principle. Both valuations were on the basis that the subject land be amalgamated with the adjoining Lot 24 Princess Avenue as opposed to being sold as an independent freehold lot.
7. The landowner of Lot 24 Princess Avenue gave their preliminary agreement to the purchase of Lot 7333 for the amount of \$70,000 on 11 November 2020.
8. As Lot 7333 is currently in freehold to the City of Albany is a requirement of section 3.58(3) of the *Local Government Act 1995* that the City of Albany advertise its intent to dispose of this land.

9. The proposed disposal was advertised on 19 November, for 2 weeks, as required, with two submissions being received.

GOVERNMENT & PUBLIC CONSULTATION

10. As required under section 3.58(3) of the *Local Government Act 1995* the City of Albany advertised its intent to dispose of lot 7333 to the adjoining landowners of Lot 24 Princess Avenue.
11. Public Submissions

PUBLIC SUBMISSIONS		
Proposal details: Disposal of Lot 7333 to adjoining landowner		
No.	Public summary of submissions	Officer Comment
1.	OBJECTION Questioning the availability of similar lots of this size in close proximity to the water in Albany at this price. Questioning whether the price was determined by an independent valuer.	Objection noted
2.	OTHER Would like to make an offer over the price listed in the public notice.	Interest noted

STATUTORY IMPLICATIONS

12. Under the current Local Planning Scheme No 1, Lot 7333 has maintained a zoning of Parks and Recreation, which was consistent with the previous tenure as Crown Reserve 33476. As part of the Scheme Review 2021, it is recommended that this lot be rezoned for Residential purposes.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Risk: Under-valuation of the land. Continued unauthorised use of a City Reserve	Likely	Moderate	High	Independent valuation has been obtained prior to public advertising. Amalgamation of the lots will align with lot sizes in the area and is not inconsistent with the State Government's Sewerage Policy, Formalise the sale of reserve to adjoining land owners.

FINANCIAL IMPLICATIONS

15. Legal costs associated with the sale of Lot 7333 have been allocated from the Lands budget.
16. Funds from the sale of this land will be placed in Trust and reserved for the provision of, or enhancement of, public open space.

LEGAL IMPLICATIONS

17. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

18. Should the lot be sold and not amalgamated with an adjoining property an additional effluent disposal system will have to be provided to service the lot. This is contrary to the objectives of the Government Sewerage Policy 2019 and likely to have a marginal impact on the environment i.e. additional effluent systems in close proximity to the harbour.

ALTERNATE OPTIONS

- a. Pursue the disposal of Lot 7333 by other means, as directed under 3.58(2) of the *Local Government Act 1995*; or
- b. Retain Lot 7333 and ensure that the adjoining landowner ceases using this land for private purposes.

CONCLUSION

19. At the request of the adjoining landowner and after further investigation, the City has proceeded with actions required to allow the owners of Lot 24 No 11 Princess Avenue to purchase Lot 7333 for amalgamation into their property.
20. This involved requesting the Department of Planning Lands and Heritage to remove the Reserve vesting and transfer Lot 7333 in freehold to the City of Albany. This process has taken 8 years to finalise.
21. The City advertised the disposal and two submissions were received, one of which objected to the sale price.
22. Council is now requested to resolve on the final disposal of this land to the adjoining landowners of Lot 24 Princess Avenue or otherwise.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	PR.ACQ.1 (Vancouver)
Previous Reference	:	OCM 20/04/2013

**DIS245: LOCAL PLANNING SCHEME AMENDMENT NO.35 – LOT
5780 DOWN ROAD SOUTH, DROME**

Land Description	: Lot 5780 Down Road South, Drome
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: 1. Scheme Amendment Report 2. Appendices to Scheme Amendment Report 3. Agency Comments 4. Guide to Management of Noise 5. Schedule of Submissions and Recommendations 6. Amendment Provisions – Proposed Final
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Infrastructure, Development and Environment, Planning (P Camins)

Councillor Thomson declared a Financial Interest in this item. Councillor Thomson was attending the meeting by Zoom. The Meeting Secretary paused Councillor Thomson's Zoom access to this meeting at 6.44pm.

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

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:

Theme: Smart, Prosperous and Growing

Objective: To strengthen and grow our region's economic base

Community Priority: Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth.

Theme: A connected and safe built environment.

Objective: To develop vibrant neighbourhoods which retain local character and heritage.

Community Priority: Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

3. When exercising its discretion in relation to planning matters, the pertinent strategic document is the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).

Maps and Diagrams: Lot 5780 Down Road South, Drome



In Brief:

- In 2019, Council resolved to adopt and advertise Scheme Amendment No.35 to Local Planning Scheme No.1 (LPS1).
- Scheme Amendment No. 35 proposes to rezone Lot 5780, Down Road South, Drome, from the 'Priority Agriculture' zone to the 'Special Use' (SU26) zone to enable motorsport activities.
- The proposed scheme amendment is considered a 'complex' scheme amendment in accordance with Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations 2015) for the following reasons:
 - It is not consistent with the endorsed local planning strategy for the scheme;
 - It is of a scale and nature that may have an impact on the amenity of the locality and environs; and
 - It may result in some environmental or social impacts on land within the Scheme area.
- In 2019, the Environmental Protection Authority (EPA), following receipt of the initial proposal, advised that the potential noise levels, associated with the proposed motor-sporting activities, would exceed assigned levels at nearby houses.
- Consequently, Council resolved at its meeting in July 2020 not to proceed with the initial Scheme Amendment No.35 (dated 2019), in order to mitigate the initial concerns raised by the EPA. Instead, Council resolved to prepare and advertise a new Scheme Amendment No.35, that incorporated modifications that sought to:
 - Limit the types of motor sporting activities; and
 - Introduce noise mitigation measures.

- The revised Scheme Amendment No. 35 (the subject of this report) was referred to the EPA in 2020 for comment. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
- Scheme Amendment No. 35 was advertised for public comment in accordance with s. 38 of the Planning Regulations 2015.
- A total of 59 submissions were received in relation to the proposal, 37 submissions were received in support of the proposal and 22 submissions were received in objection. An additional 333 signatures were received in support of the proposal via a multi-signed letter.
- Comments in support of the proposal related to:
 - The identified need for a multi-use motorsports facility in the region
 - Positive benefits of the facility for the community
- Comments in objection to the proposal related to the potential for impact to the environment and neighbouring landholders via bushfire, groundwater, noise, odour, dust and visual amenity.
- Scheme Amendment No. 35 includes provisions to ensure the appropriate management of operations to limit impact to neighbouring landholders and the environment.
- The proposed amendment incorporates further modifications to the revised proposal initiated by Council in July 2020, in order to address additional matters raised during public advertising and consultation with state agencies and utility providers.
- It is recommended that Council resolve to support the proposed scheme amendment, subject to modifications and forward the amendment to the Western Australian Planning Commission with the request for the Minister for Planning to grant final consent.

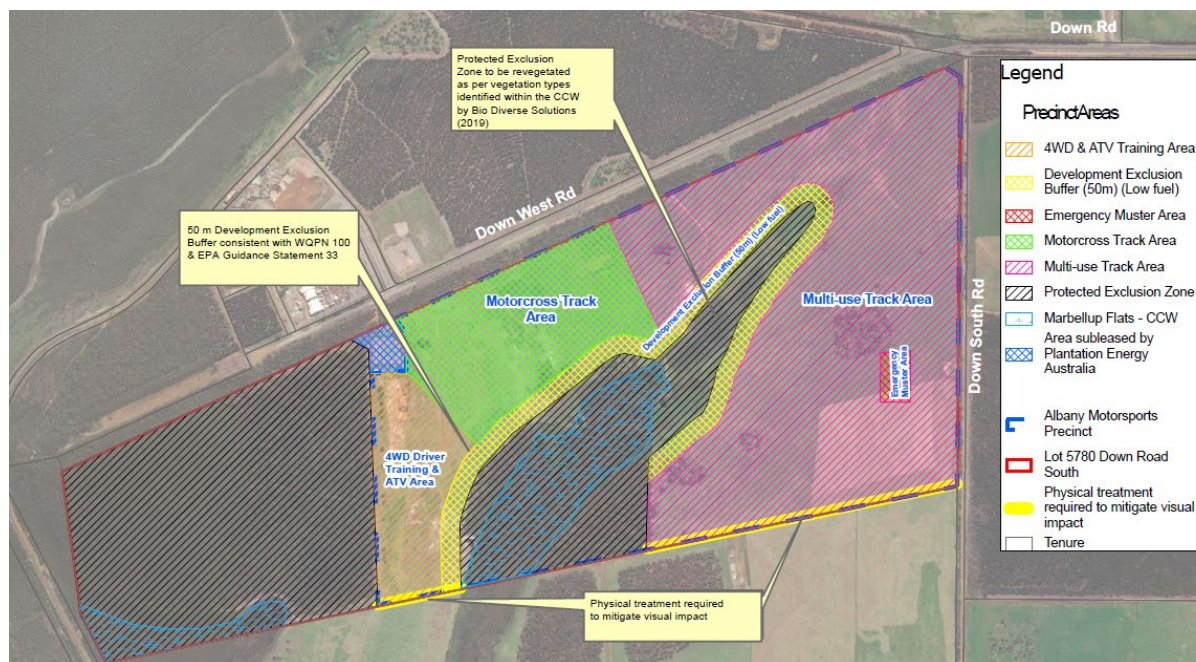
RECOMMENDATION**DIS245: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY****THAT Council, pursuant to Part 5 of the *Planning and Development Act 2005*, resolves to:****1. SUPPORT, with modifications, Scheme Amendment No. 35 to the City of Albany Local Planning Scheme No. 1 as follows:****(i) Rezone Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' SU26;****(ii) Amending Schedule 4 – Special Use Zones – by introducing Special Use SU26 as follows:**

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Recreation – private (motorsport based)	1. All development requires the development approval of the local government. 2. Council may consider uses that are incidental to the Special Uses listed.

			<p>Club premises (motorsport based)</p>	<p>3. Applications for development approval shall be advertised in accordance with clause 64 of the Deemed Provisions.</p> <p>4. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans.</p> <p>5. Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including:</p> <ul style="list-style-type: none"> a) A Noise Management Plan for construction and operation of the site, and which includes but is not limited to: <ul style="list-style-type: none"> (i) Limitations on hours of operation as follows: <ul style="list-style-type: none"> • Sundays: 9am - 6pm; • Monday – Saturday: 8am – 6pm. (ii) Events not occurring on both the multi-use track and the motocross track at the same time; (iii) Frequent/ongoing Monitoring and reporting on noise emissions; and (iv) Provide notification of events to stakeholders / landholders. b) A Water Management Plan for construction and operation of the site. c) A Hydrocarbon Management Plan for operation of the site. d) A Waste Management Plan for construction and operation of the site. e) A Dust Management Plan for construction and operation of the site. f) An Acid Sulfate Soils (ASS) Management Plan to manage the risk from ASS during construction and operation of the site. g) A Protected Exclusion Zone Management Plan for construction and operation of the site, addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.
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				<p>h) A Decommissioning Plan for operation of the site that identifies actions for rehabilitation, if or when motorsports cease to operate at the Lot 5780.</p> <p>i) A Construction Management Plan.</p> <p>6. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</p> <p>7. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.</p> <p>8. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).</p>
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(iii) Adding the Albany Motorsport Park Precinct Plan to Schedule 4 (SU26) as follows:



(iv) Amending the Scheme Map accordingly.

2. **Note the submissions received as detailed in the Schedule of Submissions and Recommendations.**
3. **Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.**
4. **Notify the applicant and submitters of Council's decision.**

CARRIED 8-1

Record of Vote

Against the Motion: Councillor Benson-Lidholm

DIS245: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED

CARRIED 8-1

Record of Vote:

Against the Motion: Councillor Benson-Lidholm

DIS245: RESPONSIBLE OFFICERS RECOMMENDATION

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

1. SUPPORT, with modifications, Scheme Amendment No. 35 to the City of Albany *Local Planning Scheme No. 1* as follows:

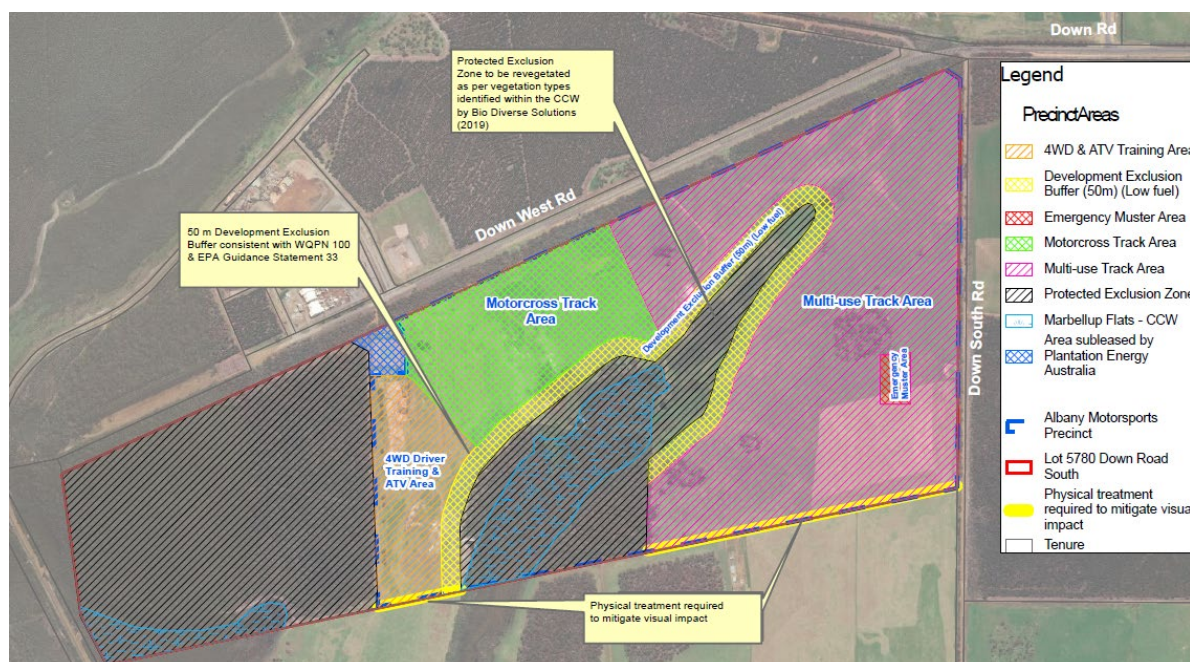
- (i) Rezone Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' SU26;
- (ii) Amending Schedule 4 – Special Use Zones – by introducing Special Use SU26 as follows:

No.	Description of Land	Special Use	Conditions
SU26	Lot 5780 Down Road South, Drome	Recreation – private (motorsport based) Club premises (motorsport based)	<ol style="list-style-type: none"> 1. All development requires the development approval of the local government. 2. Council may consider uses that are incidental to the Special Uses listed. 3. Applications for development approval shall be advertised in accordance with clause 64 of the Deemed Provisions. 4. All use and development is to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans. 5. Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including: <ol style="list-style-type: none"> a) A Noise Management Plan for construction and operation of the site, and which includes but is not limited to: <ol style="list-style-type: none"> (i) Limitations on hours of operation as follows: <ul style="list-style-type: none"> • Sundays: 9am - 6pm; • Monday – Saturday: 8am – 6pm.

				<ul style="list-style-type: none"> (ii) Events not occurring on both the multi-use track and the motocross track at the same time; (iii) Frequent/ongoing Monitoring and reporting on noise emissions; and (iv) Provide notification of events to stakeholders / landholders. <ul style="list-style-type: none"> b) A Water Management Plan for construction and operation of the site. c) A Hydrocarbon Management Plan for operation of the site. d) A Waste Management Plan for construction and operation of the site. e) A Dust Management Plan for construction and operation of the site. f) An Acid Sulfate Soils (ASS) Management Plan to manage the risk from ASS during construction and operation of the site. g) A Protected Exclusion Zone Management Plan for construction and operation of the site, addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring. h) A Decommissioning Plan for operation of the site that identifies actions for rehabilitation, if or when motorsports cease to operate at the Lot 5780. i) A Construction Management Plan. <p>6. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</p> <p>7. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.</p> <p>8. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special</p>
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events (i.e. events attracting greater than 500 attendees).

(iii) Adding the Albany Motorsport Park Precinct Plan to Schedule 4 (SU26) as follows:



(iv) Amending the Scheme Map accordingly.

2. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.
3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.
4. Notify the applicant and submitters of Council's decision.

BACKGROUND

4. In June 2019, Council resolved to prepare Scheme Amendment No. 35 to enable motorsports activities at Lot 5780, Down Road South, Drome, by rezoning Lot 5780, Down Road South, Drome, from 'Priority Agriculture' to 'Special Use' (SU26) to enable motorsport activities.
5. The scheme amendment was initially referred to the EPA to determine environmental acceptability. The EPA commented that the proposal significantly exceeded assigned noise levels at four residential houses located in the locality.
6. Subsequently, at its meeting in July 2020, the City resolved not to proceed with the initial amendment, and instead considered a revised Scheme Amendment No. 35 (the subject of this report), that incorporated modifications to reduce noise emissions.
7. The modifications as part of the revised Scheme Amendment No. 35 include:
 - Limitations on hours of operation as follows:
 - Sundays: 9am - 6pm;
 - Monday – Saturday: 8am – 6pm.
 - Events not occurring on both the multi-use track and the motocross track at the same time.
 - Frequent/ongoing monitoring and reporting on noise emissions; and
 - Provide notification of events to stakeholders / landholders.

8. The recommended conditions proposed under Schedule 4 (SU26) contain requirements to address the matters identified above, including:
- All development requiring approval from the local government;
 - Applications for development approval being required to be advertised in accordance with clause 64 of the Deemed Provisions;
 - Applications for development approval to be accompanied by a visual impact assessment;
 - All use and development to be in accordance with the Albany Motorsport Park Precinct Plan and approved management plans, that include:
 - A Noise Management Plan;
 - A Waste Management Plan;
 - A Hydrocarbon Management Plan;
 - Dust Management Plan;
 - Protected Exclusion Zone Management Plan;
 - Decommissioning Plan;
 - Construction Management Plan;
 - Bushfire Management Plan;
 - Traffic and Parking Management Plan.
9. The revised scheme amendment was formally referred back to the EPA. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
10. Scheme Amendment No. 35 was advertised for public comment in accordance with s. 38 of the Planning Regulations 2015. Advertising was undertaken via direct mail out to surrounding landowners within a 5km radius, a sign on site, newspaper advertisement and a notice posted on the City's website.
11. In addition to public advertising and formal referral to the EPA, Scheme Amendment No. 35 was also referred to relevant state agencies and utility providers for consideration.

DISCUSSION

12. Scheme Amendment No.35 proposes to rezone Lot 5780, Down Road South, Drome, from the 'Priority Agriculture' to 'Special Use' (SU26), to enable motorsport activities.
13. A total of 59 submissions were received in relation to the proposal, 37 submissions were received in support of the proposal and 22 submissions were received in objection. An additional 333 signatures were received in support of the proposal via a multi-signed letter.
14. Comments in support of the proposal included:
- The proposal creates a safe, dedicated and governed area for motorsports.
 - The proposal enables family orientated community events that utilise the services of many volunteers associated with each club or organisation.
 - There is currently nowhere for our youth to ride in the Albany area in a controlled environment.
 - This development will be great for the local economy, there is a lot of pre-existing interest in motorsport in Albany so makes sense to create a purpose built venue.
15. Comments in objection to the proposal included:
- The proposal is not in-keeping with the City's *Local Planning Strategy 2019* and vision for tourism in the region.
 - Natural degradation of the land will occur as parts are bull-dozed and sealed with cement and bitumen.
 - The subject land is excellent food producing land.
 - There are many types of oil, chemical and petrol pollutants that will be emitted from the vehicles and will enter the water catchment system.
 - The risk of a bushfire is likely to increase with increased activity.

- Noise, dust and odour pollution will undoubtedly be an issue to local residents, livestock and flora and fauna.
 - The visual amenity of the area will be substantially modified.
 - Haulage trucks will intermingle with visitors to the motorsport complex and pose a safety risk for families.
16. The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies and has taken into consideration agency and public comments received as a result of advertising and consultation.
17. The following matters have been identified as key considerations for the determination of this application and are discussed in detail below:
- Identified need for a dedicated motorsport facility
 - *Local Planning Strategy 2019* and tourism initiatives
 - Priority Agriculture land
 - Flora and fauna
 - Contamination of groundwater
 - Bushfire Management
 - Noise, odour and dust
 - Visual amenity
 - Traffic impact

Need for a dedicated motorsport facility

18. In Albany and the surrounding areas, motorsport is known to be popular, with several well organised clubs, a national-level venue for speedway, a state-level venue for go-karts and widely recognised events such as the Albany Classic, Show 'n Shine and Race Wars.
19. Participation in motorsports is a popular recreational activity for many Australians.
20. Australian motor sport generates billions of dollars in direct industry output and thousands of jobs.
21. Submissions received in support of the proposal outlined that:
- A dedicated and governed area for motor sporting activities is greatly needed for the Albany region; and
 - Some motorsport disciplines, particularly motocross, lack suitable facilities in the region.

Local Planning Strategy 2019 and tourism

22. Concerns were raised during advertising that the proposal is not in keeping with the intent of the City's *Local Planning Strategy 2019* and tourism initiatives, which seek to protect natural attributes and agriculture integrity.
23. It is noted that Scheme Amendment No. 35 is inconsistent with the City's *Local Planning Strategy 2019* in this regard. Scheme Amendment No. 35 is therefore considered to be a 'complex' amendment in accordance with the Planning Regulations 2015.

24. The scheme amendment report (attached) outlines justification that environmental attributes and agricultural integrity will not be impacted by the proposal. The amendment report confirms that:
- The subject land represents just 0.23% of the total Priority Agriculture zoned land in the City of Albany and therefore no significant effect will occur on agricultural land protection objectives of the region; and
 - The proposal to develop the land for motorsport facilities is to occur in accordance with an Environmental Management Plan, which is to ensure development occur such that environmental factors (e.g. groundwater and flora and fauna) are not impacted.

Priority Agriculture land

25. Concerns were raised during advertising that quality food producing land in close proximity to Albany would be lost as a result of the proposed zoning/land-use change.
26. The potential removal of the subject land from the City's Priority Agriculture zone is considered to have no significant effect on Scheme objectives in relation to the protection agricultural land. A land capability study commissioned by the City in 2019, (attached - Scheme Amendment Report – Appendix I) outlined the following:
- 90% of the site has 'fair' to 'low' capability for grazing;
 - 80% of the site has 'fair to 'low' capability for perennial horticulture; and
 - Approximately 40% of the site is constrained due to remnant vegetation.

Flora and fauna

27. Concerns were raised during advertising of the proposal in relation to the impact of the motorsport proposal development on flora and fauna. The concerns also raised that the documents provided were absent from detailing any specifics in relation to fauna or flora.
28. The Department of Biodiversity, Conservation and Attractions (DBCA) outlined in their feedback (dated 19 March 2019) on the Flora and Fauna report that the report presented a comprehensive assessment of the flora and fauna values associated with the subject site. DBCA noted that the proposed development was unlikely to impact native vegetation, however in regards to fauna aspects, DBCA recommended that further investigation should be undertaken where any areas of possum habitat was likely to be impacted.
29. The EPA determined that the proposal was not significant to warrant a formal environmental assessment.
30. As recommended by the Department of Water and Environmental Regulation (DWER), a requirement for the fencing of a 'Protection Exclusion Zone' is supported to prevent public access. It is recommended that the scheme amendment condition No.4(g), is modified as follows:

5(g) Protected Exclusion Zone Management Plan addressing management responsibilities (e.g. fencing of Protection Exclusion Zone), revegetation, and vegetation condition and wetland water quality monitoring.

Contamination of groundwater

31. Concerns were raised that the subject site is located within a Priority 2 Public Drinking Water Source Area (PDSWA) and that motor sporting activities may contaminate the groundwater.

In 2018, the Minister for Water had previously provided formal advice to the City, stating that while a motorsport facility is incompatible with a Priority 2 PDSWA,

“...there are measures that can be put in place to protect water quality should the City proceed to approve the development”.

32. The scheme amendment report includes a Local Water Management Strategy, which has utilised groundwater information collected from the site to develop a satisfactory hydrogeological conceptual model. The Strategy discusses the connectivity between surface water and groundwater and pathways for contamination. DWER in their response indicated their general support of the actions identified in the Strategy to manage stormwater from vehicle maintenance areas with oil water separators, and the use of bunding and other measures to minimise the impact of fuel and oil spills. DWER's comments are subject to the identified actions and requirements being addressed and implemented in accordance with an approved Environmental Management Plan.
33. Provisions recommended as part of Scheme Amendment No. 35 require the preparation of an Environmental Management Plan, to address matters associated with groundwater, including:
- Water management during construction and operation of the site;
 - Hydrocarbon management during operation of the site;
 - Waste management for construction and operation of the site; and
 - Acid Sulfate Soils management.

Bushfire management

34. A Bushfire Management Plan (BMP) and an Emergency Evacuation Plan (EEP), have been developed to identify measures to mitigate impact to property and life associated with development at the subject Lot 5780 for motorsports.
35. The EEP recommends contingencies such as early closure of the site, off-site evacuation and as a last resort, refuge on site in a suitable building or open space.
36. The BMP recommends the development of secondary emergency access, east through cleared farmland areas, from Down Road South to Albany Highway. The City has received in-principle landholder and Department of Planning, Lands and Heritage support to designate and develop emergency access to the east.
37. Contrary to the BMP, the Department of Fire and Emergency Services (DFES) has recommended the development of a public road, west to Marbelup Road, to provide an alternative escape route in the instance of a bushfire.
38. The recommendation from DFES for the development of a public road west of the site as an alternative escape route is noted. Although not impossible, development of an alternative escape road to the west is considered unsustainable from an environmental standpoint as an extensive amount of remnant vegetation would need to be cleared.
39. It is therefore recommended that the proposal to develop an escape route to the east be supported and that the proposed condition 6 of Scheme Amendment No. 35 modified as follows:

Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and Department of Planning, Lands and Heritage.

Noise, dust and odour

40. Concerns were raised during advertising that noise, dust and odour created by motorsports will have a negative impact on the current tranquillity of the area and is contrary to the City's Climate Change Action Declaration, which seeks to reduce gas emissions.
41. Proposed conditions for the Special Use zone (SU26) as part of Scheme Amendment No. 35 recommend the development of noise and dust management plans to limit impact to neighbouring livestock, flora and fauna and sensitive premises.
42. Noise and odour impacts are to be limited through management of the types of activities and hours of operation. Proposed limitations on activities include:
 - a) Hours of operation is limited to the following:
 - Sundays: 9am - 6pm;
 - Monday – Saturday: 8am – 6pm.
 - b) Events not occurring on both the multi-use track and the motocross track at the same time.
43. A Noise Management Plan required to be prepared will consider aspects such as:
 - Scheduled race meetings and practice sessions; and
 - Review of racing activities in response to noise complaint. If complaints are made during a racing activity the occupier will consider reviewing racing activities to reduce noise where practicable for the remainder of that event.
44. A Dust Management Plan is to consider aspects such as:
 - Details of management measures to minimise dust during construction and operation (e.g. use of water truck);
 - Ongoing monitoring;
 - Complaint response procedures.
45. It is acknowledged that the proposed motorsport facility conflicts with commitments to reduce greenhouse gas emissions outlined under the City's Climate Change Action Declaration.
46. However, it is noted that there is a balance required, whereby the City also has a duty of care to its community to reduce identified risks to public safety. The City has identified the proposed motorsport facility as an opportunity to create a regulated environment for motorsports activities, in order to reduce unregulated motorsports activities occurring in the locality and therefore reduce the risk to public safety.
47. Reducing the environmental impact from motorsports activities is a significant challenge facing the industry more broadly. It is argued that an industry led response would be the most effective in identifying opportunities to reduce emissions and other environmental impacts from the facility. The City encourages the use of alternative technologies and clean fuels to gain the highest performance with the lowest environmental impact. Opportunities from recent technological advancements for the facility to consider in its operations include:
 - Replacing combustible engines with electric ones
 - Establishing a racing category for electric motors
 - Using an alternative fuel for combustible engines
 - Limiting the number of events
 - Reuse of resources (e.g. tyres)

Visual amenity

48. Concerns were raised during advertising of the proposal that development of the subject site will degrade the natural features of the area.
49. These concerns are noted, however it is considered that the development of the site is in keeping with the industrial development (wood chip mill and pellet plant) located on the other side of the Down Road.
50. In order to reduce any visual impact to neighbouring agriculture properties, provisions proposed as part of the scheme amendment require the planting of vegetation along the southern farming boundary of the subject site.
51. It is also noted that vegetation screens already exist on the other site boundaries.

Traffic impact

52. Concerns were raised during advertising that the mixture of heavy haulage trucks and vehicles associated with motorsport events will create a traffic hazard.
53. A traffic investigation study was undertaken as part of the site technical feasibility study undertaken as part of preliminary investigations for the proposed facility. Outcomes from the feasibility study are incorporated into the Scheme Amendment Report and associated Appendices (attached). Recommendations from the traffic investigation study, as outlined in the Scheme Amendment report inform the proposed provisions and development requirements contained under Schedule 4 Special Use (SU26).
54. The provisions proposed as part of the scheme amendment require the preparation and implementation of a Traffic and Parking Management Plan (TPMP). The TPMP is to include considerations such as peak parking and traffic management during larger and special events.
55. Other recommendations identified from the traffic investigation study that are to be implemented as part of a TPMP include the requirement for the construction of a left turn access lane to minimise the impacts on large trucks using Down Road.

GOVERNMENT & PUBLIC CONSULTATION

56. Scheme Amendment No.35 was advertised in accordance with the requirements of the Planning Regulations 2015.
57. In addition to the public consultation, the proposal was also referred to the following state agencies and utility providers:
 - DFES
 - Albany Department of Transport
 - Tourism WA
 - Southern Port – Albany Port
 - Public Transport Authority of WA
 - Department of Mines, Industry Regulation and Safety
 - Department of Health
 - ARC Infrastructure
 - Water Corporation
 - Telstra
 - ATCO Gas
 - DevelopmentWA
 - Department of Local Government, Sport and Cultural Industries
 - Department of Jobs, Tourism, Science and Innovation
 - Department of Biodiversity Conservation and Attractions - South Coast Region
 - Main Roads WA - Great Southern Region
 - Albany Department of Primary Industries and Regional Development
 - Western Power
 - Department of Planning, Lands & Heritage (DPLH) - Aboriginal Heritage Operations
 - DWER - South Coast Region

58. Responses were received from the following agencies and providers, and discussed in detail above:
- Tourism WA
 - DPLH - Aboriginal Heritage Operations
 - ATCO Gas
 - Main Roads WA
 - Department of Mines, Industry, Regulation and Safety
 - DWER
 - DFES
 - Development WA
59. A 'Schedule of Submissions and Recommendations' has been developed to summarise and respond to issues identified during the public advertising and agency consultation process. A copy of each submission is also available (see attachments).
60. Modifications to the proposed scheme amendment are recommended as a result of the consultation process.

STATUTORY IMPLICATIONS

61. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
62. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
63. Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a complex amendment, with or without modification.
64. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

65. The following State Planning Policies are relevant to the assessment of this amendment:
- *State Planning Policy No. 2 – Environment and Natural Resources*
 - *State Planning Policy No. 2.5 – Rural Planning*
 - *State Planning Policy No.2.7 – Public Drinking Water Source*
 - *State Planning Policy No.2.9 – Water Resources*
 - *State Planning Policy 3.7 Planning in Bushfire Prone Areas*
 - *State Planning Policy 4.1 State Industrial Interface*
 - *Government Sewerage Policy 2019*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>The proposal may attract objections from members of the public or other public authorities.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Conditions are applied to the approval to mitigate concerns.</i>
<i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Options for alternate use of the land would be prepared for consideration by Council.</i>
Opportunity: <i>To establish a long term site for motor sport in the Great Southern Region and in particular establish a permanent home for motor cross activities in the short term.</i>				

FINANCIAL IMPLICATIONS

67. It is noted that the Albany Motorsports Park Project was a 2017 State Election promise with \$5.75 million allocated to the project.
68. The City has been supportive of the project and purchased the current proposed site with the view of recovering part funding from the State Government once the land is rezoned and a development approval obtained.
69. Should the scheme amendment and development not proceed, options for use of the land would be presented to for consideration by Council.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

71. The EPA determined that the proposal is not significant to warrant a formal environmental assessment.
72. The scheme amendment proposal has accounted for various environmental matters, including groundwater, hydrocarbon, visual amenity, waste, dust, noise and acid sulfate soils.

ALTERNATE OPTIONS

73. Council may consider alternate options in relation to this item, such as:
- a) To resolve to support the scheme amendment with additional modification(s); or
 - b) To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

CONCLUSION

74. This scheme amendment proposes to rezone Lot 5780 Down Road South from the 'Priority Agriculture' to 'Special Use' (SU26).
75. Ultimately, the scheme amendment is designed to enable motorsports activities occurring at the subject land. Provisions are proposed to limit impact to the environment and neighbouring landholders.

76. Some motorsport disciplines, particularly motocross, lack suitable facilities in the region. A dedicated area for motor sporting activities is greatly needed for the Albany region and is expected to contribute to the economy of small business and tourism industries.
77. It is recommended that Council resolve to SUPPORT Scheme Amendment No. 35 to Local Planning Scheme No. 1, with modifications.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2019)</i> 3. <i>State Planning Policy No. 2 – Environment and Natural Resources</i> 4. <i>State Planning Policy No. 3 – Urban Growth and Settlement</i> 5. <i>State Planning Policy No.2.6 – State Coastal Planning Policy</i> 6. <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> 7. <i>Better Urban Water Management Policy</i>
File Number (Name of Ward)	:	LAMD35 (Kalgan Ward)
Previous Reference	:	OCM 25/6/2019 - DIS164 OCM 28/7/2020 – DIS221

6.56PM. Councillor Thomson re-joined the meeting. Councillor Thomson did not participate in the discussion or vote for this item.

DIS246: COMMUNITY WASTE PROGRESS REPORT – QUARTER 2

Proponent / Owner	: City of Albany
Attachments	: Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2)
Report Prepared By	: Manager, Engineering & Sustainability (R March)
Responsible Officers:	: Executive Director Development, Infrastructure and Environment (P Camins)

RECOMMENDATION

DIS246: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2) be NOTED.

CARRIED 10-0

DIS246: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS246: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 2) be NOTED.

DIS247: IMPLEMENTATION OF THE RECYCLE RIGHT APP AS A REPLACEMENT FOR THE ALBANY APP

Business Entity Name : City of Albany
Report Prepared By : Manager Waste & Sustainability (R. March)
Manager IT (A. Catterall)
Responsible Officers: : 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 or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.
Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- The City of Albany App for Waste Services no longer provides a good user experience, and the supporting technology is considered to be obsolete.
- A replacement for the app is required in order to provide a cost effective solution which can be used by residents.

RECOMMENDATION

DIS247: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT Council ENDORSE the replacement of the current City of Albany App with the Recycle Right App for waste services only.

CARRIED 10-0

DIS247: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS247: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Responsible Officer Recommendation to replace the current City of Albany App for Waste Services be replaced by the proposed Recycle Right App be ENDORSED.

BACKGROUND

2. In 2016 the City developed a custom mobile app (Albany App), for mobile devices. In addition to providing information on bin days for residents, the App provided links to:
 - The City's 'Report it' function and other City pages
 - A-Z Recycle Guide; and
 - Information on Fossicker's Tip Shop, Waste Centres and Bulk Waste Collection.
3. The Albany App is outdated and requires replacement.

DISCUSSION

4. The Albany App is written in a legacy programming language that is no longer supported. The City has received feedback from users of the app that it is not user friendly, in part due to the outdated database of properties.
5. Due to the database structure of the Albany App, significant resourcing is required to restructure it to cope with the waste service changes with the introduction of FOGO.
6. Southern Metropolitan Regional Council (SMRC) has developed a website and app called Recycle Right, which currently has 35 WA metropolitan and regional local governments subscribed.
7. SMRC is able to offer the City of Albany an Agreement to subscribe to the app and use branding and material from the Recycle Right Program.
8. The underlying objective of this program is to use consistent messages to encourage and assist residents across WA to recycle, reduce their waste and buy recycled products.
9. The intention is that this app would replace the bin day, A-Z look up and waste facility information functions of the current Albany App which would be retired.

GOVERNMENT & PUBLIC CONSULTATION

10. The use of the Recycle Right app has been discussed internally at the Information and Communication Technology (ICT) steering committee.
11. If endorsed by Elected Members an information campaign will be rolled out as part of the communication and education for the FOGO project, allowing residents to transition to the new app.

STATUTORY IMPLICATIONS

12. None.

POLICY IMPLICATIONS

13. IT Cloud Services Policy - Low Cloud Risk Assessment (Only IT Manager Approval required).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Risk: The new app does not provide a good user experience.	Unlikely	Medium	Moderate	Ensure that the Recycle Right App is a suitable replacement for the Albany App.
Opportunity: To provide residents with easy access to information for bin days, waste facilities and recycling centres.				

FINANCIAL IMPLICATIONS

15. There are no significant costs associated with the current Albany App. An indicative costing to replace the current Albany App with a new user friendly custom replacement would be \$30,000 to \$50,000.
16. A subscription to the Recycle Right App is \$4,500 per annum or for a part year there is a six-month pro-rata fee of \$2,225.
17. The SMRC would offer a Tier Two membership to the City of Albany, which is for Local Governments who are not a member of a Regional Council or are a non-metro LGA.
18. The annual membership for the Recycle Right App is based on total population and includes a seat on the Recycle Right Reference Group without voting rights.
19. The annual membership includes access to:
 - Recycle Right Logo and brand;
 - Recycle Right Website and app;
 - Recycle Right branded promotional material (printing at our cost);
 - Education material and resources (printing at our cost);
 - Library of stock images;
 - Videos produced for the purpose of Recycle Right activities; and
 - Ancillary services including:
 - Access to the Recycle Right Communication Team (design officer, waste education officer and communications manager)
 - Access to 'member' discounted graphic design services
 - Dedicated tours of the SMRC Regional Resource Recovery Centre (RRRC) – two per year.

LEGAL IMPLICATIONS

20. The City would be required to enter into a formal agreement with the SRMC.
21. The agreement is renewed annually, subject to payment of an annual fee, and can be terminated by SMRC with six months' written notice or immediately if the fee is not paid within 30 days of the annual fee renewal date.
22. The City can cease payment of the annual fee at any time and any unspent funds contributed by the City will remain with the Licensor.

ENVIRONMENTAL CONSIDERATIONS

23. The Recycle Right app will provide residents with a user friendly app that informs them of bin days, which waste goes in which bins and what can be recycled. This will assist in the reduction of waste sent to landfill.

ALTERNATE OPTIONS

24. Continued use of the current app was considered but was discounted as it is very difficult to update the data that supports the app. The app is no longer fit for purpose without significant resourcing, and even then an upgrade may not guarantee a better user experience.
25. A custom app developed for the City would have a significant up front cost, and unknown ongoing costs.

CONCLUSION

26. The Albany app is used by residents to find their bin collection day information.
27. The Albany app is obsolete and is very difficult to keep up to date.
28. With the introduction of FOGO there will be some substantial changes to the bin collection day information that will be difficult to update using the Albany app which could lead to reputational loss and confusion and frustration for residents.

29. SMRC has developed an app used by other Local Government Agencies. This app is off the shelf, can be customised to suit the City of Albany and uses WALGA's consistent communication for waste.
30. The Recycle Right app will not only provide information on bin day but can provide other waste information and educational messages for residents.

Consulted References	:	Not applicable
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Not applicable

DIS248: UPDATE ON WASTE MANAGEMENT

Business Entity Name	: City of Albany
Attachments	: City of Albany Waste Plan – Parts 1, 2 & 3
Report Prepared By	: Manager, Waste & Sustainability (R. March)
Responsible Officers:	: 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 or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.
Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Department of Water and Environmental Regulation (DWER) requires the City of Albany to provide a Waste Plan that is endorsed by Council.
- Waste Plans will cover 5+ years and be reported on annually from the 2021-22 financial year.
- The Plan has previously been reviewed by Elected Members at the September 2020 Strategic Workshop.
- Part 1 and Part 2 have been reviewed by DWER. Minor amendments have been incorporated.

RECOMMENDATION

DIS248: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the City of Albany Waste Plan be ADOPTED.

CARRIED 10-0

DIS248: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS248: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany Waste Plan be ADOPTED.

BACKGROUND

2. Currently, Local Governments report to the Department of Water and Environmental Regulation (DWER) via the annual Waste Census. However, from 1 July 2021, the reporting system will change to Waste Plans. This requirement comes under Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).
3. The Waste Plan will outline how waste services provided by the City of Albany will be managed to achieve consistency with the State Government's *Waste Avoidance and Resource Recovery Strategy 2030*.
4. The State's Waste Strategy's vision is that Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.
5. Aligning waste services through a Waste Plan which is consistent with the State's Waste Strategy provides a mechanism for Local Governments to contribute to, and achieve the targets and objectives of the Waste Strategy.
6. The objectives of WA's Waste Strategy are to:

AVOID	Generate less waste.
RECOVER	Recover more value and resources from waste.
PROTECT	Protect the environment by managing waste responsibly. The focus is on: <ul style="list-style-type: none"> • Littering and illegal dumping, • Adoption of better practice at all waste facilities, and • Reducing the proportion of waste generated which is disposed to landfill.

7. The waste hierarchy and circular economy are central to the Waste Strategy, and waste management activities included in Waste Plans should be consistent with these principles.
 - The waste hierarchy ranks waste management options in order of their general environmental desirability.
 - A circular economy complements the waste hierarchy by aiming to keep materials and energy circulating in the economy for as long as possible.
8. Waste Plans will cover 5+ years and be reported on annually from the 2021-22 financial year. DWER is developing an online reporting system for this purpose.
9. The Waste Plan consists of three parts and needs to meet the minimum requirements specified in the Self-Assessment checklist:
 - Part 1 – Services and Performance
 - Part 2 – Implementation Plan
 - Part 3 – Self-Assessment Checklist
10. Waste Plans fit within Local Government integrated planning and reporting as an issue-specific informing strategy, and they should be included in Elected Member consultation processes for the Corporate Business Plan, annual budget and informing strategies.

DISCUSSION

11. The City of Albany is included in the phase 1 rollout of Waste Plans for Local Governments and Regional Councils in Perth, Peel and some major regional centres.
12. The Waste Plan will inform and be informed by the City of Albany's Strategic Community Plan and Corporate Business Plan under the *Local Government Act 1995* and will align with the Community Waste Resource Strategy 2019-26.
13. DWER require that the Waste Plan must be endorsed by Council by 31 March 2021 with the first annual report on the implementation of the Waste Plan for the 2021-22 financial year being due on 1 October 2022.

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive public consultation was undertaken as part of the development of the City of Albany's Community Waste Resource Strategy
15. The Waste Plan Part 1 and Part 2 have been reviewed with the Elected Members at the Waste Management Working Group meeting held on 9 July 2020. At this meeting, six (6) key projects from the City of Albany's Community Waste Resource Strategy were chosen to be included in the Waste Plan.
16. These items were chosen as key deliverables for the City that will be reported to DWER as part of the Waste Plan annual review. The other items in the Community Waste Resource Strategy will be included in the City of Albany Implementation Plan and will be delivered in parallel to these other key items.
17. In September 2020 the Waste Plan was presented and endorsed by Elected Members at the Strategic Workshop held 15 September 2020.
18. Late October 2020 the Waste Plan was issued to DWER for feedback.
19. Only minor comments were made by DWER and these comments have been included in Parts one and two of the attachments included in this item.

STATUTORY IMPLICATIONS

20. The endorsement and reporting of the Waste Plan is a mandatory requirement by DWER.

POLICY IMPLICATIONS

21. Section 40(4) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).
22. State Government's *Waste Avoidance and Resource Recovery Strategy 2030*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Risk: There is a risk of prosecution resulting in financial cost and loss of reputation if the Waste Plan is not endorsed by Council in the required timeframes.	Likely	Moderate	High	Waste Plan was presented to Elected Members at the September Strategic Workshop. DWER modifications are only minor and have been incorporated in to the Waste Plan Waste Plan to be endorsed by Elected Members.
Opportunity: Leveraging grant funding when available for projects included in the Waste Plan.				

FINANCIAL IMPLICATIONS

24. There are no financial implications as the projects being reported are currently in the Long Term Financial Plan. However, there may be opportunity to leverage funding on projects included in the Waste Plan.

LEGAL IMPLICATIONS

25. It is a mandatory requirement for the City to have an endorsed Waste Plan.

ENVIRONMENTAL CONSIDERATIONS

26. The projects chosen will help the City of Albany move towards the State's Waste Strategy to reduce

ALTERNATE OPTIONS

27. All projects in the City of Albany's Community Waste Resource Strategy were considered.

CONCLUSION

Consulted References	:	Not applicable
File Number (Name of Ward)	:	All wards
Previous Reference	:	Not applicable

**DIS249: PLANNING AND BUILDING REPORTS DECEMBER 2020 AND
JANUARY 2021**

Proponent / Owner	: City of Albany.
Attachments	: Planning and Building Reports December 2020 and January 2021
Report Prepared By	: Business Support Officer – J Cobbold
Responsible Officers:	: Manager Planning and Land Information Services (J Van Der Mescht)

RECOMMENDATION

**DIS249: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the Planning and Building Reports for December 2020 and January 2021 be
NOTED.**

CARRIED 10-0

DIS250: TENDER C21001 – LOWER KING AND EMU POINT BOATING FACILITY UPGRADES

Land Description	: Public Marina/Boating facility
Proponent / Owner	: Department of Transport
Business Entity Name	: Department of Transport
Supplementary Information & Councillor Workstation	: <i>Confidential Briefing Note distributed under separate cover.</i>
Report Prepared By	: Civil Engineering Officer (K Sutherland)
Responsible Officers:	: Executive Director Infrastructure, Development & Environment (P Camins)

Note: A Confidential Briefing Note was distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the local government.

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:
 - **Theme:** 3 - Clean, Green and Sustainable.
 - **Objective:** 3.2 - To build, maintain and renew city assets sustainably.
 - **Community Priority:** 3.3.2 - Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

Maps and Diagrams:

Emu Point Finger Jetty – Extent of work indicated by the red line



Lower King Boat Ramp and Finger Jetty – Extent of work indicated by the red line



In Brief:

- This item is to award the tender for the design and construction of Lower King and Emu Point Boating Facility upgrades.
- Two (2) complying tenders were received with Tenderer A being the recommended contractor.
- Design to commence in March 2021 with construction to be completed by mid-June 2021.

RECOMMENDATION

RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: CONCILLOR SMITH

SECONDED: COUNCILLOR SUTTON

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item DIS250: TENDER C21001 – Lower King and Emu Point Boating Facility Upgrades be ACCEPTED for consideration by Council as an urgent item.

**CARRIED 10-0
ABSOLUTE MAJORITY**

Reason:

Tender C21001 closed post the agenda distribution for this meeting. This report has been submitted for Council consideration as an urgent item in order to have the upgrades commence as soon as possible.

DIS250: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR GOODE

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C21001 – Lower King and Emu Point Boating Facility Upgrades to Walcon Marine Australasia.

CARRIED 10-0

BACKGROUND

2. The existing timber finger jetty at both Lower King and Emu Point facilities are in poor condition with significant corrosion in the head stocks. Due to their narrow, uneven and slippery condition not only are the existing jetties potentially dangerous but also do not cater for users with a disability.
3. Recent upgrades to the Lower King boat ramp car park allowed for a second ramp to be installed which is now proposed as part of this project which will significantly increase the capacity at this well-used facility. Given that the existing ramp has significant defects it is proposed to be replaced as part of this project.
4. Grant funds have been secured from the State Government through the Recreational Boating and Fishing Scheme (RBFS) Grants Program to undertake the construction in the 2020-21 financial year.
5. Specification documentation was prepared by the City of Albany for a design and construct contract. The tender was open from 20 January to 17 February 2021.

DISCUSSION

6. A total of twenty-one tender documents were issued by the City of Albany.
7. Two (2) completed tender documents were submitted on or before the stipulated closing date and time.
8. The tenderers were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below.

Criteria	% Weighting
Cost	45%
Relevant Experience	30%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Total	100%

9. The following table summarises the top tenderers and their weighted scores:

Tenderers	Weighted Score
Walcon Marine Australasia	600.81
Tenderer B	515.86

GOVERNMENT & PUBLIC CONSULTATION

10. All relevant Government departments including the Department of Indigenous Affairs and SWALSC have been consulted on the project. Public Transport Authority is a key stakeholder and will continue to be consulted throughout the design and implementation phase.
11. A request for tenders was published in the West Australian on Wednesday 20 January 2021 and the Albany Weekender on Thursday 21 January 2021.

STATUTORY IMPLICATIONS

12. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more or worth more than \$250,000.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

15. Council's Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>Existing infrastructure is potentially hazardous and does not comply with current design standards.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Progressively improve boating facility infrastructure and explore funding opportunities.</i>
Finance <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$500,000 and therefore the recommended tenderer requires approval from Council.
18. Grant funds have been secured from the State Government through the Recreational Boating and Fishing Scheme (RBFS) Grants Program to complete these proposed works in the 2020/21 financial year. Funds have also been allocated in the 2020-21 budget.
19. The overall budget for the project is \$560,000 (ex GST) which is made up of RBFS funding (\$420,000) with the remainder coming from municipal funds.

LEGAL IMPLICATIONS

20. There are no legal implications associated with this item.

ENVIRONMENTAL CONSIDERATIONS

21. There is potential to disturb sediment during construction causing water turbidity. Measures will be taken to minimise this during construction.
22. There is potential for silts removed during the construction of the boat ramps to contain acid sulphate soils. In this event any material removed will be neutralised and disposed of appropriately.

ALTERNATE OPTIONS

23. Council can accept or reject tenders as submitted.

CONCLUSION

24. On reviewing the submissions, the evaluation team assessed Walcon Marine Australasia as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, demonstrated understanding and corporate social responsibility. WalconMarine Australasia is recommended to be awarded the Lower King and Emu Point Boating Facility Upgrade contract.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government (Functions and General) Regulations 1996</i>• Council Policy – Purchasing• Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C21001 (Kalgan and Breaksea Wards)
Previous Reference	:	N/A

DIS251: C20021-MIDDLETON BEACH FORESHORE ENHANCEMENT- LANDSCAPE WORKS

Land Description	: Middleton Beach
Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Major Projects Officer (A. McEwan)
Responsible Officers:	: Executive Director Infrastructure & Environment (P. Camins)

CONFIDENTIAL ATTACHMENT

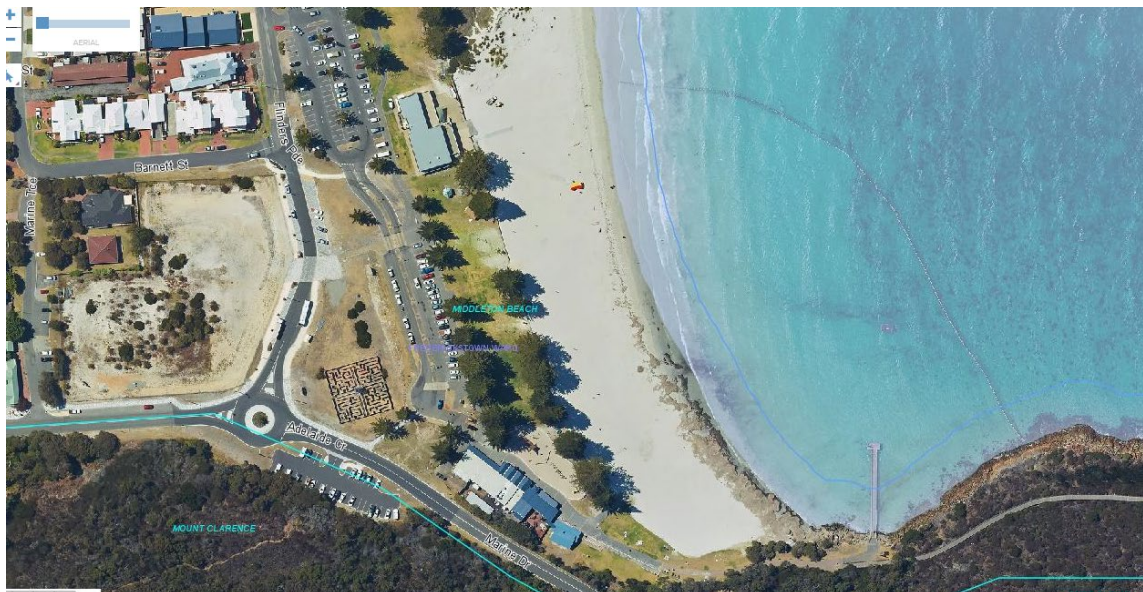
It was recommended that if discussion were required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and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

7.08pm Councillor Smith left the Chamber after declaring a Proximity Interest in the 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:
 - **Theme:** Community Health and Participation
 - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
To develop and support a healthy inclusive and accessible community.
 - **Community Priority:** Provide positive leadership that delivers community outcomes.
Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.

Maps and Diagrams:



In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for Contract C20021 - Middleton Beach Foreshore Enhancement – Landscape Works to Tenderer A.

RECOMMENDATION

RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SLEEMAN

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item DIS251: TENDER C20021 – Middleton Beach Foreshore Enhancement-Landscape Works be ACCEPTED for consideration by Council as an urgent item.

**CARRIED 10-0
ABSOLUTE MAJORITY**

Reason:

Tender C20021 closed post the agenda distribution for this meeting. This report has been submitted for Council consideration as an urgent item in order to have the works commence as soon as possible.

7.09PM

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR DOUGHTY

THAT in accordance with clause 4.1(2) and (3) the meeting be closed to the public in order to discuss commercial in confidence matters with regard to DIS251: C20021-Middleton Beach Foreshore Enhancement-Landscape Works.

CARRIED 9-0

Members of the public and media left the Chamber.

7.16PM

DIS251: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR HAMMOND

THAT the meeting be re-opened to the public.

CARRIED 9-0

DIS251: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DOUGHTY

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C21001-Middleton Beach Foreshore Enhance-Landscape Works to Environmental Industries.

CARRIED 9-0

BACKGROUND

2. Tenders were called for Middleton Beach Foreshore Enhancement – Landscape Works, Albany WA.
3. The intent of the tender invitation is for the successful Tenderer to carry out all works in accordance with every detail of the Request for Tender Documents for the completion of all remaining landscape public realm elements in accordance with the design intent. Stage 1 (coastal protection works) have been completed. Stage 2 works landscape and public realm works are currently underway (main carpark and major concrete and stone wall works).
4. It is preferable to commence works at the earliest possible time to ensure practical completion in accordance with funding requirements and not to impede other related interface works scheduled.

DISCUSSION

5. The standard tender process as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations).
6. Tenders were advertised both state-wide and locally from the 3rd December 2020 and were closed on 20 January 2021.
7. Twenty-nine (29) tender documents were downloaded from the City of Albany website.

Evaluation of Tenders

8. The tender panel evaluated tenders using the weighted criteria methodology across five key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Relevant Experience	20%
Tenderers Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Cost	50%

9. Environmental Industries ranked highest with the highest total weighted (570.00) score being the only conforming submission.
10. From the evaluation scoring, clarification and financial check processes Environmental Industries are the preferred tender and consequently it is recommended that their tender be accepted and the contract be awarded.

GOVERNMENT & PUBLIC CONSULTATION

11. There is no government consultation required for the award of Middleton Beach Foreshore Enhancement – Landscape Works, Albany WA.
12. The funding bodies and public will be notified with regard to the outcome of the award and timeframe for implementation.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

17. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.

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
City Operations and Financial <i>Risk: Failure to deliver project within specified timeframe may jeopardize the funding agreement.</i>	Possible	Major	High	Award construction tender as soon as possible to satisfy funding conditions for project completion.
Business Interruption <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	Medium	City staff to work with preferred tenderer to address any concerns prior to awarding the tender.
Opportunity: Project developed and delivered on time for the benefit of the community use and precinct activation.				

19. Environmental Industries will be required to generate and comply with a comprehensive Construction and Environmental Management Plan as part of their work processes.

FINANCIAL IMPLICATIONS

20. The recommended tender is within overall project budget.

LEGAL IMPLICATIONS

21. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

ENVIRONMENTAL CONSIDERATIONS

22. Environmental Industries environmental sustainability policy will apply to this contract.

23. Site management controls will be enforced to mitigate any possible environmental impacts.

ALTERNATE OPTIONS

24. The options are:

- Council may choose to accept the recommended tender, or
- Not approve any tender.

CONCLUSION

25. It is recommended, based on the evaluation scoring, clarification, reference and financial check processes that Environmental Industries be noted as being the preferred tender, and that the CEO is given the delegated authority to award the tender to Environmental Industries.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Local Government (Functions and General) Regulations 1996• Council Policy: Purchasing Policy (Tenders and Quotes)• Tender/Contract Procedure• Evaluation Procedure (Tenders and Quotations)• Council Policy: City of Albany Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	CP.DEC.40
Previous Reference	:	N/A

7.17PM Councillor Smith returned to the Chamber. Councillor Smith was not present during the discussion and vote for this item.

**LEMC024: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – 17 SEPTEMBER 2020**

Attachments	: Confirmed Minutes of the LEMC Meeting held 17/09/2020
Report Prepared By	: Personal Assistant to Executive Director Corporate & Commercial Services (H Bell)
Responsible Officers:	: Executive Director Corporate and Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provider positive leadership that delivers community outcomes.

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 17 September 2020.

RECOMMENDATION

**LEMC024: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE**

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 17 September 2020 be RECEIVED.

CARRIED 10-0

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

DIS250: TENDER C21001-LOWER KING AND EMU POINT BOATING FACILITY UPGRADES

DIS251: C20021-MIDDLETON BEACH FORESHORE ENHANCEMENT-LANDSCAPE WORKS

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

DIS251: C20021-MIDDLETON BEACH FORESHORE ENHANCEMENT-LANDSCAPE WORKS

18. CLOSURE

There being no further business the Mayor declared the meeting closed at 7.18pm.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

TABLED ADDRESS BY MR THEO NEWHOUSE

**ORDINARY COUNCIL MEETING
Tuesday 23 February 2021**

Good evening Mr Mayor, Councillors, City staff, Ladies and Gentlemen.

My name is Theo Newhouse (75 Randell Crescent, Warrenup) and I'm Chairman of the Great Southern Motorplex Group. I've been involved in promoting the Albany Motorsport Park for 3½ years. Most of our members have been involved for over 12 years.

Our single objective is to promote the development of a local, family friendly, affordable and controlled motorsport venue where safety is paramount. To this end we have been consulting with Motorsport Australia and Motorcycling Australia, both the governing motorsport bodies. In my 3 years, extensive environmental and impact studies have been carried out by experts in their various fields.

Our committee has been very mindful of the concerns of adjoining neighbours. We have met with and kept these people informed throughout the process and will continue to liaise with these people. We have worked with City staff and made every attempt to address their concerns by:

- deleting drag racing and burnouts from the venue due to the potential noise,
- by not having night events,
- by reduced hours of operation,
- by not conducting motocross and race events at the same time,
- by developing a rigid Noise Management Plan,
- by bunding potential contamination areas and removing all waste from site,
- use of only fluorine free fire extinguishing materials, a normal in motorsport,
- by protecting and revegetating wetlands currently being grazed,
- by developing a rigid Bushfire Management Plan,
- by developing and adhering to a Traffic Management Plan.

Our vision for the venue is not just focused on car and motorcycle racing. It's also on achieving an environment in which:

- kids and adults with a common interest can socialise in a controlled environment,
- can fulfil their passions away from public roads and parks,
- a place for parents and grandparents to be involved,
- a place for novice driver training away from the public and traffic,
- a school for learning safe and defensive driver and rider skills,
- a venue for caravan and boat owners to learn the art of towing safely,
- a venue for first aid and fire services training,
- a training ground for the up and coming Daniel Riccaindo's and Mike Doohan's of Australia,
- it will provide undoubted entertainment which has a growing following in Australia,
- the opportunities and community benefits are enormous.

Mr Mayor, on behalf of the Great Southern Motorplex Group and all our participating Clubs I would like to thank the Councillors for the opportunity and your consideration in us having an Albany Motorsport Park. Thank you.

TABLED ADDRESS BY MR GRANT SIMMONS

AMP presentation to COA 25.02.21

Good evening Mayor, Councilors, Staff & guests.
Thank you for my opportunity to speak.

My name is Grant Simmons of 24 Boolgana Court Albany.

As a kid, I started out with a Billycart, going as fast as I could, racing down some of Albany's steepest streets, trying not to peel the white tyres off the cart's, spoked pram wheels. As usual, Billy carts had no brakes, so I used long stretches of grass as braking zones. Pulling the cart back up to the top of the hill was tiring, but ...
racing was great fun!

It led me to become a motorsport enthusiast, participant, and propelled me in to a lifelong passion on both 2 & 4 wheels. From Billycarts to pushbikes, motorbikes, cars & karting.

My childhood & teenage years included summers in the surf at Middleton Beach and assisting with the construction of The Snake Run – Albany's, world first, community created Skateboard Track.

By age 20, I'd started a Panel Van Club in Albany, that hosted an Easter show in the Albany Leisure Centre in 1982. It attracted entrants from numerous Perth Clubs & Collie, and an endless stream of paying spectators. We raised \$6,000. The profits were donated to Albany's proposed indoor public swimming pool, being promoted by the late Jim Macauley. Albany has progressed a lot since 1982.

Jumping forward to 2015, I found myself circulating around Collie Motorplex along with a prototype, electric powered motorcycle, that was very competitive against superbikes.
As we transition to electric powered race vehicles, fossil fueled vehicles will become the nostalgic past. AMP, the Albany Motorsport Park, could provide local students and entrepreneurs with the opportunity to test and develop prototypes in a safe location, encouraging them to remain local, rather than to relocate to where support facilities exist.

Geographically there is a Motorplex void & opportunity for our region. Albany & lower great southern residents travel significant distances from home to participate at Wanneroo, Kwinana & Collie Motorplex's and other track locations. The distance, time & travel costs can be discouraging. With a local facility, the personal & economic benefits would be significant and ongoing, not just to individuals, but to our community, from construction through to maintenance & support businesses, and new business opportunities that arise.
Albany would become an important destination for the numerous disciplines proposed.

AMP would provide members of well-established Albany clubs such as Kart Racing, Soapbox & motorsport Hill-climbs to further their interests, or "step-up to the next level" once they have reached their limits of age, skill or machine capacity.

If you have attended motorsport events, you will have witnessed their popularity and support.

There is strong community support from enthusiastic, energetic, and committed people with a tireless desire who want to make AMP work.

AMP will offer fun, excitement, anticipation, exhilaration & health benefits for all age groups participating, particularly important for families, youth & young children.

I'm confident that a decision to support the development of AMP will be considered wise and beneficial for our regional community and for intrastate participants.

I encourage you to support such a positive & worthy facility.

Thank you.