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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 23 May 2023**

6.00pm

**Council Chambers**



**NOTICE OF AN ORDINARY COUNCIL MEETING**

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 23 May 2023 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe  
**CHIEF EXECUTIVE OFFICER**

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**1. DECLARATION OF OPENING**

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

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

Mayor

D Wellington

**Councillors:**

Breaksea Ward

P Terry

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

S Grimmer

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellow

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

**Apologies:**

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Nil		

**5. REPORTS OF MEMBERS**

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

**7. PUBLIC QUESTION TIME**

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

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

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

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. PETITIONS AND DEPUTATIONS**

**10. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 26 April 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil**

**CCS525: FINANCIAL ACTIVITY STATEMENT – MARCH 2023**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 March 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 31 March 2023 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS525: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Financial Activity Statement for the period ending 31 March 2023 be RECEIVED.**

CCS525: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH  
SECONDED; COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS525: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 March 2023 be RECEIVED.

## **DISCUSSION**

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

## **STATUTORY IMPLICATIONS**

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

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

**POLICY IMPLICATIONS**

- 8. The City's 2022/23 Annual Budget provides a set of parameters that guides the City's financial practices.
- 9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

**FINANCIAL IMPLICATIONS**

- 10. Expenditure for the period ending 31 March 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

**LEGAL IMPLICATIONS**

- 12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

- 13. Nil.

**ALTERNATE OPTIONS**

- 14. Nil.

**CONCLUSION**

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

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



**CCS526: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2023**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

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

**RECOMMENDATION**

**CCS526: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2023 totalling \$10,084,811.17 be RECEIVED.**

CCS526: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS526: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2023 totalling \$10,084,811.17 be RECEIVED.

**DISCUSSION**

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

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$25,416.09
Payroll	\$1,746,685.27
Cheques	\$0.00
Electronic Funds Transfer	\$8,312,709.81
<b>TOTAL</b>	<b><u>\$10,084,811.17</u></b>

3. The table below summarises the total outstanding creditors as at 15 April 2023.

Current	-\$935.00
30 Days	\$6,951.26
60 Days	\$8,225.27
90 Days	-\$16,189.45
<b>TOTAL</b>	<b><u>-\$1,947.92</u></b>
Cancelled Cheques	Nil

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

7. Expenditure for the period to 15 April 2023 has been incurred in accordance with the 2022/2023 budget parameters.

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 15 April 2023 has been incurred in accordance with the 2022/2023 budget parameters.

**LEGAL IMPLICATIONS**

9. Nil

**ENVIRONMENTAL CONSIDERATIONS**

10. Nil

**ALTERNATE OPTIONS**

11. Nil

**CONCLUSION**

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

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

**CCS527: DELEGATED AUTHORITY REPORTS – 16 MARCH 2023 to 15 APRIL 2023**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Executed Document and Common Seal Report
<b>Report Prepared By</b>	: PA to the ED Corporate & Commercial Services (H Bell)
<b>Authorising Officer:</b>	: Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

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

**RECOMMENDATION**

**CCS527: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 March 2023 to 15 April 2023 be RECEIVED.**

CCS527: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS527: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 March 2023 to 15 April 2023 be RECEIVED.

**BACKGROUND**

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

**CCS528: NATIONAL ANZAC CENTRE – Q3 2022-23 REPORT**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 3 (Q3) 2022/23 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- To provide Council with update on Q3 2022/23 performance of the NAC.

**RECOMMENDATION**

**CCS528: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the NAC Operational Report for Q3 2022/23 be RECEIVED.**

CCS528: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS528: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q3 2022/23 be RECEIVED.

## BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for May 2023.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

## DISCUSSION

9. Q3 2022/23 achieved overall total visitation numbers of 507,896 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 60,344 visitors per year.
10. NAC Visitation of 15,587 for Q3 is an increase of 2,275 compared with the same period in 2021/22 which recorded 13,312.
11. February NAC visitation numbers of 3,588 were the highest performing February figures for the past 3 years.
12. March NAC visitation numbers of 5,741 were the highest performing March figures for the past 3 years.
13. The visitation in Q3 2022/23 from the Great Southern Region totalled 568 people, equating to 6.5% of Western Australia's overall visitation of 8,725 (slight decrease from previous quarter being 7.1%).
14. The total visitation in Q3 2022/23 originated from Western Australia (64%), interstate (36%) and international (9.2%).
15. Visitors from other States and Territories consisted of 34% from NSW, 27% from VIC, 24% from QLD, 10% from SA, followed by TAS, ACT and NT all on 1-3%.
16. Interstate visitation of 4,945 (31.7% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
17. Revenue generated in Q3 2022/23 by the NAC was \$25,927 more compared to the previous Q3 quarter in 2021/22.
18. The Forts Store revenue of \$131,921 was \$26,915 higher than same period 2021/22 and \$27,767 higher compared to the same Q1 period in 2020/21.

19. As at the end of Q3 2022/23, 8,495 households hold memberships to the NAC League of Local Legends program, an increase of 583 from the previous quarter.
20. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

**GOVERNMENT & PUBLIC CONSULTATION**

21. Not Applicable.

**STATUTORY IMPLICATIONS**

22. Not Applicable.

**POLICY IMPLICATIONS**

23. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

24. Nil.

**RISK IDENTIFICATION & MITIGATION**

25. Nil.

**FINANCIAL IMPLICATIONS**

26. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at March 31, 2023.
27. Full year operating expenditure budget includes:
  - a. \$199,000 of costs from accounts that are “shared” across the AHP. A total of \$774,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$774,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$77,000 of the \$199,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2022/23 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$649,036	\$702,005	\$52,969
Operating Expenditure	\$(556,691)	\$(395,287)	\$(365,742)	\$29,545
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$293,309</b>	<b>\$253,749</b>	<b>\$336,263</b>	<b>\$82,514</b>
Indirect Expenses	\$(225,076)	\$(165,211)	\$(147,296)	\$17,915
<b>Net Operating Income/(Expense)</b>	<b>\$68,233</b>	<b>\$88,539</b>	<b>\$188,967</b>	<b>\$100,429</b>
Capital Expense	\$(373,835)	\$(280,260)	\$118,471	\$161,789
<b>Total</b>	<b>\$(305,602)</b>	<b>\$(191,722)</b>	<b>\$70,496</b>	<b>\$262,218</b>

28. The \$373,835 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh. Further works did not progress in 2021-2022 and the amount has been carried-forward to the 2022-2023 Budget to progress.

**LEGAL IMPLICATIONS**

29. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

30. Nil.

**ALTERNATE OPTIONS**

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

**CONCLUSION**

- 32. Overall, Q3 2022/23 has shown steady visitation to the NAC, and is showing some patterns in line with pre-covid years. Q3 has continued to demonstrate a return to steady interstate visitation.
- 33. The NAC has continued to see a slow return of international visitors in Q3. Although only 1,444 visitors, this represents 9.2% of visitation for the quarter and is an improvement on the 2.3% in the previous quarter.
- 34. Great Southern visitation to the NAC was 6.5% of overall WA visitation during the Jan – March period in Q3 2022/23.
- 35. This is 0.6% lower than the previous quarter (Q2 of 2022/23) but remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership benefit.
- 36. Interest in the Princess Royal Fortress and exhibitions continues with 1,203 people taking part in 122 Princess Royal Fortress Tours.
- 37. Overall Q3 generated higher figures compared to Q3 in 2021/22 in the NAC and in the Fort Store sales, which could be attributed to an increase of interstate and international visitation and the return of Cruise ship visitation.
- 38. NAC revenue of \$265,007 for Q3 2022/23 was an increase of \$25,927 compared to 2021/22.
- 39. Fort Store revenue of \$131,921 for Q3 2022/23 was an increase of \$26,915 compared to 2021/22.

<b>Consulted References</b>	:	Nil.
<b>File Number (Name of Ward)</b>	:	RC.SPV.8 (All Wards)
<b>Previous Reference</b>	:	OCM Feb 2023 Resolution CCS508



**CCS529: COMMUNICATIONS & ENGAGEMENT STRATEGY PROGRESS REPORT**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: City of Albany Communications & Engagement Strategy 2022-2023 Progress Report (March 2023)
<b>Report Prepared By</b>	: Community Development Coordinator (T Flett) Communications Coordinator (L Condon)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

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

**RECOMMENDATION**

**CCS529: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the City of Albany Communications & Engagement Strategy progress report for the period December 2022 to March 2023 (Q2) and its endorsement by the Communications & Engagement Advisory Group be NOTED.**

CCS529: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS529: AUTHORISING OFFICER RECOMMENDATION

THAT the City of Albany Communications & Engagement Strategy progress report for the period December 2022 to March 2023 (Q2) and its endorsement by the Communications & Engagement Advisory Group be NOTED.

## **BACKGROUND**

2. Council adopted the Communications & Engagement Strategy at the May 2019 OCM. The Strategy sets a clear direction for communication and engagement activities by the City. The Strategy is underpinned by an Action Plan.
3. The Strategy implementation and annual action plan is overseen by a Communications and Engagement Advisory Group comprising community representatives, Elected Members and City officers. The Advisory Group is scheduled to meet quarterly to review and endorse the progress report.

## **DISCUSSION**

### Progress Report

4. The Advisory Group previously met and endorsed the 2021-2022 progress report ending November 2022 on 30 November 2022 (Q1), and this was tabled and noted at the OCM of 28 February 2023.
5. The Advisory Group endorsed the 2022-2023 progress report for the period December 2022 - March 2023 (Q2) at its meeting on 30 March 2023.
6. The Advisory Group noted new updates to the progress report and City engagement projects, including the Bicentenary, Maritime Festival, Princess Royal Harbour CHRMAP and Local Planning Scheme Number 2.
7. The City's Community Development Coordinator and Communications Coordinator facilitated a workshop with the Advisory Group that focused on a review of the Communications and Engagement Strategy.
8. This included an overview and discussion in relation to the relevant consultation themes that were derived from past consultation with community through the Strategic Community Plan, Youth Plan, Disability Access and Inclusion Plan, and Seniors Plan. These themes remain relevant to the Communications and Engagement Strategy review and will assist to form the framework for the outcomes.
9. A desktop review of the current strategy was undertaken that outlined the key structural changes, revised outcomes and updates to key findings through the consultation.
10. An overview of the intended direction for the Communications and Engagement Strategy was discussed that gave the opportunity for the group to contribute ideas that could be incorporated into the revision. This was also an opportunity to discuss what needs to be in the strategy and what is valuable to the group and community.
11. The value of the Action Plan was discussed with the group including ways to improve the reporting to have a more strategic focus.
12. This current report includes 65 actions, 45 which have been completed, 16 remain ongoing or underway, and 4 are on hold.

## **GOVERNMENT & PUBLIC CONSULTATION**

13. Extensive community consultation was undertaken during the development of the Communications & Engagement Strategy and at the time achieved the highest reach of any engagement project undertaken by the City.
14. The progress report has been reviewed and supported by the Advisory Group, which includes members representing community.

## **STATUTORY IMPLICATIONS**

15. Nil

**POLICY IMPLICATIONS**

16. This item aligns with the Council’s adopted policy position: Community Engagement Policy.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational: Community engagement expectations are not met due to budget, viability, funding agreements, safety, or legislative constraints.</i>	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
<i>Reputational: Communications or engagement activity is ad-hoc, untimely, inaccurate, or untargeted.</i>	Unlikely	Major	Low	Follow best practice engagement framework and provide timely, informative, and accurate communications to the community through effective channels as outlined in the Communications & Engagement Strategy.
<i>Operational: Some aspirations of the Strategy may not be fully realised due to budget funding, or resource constraints.</i>	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.

**FINANCIAL IMPLICATIONS**

18. Nil.

**LEGAL IMPLICATIONS**

19. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

20. Nil.

**ALTERNATE OPTIONS**

21. Council may request a more comprehensive review of the Communications and Engagement Strategy using an external consultant. Additional budget would be required to support this option.

**CONCLUSION**

22. The Communications & Engagement Strategy is overseen by an Advisory Group comprising the community, Elected Members and City staff representatives.
23. Community representation on the Advisory Group ensures that community needs, and priorities remain central to the implementation of the Communications and Engagement Strategy.
24. Regular progress reports of achievements against the Strategy is endorsed by the Advisory Group and submitted to Council for information. The progress report against the Strategy’s Action Plan for the period December 2022 to March 2023 (Q2) is submitted to Council for noting.

<b>Consulted References</b>	:	City of Albany Communication and Engagement Strategy 2019 Council Policy – Community Engagement
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 28 February 2023, Resolution CCS509

**DIS348: LAND EXCISION FOR DEDICATION OF KEITH ROAD  
AFFECTING A CLASS RESERVE 23579**

<b>Land Description</b>	: A Class Reserve 23579
<b>Proponent / Owner</b>	: Department of Biodiversity Conservation & Attractions / State of Western Australia
<b>Attachments</b>	: Keith Road Reserve map
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- The City is seeking to excise a portion of land from A Class Reserve 23579 for dedication as a road reserve, namely Keith Road.
- This is to give effect to the May 2011 Council resolution and Memorandum of Understanding made between the City of Albany, Shire of Denmark and the then Department of Conservation on this matter.

**RECOMMENDATION**

**DIS348: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. **REQUEST the Minister for Lands to excise 4.5Ha of land from Reserve 23579 for dedication as Keith Road reserve, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;**
2. **INDEMNIFY the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997***

DIS348: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS348: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. REQUEST the Minister for Lands to excise 4.5Ha of land from Reserve 23579 for dedication as Keith Road reserve, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. INDEMNIFY the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*

**BACKGROUND**

2. Previous discussions initiated by the then Department of Conservation (DEC) with the City of Albany and Shire of Denmark between 2007 and 2009 centred around the future management of A Class Reserve 23579 which spans the Hay River, on the boundary between the two local governments.
3. At that time there was no governing agency managing the land and despite the road name Keith Road having been formally registered by Landgate in May 1975, the road was never gazetted as a public road.
4. DEC sought to apply to the Minister for Lands to have management of the Reserve vested with the Conservation Commission of Western Australia so DEC could manage the land.
5. DEC also sought to change the purpose of the Reserve from Camping and Recreation to Conservation Park.
6. There are significant environmental conservation values to the land including being a conservation corridor linkage between Mt Lindsay National Park and Wilson Inlet.
7. The human pressure of high recreational use along Keith Road side of the Hay River has heavily degraded the native vegetation along this section river bank.
8. Council resolved in February 2009 to undertake local community consultation on the proposed Reserve vesting, sending letters to 23 adjoining landowners.
9. One landowner provided a submission, objecting to the proposal on the basis of historic public use of the Reserve for fishing and camping.
10. In May 2009, the Shire of Denmark resolved to seek management of the section of Reserve 23579 within their jurisdiction.
11. The Albany City Council resolution in July 2009 echoed the Shire of Denmark's decision, resolving to advise DEC that the City of Albany would seek a Management Order over the section of Reserve 23579 within the City's jurisdiction.
12. This was against the Officer Recommendations of this report at that time which was to support the DEC request to have management of R23579 transferred to the Conservation Commission of WA for the purpose of Conservation Park.
13. DEC was advised of the Council resolution in August, with DEC responding that further internal discussions within their agency were taking place.
14. On September 22, 2009, the Shire of Denmark changed its decision to manage the Reserve, resolving to support DEC's original request with the addition of a memorandum of understanding (MOU) requiring the Shire to be consulted in the development of a Management Plan for the Reserve within their jurisdiction.
15. Further correspondence between DEC, the City of Albany, the Shire of Denmark and the Department of Lands Administration - State Lands Service occurred over the next two years.

16. In that time another area of Unallocated Crown Land (known as Morley Beach) was identified for consideration in these discussions.
17. A Memorandum of Understanding was drafted between DEC, The City of Albany and the Shire of Denmark.
18. In May 2011, the City of Albany Council resolved to;
  - Advise DEC that it is prepared to sign the MOU between DEC, the City of Albany and the Shire of Denmark in relation to Reserve 23579, and
  - Amend the MOU to state Keith Road be gazetted as a public road, for management by the City of Albany.
19. Following this resolution, Reserve 23579 was then identified by the State Government for consideration to become part of the lands transfer to the Noongar Boodja trust as part of the South West Native Title Settlement.
20. This process took 11 years to finalise with agreement between the State Government and the Noongar people ratified on 25 February 2021. As such, any land actions proposed by the MOU over Reserve 23579 were effectively on hold during this time.
21. In June 2022 the Department of Biodiversity Conservation & Attractions (DBCA), formally DEC, approached the City of Albany regarding Reserve 23579 and the MOU. The Reserve was no longer under consideration for lands transfer to the Noongar Boodja Trust, however there was some confusion as to whether the City of Albany was still in support of the dedication of Keith Road.
22. This matter was then referred to senior City of Albany staff for review and Elected Member consultation, with an in-principle agreement to gazette Keith Road confirmed in October 2022.

## **DISCUSSION**

23. The Council resolution of July 2011 and MOU between The City of Albany, the Shire of Denmark and DEC has not been brought into effect.
24. The City of Albany continues to receive numerous complaints by the public over the safety of Keith Road and illegal camping along the eastern shore of Hay River, within Reserve 23579.
25. Currently, the City of Albany grades the road at least four times per year, performs reach mowing once every three years, and receives regular requests for additional maintenance from local road users.
26. Formalising a road reserve over the constructed Keith Road will give effect to the MOU and Council resolution and allow the City of Albany to properly manage the road.

## **GOVERNMENT & PUBLIC CONSULTATION**

27. There is no requirement to undertake government or public consultation for this item however there have been three previous Council resolutions on matters relating to this item, where consultation with the public and other Government agencies was undertaken.

## **STATUTORY IMPLICATIONS**

28. Section 56 of the *Land Administration Act 1997* state that a local government can resolve to reserve land for use by the public as a road, under the care, control and management of the local government.
29. Section 8 of the *Land administration Regulations 1998* describe the process for a local government to follow in order to deliver a request to the Minister for Lands to dedicate land as a public road.

**POLICY IMPLICATIONS**

30. There are no policy implications relating to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation, Reputation &amp; Financial.</b> <i>Risk: There is a risk that by not progressing with the road dedication, there will be no clear management over this road.</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Request the Minister for Lands to dedicate the land for the Keith Road reserve.</i>
<i>Opportunity: To honour the MOU and Council resolution over the dedication of Keith Road</i>				

**FINANCIAL IMPLICATIONS**

- 32. The City of Albany must cover the survey costs for the excision which will be accommodated from the Lands budget 1142970.
- 33. The cost to construct Keith Road to a higher standard will need to be considered in the long-term financial plan and is anticipated to be at least in the order of \$500,000.

**LEGAL IMPLICATIONS**

34. There are no legal implications relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

35. There are no environmental considerations in relation to this item.

**ALTERNATE OPTIONS**

- 36. Council can either;
  - Refuse this request; or
  - Support this request with modifications.

**CONCLUSION**

- 37. Keith Road has been without formal management arrangements for decades.
- 38. Council passed a resolution in July 2011 and signed a Memorandum of Understanding to gazette this road.
- 39. Council is requested to support the request to excise 4.5 Hectares of land from Reserve 23579 for dedication as public road to allow the City of Albany to have care, control and management of this road.

<b>Consulted References</b>	:	Land Administration Act 1997 Land Administration Regulations 1998
<b>File Number (Name of Ward)</b>	:	RD.ACQ.2
<b>Previous Reference</b>	:	OCM 2009/2/17 OCM 2009/7/21 OCM 2011/5/17

**DIS349: DRAFT LOCAL PLANNING POLICY 1.10: PERCENT FOR ART**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:

- **Pillar:** Place
- **Outcomes:** Interesting, vibrant and welcoming places.

**In Brief:**

- The Planning and Visual Arts teams have been working together to update the existing Public Art Local Planning Policy to improve public art outcomes and ensure best practice is maintained.
- The City officers have identified a number of key matters relating to public art which will benefit from clarification and refinement, in the form of an amended Local Planning Policy 1.10: Percent for Art (LPP1.10). The draft LPP 1.10 proposes to replace the existing LPP and aims to:
  - Provide clarity on the scope of the policy.
  - Allow the applicant/landowner to choose from two contribution options.
  - Provide clarity on the planning and building framework relating to public art installations.
  - Provide a cap on the maximum public art contribution.
  - Allow the City to request a quantity survey to ensure the development value is not underestimated.
- The City officers have prepared the Percent for Art Developer Guidelines to assist in the implementation of the Draft LPP 1.10 Percent for Art.
- Council is requested to endorse the draft LPP1.10 for advertising.

**RECOMMENDATION**

**DIS349: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVE to endorse draft Local Planning Policy 1.10: Percent for Art for the purpose of advertising and note the associated Draft Art in the Public Domain Developer Guidelines.**



DIS349: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS349: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVE to endorse draft Local Planning Policy 1.10: Percent for Art for the purpose of advertising and note the associated Draft Art in the Public Domain Developer Guidelines.

**BACKGROUND**

2. City officers have recently commenced periodic review of the City's existing LPP's. The last in-depth policy review occurred in 2014.
3. The Percent for Art scheme was introduced to the City of Albany in 2011 by way of the *Public Art LPP* and requires private proposals with a value of \$1,500,000 or above to allocate 1% of the project cost for the development of public artwork to reflect or enhance local cultural identity.
4. This requirement is also proposed for inclusion within the City of Albany *Local Planning Scheme No.2* which will provide additional statutory weight to the percent for art contribution.
5. The basis for the policy is the former State's Building Management Authority, now Building Management Works, percent for art policy. Local governments subsequently adopted this policy into their planning framework.
6. The scheme is considered a success with many developers working with artists to create visually pleasing aesthetics to the Albany landscape.
7. This requirement is applied through a condition of development approval. Following the application of this condition, developers are directed to the City of Albany Visual Arts Team to discuss their proposal.
8. The Visual Arts team have developed the *Percent for Art Developer Guidelines* (the Guidelines) to accompany the LPP and provide further clarification on best practice principles in commissioning, producing and installing high-quality public art.
9. New or amended LPP'S must be advertised in accordance with Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 prior to their formal adoption.
10. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the LPP and revocation of any superseded LPPs.

## DISCUSSION

11. The Planning and Visual Arts teams have been working together to update the existing *Public Art Local Planning Policy* to improve public art outcomes and ensure best practice is maintained.
12. The Visual Arts team, have also prepared the *Percent for Art Developer Guidelines* (attached) to accompany the Percent for Art.
13. Whilst the Guidelines detail the process for commissioning, producing and installing high-quality public art, the LPP provides the planning framework to enable the City to request the contribution and also establishes the development types from which a contribution will be requested.
14. The Guidelines have been attached for noting however Council approval is not sought/required for these Guidelines.

### Percent for Art

15. The basis for the Guidelines and LPP is the *State Government's Percent for Art Scheme*. It is therefore considered more appropriate to title the LPP 'Percent for Art' rather than the current "Public Art" title which is slightly ambiguous. This is consistent with the actions of most other Local Governments.

### Objectives

16. The existing Public Art LPP contains a single objective relating to developing and promoting cultural identity within the City of Albany by requiring the provision of public art.
17. The amended LPP proposes additional objectives relating to facilitating unique and locally distinctive streets, open spaces and improving the quality and attractiveness of the City's built environment.
18. These additional objectives are considered important as they provide additional justification for the percent for art planning condition and will help ensure the condition stands up to scrutiny at development assessment panel meetings and challenges at the State Administrative Tribunal.

### Proposals Eligible for Public Art Contributions

19. Consistent with the existing LPP, private proposals with a value of \$1,500,000 or above are required to allocate up to 1% of the determined project cost for the development of public artwork to reflect or enhance local cultural identity.
20. The scope of the policy has been clarified to specifically detail residential developments as being exempt from the requirements of the Policy. Although this is currently the case, it was considered that the policy scope could benefit from additional clarity.
21. Agriculture and extractive/mining uses are also proposed to be made exempt, given these uses are generally located in rural areas hidden from the public realm where the benefits of public art would be limited.
22. Infrastructure works such as telecommunication towers and pumping stations have also been made exempt from public art contributions.
23. LPP1.10 also states that public art contributions may be waived for land within the General Industry Zone. This provision has been proposed since there is relatively little value in public art within the General Industry Zone, which is by definition a zone set apart for uses that do not attract the same number of general members of the public or tourists and also does not have comparable public realm expectations.

24. This requirement is also consistent with the finding of a recent case at the State Administrative Tribunal (SAT) which overturned public art requirements in a General Industry Zone, in part due to uncertainty regarding the number of additional people who would be visiting the area and question over the need for the development to improve visual amenity of the area.
25. The possibility of requiring public art contributions for land in the General Industry Zone if the land would be visible from high frequency transport routes and key township approach corridors (i.e. Albany Highway, Chester Pass Road and Lower Denmark Road) was explored, however it was found that the General Industry Zones abutting these roads all had separate screening measures put in place at the strategic planning stage, therefore this provision wasn't considered necessary.

#### Form of Contribution

26. The new *Percent for Art Developer Guidelines* sets out two options for the public art contribution as follows:
  - Option 1: Developers choose to co-ordinate and deliver the artwork themselves with the engagement of an art consultant.
  - Option 2: Developers choose to pay the fee to the City of Albany and they will co-ordinate and deliver the artwork.
27. Option one is the only option currently available to developers under the existing LPP and Guidelines.
28. Option two has been developed in order to minimise workloads for developers/proponents in developing a public art concept. It is also expected to improve the quality of public art offerings by ensuring the contribution amount is maximised and funds not unnecessarily spent on external art consultants.
29. The amended LPP1.10 has been updated to reflect the two contribution options available to developers as set out within the Guidelines.

#### Method of Determining Percent for Art Contribution

30. The amended LPP also contains a provision that allows the City to request a detailed cost estimate be provided with the application to confirm the declared development value.
31. This provision has been developed in response to recent applications declaring an estimated project value of just below the \$1.5million threshold to avoid the contribution, then declaring a significantly increased project value when required at the building permit stage, when the public art contribution is unable to be applied.
32. It is considered this requirement will be requested very infrequently and only in instances where it is obvious the development value has been grossly under declared. Despite its expected infrequent use, this provision will ensure applicants are discouraged from attempting to avoid paying this contribution.
33. The proposed LPP1.10 also caps the public art contribution to a maximum value of \$200,000, which would equate to a development value of \$20 million as there is considered to be little additional value in the provision of public art contributions that exceed this cost.

### Implementation of Public Art

34. In order to provide further clarity on the location of the public art contribution, the amended policy includes a provision that states that public art shall be provided on site or on crown land immediately adjacent the site, in a location approved by the City.
35. The amended LPP recommends that the proponent and their selected artists (if applicable) consult with the City's Planning and Building teams early on in the project to ensure artworks are suitably located and installed in conjunction with the relevant planning and building framework.

### Method of Collecting Contribution

36. Should the LPP and Guidelines be approved, the developer will be required to complete the 'Developers Application for Artwork Approval' contained within the Guidelines following development approval.
37. The Arts and Culture team will then be responsible for the assessment of the public art proposal or coordinating and delivering the artwork themselves (should option 2 be chosen).
38. The City's model development conditions will be updated require this form to be lodged with the Arts and Culture team prior to the commencement of development.
39. The development approval will also condition that the public art be provided prior to occupancy of the development.

### **GOVERNMENT & PUBLIC CONSULTATION**

40. Approval is sought to advertise the amended LPP1.10 in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
41. If the Council resolves to support the amended LPP1.10 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
42. The policy will also be published on the City of Albany website for 21 days.
43. Both the newspaper and the website will give details of:
  - Where the draft Local Planning Policy can be inspected;
  - The subject and nature of the draft Local Planning Policy; and
  - In what form and during what period (21 days from the day the notice is published) submissions may be made.
44. A copy of the policy will also be made available for inspection at the City of Albany.
45. After expiry of the period within which submissions may be made, the Local Government is to:
  - Review the draft Local Planning Policy in light of any submissions made; and
  - Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

### **STATUTORY IMPLICATIONS**

#### Voting requirements

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

City of Albany Local Planning Policy Review

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

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

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

**POLICY IMPLICATIONS**

54. There are no policy implications relating to endorsing the proposed amended LPP1.10 for advertising.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational</b> <i>Not approving the amended policy for advertising would result in the continued use of an existing policy that is no longer considered fit for purpose.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Approving the amended policy for advertising. The policy can be amended once feedback from advertising is assessed.</i>
<b>Opportunity:</b> <i>Encourages art in the built environment to improve visual amenity and promote cultural identity.</i>				

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

57. There are no legal implications relating to endorsing the proposed draft LPP1.10 for advertising.

**ENVIRONMENTAL CONSIDERATIONS**

58. There are no environmental implications relating to endorsing the proposed amended LPP for advertising.

**ALTERNATE OPTIONS**

59. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with advertising the policy without modification;
  - To resolve to proceed with advertising the policy subject to modification; and
  - To resolve not to proceed with advertising the policy.

**CONCLUSION**

60. The Planning and Visual Arts teams have been working together to update the existing *Public Art Local Planning Policy* and associated Guidelines to improve public art outcomes and ensure best practice is maintained.
61. The City has identified a number of key matters relating to public art which will benefit from clarification and refinement, in the form of an amended Local Planning Policy 1.10: Percent for Art.
62. Council is requested to endorse the draft LPP1.10 for advertising.

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

**DIS350: PROPOSED CROWN ROW CLOSURE ALBANY CBD**

<b>Land Description</b>	: Lot 66 on Diagram 39435
<b>Proponent / Owner</b>	: Archduke Holdings P/L
<b>Business Entity Name</b>	: Archduke Holdings Pty Ltd Directors being Christopher & Aurora Plowman
<b>Attachments</b>	: Crown ROW Closure Report Lot 66 D39435
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Authorising Officer:</b>	: Executive Director Infrastructure Environment & Development (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:
  - **Pillar:** Place
  - **Outcomes:** Responsible growth, development and urban renewal.

**Maps and Diagrams:**



**In Brief:**

- The City has received a request from the adjoining landowners to purchase the whole of a vacant, unvested Crown Right of Way (ROW) to the rear of their property.
- A Crown ROW is considered a private road owned by the State Government, under the Land Administration Act 1997 and needs to be permanently closed in order for adjoining landowners to purchase this land.
- City staff have investigated the request and recommend that the ROW be closed, as there is no future strategic benefit to the City or the greater community for the land to remain in its current land tenure.
- Council's resolution is required to formally commence these land actions, in accordance with the relevant legislation.
- Council is therefore recommended to:
  - Resolve to permanently close the vacant, unvested Crown ROW in Albany CBD; and
  - Request the Minister for Lands to amalgamate the whole of the subject land with adjoining Lot 5.

**RECOMMENDATION**

**DIS350: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- 1) **RESOLVE to permanently close the subject unvested Crown ROW described as Lot 66 on Diagram 39435 in Albany CBD, pursuant to s.58 of the *Land Administration Act 1997* and r.9 of the *Land Administration Regulations 1998*;**
- 2) **REQUEST the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that the:**
  - a) **The whole of the closed Crown ROW as shown on the attached plan, is amalgamated with adjoining Lot 5 Earl Street.**

**DIS350: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR BROUGH**

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

**CARRIED 12-0**

**DIS350: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

- 1) **RESOLVE to permanently close the subject unvested Crown ROW described as Lot 66 on Diagram 39435 in Albany CBD, pursuant to s.58 of the *Land Administration Act 1997* and r.9 of the *Land Administration Regulations 1998*;**
- 2) **REQUEST the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that the:**
  - a) **The whole of the closed Crown ROW as shown on the attached plan, is amalgamated with adjoining Lot 5 Earl Street.**



**BACKGROUND**

2. Where an adjoining landowner requests to purchase land that is an unvested Crown ROW, and where in the opinion of the City the request is acceptable and can proceed in that instance, the City is required to formally commence the associated land actions to implement the request, including a formal road closure process. The City of Albany, as the local government, has authority to undertake this action.
3. In accordance with the *Land Administration Act 1997 and Land Administration Regulations 1998*, Council's resolution is required to formally request the Minister for Lands to close a road for amalgamation into the adjoining land.
4. The landowners of Lot 5, 79 Earl Street approached the City to purchase a vacant lot to the rear of their property.
5. Following receipt of the request, the City of Albany subsequently commenced investigations into relevant the land matters:
  - a) The land is an unvested Crown ROW which potentially predates the original subdivision of the land in 1969 to create Lot 66.
  - b) The lot is currently landlocked, with the only access being through adjoining private freehold land.
  - c) There is no Structure Plan in place for the area whereby this ROW would be required for future public access.
  - d) Future development of the area is unlikely to require this ROW to create a road reserve, as it is currently situated.

**DISCUSSION**

6. Based on the City's investigations into the land matters of the subject site, it was found that there was no benefit to the local government or broader community in retaining the subject land as an unvested Crown ROW, as it was unlikely to be required to support or provide access for future development of the area.
7. The outcomes of the City's investigations resulted in the following recommendations:
  - a) Commence formal proceedings to implement the closure of the unvested Crown ROW; and
  - b) Upon closure of the Crown ROW, liaise with relevant government departments to arrange for divesting of the whole of the subject land to the adjoining landowner for amalgamation into their property.
8. Council's resolution is now required to close the road reserve before the City can forward the matter to the Department of Planning, Lands and Heritage to finalise the land disposal.

**GOVERNMENT & PUBLIC CONSULTATION**

9. Pursuant to section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, the City publicly advertised the proposal.
10. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letter to adjoining landowners	1 August 2022 – 23 March 2023	9	Yes
Consult	Emails to service providers	3 February 2023– 10 March 2023	7	Yes
Consult	Public notice	3 February 2023– 10 March 2023		Yes
Consult	Community Newsletter	3 February 2023– 10 March 2023		Yes
Consult	Public Comments page City of Albany website	3 February 2023– 10 March 2023		Yes

11. Letters were sent to the other landowners adjoining the Crown ROW. One response was received, with no objections to the proposal.
12. Public advertising of the proposal was initiated on 3 February 2023 and was open for public comment for 35 days until 10 March 2023. No submissions were received.
13. Emails were sent out to all service providers, seeking their comments. Replies were received from Main Roads, Water Corporation and ATCO Gas, all with no objection to the proposal.

**STATUTORY IMPLICATIONS**

14. Section 58 of the *Land Administration Act 1997* gives authority to a local government to request the Minister for Lands to close a road.
15. Regulation 9 of the *Land Administration Regulations 1998* outlines the actions a local government must take to prepare and deliver a request to the Minister to close a road.

**POLICY IMPLICATIONS**

16. There are no policy implications relating to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: There is a risk the landlocked, unvested Crown ROW will remain unused and unmanaged.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Allow landlocked Crown ROW to be closed for amalgamation with adjoining private freehold land</i>
<i>Opportunity: To use legislative processes to change land tenure to reflect the current or future potential better use of land within the City of Albany</i>				

**FINANCIAL IMPLICATIONS**

18. The City of Albany has a fee schedule for Crown ROW closure requests that cover the costs associated with the road closure process.

Regulatory Cost Implications:

19. There are no regulatory costs associated with this item.

**LEGAL IMPLICATIONS**

20. There are no legal implications relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

21. There are no environmental considerations relating to this item

**ALTERNATE OPTIONS**

22. Council can either choose to;
  - a) Refuse the proposed Crown ROW closure or;
  - b) Support the proposed Crown ROW closure with modifications

**CONCLUSION**

23. The City of Albany has been approached by the landowners adjoining a vacant, unvested Crown ROW to purchase this land.
24. There is no requirement for this Crown ROW to support future development of the area. The closure of the Crown ROW and subsequent disposal of the land to amalgamate with adjoining private land is supported in this instance.
25. Staff have undertaken the required actions to close the Crown ROW, pursuant to the relevant legislation, and now seeks Council's resolution to formalise the closure and forward this request to the Minister for Lands for finalisation.
26. Council is recommended to support the officer's recommendation, as the Crown ROW closure will allow the adjoining landowner to incorporate this unmanaged vacant land into their property, with the outcome a better reflection of the current and future use of the land.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
<b>File Number (Name of Ward)</b>	:	RD.RDC.9 (Frederickstown)
<b>Previous Reference</b>	:	None

**DIS351: PLANNING AND BUILDING REPORTS APRIL 2023**

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

**RECOMMENDATION**

**DIS351: AUTHORISING OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Planning and Building Reports for April 2023 be NOTED.**

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

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**THAT the dress standards for elected members (as per the City of Albany Elected Member Induction Manual and any other supporting policies) be AMENDED to read as follows:**

***“For Council meetings and functions men should wear smart business attire. If wearing a jacket and business shirt there is no requirement to wear a tie, business shirts should be worn with a tie if not wearing a jacket.”***

**Councillor Reason:**

The current requirement for men to wear a tie when attending Council meetings or other official functions is outmoded. The amendment to the dress code will bring us into the 21<sup>st</sup> century. It is noted that there is no formal directive regarding the current dress code for Council Meetings and functions.

Feedback from community and organisations who may meet with Council has been that ties are outdated and create a divide in a more casual meeting setting.

There is a growing trend to modernise the dress code for all levels of government.

This amendment does not preclude adherence to a more formal dress code if specified for civic events.

**Officer Comment (Chief Executive Officer):**

There is currently no formal directive regarding the dress code for Council Meetings and functions. The Elected Member Induction Manual (page 7) addresses dress standards as follows:

***Dress Standards***

*For Council meetings and functions men should wear smart business attire i.e. trousers, jacket and tie for men, and equivalent for women.*

*Other civic engagements and functions may require different standards of attire. Official invitations will specify dress standards, but if you are unsure the PA to Mayor and Councillors will be happy to provide assistance in this matter.*

Council may choose to develop a policy statement regarding dress standards for Council Meetings and functions for both Elected Members and staff.

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

**THAT Council instructs the Chief Executive Officer to prepare a report to be presented at an Ordinary Meeting of Council before 31 July 2023 examining options for hosting a Council Meeting or Meetings in one or more of the municipality’s rural community halls or gathering points per year.**

**Councillor Reason:**

While most Albany people live in the city’s predominant urban core, it is important to remember the municipality has a strong farming community and vibrant rural settlements that contribute much to the culture and economy of the Great Southern region.

In late 2022, Albany city council unanimously agreed to abolish wards within the municipality. Informal consultation with rural residents since then by some elected members affirms there are concerns about how rural voices may be better heard in a post-ward environment.

Consultation has also affirmed that rural residents would welcome the opportunity to host and attend council meetings at their local community hall.

In 2020, at the laudable initiation of Councillor Smith, the City established a grants program to annually fund maintenance and improvements to the municipality’s 14 rural halls. Since then, the City has played a key role in disbursing significant funds to rural halls from the Federal Government’s Drought Communities Programme and Local Roads and Community Infrastructure Program.

I have inspected resulting renovations at Wellstead, Napier, Youngs Siding, King River and Redmond halls. These excellent community venues are more than likely capable of hosting a council meeting.

I envisage the requested officer report might address issues including transport to and from rural halls for council meetings, and any challenges that might arise from limited telecommunications in some rural areas.

Hosting one or two council meetings a year at community halls, on a rotational basis, would bring the council to rural communities, rather than expecting rural residents to always come to the council at its Yakamia headquarters – for some residents, a round trip of 240 kilometres.

The initiative would send a powerful message that the City cares about country communities.

**Officer Comment (Chief Executive Officer):**

Should Council resolve to support this motion, the requested report will then discuss the finer details such as meeting set-up, legislated requirement for livestreaming, catering, transport and the advertising requirements for the change of venue.

The *Local Government Amendment Bill 2023* passed through Parliament on 12 May 2023. Key changes to legislation will be implemented for the October 2023 Ordinary Election for local governments, including mandating live streaming and recording of council meetings.

- 16. REPORTS OF CITY OFFICERS**
- 17. MEETING CLOSED TO PUBLIC**
- 18. CLOSURE**