



AGENDA

Ordinary Meeting of Council

Tuesday 24 May 2022

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 24 May 2022 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA – 24/05/2022

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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

M Benson-Lidholm JP

Kalgan Ward

T Brough

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J van der Mescht

Meeting Secretary

J Williamson

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	CCS436	Financial. The nature of interest being that Councillor Smith owns an accommodation business that receives commission payments from the Albany Visitors Centre.
Councillor Baesjou	CCS438	Impartiality. The nature of interest being, that the concept plan for the subject land (Lot 4743) and adjoining freehold land parcel (Lot 420) was prepared by Ayton Baesjou Planning, Councillor Baesjou's former employer and a company of which she was a former Director.

5. REPORTS OF MEMBERS

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

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

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Brough be GRANTED Leave of Absence for the period 07 June 2022 to 22 August 2022 inclusive.

9. PETITIONS AND DEPUTATIONS

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT:

1. The petition lodged by Mrs Monica Belz (as Chief Petitioner), requesting Council consider installing a fully fenced off leash dog exercise area in Lower King/Bayonet Head be RECEIVED.
2. The petition lodged by Ms Lily Link (as Chief Petitioner) requesting that Council consider installing a fully fenced off leash dog exercise area at Foundation Park be RECEIVED.
3. The Chief Executive Officer prepare a report for future consideration by Council regarding construction of enclosed off leash dog exercise areas, including indicative costings, compliance aspects and possible locations.

Officer Comment:

The petition received from Mrs Monica Belz (Chief Petitioner) is not fully compliant with the City of Albany Petition Policy, noting it was initiated prior to the adoption of the Policy. Acknowledging that the Chief Petitioner has since provided additional information to include their name, address and telephone number, the Chief Executive Officer has determined to exercise his discretion to accept this petition in accordance with the Policy.

Mrs Belz' petition contains 200 signatures, and is requesting that Council consider constructing a fully fenced dog exercise area in the Lower King/Bayonet Head area.

Ms Lily Link's petition contains 344 signatures and is requesting that Council consider constructing an enclosed off leash dog exercise area, and suggests Foundation Park is the preferred location.

10. CONFIRMATION OF MINUTES

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 22 March 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS433: FINANCIAL ACTIVITY STATEMENT – MARCH 2022

Proponent / Owner : City of Albany
Attachments : Financial Activity Statement - March 2022
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate & 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:
 - **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 2022 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.

RECOMMENDATION

**CCS433: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Financial Activity Statement for the period ending 31 March 2022 be RECEIVED.

CCS433: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR SMITH**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS433: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 March 2022 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 CCS367, 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 2021/2022.
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 2021/22 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 2022 has been incurred in accordance with the 2021/22 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

- 12. Nil

ENVIRONMENTAL CONSIDERATIONS

- 13. Nil

ALTERNATE OPTIONS

- 14. Nil

CONCLUSION

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

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

CCS434: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2022

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 (D Olde)

STRATEGIC IMPLICATIONS

- 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

- 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

**CCS434: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2022 totalling \$8,804,615.61.

CCS434: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
 SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS434: AUTHORISING OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2022 totalling \$8,804,615.61.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 April 2022. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$4,968.46
Payroll	\$1,816,003.68
Cheques	\$28,312.77
Electronic Funds Transfer	\$6,955,330.70
TOTAL	\$8,804,615.61

3. The table below summaries the total outstanding creditors as at 15 April 2022.

Current	\$6,771.56
30 Days	-\$230.40
60 Days	\$293.12
90 Days	-\$5,194.82
TOTAL	<u>\$1,639.47</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. Expenditure for the period to 15 April 2022 has been incurred in accordance with the 2021/2022 budget parameters.

FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 April 2022 has been incurred in accordance with the 2021/2022 budget parameters.

LEGAL IMPLICATIONS

10. Nil

ENVIRONMENTAL CONSIDERATIONS

11. Nil

ALTERNATE OPTIONS

12. Nil

CONCLUSION

13. That the list of accounts have been authorised for payment under delegated authority.
14. 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.

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

CCS435: DELEGATED AUTHORITY REPORTS – 16 MARCH 2022 to 15 APRIL 2022

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

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS435: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 March 2022 to 15 April 2022 be RECEIVED.

CCS435: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS435: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 March 2022 to 15 April 2022 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 (Chief Executive Officer)
 - Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
 - Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

CCS436: ALBANY VISITORS CENTRE OPERATIONS (AVC)

Proponent / Owner City of Albany
Report Prepared By : Executive Director Corporate & Commercial Services (D Olde)
Authorising Officer: : Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.

In Brief:

- Report prepared to review AVC operations following the capping of cash subsidy, and implementation of operational changes.

RECOMMENDATION

**CCS436: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) **SUPPORT** the continued operation of the Albany Visitors Centre (AVC);
- (2) **ENDORSE** the ongoing cap on the Budgeted cash subsidy to \$350,000 annually, through the standard Annual Budget allocation process, and;
- (3) **NOTE** that any additional activity outside the current scope of the AVC may require additional budget allocation.

CCS436: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS436: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- (1) SUPPORT the continued operation of the Albany Visitors Centre (AVC);
- (2) ENDORSE the ongoing cap on the Budgeted cash subsidy to \$350,000 annually, through the standard Annual Budget allocation process, and;
- (3) NOTE that any additional activity outside the current scope of the AVC may require additional budget allocation.

BACKGROUND

2. The Albany Visitors Centre (AVC) has been operated by the City in full since mid-2011. Prior to that, elements of the booking service had been operated by a private operator for a number of years.
3. In March 2018, the AVC moved to its current site. Extensive modifications and extensions were made to the old library specifically to accommodate the AVC as part of the Albany Tourism and Information Hub project.
4. This also involved modifications to the parking in York St, to accommodate large visitor Recreation Vehicles (RV), Caravans and Tourism Operator buses.
5. The Albany Tourism and Information Hub was funded by the City of Albany, Federal Government and Tourism WA.

DISCUSSION

6. The subsidy that the AVC receives has fluctuated widely over the past 5 years.
7. The table below summarises the cash subsidy of the AVC for past few years.

Year	Subsidy (excluding internal service delivery cost)	Comments
2015/16	\$412,887	
2016/17	\$304,377	
2017/18	\$501,753	Moved to the new site in March 2018. Additional costs incurred as a result of project fit out costs (physical layout, IT systems, staff wages as a result of the EBA costs etc.)
2018/19	\$537,916	Impacted with extra staffing required for Field of Light (Nov 2018 – Apr 2019). Staffing required to be increased as a result of the unexpected success of this event and significant increase in visitor numbers.
2019/20	\$618,701	Significantly impacted by COVID-19. March income significantly reduced, and almost Nil income for April and May.
2020/21	\$309,745	Actual subsidy below the \$350,000 subsidy approved by Council.
2021/22	\$186,340 (to 31 March 2022) \$270 - \$300,000 (estimated)	The last quarter (Apr-June) is usually lower in sales to the other quarters.

Operating Hours

8. Review of operating hours. As previously advised, the opening hours during the COVID lockdown and subsequent City response to temporarily reduce employee hours has seen a significant reduction to the baseline operating costs of the AVC.
9. The operating hours of the AVC have been permanently reduced, with no significant reduction in service.
10. Preliminary draft budget (2022/23) has been set based on the reduced opening hours, and lower employee costs.

Review of Income Streams

11. The traditional major income source of accommodation booking commissions has been eroded over the past few years.
12. While the many increasing options for online booking have impacted heavily over the past 3 or 4 years, there is a demonstrated base of accommodation providers (generally smaller, family owned and run) who prefer a locally managed booking option through the AVC. While the past 2 years have been very turbulent, the income from commissions has stabilised somewhat at about \$100 000 p.a. over the past 3 years.

Current and future income streams

13. The short-term focus area for income has been on the packaged holiday products.
14. This has proven to be successful, but fluctuated wildly with the changes in government COVID restrictions, and the uncertainty that existed with the lifting of border restrictions in early March 2022.
15. The AVC is currently expanding this offer with a digital pass. This will be a portfolio of products, and customers can pre-purchase a set number of products. For example, one package may be 3, 5 or 7 products from the suite of products.
16. AVC staff are currently working with local businesses and building this portfolio, and this will be the first location in regional Australia to be part of this program. To illustrate how this operates, the Sydney pass has over 30 attractions, including the Sydney Opera House, jet-boat tours and museum tours all available to mix and match to personal preference.
17. The Amazing South Coast pass, which gives discounted entry to the National Anzac Centre, Tree Top Walk and Discovery Bay, has proven to appeal to many visitors of packaged products.
18. The virtual reality (VR) headsets had been a key attraction for customers to visit the AVC prior to COVID pandemic. Due to the health response, these headsets have been in storage for the past 2 years. AVC staff are currently investigating the re-commissioning of this attraction, with appropriate sterilisation and cleaning protocols.

Budget Discipline

19. To contain costs at the current level will take ongoing budgetary discipline.
20. The risk of a tight (inflexible/restrained) employee roster is the very limited ability to extend operating hours and increase customer services staffing to meet the demands resulting from:
 - a. unscheduled cruise ship arrivals; and
 - b. festivals and events that draw increased visitor numbers beyond what was forecast.
21. It is unlikely that a substantial further reduction in employee costs is achievable at the current service level and opening hours.
22. Staff are encouraged to suggest new ideas for increase revenue and cost control, which has seen the development of the digital pass, described above.
23. The regional destination marketing organisation, The Amazing South Coast (ASC), ceased operation in July 2021. The digital assets of this organisation have been transferred to the City. These assets are now being updated by AVC staff, to promote local tourist attractions, and drive sales and traffic through the Centre.
24. At this moment, the Albany Visitors Centre (AVC) is really the only fully functioning tourism service of any kind in the region.

25. Any additional activity outside the current scope of the AVC may require additional budget allocation. For example, any increase in city or regional tourism promotional activity, extensive staff support for significant events (i.e. Field of Lights), and possible Bicentenary activity requiring AVC support. This can be addressed at the time of consideration of new activity.

GOVERNMENT & PUBLIC CONSULTATION

26. Nil

STATUTORY IMPLICATIONS

27. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

28. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation & Financial. <i>Risk: There is a risk that by not establishing clear parameters for the operations of the AVC, the financial cost of the AVC will continue to increase.</i></p>	Likely	Moderate	High	<i>If the proposed recommendation not endorsed, staff will review and address areas of concern.</i>
<p>Reputational. <i>Risk: There is a risk that ceasing or significantly reducing the service offered at the AVC, without industry or community consultation, will result in reputational damage.</i></p>	Almost certain	Major	Extreme	<i>Endorse the ongoing operations of the AVC with the budget restraints as recommended, and permit staff to continue to seek increase revenue and reduced costs.</i>
<p>Opportunity: <i>Consistency and understanding of opportunities for business improvement for both councillors and staff within the financial and operational constraints on the AVC.</i></p>				

FINANCIAL IMPLICATIONS

30. The AVC has operated with a cash subsidy of between \$300,000 and \$620,000 over the past 5 years.
31. The 2019/20 financial year was hit hard with revenue.
32. The 2020/21 financial year saw the subsidy reduce to \$309 745.
33. The 2021/22 financial year is on track to again be under the \$350 000 cash subsidy.
34. The 2022/23 budget will be set under the \$350 000 cash subsidy.
35. As with all City operations, Council undertakes the review and endorsement of the Annual Budget every year. This is the opportunity to review any City business units and the cost of maintaining those, including the AVC.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS.

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

ALTERNATE OPTIONS

38. Council may consider terminating visitor servicing altogether.

39. Council may choose to provide more or less funding to the AVC business unit.

CONCLUSION

40. That the Authorising Officer Recommendation be supported.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Confidential – Briefing Note – Business Unit Review – Albany Visitors Centre – presented to Council Strategic Workshop 23 February 2021.</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> • CCS335 – 21 April, 2021 OCM • Confidential – Briefing Note – Business Unit Review – Albany Visitors Centre – presented to Council Strategic Workshop 23 February 2021.

CCS437 NATIONAL ANZAC CENTRE – Q3 2021-22 REPORT

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 3 (Q3) 2021/22 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

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

In Brief:

- To provide Council with update on Q3 2021/22 performance of the NAC.

RECOMMENDATION

**CCS437: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the NAC Operational Report for Q3 2021/22 be RECEIVED.

CCS437: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS437: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q3 2021/22 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 2022.
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 2021/22 achieved overall total visitation numbers of 452,951 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 61,072 visitors per year.
10. NAC Visitation of 13,312 is the lowest Q3 since opening, with same period in 2020/21 recording 16,583.
11. January, February and March NAC visitation numbers were the lowest performing figures for all 3 months since opening.
12. Total visitation for Q3 2021/22 decreased by 3,271 visitors compared to the same period in 2020/21.
13. The visitation in Q3 2021/22 from the Great Southern Region totalled 506 people, equating to 4.1% of Western Australia's overall visitation of 12,397 (0.7% decrease from previous quarter).
14. The total visitation in Q3 2021/22 originated from Western Australia (94%) and interstate (6%)
15. Visitors from other States and Territories consisted of 30% from NSW, 27% from QLD, 23% from VIC, 11% from SA, followed by TAS 4%, NT and ACT all on 1-2%.
16. Interstate visitation of 740 (5.6% of overall visitation) is the lowest for the 2021/22 year to date.
17. Revenue generated in Q3 2021/22 by the NAC was \$53,759 less compared to the previous Q3 quarter in 2020/21.
18. The Forts Store revenue of \$105,279 is the highest compared to the same Q3 period in 2020/21 and 2019/20.
19. As at the end of Q3 2021/22, 6,784 households hold memberships to the NAC League of Local Legends program, an increase of 231 from the previous quarter.
20. The free-entry membership promotion for residents from the Great Southern region runs until the 30 June 2022.
21. NAC has become a Children's University learning destination. Children aged seven to 14 from partnering primary schools can now participate in unique learning activities while exploring the award-winning site, as part of the UWA program.
22. A Takeaway Coffee option has been activated since January 2022 for a trial period until 31st May 2022

GOVERNMENT & PUBLIC CONSULTATION

23. Not Applicable.

STATUTORY IMPLICATIONS

24. Not Applicable.

POLICY IMPLICATIONS

25. Not Applicable.

RISK IDENTIFICATION & MITIGATION

26. Nil.

RISK IDENTIFICATION & MITIGATION

27. Nil.

FINANCIAL IMPLICATIONS

28. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at 31 March 2022.

29. 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).
- b. 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	FY2021/22 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$875,000	\$655,992	\$651,703	\$(4,289)
Operating Expenditure	\$(558,163)	\$(415,640)	\$(335,267)	\$80,373
Net Operating Income/(Expense) before Indirect Costs	\$316,837	\$240,352	\$316,436	\$76,084
Indirect Expenses	\$(231,492)	\$(170,510)	\$(146,111)	\$24,399
Net Operating Income/(Expense)	\$85,345	\$69,842	\$170,325	\$100,483
Capital Expense	\$(373,835)	\$(200,000)	0	200,000
Total	\$(288,490)	\$(130,158)	\$170,325	\$300,483

LEGAL IMPLICATIONS

30. Nil.

ENVIRONMENTAL CONSIDERATIONS

31. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

33. Overall, Q3 2021/22 has shown lower visitation to the NAC, but this is in line with previous years and remains consistent with the trend for Q3 for the previous 2 years. Q3 visitation has primarily been from West Australian visitors.

34. The assumption remains that visitation from within our State has been higher due to ongoing State border closures/restrictions, and the success of the League of Local Legends program membership promotion to all Great Southern residents. However, with Covid restrictions easing and borders open we expect to see interstate and international visitation increasing next year.

35. Group bookings for bus tours are increasing for 2022 and enquiries are being received from interstate companies weekly. Currently have 87 bus groups' bookings, up by 27 from previous quarter.

36. Great Southern visitation to the NAC was 4.1% of overall WA visitation during the Jan - March period in Q3 2021/22.
37. This is slightly lower than the previous quarter (Q2 of 2021/22) but reflects the slower visitation period, however, remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
38. Interest in the Princess Royal Fortress and exhibitions was higher than previous 2 quarters of 2021/22, with 1,103 people taking part in 117 Princess Royal Fortress Tours.
39. Overall Q3 generated lower figures in the NAC and higher in the Fort Store sales, which could be attributed to the effects of the pandemic on interstate and international visitation, but it is hoped this will begin to change. The Forts Store February revenue increased by \$5,393 compared to the same time in 2020/21.
40. The Fort Store overall Q3 revenue increased by \$1,125 compared to the same quarter period in 2020/21.

Consulted References	:	Nil.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	CCS412 OCM -22/02/22

CCS438: PROPOSED ROAD RESERVE - LOT 4743, 102 NORTH ROAD, YAKAMIA

Land Description	: 102 North Road, Lot 4743 Yakamia.
Proponent / Owner	: (Lot 4743) City of Albany, (Lot 420) Archimedes Pty Ltd
Business Entity Name	: Archimedes Pty Ltd Director being Martin J Shuttleworth
Attachments	: Concept Plan and Subdivision Plan
Supplementary Information	: <ul style="list-style-type: none">• Bushfire Management Plan• Standards: AS 2059-2009: Construction of buildings in bushfire prone areas• Bushfire Attack Level (BAL) Public Land Management Policy
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Authorising Officers:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany *Strategic Community Plan 2032*:
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
2. The item relates to the following strategic objectives of the City of Albany Local Planning Strategy 2019 (the Planning Strategy).
 - Plan for predicted population growth to 2026.
 - Consolidate existing urban form and improve land use efficiency.

Maps and Diagrams:



In Brief:

- **Lot 4743:** The City of Albany is the owner of Lot 4743 (No. 102) North Road, Yakamia (henceforth referred to as the “City’s land”).
- **Lot 420:** Lot 420 (No. 58) Sydney Street, Yakamia adjoins the City’s land on its western boundary.
- The owner of Lot 420, Mr Shuttleworth, has approached the City with a request to:
 - Share the internal subdivisional road with their proposed development; and
 - To enable the subdivision and development of the entire Lot 420, the permission to clear and manage a 7m wide portion of vegetation on the City’s land in addition to the proposed road and road reserve.
- Presented for Council consideration noting, staff have formed the position that the request can be supported, noting:
 - The proposal will promote development that is orderly and appropriate for the Yakamia areas;
 - The subject lots are identified as “Future Urban” in the Yakamia Structure Plan.
 - The concept plan, which includes the City’s land (lot), demonstrates is appropriate for the area now and into the future.
 - Support will be subject to the condition that developer, Mr Shuttleworth funds and accepts responsibility for obtaining all the relevant approvals and clearing permits required under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

RECOMMENDATION

**CCS438: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- (1) **SUPPORTS** submission of the proposed subdivision application that will include Lot 4743 North Road, subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.
- (2) **APPROVES** the formation of a 20m wide Road Reserve on the boundary of Lot 420 (No. 58) Sydney Street Yakamia WA 6330.
- (3) **NOTES** that to form the Road Reserve, the City of Albany will be required to cede a 10 metre wide strip of land from LOT 4743 to the Crown.
- (4) **NOTES** that the ceded land will form a 20 metre wide Road Reserve between Lot 420 (No. 58) Sydney Street and Lot 4743 North Road.
- (5) **AUTHORISE** the Chief Executive Officer to make suitable arrangements with the proponent, for the purpose of bushfire risk mitigation, to remove vegetation, and establish and maintain an additional 7 metre wide vegetation management zone on Lot 4743, subject to being funded by the applicant.

CCS438: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS438: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- (1) SUPPORTS submission of the proposed subdivision application that will include Lot 4743 North Road, subject to the proponent funding and accepting responsibility for obtaining all the relevant environmental approvals including clearing permits and EPBC Act approvals.
- (2) APPROVES the formation of a 20m wide Road Reserve on the boundary of Lot 420 (No. 58) Sydney Street Yakamia WA 6330.
- (3) NOTES that to form the Road Reserve, the City of Albany will be required to cede a 10 metre wide strip of land from LOT 4743 to the Crown.
- (4) NOTES that the ceded land will form a 20 metre wide Road Reserve between Lot 420 (No. 58) Sydney Street and Lot 4743 North Road.
- (5) AUTHORISE the Chief Executive Officer to make suitable arrangements with the proponent, for the purpose of bushfire risk mitigation, to remove vegetation, and establish and maintain an additional 7 metre wide vegetation management zone on Lot 4743, subject to being funded by the applicant.

BACKGROUND

3. The owner of Lot 420, Mr Shuttleworth is preparing a residential subdivision application for their land.
4. An overall concept plan that includes the City's land was also prepared to show how the development of the area can occur in an orderly manner and how the proposed subdivision of Lot 420 fits within this plan.
5. A Bushfire Management Plan (BMP) was prepared for the proposed subdivision.
6. The subdivision plan is for 28 lots fronting Sydney Street and Target Road and a new proposed internal road. This plan shows a road reserve (10 m wide) and a vegetation clearing/management area of 7 m on the City's land.
7. The owner of Lot 420 has approached the City with the following requests:
 - a. To share the internal subdivisional road with their proposed development. This will require the City to agree to a subdivision application that will include a 10 m wide area of City land as a road reserve.
 - b. To enable the subdivision and development of the entire Lot 420, the vegetation will need to be cleared and maintained in a low-fuel state on a 7 m wide portion of the City's land that is additional to the proposed road and road reserve.

DISCUSSION

Topography:

8. The City of Albany is the owner of Lot 4743 (No. 102) North Road, Yakamia.
9. The City's land is located between North Road and Target Road, Yakamia and is approximately 19 ha in area.
10. The City's Administration building is located on the southern part of this lot.
11. The majority of this lot, a part from a number of firebreaks in various locations, remains undeveloped.
12. Lot 420 (No. 58) Sydney Street, Yakamia adjoins the City's land on its western boundary.
13. Lot 420 is 2.4 ha in area, privately owned and undeveloped.
14. Both of these lots are zoned "Future Urban" and are included in the Yakamia Structure Plan.

15. According to the Yakamia Structure Plan, the City's land (Lot 4743) is designated for the following purposes:
 - a. The Range Road Alignment;
 - b. Yakamia Creek and environmental conservation/foreshore reserve areas; and
 - c. 4.8 ha of this land is for residential development and associated Public Open Space.
16. Lot 420 is designated for residential development.

Yakamia / Residential Land Use:

17. There is renewed interest in the development of the Yakamia area.
18. The Yakamia area is one of the preferred residential expansion areas for Albany. The area is zoned Future Urban and a structure plan has been completed for it.
19. The City's Planning Team are having regular discussions with landowners and developers who are considering or preparing plans for development in the area.
20. It is clear from these discussions that the cost of providing reticulated sewer, the development of Range Road, environmental clearing/offset requirements and complying with the bushfire guidelines are the main matters of concern that need to be balanced with lot yield to make projects more feasible.
21. The concept plan that was prepared for the area generally aligns with the structure plan and is considered an efficient layout for the area and the concept is in the main supported by the City's Planners.

Feasibility / Bushfire Mitigation:

22. The location of the proposed Road Reserve has merit.
23. The required Bushfire Attack Levels (BAL 29 or lower) rating for the proposed development cannot be achieved, unless vegetation is cleared on City's land.
24. If the identified vegetation is not cleared, development will be constrained and the development would not be feasible.
25. To support the request to share the road, the CEO will need to sign the subdivision application that will include 10 m of road reserve.
26. To formalise the arrangements for the vegetation management area, an easement to the benefit of the owner and successors in title, i.e. adjoining lot owners, could be lodged on the title. Such an easement will allow the lot owners to maintain the 7 m-wide vegetation management area, until the City or successors in title of Lot 4743 develop that portion of land. The City can alternatively also agree to maintain this area of land on behalf of the developer for a set fee.
27. Any support for this request should however be on the condition that the developer funds and accepts responsibility for obtaining all the relevant environmental approvals including, clearing permits and EPBC Act approvals.
28. Supporting the request will promote the orderly and proper planning and development of this land and the area. Staff are therefore of the opinion that the request can be supported.

GOVERNMENT & PUBLIC CONSULTATION

29. The Structure Plan was publicly advertised. Government agencies would again be consulted as part of the subdivision application process.

STATUTORY IMPLICATIONS

30. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

31. The Council adopted Bushfire Attack Level (BAL) Public Land Management Policy, applies to future development and building applications.
32. The subject land is freehold land owned by the City, therefore this policy position does not apply.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Financial. <i>Risk: It may be perceived that the City of Albany is setting a precedent allowing clearing of City land to improve Bushfire safety on adjoining properties.</i></p> <p><i>The consequence rating of Medium has been assigned, even though unsubstantiated, may result in moderate news.</i></p>	Possible	Moderate	Medium	<p><i>Clear vegetation on land requires approval under vegetation clearing legislation and processes, such as clearing permits.</i></p> <p><i>Removal or modification of vegetation, are subject to appropriate clearing approvals. Both 'clearing' and 'modification' of vegetation to reduce bushfire risk is considered 'clearing' under the EP Act, and requires a clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).</i></p> <p><i>The proposal to remove vegetation to enact BAL protection is considered measured and appropriate.</i></p>
<p>Opportunity:</p> <ul style="list-style-type: none"> • <i>This proposal facilitates appropriate and orderly residential development in the Yakamia area.</i> • <i>The establishment of the proposed road will contribute to project feasibility and the associated clearing of vegetation will reduce the bushfire hazard to existing and future residents.</i> 				

FINANCIAL IMPLICATIONS

34. All costs associated with the proposal will be borne by the proponent.

LEGAL IMPLICATIONS

35. Legal advice will be sought when any easements etc. are prepared and processed.
36. All legal costs associated with this should be borne by the proponent.

ENVIRONMENTAL CONSIDERATIONS

37. The vegetation located on the proposed site, is known to be habitat for Western Ringtail Possums and endangered Cockatoo species.
38. Given the type of vegetation that will have to be cleared, a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and a clearing permit will be required.

ALTERNATE OPTIONS

39. Council may consider to resolve:
- a. To not agree or modify the proposal; or
 - b. Support the proposal subject to conditions.

CONCLUSION

40. It is recommended that the Authorising Officer Recommendation is supported, noting:
- a. The proposal will promote development that is orderly and appropriate for the Yakamia areas;
 - b. The subject lots are identified as “Future Urban” in the Yakamia Structure Plan.
 - c. The concept plan, which includes the City’s land (lot), demonstrates is appropriate for the area now and into the future.
 - d. Support is based on the condition that developer, Mr Shuttleworth funds and accepts responsibility for obtaining all the relevant approvals and clearing permits required under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Consulted References	:	<ul style="list-style-type: none">• State Planning Policy 3.7 – Planning in Bushfire Prone Areas.• Albany Local Planning Strategy.• Yakamia Structure Plan.
File Number (Name of Ward)	:	<ul style="list-style-type: none">• Lot 102 North Road and 58 Sydney Street A86373 (Yakamia Ward)
Previous Reference	:	<ul style="list-style-type: none">• Nil

AR118: CITY OF ALBANY DAY CARE POLICY

Business Entity Name : City of Albany
Attachments : Draft: City of Albany Day Care Policy
Report Prepared By : Executive Director Community Services (N Watson)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** People.
 - **Outcome:** A diverse and inclusive community.

In Brief:

- Council is requested to adopt the attached City of Albany Day Care Policy.

RECOMMENDATION

AR118: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADOPT the City of Albany Day Care Policy.

AR118: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 6-0

AR118: AUTHORISING OFFICER RECOMMENDATION

THAT Council ADOPT the City of Albany Day Care Policy.

BACKGROUND

2. It is a role of Council to determine policy positions.
3. The independent review involved stakeholder engagement, case studies, benchmarking, business service review and detailed financial analysis.
4. The reviews and business improvement recommendations were formally accepted by Council at its February 2022 Ordinary Council Meeting (CCS416).
5. The City of Albany Day Care Policy responds to the recommendation to “develop a Day Care Policy outlining the reasons for Council operating a Day Care centre and include notice of provision of the regular review of the delivery of the services”.

DISCUSSION

6. The City of Albany Day Care Policy is a new policy position for Council’s consideration.
7. The objective of the Policy is to define the parameters of the City of Albany’s role in providing and supporting day care services within its municipality (refer to Policy Statement A).
8. A set of principles that underpin Council’s approach to day care services are included within the scope of the Policy.
9. The Policy also defines service standards for a City of Albany operated day care service (refer to Policy Statement B).

10. Review of the delivery of the City of Albany's Day Care service will be at Council's discretion or subject to market changes (refer to Policy Statement C). This approach was considered more appropriate than defining set timing for regular reviews, giving Council flexibility to respond to market trends or changes to regulations.
11. Reference is included in the Policy to the applicable Federal and State legislation regulating day care services, and details the City of Albany's Strategic Community Plan outcomes being met by the City's operation of a day care service.
12. The Policy is intended to be reviewed every three years. This is consistent with other policy review timelines.
13. The Policy has been reviewed by the City's Manager Governance and Risk and the Executive Management Team.

GOVERNMENT & PUBLIC CONSULTATION

14. The independent business review that informed the recommendation for the City of Albany to adopt a day care policy involved stakeholder engagement and a customer survey.

STATUTORY IMPLICATIONS

15. The legislative and regulatory context that governs the provision of Day Care services in the City of Albany includes:
 - o The Local Government Act enables Councils to plan and provide for wellbeing within the community and respond to community needs;
 - o The Federal Government has primary responsibility to ensure that childcare is accessible, affordable and of a high quality; and
 - o The National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care aims to improve health, safety, early learning and wellbeing of Australia's children.

POLICY IMPLICATIONS

16. As per the content of the proposed policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>
Reputation. <i>Council's role in providing for Day Care services within its municipality is not understood.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The proposed Policy position clearly defines Council's role.</i>

FINANCIAL, LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

18. The proposed Policy position defines viability of a City of Albany Day Care service as a model of service delivery that allows it to operate in a financially sustainable way without Council subsidy.
19. To achieve financial sustainability, the independent business review of the City of Albany Day Care also recommended a review of fees & charges. This is being undertaken as part of the 2022-2023 Budget Process and will be the subject of a further briefing to Elected Members.

ALTERNATE OPTIONS

20. Council may choose to amend or not to adopt the proposed policy position.

CONCLUSION

21. It is recommended that the Authorising Officer's Recommendation is adopted.

Consulted References	:	<ul style="list-style-type: none">• <i>City of Albany Strategic Community Plan 2032</i>• <i>City of Albany – Albany Regional Day Care Business Analysis</i>• <i>Hume City Council Long Day Care Policy</i>
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	OCM 22/03/2022 Resolution CCS416.

DIS299: PORTION ROAD CLOSURES FOR CREATION OF RECREATION & FORESHORE PROTECTION RESERVES

Land Description	: Portions East Bank Road, unnamed road and Riverside Road Kalgan
Proponent / Owner	: City of Albany
Report Prepared By	: Lands Officer (A Veld)
Authorising Officer:	: Executive Director Infrastructure Development 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:
 - **Pillar:** Planet.
 - **Outcomes:** Sustainable management of natural areas: balancing conservation with responsible access and enjoyment

Maps and Diagrams:

- Figure 1: Map showing area A – Proposed Reserve for Recreation
- Figure 2: Map showing area B – Proposed for Reserve for Foreshore Protection - overview
- Figure 3: Map showing area B – Proposed for Reserve for Foreshore Protection – close up of southern end.
- Figure 4: Map showing area B – Proposed for Reserve for Foreshore Protection – close up of northern end



Figure 1: Area A – Proposed Reserve for Recreation.

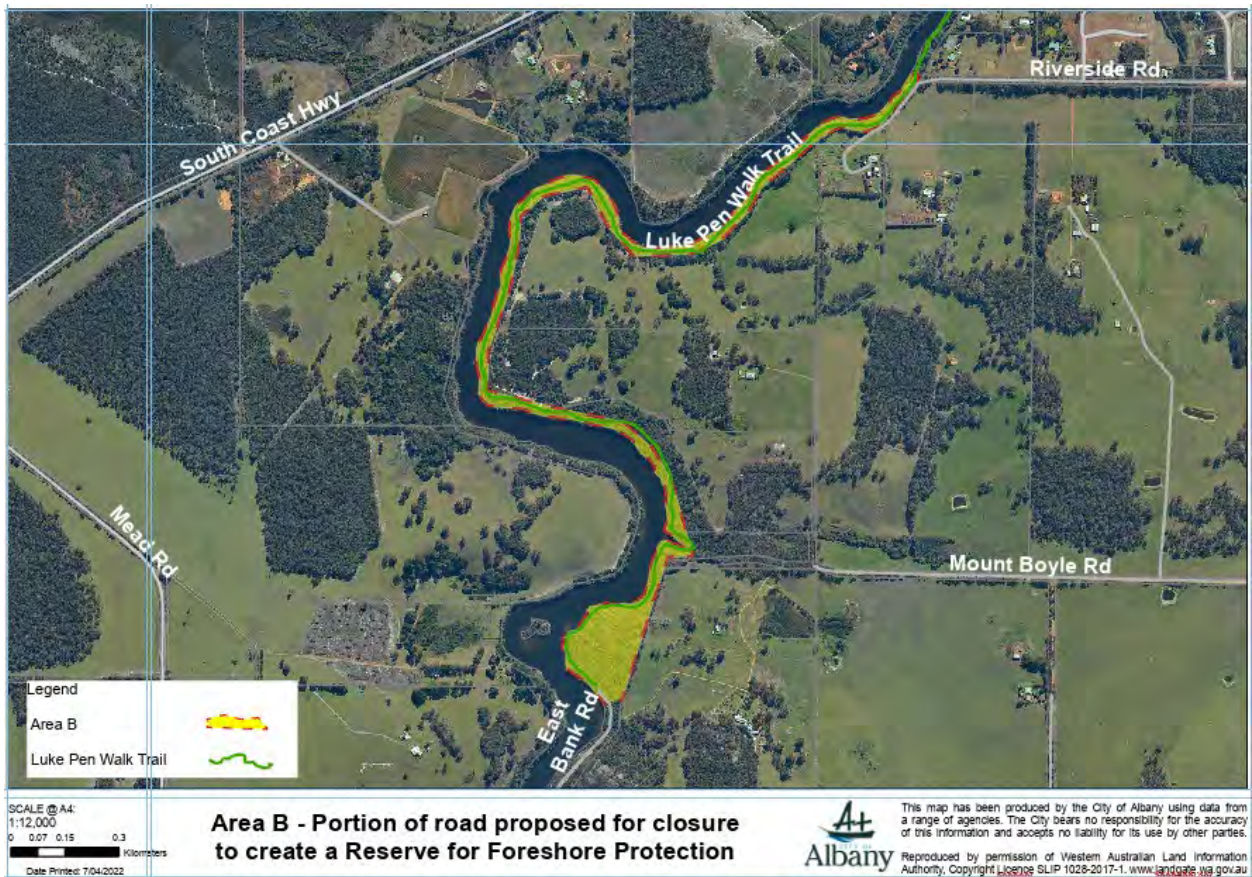


Figure 2: Area B – Proposed for Reserve for Foreshore Protection - overview

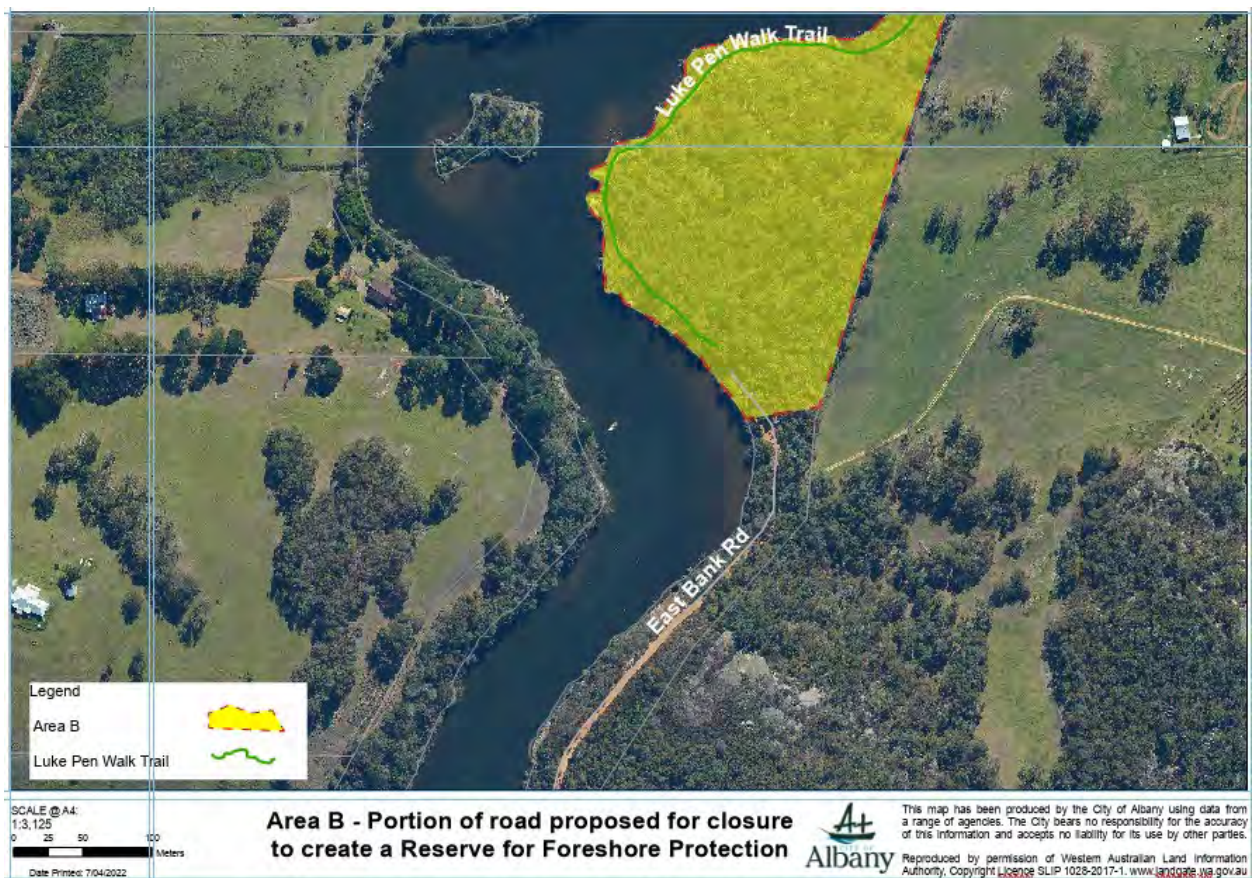


Figure 3: Area B – Proposed for Reserve for Foreshore Protection – close up of southern end

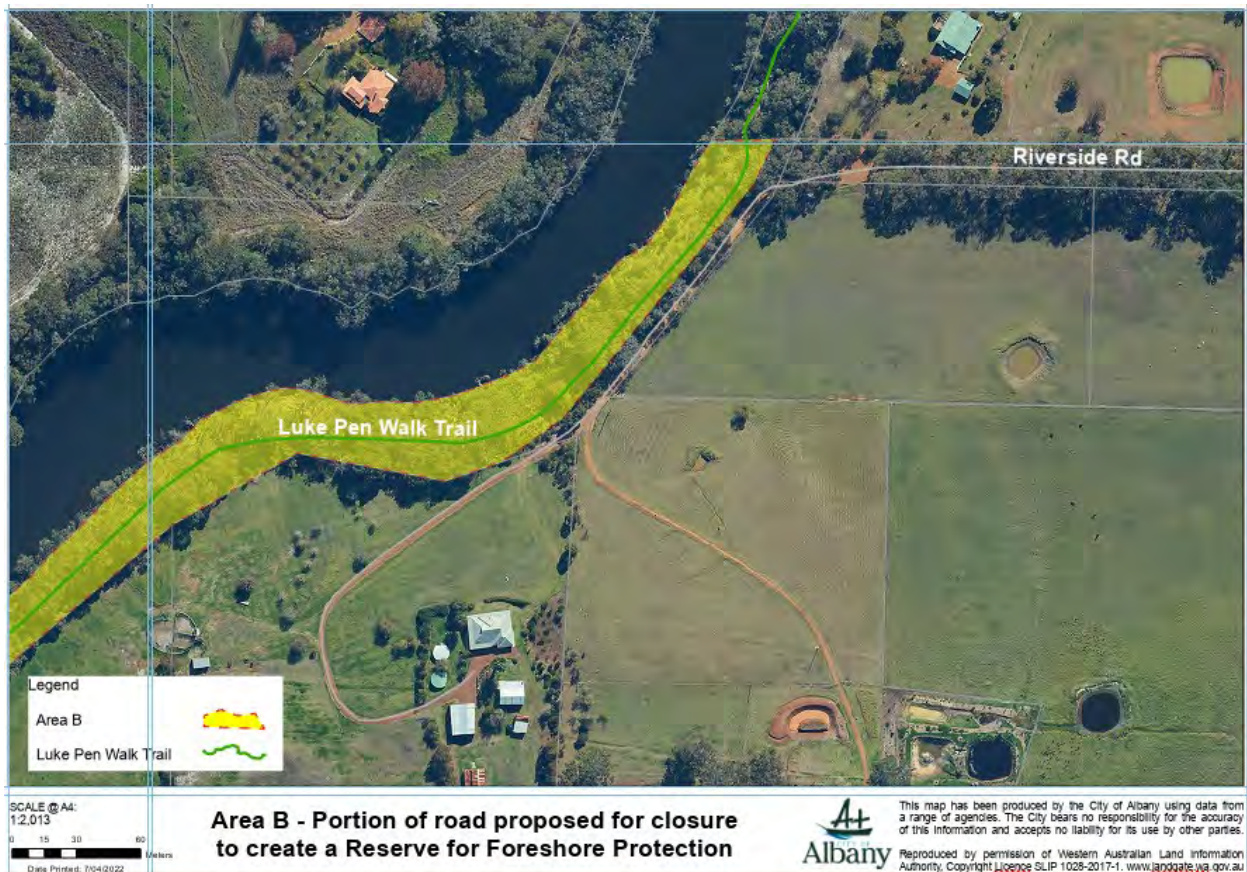


Figure 4: Area B – Proposed for Reserve for Foreshore Protection – close up of northern end

In Brief:

- Public infrastructure is currently located on land that is in a tenure that does not reflect the current use of the land i.e. a road reserve.
- This also prevents the City from being able to upgrade this infrastructure.
- A change in land tenure is required to enable future upgrades and better classify the land to the purpose for which it is being used.

RECOMMENDATION

**DIS299: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council;

1. **REQUEST** the Minister for Lands to close portions of East Bank Road road reserve, portion unnamed road reserve and portion of Riverside Road road reserve as per plans supplied, under section 58 of the *Land Administration Act 1997* and;
2. **REQUEST** the Minister for Lands create a Crown Reserve for Area A for the purpose of Recreation and a Crown Reserve for Area B for the purpose of Foreshore Protection under section 41 of the *Land Administration Act 1997* with Management Orders issued to the City of Albany under section 46 of the *Land Administration Act 1997*.

DIS299: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS299: AUTHORISING OFFICER RECOMMENDATION

THAT Council;

1. REQUEST the Minister for Lands to close portions of East Bank Road road reserve, portion unnamed road reserve and portion of Riverside Road road reserve as per plans supplied, under section 58 of the *Land Administration Act 1997* and;
2. REQUEST the Minister for Lands create a Crown Reserve for Area A for the purpose of Recreation and a Crown Reserve for Area B for the purpose of Foreshore Protection under section 41 of the *Land Administration Act 1997* with Management Orders issued to the City of Albany under section 46 of the *Land Administration Act 1997*.

BACKGROUND

2. A number of years ago (over 20 years) two long drop toilets and a brick shelter were installed at a boat launch site on East Bank Road (Figure 1). These facilities were recently removed as they were unauthorised and had since fallen into disrepair, causing public health concerns.
3. The City of Albany also installed a composting toilet at the southern end of the Luke Pen walk (Figure 3) trail in 1998, which now requires upgrading to allow for all abilities access and to be more accessible to users of the water ski site.
4. In order to replace this infrastructure and to reflect the current land usage, the land tenure must be modified.

DISCUSSION

5. Currently a road reserve extends along the eastern shore of the Kalgan River, from the intersection of East Bank Road with Riverview Road in the south to approximately 6km north to Riverside Road, Kalgan.
6. Only portions of this road reserve are currently being used for their intended purpose, namely a 3km section of East Bank Road and a 150m section of Riverside Road.
7. A central section of road reserve contains a 3km stretch of the Luke Pen walk trail and approximately 12 hectares of good to excellent quality native vegetation, including habitat for three species of threatened black cockatoos, the critically endangered Western Ringtail Possum and Osprey.
8. This area is a popular recreation destination for both locals and visitors. The current land tenure precludes replacement of the ablution facilities and shelter as Planning and Building approvals cannot be granted over a road reserve.
9. It is considered unlikely to require construction of a road in the portion of road reserve proposed for closure in this item, as it is a narrow and very steep foreshore area of high environmental and heritage value.
10. In order to facilitate these upgrades and better reflect the use of this land, officers propose to close portions of the current road reserve where the previous facilities and the Luke Pen walk trail are located.

11. Figure 1 shows the portion of East Bank Road reserve proposed to be closed and changed to a reserve for recreation.
12. Figure 2-4 shows the portion of road proposed to be closed and changed to reserve for Foreshore Protection.
13. This action will not affect public or private access to the Kalgan River or adjoining properties.

GOVERNMENT & PUBLIC CONSULTATION

14. The City met with representatives of the Albany Water Ski Club in September 2020, and they were in support of the proposed demolition of the pit toilets and the replacement of the shelter.
15. The City also invited the local Noongar community to two site visit opportunities of these sites, with only one person attending on the day. There was no opposition to the proposed shelter.
16. The Department of Water and Environmental Regulation has also been consulted about the new infrastructure, and no concerns were raised.
17. The City of Albany also wrote to all adjoining landowners seeking comment on the proposal. The City also placed an advertisement in the local newspaper and on the City of Albany Public Notices page, seeking comment on the proposal. Submissions were open for a period of 7 weeks from 24 December 2021 to 11 February 2022.
18. The City received one submission in support of the proposal from an adjoining landowner.
19. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Letters to landowners	24 December 2021 -11 February 2022	11	No
Inform	Public notice in newspaper	24 December 2021 -11 February 2022		Yes
Inform	Public notice on City of Albany website - public comments page	24 December 2021 -11 February 2022		Yes

STATUTORY IMPLICATIONS

20. Section 58(3) of the *Land Administration Act 1997* states that;
 “A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice”.

POLICY IMPLICATIONS

21. Under Delegation 2022:036 of the City’s Register of Delegations and Authorisations directs that Council is to make the final decision on a road closure request following the advertising period, irrespective of whether submissions have been received.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: People Health & Safety Existing ablution block and shelter would not be able to be replaced</i>	Moderate	Almost Certain	High	Council supports the land tenure change
<i>Risk: Environmental Ablution block is removed causing human pollution of the surrounding area</i>	Moderate	Almost Certain	High	Council supports the land tenure change
<i>Opportunity: The land tenure is changed to better reflect the current use of the land and public facilities are able to upgraded</i>				

FINANCIAL IMPLICATIONS

23. The minimal cost for public advertising of this proposal is covered within the Lands budget.

LEGAL IMPLICATIONS

24. There are no legal implications relating to this proposal.

ENVIRONMENTAL CONSIDERATIONS

- 25. The proposed change for Area B provides for long-term protection of the environment at this location.
- 26. No native vegetation will be cleared for the replacement of the shelter, as it will be located on the same footprint as the original shelter.
- 27. The new toilet will primarily be installed on existing cleared land, with only very minor clearing of very degraded vegetation.

ALTERNATE OPTIONS

- 28. Council can choose to;
 - a) Not support this proposal or;
 - b) Support this proposal with amendments.

CONCLUSION

- 29. Public infrastructure is currently located on land that is in a tenure that does not reflect the current use of the land i.e. a road reserve. This also prevents the City from being able to upgrade this infrastructure.
- 30. Officers propose closing portions of the road to create Reserves for Recreation and Foreshore Protection in order to rectify the situation.
- 31. It is recommended that Council resolve to request the Minister for Lands to undertake the actions required to implement land tenure modifications, in accordance with sections 58 and 41 of the *Lands Administration Act 1997*.

Consulted References	:	<i>Land Administration Act 1997 Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	RD.RDC.2 (Kalgan)
Previous Reference	:	None

DIS300: REVIEW OF DOG EXERCISE AREA POLICY – RUSHY POINT AND BINALUP / MIDDLETON BEACH

Land Description	: Reserves R35754, R14754, R26149 and Flinders Parade
Proponent / Owner	: City of Albany
Attachments	: 1. Submissions received 2. Draft amended Dog Exercise, Prohibited and Rural Leashing Areas Policy 3. Draft amended Dog Exercise Areas brochure
Report Prepared By	: Manager City Reserves (J Freeman) Reserves Officer (S Maciejewski)
Authorising Officer:	: Executive Director Infrastructure Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People: A diverse and inclusive community.
 - **Outcome:** Provide facilities and services to meet the needs of families and young children
 - **Pillar:** Planet: Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - **Outcome:** Provide sustainable protection, adaption and enhancement of the coastline, rivers, floodplains, wetlands and estuaries.

Maps and Diagrams:



Figure 1 - New Dog Prohibited Area at Rushy Point and removal of Rural Leashing Area.

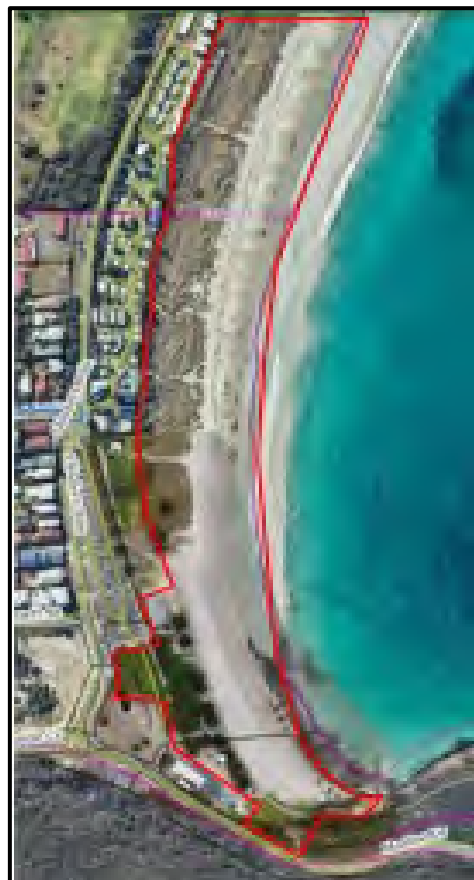


Figure 2 - Proposed amended boundary of the Dog Prohibited Area at Binalup / Middleton Beach.

In Brief:

- Council resolved on 22 February 2022 (DIS292) to advertise the proposed amendments to the “Dog Exercise, Prohibited and Rural Leashing Areas Policy” for no less than 21 days.
- Public submissions were facilitated using an online survey to gauge the level of support for each proposed amendment.

RECOMMENDATION

DIS300: COMMITTEE RECOMMENDATION (ALTERNATE MOTION BY COUNCILLOR TERRY)

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- (1) **NOTE** the submissions received during the public advertising period.
- (2) **APPROVE** the following amendments to the Dog Exercise, Prohibited and Rural Leashing Areas Policy:
 - a) **Rushy Point:**
 - **Remove the Rural Leashing Area (to give effect to allowing dogs to exercise in that amended area); and**
 - **Add a Dog Prohibited Area to a section of the current Rural Leashing Area to protect migratory birds as per Figure 1.**
 - b) **Binalup/Middleton Beach:**
 - **Make the amendments shown on Figure 2 to give effect to:**
 - **Allowing dogs on leashes on all of the grassed areas and constructed paths in the Binalup/Middleton Beach precinct;**
 - **Prohibiting dogs on Binalup/Middleton Beach from Ellen Cove north to the Dog Exercise Area**

DIS300: ALTERNATE MOTION BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR TRAILL

THAT Council:

- (1) **NOTE** the submissions received during the public advertising period.
- (2) **APPROVE** the following amendments to the Dog Exercise, Prohibited and Rural Leashing Areas Policy:
 - a) **Rushy Point:**
 - **Remove the Rural Leashing Area (to give effect to allowing dogs to exercise in that amended area); and**
 - **Add a Dog Prohibited Area to a section of the current Rural Leashing Area to protect migratory birds as per Figure 1.**
 - b) **Binalup/Middleton Beach:**
 - **Make the amendments shown on Figure 2 to give effect to:**
 - **Allowing dogs on leashes on all of the grassed areas and constructed paths in the Binalup/Middleton Beach precinct;**
 - **Prohibiting dogs on Binalup/Middleton Beach from Ellen Cove north to the Dog Exercise Area**

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Baesjou and Cruse

Councillor Reason:

Survey Question 1. The responses received may indicate that participants interpreted that this question applied to ALL grassed areas, not just the grassed area north of the Surf Club. If that were the case then the yes vote would be 21.25% and not 78.75%.

It could be argued that those who responded ‘No’ to Questions 1 and 2 may have intended that the whole of the grassed area between the Boardwalk and the Surf Club would allow Dogs on Leash, and dogs would be prohibited from the beach.

Taking the two questions asked together it would indicate that there is broad support from those that responded for prohibiting dogs on the beach but allowing them on leash on ALL grassed areas.

I therefore propose this alternate motion, which will allow Dogs on Leash on ALL grassed areas and constructed paths in the Binalup/Middleton Beach Precinct.

Officer Comment (Executive Director IDE):

Officers have made their recommendation, but will support the decision of Council.

DIS300: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- (1) NOTE the submissions received during the public advertising period.
- (2) APPROVE the following amendments to the Dog Exercise, Prohibited and Rural Leashing Areas Policy:
 - (a) Rushy Point:
 - Remove the Rural Leashing Area (to give effect to allowing dogs to exercise in that amended area); and
 - Add a Dog Prohibited Area to a section of the current Rural Leashing Area to protect migratory birds as per Figure 1.
 - (b) Binalup/Middleton Beach:
 - Make the amendments shown on Figure 2 to give effect to:
 - Allowing dogs on leashes only on the grassed area south of the caravan park and north of the surf club;
 - Allowing dogs on leashes on all constructed paths within the area; and
 - Prohibiting dogs on all other grassed areas and on the beach.

BACKGROUND

2. The City has received a number of emails/letters from individuals and groups regarding the Rural Leashing Area at Rushy Point. In response to these submissions, and some initial liaison with users of the reserve, City Officers have identified the need to review the Policy in regards to this reserve.
3. Due to the recent redevelopment works at Binalup / Middleton Beach, City officers have identified the need to amend the Policy in regards to this precinct.
4. On 22 February 2022, Council resolved to advertise proposed amendments to the Policy for Rushy Point and Binalup / Middleton Beach.
5. The Policy has been amended in accordance with the proposed authorising officer recommendations. The brochure has also been updated to ensure the rules and maps are clear for the community to understand. Both drafts are attached and all changes will be clearly defined on onsite signage.

DISCUSSION

6. An online survey was made available for the Community to provide feedback on the proposed amendment for a period of 21 days between 9 March and 30 March 2022.
7. The online survey was promoted through advertisements published in local newspapers and signs installed at the relevant sites.
8. Key stakeholders such as Middleton Beach Group, South Coast Progress Association and the Albany Bird Group were also made aware of the survey in writing.
9. A total of 236 responses were received, made up of:
 - a. 86 responses relating to Rushy Point; and
 - b. 150 for Binalup / Middleton Beach.
10. A summary of the 148 total written submissions, are detailed below:

Rushy Point Reserve

11. **Question 1: Do you agree to allowing dogs to be exercised off leash on the eastern side of Rushy Point Reserve only, south of the existing bollards:**
 - **Response:** 64.4 % of people want dogs to be permitted to be exercised off leash on the eastern side of Rushy Point.
12. **Question 2: Do you agree to adding a Dog Prohibited Area along the northern foreshore of Rushy Point Reserve around to the bollards on the eastern side, to protect migratory birds.**
 - **Response:** 80.5% of people support the proposed Dog Prohibited Area at Rushy Point.
13. Noting Rushy Point is not located in a gazetted “town site”, approved by the Minister for Lands, under the *Land Administration Act 1997*, the current “Rural Leashing Area Only” can be removed by Council.
14. Respondents who support allowing dogs off leash, may not be aware of the impacts of disturbing migratory birds that have travelled across the world to rest and feed on the shores in Albany.
15. Therefore, signage will be installed to clearly indicate the Dog Prohibited Area. Existing interpretative signage that provides information on migratory birds will be updated and replaced.
16. The Rushy Point consultation was quite convincing in support of the proposed recommendations.

Binalup / Middleton Beach

17. **Question 1: Do you agree to allow dogs on leashes only on the grassed area north of the Surf Club and south of the playground:**
 - **Response:** 33.8% of people agreed to allow leashed dogs only in the proposed grassed area. The comments received in relation to the “yes” vote indicate that this result primarily came from people who thought it was a good compromise, but do not want dogs on all grassed areas. However, it is evident from the comments that some people who voted “yes”, are in support of dogs being on leash on all grassed areas.
 - **Response:** 66.2% of people said no to dogs on leash only on proposed leashed grass. However, there were no comments received as part of these responses, although the comments received for Question 2 (below) do suggest that people voted “No” as they would like dogs to be permitted on leash on all grassed areas.

18. **Question 2: Do you agree to prohibiting dogs on all other grassed area and on the beach (with dogs on a leash allowed on constructed paths):**
- **Response:** 38.6% of people voted “yes” to prohibiting dogs on all other grassed areas. The key reasons for this response include irresponsible dog ownership as well as the fact that some people are afraid of dogs or are allergic to dogs.
 - **Response:** 61.4% of people voted “no” to prohibiting dogs on all other grassed areas. Comments indicate that some people would like to take their dogs everywhere with them, whilst others were more conditional with comments around the need for responsible dog ownership.
 - Even though there is a higher percentage of “no” submissions, between the responses from both questions it is evident that many dog owners would like to take their dogs everywhere with them.
19. The support for allowing dogs on leashes on all grassed areas, was generally on the basis of dogs being well behaved, not bothering anyone, being on a leash and only if their owners pick up their excrement. This would make enforcement somewhat confusing and virtually impossible to manage.
20. By allowing dogs on a portion of the grassed areas at Binalup provides a good community compromise. Although there were comments regarding not being able to take dogs on the grass where there are views, they are still able to have them on a leash on paths. With the foreshore redevelopment, there are now significantly more constructed paths in the precinct where dogs are still allowed on a leash.
21. City officers recommend adoption of the original amendment for the following reasons:
- It provides a good compromise by providing a grassed area that dogs are allowed on a leash;
 - Allowing dogs on all grassed areas would not cater for those who do not want dogs everywhere; and
 - To allow dogs on an additional area of grass to the south of the surf club would be confusing for users, as well as difficult for the rangers to enforce.

Summary

22. Although many people follow the rules when exercising their dogs in public places, irresponsible dog ownership is a well-known issue. This is evident by the number of complaints received by the City on this matter, and by observations made by staff on a daily basis. This behaviour continues despite actions already taken to address these issues through education, signs and enforcement.
23. Issues with dog behaviour are common at both Rushy Point and Binalup / Middleton Beach, and the following mitigation actions are required at each of these sites no matter what the outcome:
- **Uncontrolled dogs** – more education on responsible dog ownership in the form of signs and enforcement.
 - **Dog poo and poo bags** – more education on picking up dog poo in the form of signs and enforcement.
 - **Other Dog Exercise Areas in Albany** – update brochure, more signs and detailed site maps on the City’s website.

GOVERNMENT & PUBLIC CONSULTATION

24. Proposed amendments were advertised for public comment for 21 days between 9 March and 30 March, 2022.
25. The complete record of submissions is attached.

STATUTORY IMPLICATIONS

- 26. The *Dog Act 1976* has been considered in development of this Policy.
- 27. City of Albany's *Dog Local Law 2017* guides the development of dog prohibited and permitted areas.
- 28. The voting requirement is **Simple Majority**.

POLICY IMPLICATIONS

- 29. Draft amended Policy attached.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Environmental: If the Policy is not reviewed for Rushy Point, then there could be an increase in the impacts on shorebirds.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Staff will continue to address existing issues through education and infringements</i>
<i>Reputation: If the Policy is not amended for Binalup / Middleton Beach, then there will be continued confusion by users on the dog exercise rules for this area making it difficult to enforce.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Staff will continue to spend time addressing existing issues through education and infringements</i>
<i>Opportunity: To classify dog prohibited, exercise and rural leashing areas within the City of Albany boundaries.</i>				

FINANCIAL IMPLICATIONS

- 31. Funds within the current operational budget will be utilised for signage and ongoing education.

LEGAL IMPLICATIONS

- 32. Nil

ENVIRONMENTAL CONSIDERATIONS

- 33. It is acknowledged that dogs have the potential to impact on environmental values especially where they are not controlled or on leash.

ALTERNATE OPTIONS

- 34. Council could choose to make no changes to the Policy.

CONCLUSION

- 35. The Policy continues to attract community comment demonstrating the high level of community interest in this subject. The comments have been diverse, demonstrating the difficulty faced in developing a policy that would be acceptable to all community members.
- 36. The Authorising Officer Recommendation proposes a balanced outcome that protects and allows all members of our community to share and enjoy the City of Albany's well-used public spaces.

Consulted References	:	See consultation report from DIS132 OCM November 2018, DIS202 OCM March 2020, and DIS292 OCM February 2022.
File Number (Name of Ward)	:	CR.COC.54 – Community Relations, Community Consultation Dog Exercise Area Policy

DIS302: PLANNING AND BUILDING REPORTS APRIL 2022

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports April 2022
Report Prepared By : Technical Support Officer (A James)
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS302: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for April 2022 be NOTED.

**DIS303: COMMUNITY WASTE RESOURCE STRATEGY PROGRESS
REPORT UPDATE – QUARTER 3 2021-2022**

Proponent / Owner	: City of Albany
Attachments	: Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 3 – January to March 2022)
Report Prepared By	: Manager Engineering & Sustainability (R March)
Authorising Officer:	: Executive Director Development, Infrastructure and Environment (P Camins)

RECOMMENDATION

**DIS303: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 3 – January to March 2022) be NOTED.

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