



AGENDA

Ordinary Meeting of Council

Tuesday 25 February 2020

6.00pm

City of Albany Council Chambers

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



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 25 February 2020 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 25/02/2020

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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

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

R Stephens

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

E Doughty

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

T Sleeman

Vancouver Ward

J Shanhun

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

Staff:

Chief Executive Officer

A Sharpe

A/Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Environment
& Development

P Camins

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	DIS194	Impartiality. The nature of the interest being that Councillor Smith is the owner of holiday accommodation within the City of Albany.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Petition requesting that the area of Emu Beach immediately adjacent to Cunningham Street no longer be designated as a dog exercise area be **RECEIVED**.

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 17 December 2019, as previously distributed, be **CONFIRMED** as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS207: FINANCIAL ACTIVITY STATEMENT – DECEMBER 2019

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

RECOMMENDATION

**CCS207: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Financial Activity Statement for the period ending 31 December 2019 be RECEIVED.

CCS207: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SLEEMAN

THAT the Financial Activity Statement for the period ending 31 December 2019 be RECEIVED.
CARRIED 11-0

CCS207: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 December 2019 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 December 2019 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

- 7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, 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);
 - b. budget estimates to the end of the month to which the statement relates;
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. such other supporting information as is considered relevant by the local government.
 - III. The information in a statement of financial activity may be shown –
 - a. according to nature and type classification;
 - b. by program; or
 - c. by business unit.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

- 8. The City’s 2019/20 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 December 2019 has been incurred in accordance with the 2019/20 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS208: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2019

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

RECOMMENDATION

**CCS208: 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 December 2019 totalling \$8,578,151.96.

CCS208: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
 SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS208: RESPONSIBLE 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 December 2019 totalling \$8,578,151.96.

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 December 2019. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$17,330.17
Payroll	\$1,625,259.22
Cheques	\$79,080.13
Electronic Funds Transfer	\$6,859,482.44
TOTAL	\$8,578,151.96

As at 15 December 2019, the total outstanding creditors stands at \$756,789.36 and is made up as follows:-

Current	\$402,167.44
30 Days	\$343,796.88
60 Days	\$9,364.22
90 Days	\$1,460.82
TOTAL	\$756,789.36
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 December 2019 has been incurred in accordance with the 2019/2020 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 December 2019 has been incurred in accordance with the 2019/2020 budget parameters.

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS209: DELEGATED AUTHORITY REPORTS – NOVEMBER 2019 TO JANUARY 2020

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

BACKGROUND

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

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

RECOMMENDATION

**CCS209: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 November 2019 to 15 January 2020 be RECEIVED.

CCS209: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS209: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 November 2019 to 15 January 2020 be RECEIVED.

CCS210: NATIONAL ANZAC CENTRE – Q2 2019-20 REPORT

Proponent	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2019/20 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Responsible Officer(s)	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies
 - **Key Theme:** Smart Prosperous and Growing.
 - **Strategic Objectives:** To strengthen our region's economic base; and
 - To develop and promote Albany as a unique and sought after destination.
 - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
 - Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- To provide Council with an update on the Q2 2019-20 performance of the NAC.

RECOMMENDATION

**CCS210: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the NAC Operational Report for Q2 2019-20 be RECEIVED.

CCS210: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS210: RESPONSIBLE OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q2 2019-20 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 assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards. Historically, the NAC Advisory Group had been meeting quarterly since convening.
6. It was agreed in November 2018 that the NAC Advisory Group would meet twice a year. The next meeting is planned for Friday 24 April 2020.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Q2 2019/20 achieved an overall total visitation number of 340,569 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 65,916 visitors per year.
10. Total visitation for Q2 2019/20 decreased by 1,740 visitors compared to the same period in 2018/19.
11. The visitation in Q2 2019/20 from the Great Southern Region totalled 310 people, consisting of 72% of visitors from Albany, 8% Mt Barker, 6% Katanning, 5% Denmark and a range of 1% - 4% from Lake Grace, Gnowangerup, Frankland, Narrikup, and Wellstead.
12. The total visitation in Q2 2019/20 originated from Western Australia (57%) and interstate (43%).
13. Visitors from other States and Territories consisted of 37% from NSW, 24% from VIC, 24% from QLD, 11% from SA, followed by ACT, TAS and NT all with similar figures between 1-3%.
14. Of the total 12% of international visitors, 15% of these visitors originated from New Zealand, 50% from United Kingdom, 8% from USA, and 6% from Singapore.
15. Revenue generated in Q2 2019/20 by the NAC was \$40,299 less compared to the same period in 2018/19 and \$15,966 increase for the same period in 2017/18. The Forts Store revenue of \$126,389 saw a decrease of \$17,966 compared to the same period in 2018/19.
16. Average retail spend per head for 2019/20 Q2 reached \$10.20, an increase from same period last year of \$10.07.
17. As at the end of Q2 2019/20, 4,778 local residents were members of the NAC League of Local Legends program, with 641 joining during Q2.
18. The NAC had 187 non-local paying visitors in Q2 2019/20 as a result of the NAC League of Local Legends program.
19. In Q2 2019/20, progression of 2 major projects being, phase one of the NAC Refresh and Hidden Stories of the Fortress grant works for Princess Royal Fortress continued.
20. Mayor Dennis Wellington, CEO Mr Andrew Sharpe and ED Community Services Susan Kay are visiting Canberra in early March, 2020 to begin discussions regarding subsidies and partnerships with the Federal Minister for Veteran Affairs and the Australian War Memorial.
21. Those discussions will explore the opportunity for the NAC to become an annex of AWM, and/or the possibility of the City of Albany forming a partnership or Memorandum of Understanding with the Federal Government to assist with the ongoing management and funding of the Heritage Precinct including the NAC.

22. Retail consultant, Terrific Trading Incorporated, completed a review process on the Fort Store and Albany Visitor Centre retail outlets to identify any opportunities for improvement. Terrific Trading has had an initial visit to both sites. They provided preliminary recommendations, a short term improvement plan and training workshops during November 2019, with a follow up longer term action plan by February 2020.

GOVERNMENT & PUBLIC CONSULTATION

23. Not Applicable.

STATUTORY IMPLICATIONS

24. Not Applicable.

POLICY IMPLICATIONS

25. Not Applicable.

RISK IDENTIFICATION & MITIGATION

26. Nil.

FINANCIAL IMPLICATIONS

27. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at 31 December 2019.

- a. Full year operating expenditure budget includes:
- i. \$221,000 of costs from accounts that are “shared” across the AHP. A total of \$869,000 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 \$869,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$90,000 of the \$221,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY19/20 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$915,000	\$434,044	\$484,095	\$50,051
Operating Expenditure	\$(582,589)	\$(284,104)	\$(242,028)	\$42,076
Net Operating Income/(Expense) before Indirect Costs	\$332,411	\$149,940	\$242,067	\$92,127
Indirect Expenses	\$(221,454)	\$(113,327)	\$(88,868)	\$24,459
Net Operating Income/(Expense)	\$110,957	\$(36,613)	\$153,199	\$116,586
Capital Expense	\$(730,000)	\$(100,000)	\$(16,474)	\$83,526
Total	\$(619,043)	\$(63,387)	\$136,725	\$200,112

LEGAL IMPLICATIONS

28. Nil.

ENVIRONMENTAL CONSIDERATIONS

29. Nil.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

- 31. Overall Q2 2019/20 has shown a steady hold in numbers visiting the NAC, this is pleasing after having the popular Field of Light installation close in April 2019. Q2 has shown slightly lower numbers compared to 18/19 same period, yet comparable to Q2 17/18.
- 32. An increase in the retail spend per head in the Fort Store has seen the Q2 average \$10.05 up by \$3.96 since 2015/16 as the first full year of trading. This is a positive contribution to revenue for the AHP precinct as a whole and demonstrates that the Store merchandise is attracting visitors and staff are marketing merchandise of interest.
- 33. Interest in the Princess Royal Fortress and exhibitions also continues to generate visitation to the NAC. Supporting figures of Q2 2019/20 saw 1187 people take part in Princess Royal Fortress Tours, 174 more people than Q1. The release of free educational activity sheets for families to use while visiting, along with the information hub has also enhanced the experience. An increase of tour times on offer has also been implemented to support visitor experience.
- 34. Overall Q2 saw steady figures of attendance in the NAC, Princess Royal Fortress and Fort Store sales. This is pleasing due to the previous year having the additional incentive for visitors to view the Field of Lights installation. Opportunities to promote the NAC have been embraced over Q1 and Q2 with 5th Year Anniversary celebrations, the League of Local Legends extended program and an industry familiarisation night.

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

CCS211: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO DECEMBER 2019

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – October to December 2019
Report Prepared by : Senior Procurement Officer (H Hutchinson)
Responsible Officer : Acting Executive Director Corporate & Commercial Services (D Olde)

RECOMMENDATION

**CCS211: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – October to December 2019.

CCS211: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS211: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – October to December 2019.

CCS212: PROPOSED NEW LEASE – MARSH WA PTY LTD ATF THE MARSH FAMILY TRUST TRADING AS CHEYNES BEACH CARAVAN PARK – PORTION RESERVE 878 CHEYNES – WASTE TRANSFER STATION

Land Description	: Part of the land in Crown Reserve 878, Lot 7442 on Deposited Plan 214689, the subject of Head Certificate of Title Volume LR3082 Folio 959, Cheyne Beach .
Proponent	: Marsh WA Pty Ltd as trustee for The Marsh family Trust trading as Cheynes Beach Caravan Park Directors being Allan and Joanne Marsh as Guarantors ABN: 67 313 651 198
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Responsible Officers:	: Acting Executive Director Corporate and Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease to Marsh WA Pty Ltd as trustee for The Marsh Family Trust trading as Cheynes Beach Caravan Park over portion of Crown Reserve 878, being the fenced area previously used by the City for the Cheynes waste transfer station.
- The owners of the park, Allan and Joanne Marsh have requested to use the area to store the park's general waste and recycling bins, which will then be collected by their waste contractor on a regular basis. Their aim is to facilitate a more efficient and safe waste disposal process and to increase recycling practices.
- The proposed lease will have no impact on the City's existing green waste and offal pit areas located within the vicinity of the fenced area.
- The proposed lease will be conditional on development approval for use of the site.
- It is recommended the new lease is approved.

RECOMMENDATION

**CCS212: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a new lease to Marsh WA Pty Ltd as trustee for The Marsh Family Trust trading as Cheynes Beach Caravan Park over portion of Reserve 878, Cheyne Beach, subject to:

- a) Lease purpose being "waste storage and transfer station for the Cheynes Beach Caravan Park".**
- b) Lease area being approximately 780m2 to be determined by survey.**
- c) Lease rent being \$1,053 plus GST per annum as determined by a current market valuation provided by a licensed Valuer.**
- d) Lease rent being reviewed by current market valuation every 3 years with Consumer Price Index applied for intervening years.**
- e) Lease commencement date being as soon as practicable, for a term of 1 year, plus one 10 year option.**
- f) Lease special condition to document that the tenant will be responsible for keeping the lease area tidy with no rubbish to escape outside of the lease area / fenced area.**
- g) Lease being conditional on a Development Application being approved for use of the site.**
- h) All costs associated with the ongoing operations of the lease property being payable by the tenant.**
- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant.**
- j) Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Planning, Lands and Heritage consent being obtained.**
- k) Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements.**
- l) Lease being consistent with Council Policy – Property Management (Leases and Licences).**

CCS212: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS212: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to Marsh WA Pty Ltd as trustee for The Marsh Family Trust trading as Cheynes Beach Caravan Park over portion of Reserve 878, Cheyne Beach, subject to:

- a) Lease purpose being “waste storage and transfer station for the Cheynes Beach Caravan Park”.
- b) Lease area being approximately 780m² to be determined by survey.
- c) Lease rent being \$1,053 plus GST per annum as determined by a current market valuation provided by a licensed Valuer.
- d) Lease rent being reviewed by current market valuation every 3 years with Consumer Price Index applied for intervening years.
- e) Lease commencement date being as soon as practicable, for a term of 1 year, plus one 10 year option.
- f) Lease special condition to document that the tenant will be responsible for keeping the lease area tidy with no rubbish to escape outside of the lease area / fenced area.
- g) Lease being conditional on a Development Application being approved for use of the site.
- h) All costs associated with the ongoing operations of the lease property being payable by the tenant.
- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant.
- j) Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Planning, Lands and Heritage consent being obtained.
- k) Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
- l) Lease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

2. Crown Reserve 878 is under management order O202921 issued to the City of Albany with the power to lease or licence for the purpose of “Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry, Fire Station and Supporting or Beneficial Communications Operations” for any term not exceeding 21 years subject to the consent of the Minister for Planning, Lands and Heritage.
3. The reserve currently hosts 29 holiday accommodation leases along Baxteri Road, six leases for accommodation associated with the commercial fishing industry and two commercial fishing licences for access and net drying operations along Cheyne Road. Telstra Corporation also occupy an area within the reserve under lease agreement with the City.

4. The Cheynes Beach Caravan Park site was originally part of Reserve 878, however this area has been excised and is now freehold land adjacent to the lots reserved for accommodation associated with commercial fishing.
5. In August 2019, a written request was received from the owners of the Cheynes Beach Caravan Park, Allan and Joanne Marsh, to lease a portion of the City's former waste transfer station site, in particular the existing hardstand area within the fenced compound for storage of the park's general waste and recycling skip bins.
6. The request was subject to the owner's agreement to the rental. Current market valuation returned a rental of \$1,053 plus GST per annum, which has been agreed.
7. Currently the park stores waste and recycling within the park site, which are emptied weekly or twice weekly during the tourist seasons.
8. An initial lease term of 1 year has been requested as it is considered essential by the owners to assess the viability of the arrangement, with a further 10 year term option available if deemed successful.

DISCUSSION

9. Historically the Cheynes waste transfer station was located within a fenced area on the reserve in addition to green waste disposal and fish offal pits adjacent the fenced area.
10. The waste transfer station is no longer being used due to the introduction of a standard waste collection service being provided directly to Cheyne Beach tenants.
11. The City's green waste disposal and fish offal pits are still operational and used by the community.
12. The area of approximately 780m² comprises a concrete hardstand pad for the placement of skip bins and a shelter for wheelie bins to be stored.
13. City officers have considered the request and confirm they have no concerns noting the land is surplus to City requirements, provided the tenant:
 - Acknowledges the area is a high priority for weed control and the lease area is to remain free of weeds.
 - Vehicle access to the lease area and surrounding reserve to be available at all times.
 - No rubbish to escape outside the lease area, with the area to be kept tidy.
14. The request will allow the park waste and recycling to be stored off site in skip bins located within the hardstand area. These would be emptied every 1- 4 weeks dependant on the time of the year.
15. We understand this would allow for safer removal and storage of waste as waste trucks will no longer need to access the park or the main tourist access road. In addition this provides the park with opportunity to expand recycling practices given a larger, contained waste area would be available.
16. Any new lease will be conditional on development approval for use of the site.
17. The City is currently working with the Department of Planning, Lands and Heritage to consider an amendment of the existing Management Order for the reserve to include a waste storage and transfer station, if required.

18. The table below summarises the essential terms of the proposed lease:

ITEM	DETAILS
Tenant	Marsh WA Pty Ltd ATF The Marsh Family Trust trading as Cheynes Beach Caravan Park
Land Description	Portion Crown Reserve 878 Lot 7442 on Deposited Plan 214689, the subject of Head Certificate of Title Volume LR3082 Folio 959 Cheyne Beach
Lease Area	Approximately 780 m ² subject to survey
Land Ownership	Crown (City of Albany under Management Order)
Infrastructure Ownership	City
Permitted Use	Waste storage and transfer station for the Cheynes Beach Caravan Park
Term	1 year initial term plus a 10 year option
Initial Rent	\$1,053 pa plus GST as determined by licenced Valuer
Rent Review	Market valuation every 3 years with Perth All Groups CPI applied on the anniversary for intervening years
Outgoings	Tenant responsible for all outgoings as applicable
Utilities	Tenant responsible for all utilities (if any)
Insurance	Public Liability Policy for a minimum of \$20 million
Indemnity	Indemnify the City and Minister for all claims resulting from any damage, loss, death or injury in connection with the Council Property, unless such claims arise out of City's negligence
Maintenance	Tenant responsible for own maintenance
Special Conditions	Lease is conditional on a Development Application being approved. Tenant to ensure City access is maintained to the lease area and surrounding reserve to undertake weed management. Tenant to keep lease area tidy with no rubbish escaping outside the lease area.

19. The above terms have been agreed in principle, subject to Council approval.
20. The remaining terms of the lease agreement will be developed in line with Council Policy – Property Management (Leases and Licences).

GOVERNMENT & PUBLIC CONSULTATION

21. The Department of Planning, Lands and Heritage will be consulted as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Ministers consent is obtained.
22. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
- A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
 - Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - A local government can then proceed with the lease/licence.
23. The new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

24. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise proposed lease in local newspaper inviting submissions from the public	A 2 week period following Council endorsement of agenda item	Open	Section 3.58 of the <i>Local Government Act 1995</i>

STATUTORY IMPLICATIONS

25. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Planning, Lands and Heritage.
26. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
27. The *Aboriginal Heritage Act 1972* applies to any place or object of importance to persons of Aboriginal descent and Section 17 of this Act makes it an offence to destroy, damage or alter in any way an Aboriginal site or object. This Act applies to known and unknown sites.
28. In past discussions with the local Noongar community regarding the Cheyne Beach area, including visits on site, it is known to staff that there are areas in this locality of significance to the Noongar community. A full Aboriginal Heritage Survey was undertaken in 2015 to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage.
29. Any future development needs to be considered in the context of the recommendation of the Heritage Survey. It is noted there will be no new development proposed on site.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. <i>Reputation:</i> lease not approved – improved road safety for the tourist area not supported	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction
<i>Reputation:</i> lease not approved – improved recycling practices not supported	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction
<i>Financial:</i> lease not approved – loss of income	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction
Opportunity: To provide support to the Cheyne Beach settlement and its visitors for a safer environment by limiting the requirement for large trucks needing to access the tourist area				
Opportunity: Demonstrate the City's commitment for the expansion of recycling opportunities and for the City to receive commercial rental income from land surplus to City requirements				

FINANCIAL IMPLICATIONS

- 33. All costs associated with the development and finalisation of the lease documentation will be met by the tenant.
- 34. The new lease rental as determined by current market valuation provided by a licensed Valuer, being \$1,053 per annum plus GST to the City.

LEGAL IMPLICATIONS

- 35. The Deed will be prepared by City’s lawyers with enforceable terms and conditions, at the tenant’s expense.

ENVIRONMENTAL CONSIDERATIONS

- 36. The following environmental considerations apply.
 - The area is a high priority area for weed control, continued weed management will be undertaken within the reserve including the lease area.
 - The lease area to be kept tidy with no rubbish to escape outside of the lease area into the reserve.
- 37. The above will be noted as special conditions within the lease.
- 38. The City supports the proposed enhanced recycling program.

ALTERNATE OPTIONS

- 39. Council may:
 - a. Approve the new lease request; or
 - b. Decline the request.
- 40. Should Council decline the lease, the tenant may need to reconsider the current waste disposal methods with a view to improve safety and recycling practices within the caravan park. However we understand this may prove difficult given limited space available within the park.

CONCLUSION

- 41. Owners of the Cheynes Beach Caravan Park have requested a new lease over a portion of the former City waste transfer station on Reserve 878 at Cheynes for storage of waste skip bins.
- 42. The proposal allows for a more efficient and safer approach for the removal and storage of park waste and the opportunity for the park to expand recycling practices.
- 43. The proposed lease area land is surplus to City requirements and will not impact the City’s existing green waste and offal pit areas adjacent to the area.
- 44. The proposed lease will be conditional on development approval for use of the site.
- 45. It is recommended that the proposed new lease request be supported.

Consulted References	:	<ul style="list-style-type: none"> • Council Policy – Property Management (Leases and Licences) • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO395, A238982 (Kalgan Ward)
Previous Reference	:	Nil

**CCS213: VARIATION TO LICENCE – CENTENNIAL STADIUM
INCORPORATED – CENTENNIAL PARK EASTERN PRECINCT**

Land Description	Part of the land in Crown Reserve 405 and Certificate of Title Volume LR3009 Folio 774, being part of Lot 1359 on Deposited Plan 185302
Proponent	Centennial Stadium Inc.
Owner	Crown (City of Albany under Management Order)
Attachments	<i>Distributed separately under confidential cover.</i> Centennial Stadium Inc. Proposal Presentation (Confidential) Centennial Stadium Inc. Strategic Plan 2019 – 2024 (Confidential)
Report Prepared By	Team Leader Property and Leasing (T Catherall)
Responsible Officers:	Acting Executive Director Corporate & Commercial Services (D Olde)

CONFIDENTIAL REPORT

This report is confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS213: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

That Council APPROVE a Variation of Licence, between the City and Centennial Stadium Inc. for the Centennial Stadium over part of the land in Crown Reserve 405, on revised terms as detailed in the confidential report, subject to:

- a. **All other terms of the original Centennial Stadium Inc. Licence dated 4 April 2017 to apply.**
- b. **The cost of preparing the above Deed of Variation being shared equally between the City and CSI.**

CCS213: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0:

CCS213: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE a Variation of Licence, between the City and Centennial Stadium Inc. for the Centennial Stadium over part of the land in Crown Reserve 405, on revised terms as detailed in the confidential report, subject to:

- a. All other terms of the original Centennial Stadium Inc. Licence dated 4 April 2017 to apply.
- b. The cost of preparing the above Deed of Variation being shared equally between the City and CSI.

CCS214: COMMUNITY SPORT AND RECREATION FACILITIES SMALL GRANT FUNDING POLICY (CSRFF) REVIEW

Proponent	: City of Albany
Attachments	: Current Council Policy – Community Sport and Recreation Small Grant Funding
Report Prepared by	: Manager Recreation Services (S Stevens) Manager Governance & Risk (S Jamieson)
Responsible Officer	: Executive Director Corporate Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the Community Strategic Community Plan, informing plans and strategies :
 - a. **Theme:** Community Health & Participation
 - b. **Strategic Objectives:**
 - To develop and support a healthy inclusive and accessible community;
 - To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - c. **Community Priorities:**
 - Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages;
 - Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

In Brief:

- It has been requested from the elected group to review the current policy position.
- It is recommended that the proposed policy amendments are reviewed and officer comments considered.

ADDENDUM: Post Council Committee review, minor administrative amendments proposed to clarify the intent of the policy, being:

- Scope: Project funding categories (refer to: Definitions).
- Categorisation of Projects defined in the definitions.
- Objective: Establish an assessment process that may be used to assess other project funding requests.

RECOMMENDATION

**CCS214: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Community Sport and Recreation Facilities Small Grant Funding Council Policy be adopted.

CCS214: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS214: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Community Sport and Recreation Facilities Small Grant Funding Council Policy be adopted.

BACKGROUND

2. A Notice of Motion was presented to amend the current policy position on Tuesday 10 September 2019.
3. The objective of the proposed amendment, being:

“The removal of the requirement for applicants to have made at least two attempts to leverage funding through the CSRFF program will allow applicants who have the ability to fund the remaining two thirds of proposed projects to proceed with those projects in a timely and flexible manner.

All applications received for Capital Seed Funding are assessed under the provisions of this policy, and in accordance with budget allocations.”

4. At Council’s Ordinary Meeting held on the 24 September 2019, Council supported the review by resolving:

(1) The Chief Executive Officer undertake a review of the Community Sport and Recreation Facilities Small Grant Funding Policy, and propose the following amendment:

B. Financial Contribution.

- Dot Point 1 to read: Capital Seed Funding of a maximum of one third of the total estimated project costs (excluding GST), may be awarded to unsuccessful applicants providing that the applicant is able to source the remaining two thirds of the total estimated project costs (excluding GST) to enable completion of the project.
- Dot Point 2 to read: “The City’s contribution will not exceed a maximum of one third of the total estimated project costs (excluding GST).”
- Remove the last paragraph of the Policy: *(If an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to an applicant’s project with the following conditions:)*
 - Dot Point 5 to read: Applicants must make at least one attempt to leverage CSRFF funding.
 - Dot Point 6 (The applicant can source the remaining two thirds of the total estimated project costs themselves) to be removed.

(2) The reviewed Policy be presented to Council for adoption by December 2019.

DISCUSSION

5. The Department of Local Government, Sporting and Cultural Industries (DLGSCI) funding position for ‘standard’ successful applications is a maximum of one third of the total estimated project costs (excluding GST).
6. The applicant’s funding contribution can be made up of combination of cash, voluntary labour and donated materials. However, in accordance with the CSRFF guidelines the applicant’s non-cash contribution cannot exceed the applicant’s cash contribution to the total project cost.
7. The Capital Seed Fund was established to help sport and recreation groups to leverage CSRFF with a ‘matching contribution’ of a maximum of one third of the total estimated project costs (excluding GST).

9. The current policy position’s objective was developed to provide:
 - a. An equitable and transparent framework for the assessment and ranking of all DLGSCI Community Sporting and Recreation Facilities Funds and CSRFF Small Grant applications received from within its boundaries.
 - b. A framework for the allocation of the City of Albany Capital Seed Funds to assist with leveraging other funding opportunities and maximising the outcomes for the local community.
 - c. A framework for the allocation of the Capital Seed Funds, should an applicant be unsuccessful in their application.
10. This policy has guided staff when preparing recommendation to Council to ensure:
 - a. All applications are part of a planned approach to facility provision; and
 - b. The City’s contribution is limited to one third of the project cost.
11. The current policy position has been in place since August 2015 and was developed in consultation with DLGSCI and is noted as good practise.
12. The CSRFF program is a state wide program and is regularly oversubscribed each round.
13. As part of the CSRFF state-wide process representatives (Officers) of local governments and Officers from DLGSCI meet with each applicant.
14. DLGSCI and the local government representatives currently advise clubs at the time of application that they may need to apply more than once, particularly when the project is ranked lower (for example, if the funding requests relates to social amenities, rather than to a sport surface or lighting project).
15. This provides officers the opportunity to encourage clubs to factor in feedback given to provide them with the best possible chance of a successful submission in the future.
16. Officers are of the view that the policy is still relevant and achieves its objectives.
17. The following proposed amendment to the policy and officer comment has been provided for review:

Proposed amendment:		Officer Comment:
<p>B. Financial Contribution.</p> <p>Dot Point 1 to read:</p> <p>Capital Seed Funding of a maximum of one third of the total estimated project costs (excluding GST), may be awarded to unsuccessful applicants providing that the applicant is able to source the remaining two thirds of the total estimated project costs (excluding GST) to enable completion of the project.</p>	<p>Current:</p> <p>B. Financial Contribution</p> <p>Local government is not obliged to contribute to any successful CSRFF small grant.</p> <p>Request for the Capital Seed Fund may be considered with the following conditions:</p> <ul style="list-style-type: none"> • Capital Seed Fund will only be awarded in support of successful CSRFF applications. <p>Proposed amendment:</p> <p>B. Financial Contribution</p> <p>Local government is not obliged to contribute to any successful CSRFF small grant.</p>	<p>The current budget line of \$75, 000 allocated annually, is restricted for CSRFF applications, deemed to have good planning and is merit based (<i>demonstrated need and alignment with policy and CSRFF guideline eligibility conditions</i>).</p> <p>The CSRFF program guidelines are used to critique project viability and ensure funds are allocated to projects that will deliver an outcome in the best interest of the community.</p> <p>Adopting the proposed amendment may require additional funds to be allocated to the budget line.</p> <p>Currently \$75,000 is budget annually and the request for support consistently exceed the allocated budget.</p> <p>The current policy position and CSRFF guideline is used to manage this budget.</p>

Proposed amendment:	Officer Comment:
	<p>Request for the Capital Seed Fund may be considered with the following conditions:</p> <ul style="list-style-type: none"> Capital Seed Funding of a maximum of one third of the total estimated project costs (excluding GST), may be awarded to unsuccessful applicants providing that the applicant is able to source the remaining two thirds of the total estimated project costs (excluding GST) to enable completion of the project.
<p>Dot Point 2 to read: “The City’s contribution will not exceed a maximum of one third of the total estimated project costs (excluding GST).”</p>	<p>Current:</p> <ul style="list-style-type: none"> Nil <p>Proposed amendment:</p> <ul style="list-style-type: none"> The City’s contribution will not exceed a maximum of one third of the total estimated project costs (excluding GST).
<p>Remove the last paragraph of the Policy: (If an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to an applicant’s project with the following conditions:).</p> <ul style="list-style-type: none"> o Dot Point 5 to read: Applicants must make at least one attempt to leverage CSRFF funding. o Dot Point 6 (The applicant can source the remaining two thirds of the total estimated project costs themselves) to be removed. 	<p>Current: If an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to an applicant’s project with the following conditions:</p> <ul style="list-style-type: none"> The applicant has made at least two attempt to leverage CSRFF; The applicant can source the remaining two thirds of the total estimated project costs themselves. <p>Proposed amendment: If an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to an applicant’s project with the following conditions:</p> <ul style="list-style-type: none"> The applicant has made at least two attempt to leverage CSRFF; The applicant can source the remaining two thirds of the total estimated project costs themselves. Applicants must make at least one attempt to leverage CSRFF funding.
	<p>Refer to Risk & Opportunity section of the report.</p> <p>Recommendation: It is requested that the amended policy position includes an additional condition that applicants can clearly demonstrate that the proposed project can be delivered and meets the CSRFF guidelines, clubs and community expectations.</p>
	<p>Agree with proposed amendment.</p>
	<p>Officers would like to continue to promote quality funding applications (good project planning) and encourage applicants to explore alternate funding streams.</p> <p>The requirement to apply twice was used to encourage clubs to seek alternative funding streams.</p> <p>It is important that clubs attempt to leverage as much funding as possible to free up important funds to cover club expenses that may not be covered by an external funding program.</p> <p>The small CSRFF application process is simple, easy to complete and is accessible twice a year (every 6 months).</p> <p>During the 12 month period, other funding sources historically have come on line (Federal).</p> <p>A club can often be successful on a second attempt for CSRFF as other applicant have found alternative funding sources.</p> <p>The policy is intended to support and assist clubs with ongoing financial sustainability whilst reducing future potential burden on Council municipal funds.</p> <p>Officers would like to continue to support and encourage clubs to explore alternate funding streams.</p>

Proposed amendment:		Officer Comment:
		<p>Recommendation: Agree with the proposed amendment with the additional condition:</p> <ul style="list-style-type: none"> Applicants must make at least one attempt to leverage CSRFF funding and demonstrate that alternate funding opportunities have been explored. <p>Reason: To encourage Clubs to engage with City Officers to assist and provide advice.</p>

GOVERNMENT & PUBLIC CONSULTATION

- 18. No public consultation has been conducted in preparing this report.
- 19. Consultation was conducted with DLGSCI.

STATUTORY IMPLICATIONS

- 20. The current policy was developed to provide Council with the opportunity to rank sport and recreation clubs applications using the DLGSCI CSRFF guidelines.

POLICY IMPLICATIONS

- 21. Proposed amendments to the current policy position will have policy implications.
- 22. It is requested that the amended policy position includes the condition that applicants can clearly demonstrate that the proposed project can be delivered and meet the clubs and communities expectations.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Financial Viability. Amending this policy may inadvertently undermines the objective of the policy that applicants require to demonstrate good financial planning and actively encouraged to seek all available funding opportunities.</p> <p>Governance & Reputation. Expose elected members to be lobbied by clubs for unsuitable projects.</p> <p>Financial. The maximum contribution of 1/3 will no longer be capped without the CSRFF guidelines in place.</p>	Possible	Moderate	Medium	<p>Proposed changes to be discussed and critiqued by Council Committee.</p> <p>City Officer’s work with Council to review and amended the policy position if required.</p> <p>Reference the budget allocation is subject to approval by Council when communicating with applicants.</p>
<p>Opportunity: Opportunity to cut red tape, whilst not exposing Council to funding projects that may not result in or not meet the applicants and/or the community’s expectations.</p>				

FINANCIAL IMPLICATIONS

- 24. The Capital Seed Reserve Fund has been established to assist with leveraging CSRFF for sporting and recreational clubs.
- 25. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.

LEGAL IMPLICATIONS

- 26. Not applicable to this report.

ENVIRONMENTAL CONSIDERATIONS

- 27. Not applicable to this report.

ALTERNATE OPTIONS

- 28. Council has a number of options, however it is recommended that a Policy position is retained, be that in its current form or amended.

SUMMARY CONCLUSION

- 29. The current policy provides an equitable and transparent framework for the assessment and ranking of CSRFF and capital seed funds that aligns with Council’s strategic objectives.
- 30. The proposed amendments are considered.
- 31. That the amended policy position includes the condition that the applicant must:
 - a. Clearly demonstrate that the proposed project can be delivered and meet the CSRFF guidelines, clubs and communities expectations; and
 - b. Demonstrate two third matched funding and that all alternate funding opportunities have been explored.

Consulted References	:	Not applicable to this report.
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Review Ref: OCM 23 May 2017 Resolution CCCS028. OCM 25/08/2015 Resolution CS022

**CCS215: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 DECEMBER 2019**

Proponent	: City of Albany
Attachments	: Budget Review for the period ending 31 December 2019
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: Acting 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:
 - **Theme 1:** Leadership.
 - **Objective 1.1:** To establish and maintain sound business and governance structures.
 - **Community Priority 1.1.1:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year under regulation 33A of the *Local Government (Financial Management) Regulations 1996*.
- This review is for the period ending 31 December 2019 and achieves a balanced Budget inclusive of the proposed Budget Review allocations.

RECOMMENDATION

**CCS215: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council ADOPT the Budget Review for the period ending 31 December 2019.

CCS215: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS215: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 December 2019.

BACKGROUND

2. Local Governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

DISCUSSION

3. Council adopted the 2019/2020 Budget on 23 July 2019. The total adopted budget of \$109.5M comprised:
 - a. \$37.5M capital works;
 - b. \$ 2.6M debt reduction; and
 - c. \$69.4M in operating expenditure.

4. This Budget Review identifies expenditure of \$1,950,057 for general works, variations and new projects.
5. The funding of \$1,950,057 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding plus the amended opening funds of \$41,498 has been identified in this review to maintain a Balanced budget.
6. This budget review shows the 2019/2020 budget is in a balanced position.
7. A copy of the Budget Review for the period ending 31 December 2019 is attached.
8. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

Department of Local Government guidelines were followed in the preparation of this report.

9. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

10. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a. is incurred in a financial year before the adoption of the annual budget by the local government
 - b. is authorised in advance by a resolution (absolute majority required) or;
 - c. is authorised in advance by the mayor in an emergency.
11. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Organisation's Operations. Non approval of the budget review, may result in significant delays to achieving deliverables.</p> <p>Opportunity: Provides Council with an additional opportunity to review the City's current budget position.</p>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>In the short term the existing Annual Budget would apply and proposed amendments would not apply.</i></p> <p><i>Adopt the Budget Review with amendments (as specified by Council).</i></p>

FINANCIAL IMPLICATIONS

BUDGET REVIEW FOR THE PERIOD ENDING 31 DECEMBER 2019		
This Review Maintains Council's Budget in a Balanced Position		
		\$
GENERAL WORKS/VARIATIONS. (Additional Funds Required)		(1,950,057)
FUNDED BY		
- Reduction in Expenditure	2,402,807	
- Adjustment in Grant/Contributions Funding	(281,456)	
- Adjustment in Revenue	26,981	
- Restricted Cash Adjustments (Transfer To)/Transfer From	(303,992)	1,844,340
Balance		(105,717)
- Current 19/20 Budgeted Closing funds	64,219	
- Adjustment to opening funds from forecast to actual 30 June 2019 (Being adjustments at the conclusion of the annual Audit)	41,498	
- Revised 19/20 Budgeted closing funds		-

LEGAL IMPLICATIONS

14. Nil.

ENVIRONMENTAL CONSIDERATIONS

15. Nil.

ALTERNATE OPTIONS

16. For the period ending 31 December 2019, Council may consider to:
- a. Adopt the Budget Review as recommended; or
 - b. Adopt the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

17. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 December 2019 be supported.

Consulted References	:	Adopted Budget 2019/2020 Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	Budget Review – OCM 24/09/2019 Resolution CCS179

CCS216: CITY UPDATE - QUARTER 2 - DECEMBER 2019

Report Prepared By : Facilitator - Strategy and Improvement (S Grimmer)
Responsible Officers: : Acting 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:

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

In Brief:

- The quarterly City Update reports progress against the Strategic Objectives and Operational Priorities as outlined in the City's integrated planning and reporting framework and the supporting budget.

RECOMMENDATION

CCS216: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the City Update Report for the December 2019 quarter be RECEIVED.

CCS216: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS216: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City Update Report for the December 2019 quarter be RECEIVED.

BACKGROUND

2. The City Update provides a quarterly snapshot on how the City is performing against the priorities set in the Corporate Business Plan.
3. A simple traffic light and comments system is used to report on the progress made against agreed performance targets
4. This the second report for the 2019/20 financial year.

DISCUSSION

5. The format aligns with the Your City brand. The City's performance against this plan is reported via the quarterly City Update and monthly Financial Reports.
6. The December 2019 report confirms that the City is on track to meet its Integrated Planning & Reporting (IPR) commitments in 2019/20.

GOVERNMENT & PUBLIC CONSULTATION

7. The Albany quarterly City Update is modelled on similar approaches from across the Local Government sector.
8. Community Engagement – Not required.

STATUTORY IMPLICATIONS

9. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring and reporting progress.

POLICY IMPLICATIONS

10. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Council fails to deliver against commitments made.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Monitor and report performance quarterly and take appropriate action.</i>

FINANCIAL IMPLICATIONS

12. While there are no direct financial implications in relation to this item the City monitor’s financial trends to confirm that services, strategic priorities and projects are delivered within the constraints of the Annual Budget.

LEGAL IMPLICATIONS

13. There are no legal implications relevant to this report.

ENVIRONMENTAL CONSIDERATIONS

14. There are no environmental implications relevant to this report.

ALTERNATE OPTIONS

15. There are no alternate options relevant to this report.

CONCLUSION

16. The City Update provides a snapshot on how the City of Albany is performing against its Integrated Planning and Reporting framework.

Consulted References	:	Local Government Act 1995 Western Australia - Integrated Planning & Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	Annual Adoption of Corporate Business Plan

CCS217: COMMUNICATIONS & ENGAGEMENT STRATEGY

Proponent / Owner	: City of Albany
Attachments	: City of Albany Communications & Engagement Strategy
Report Prepared By	: Communications & Events Manager (N Watson)
Responsible Officers:	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

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

- **Theme:** Leadership
- **Objective:** To engage effectively with our community.
- **Community Priority:** Improve community engagement processes and platforms to provide our community with a variety of opportunities to be involved and contribute to decisions;

This item relates to the following elements of the Corporate Business Plan:

- **Key Organisational Criteria:** Develop a Council strategy to improve communication with residents and businesses.

In Brief:

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

RECOMMENDATION

**CCS217: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE the City of Albany Communications & Engagement Strategy quarterly progress report 1 and its endorsement by the Communications & Engagement Advisory Group.

CCS217: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS217: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the City of Albany Communications & Engagement Strategy quarterly progress report 1 and its endorsement by the Communications & Engagement Advisory Group.

BACKGROUND

2. Officers coordinated a strategic review of communications and engagement across 2018 and 2019, with the aim of adopting a new Communications & Engagement Strategy.
3. The goal of the review was to get a better understanding of the community's needs and wants through extensive community consultation so a clear direction could be set for communication and engagement.
4. Council adopted the new Communications & Engagement Strategy at the May 2019 OCM.

DISCUSSION

5. The City advertised for expressions of interest from community to be involved in an Advisory Group to guide and monitor the implementation of the strategy's aims and objectives.
6. Residents Andrew Storrie, Ken Matts and Tracey Murnane joined Councillors Sleeman and Stephens as community representatives on the Advisory Group, which includes representatives from each City directorate.
7. The Advisory Group will meet quarterly to review progress and provide a report to Council.
8. The group has already met twice, and community members have received an induction /familiarisation with the City's communications and engagement managers.
9. An action plan has been developed to support and report on the implementation of the Strategy on an ongoing basis. The action plan uses a simple traffic light system to track progress of actions.
10. At its most recent meeting on the 28th November, the Advisory Group reviewed and endorsed the Q1 progress report.

GOVERNMENT & PUBLIC CONSULTATION

11. Extensive community consultation was undertaken during the development of the Communications & Engagement Strategy and achieved the highest reach of any engagement project undertaken by the City.
12. The Q1 progress report has been reviewed and supported by the Advisory Group, which includes members representing community.

STATUTORY IMPLICATIONS

13. Nil

POLICY IMPLICATIONS

14. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: If community engagement expectations are not met due to budget, viability, funding agreements, safety or legislative constraints.	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
Reputational: If communications or engagement activity is ad-hoc, untimely, inaccurate or untargeted.	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.
Operational: Some aspirations of the Strategy may not be fully realised due to budget, funding or resource constraints.	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.

FINANCIAL IMPLICATIONS

16. Nil.

LEGAL IMPLICATIONS

17. Nil.

ENVIRONMENTAL CONSIDERATIONS

18. Nil.

ALTERNATE OPTIONS

19. Nil.

CONCLUSION

20. Community representation on the Advisory Group ensures community needs and priorities remain central to the implementation of the Communications and Engagement Strategy. Quarterly reporting will track our achievements against the agreed aims and objectives of the Strategy.

Consulted References	:	City of Albany Communication and Engagement Strategy 2019
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM July 2018, Resolution CCS066 OCM November 2017, Resolution CCS009 OCM May 2019, Resolution CCS154

**CCS218: 17th NATIONAL CARAVAN CLUBS RALLY (NCCR) – POST
EVENT EVALUATION REPORT**

Proponent : City of Albany
Report Prepared By : Manager Events & Communications (N Watson)
Responsible Officer(s) : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This strategy directly relates to the following elements of the City of Albany's Community Strategic Plan – Albany 2030:
 - **Theme 2:** Smart, Prosperous and Growing.
 - **Objective 2.3:** To develop and promote Albany as a unique and sought-after visitor location.
 - **Community Priority 2.3.1:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
 - **Community Priority 2.3.2:** Promote the "Amazing South Coast" as a sought after and iconic tourism destination to increase the number of people visiting and the duration they stay.

In Brief:

- Accept the City of Albany post activity report for the 17th National Caravan Clubs Rally.

RECOMMENDATIONS

**CCS218:COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the City of Albany Post Event Evaluation Report for the destination hosting of the 17th National Caravan Clubs Rally be RECEIVED.

CCS218:COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS218:RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany Post Event Evaluation Report for the destination hosting of the 17th National Caravan Clubs Rally be RECEIVED.

BACKGROUND

2. Council approved entering into a Memorandum of Understanding with the Western Australian Association of Caravan Clubs Inc. (WAACCI) at the April 2016 OCM to host and provide in-kind support to the 17th National Caravan Clubs' Rally.
3. It is the first time the National Rally has visited WA in 18 years and WAACCI as the State Body for the 32 caravan clubs in Western Australia was delegated to organise the event.
4. Albany Council provided exclusive use of Centennial Park grounds and facilities, and access and provision of utility services such as power, water and lighting. The City also assisted with public notification of the event and traffic management.

DISCUSSION

5. The official Rally program ran from October 13th to October 22nd 2019, with a small crew on site for several weeks either side of the program to coordinate bump-in and bump-out of this large event.
6. The Rally attracted 402 vans and 800 participants from 81 clubs across Australia. Rally organisers report many participants booked and stayed at caravan parks in other towns within the Amazing South Coast region before arriving at Albany for the event.

The following is a table breakdown of participants by State or Territory:

STATE or TERRITORY	VANS IN ATTENDANCE	CLUBS PARTICIPATING
ACT	13	1
NSW	89	19
QLD	81	12
SA	28	9
VIC	48	14
WA	143	26
Total	402	81

7. Public access was via a Trade Fair on Friday, 18th October and Saturday, 19th October 2019. The trade show attracted 32 exhibitors (26 local) and an estimated public attendance of 300.
8. A gold coin entry to the Trade Fair raised \$3,800 for the Royal Flying Doctor Service (RFDS), which was topped-up to \$5,000 by the Rally organisers and matched by Rio Tinto to take the total RFDS donation to \$10,000.
9. The City assisted with local communication to notify user groups and inform business and community about the event. This included a letter to stakeholders in the Centennial precinct, media release, local radio ads, newspaper public notices, social media, newsletter distribution, and erecting signs on site to inform public about the event.
10. Rally organisers collected receipts from rally participants to help gauge economic impact of the rally during its stay in Albany, with a total estimated direct spend of more than \$1.09 million:
 - Estimated spend of rally participants between October 13th to October 22nd 2019 was \$986,000 excluding fuel and personal provisions;
 - The rally committee spent \$105,939 in addition to the above figure on catering, local hire, venue, caravan parks, small business and other to deliver the event.
11. Using these figures and the economy.id event impact calculator tool, the total estimated output plus value-added impact to the Albany economy totalled \$1,820,677.
12. In addition, Rally visitor expenditure in the region pre and post the main rally dates is estimated to be significant but unmeasured.
13. This event is considered to be economically successful based on the estimated economic injection figures, delivering a higher than 19 to 1 ROI based on the \$92,000 direct cost as the host city and the economy.id event impact calculations.
14. Comparably, the City's investment into the 2015 CMCA Rally was \$104,844, delivering a ROI of 12 to 1.

15. The National Anzac Centre (NAC) had direct measurable benefit from the Rally, with 339 Rally participants visiting the NAC during the event, and between 150 and 170 using a 10% discount offer in the Forts Store.
16. Busy Blue Bus provided direct tour bookings to the National Caravan Club rally, resulting in a lower engagement with tour bookings through Albany Visitor Centre than would otherwise have been expected. However, the services provided by Busy Blue Bus still represented a direct spend into the local economy from the Rally. During the month of October, the Visitor Centre had 16,641 visitors, 135 more visits than the same period the year before, and took \$2,710 in tour bookings compared to \$3,548 the year before.
17. Albany Public Library ran a technology education program for Rally participants, as this is a core part of the event's program and their usual trainer was unavailable. There was a total of 61 attendees across all sessions a lower-than-usual participation rate which Rally organisers credited to the varied entertainment options available at the Albany rally.
18. Local media reporting of the event had an equivalent advertising value of over \$11,000 and reached a combined audience of more than 168,000. Australia-wide promotions of the Rally through industry channels and networks was extensive but unquantifiable, and it is expected the event generated significant word-of-mouth promotion for Albany across the country.
19. The major beneficiaries of the National Caravan Clubs' Rally were local hospitality, visitor attractions, supermarkets and retail businesses. As the Rally participants used their own accommodation, commercial accommodation operators did not receive significant increases to their business. Other non-tourism based beneficiaries included medical services, fuel suppliers, equipment hire companies, vehicle repairs, battery, caravan and camping service providers.

GOVERNMENT & PUBLIC CONSULTATION

20. The Community Strategic Plan involved widespread community consultation, with the community identifying a number of priorities under the theme of Smart, Prosperous and Growing, including supporting significant events that promote our region and have positive economic benefit.

STATUTORY IMPLICATIONS

21. Nil.

POLICY IMPLICATIONS

22. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial: <i>In-kind commitments to host future major events without fully assessing cost to City.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>City to undertake due diligence in analysing costs and reporting full estimates to Council as part of its decision-making process.</i>

FINANCIAL IMPLICATIONS

24. In April 2016, Council endorsed the hosting of the 2019 National Caravan Clubs Rally with an estimated investment at the time of up to \$20,000 in in-kind support.
25. This estimate was provided prior to the redevelopment of the Centennial Park Sporting Precinct and did not account for some of the challenges and resulting costs of providing access to utilities for the Rally.
26. During planning for the event, officers identified costs of the City’s in-kind commitments were significantly higher than original estimates and briefed Council in June 2019.
27. Sufficient funding to fulfil the City’s MoU with the Rally was included in the 2019-2020 Budget from the Major Events Attraction Reserve and approved by Council.
28. Council’s contribution to the event totalled around \$92,000 in direct costs as detailed below:

**National Caravan Clubs’ Rally, Albany Host Destination,
13 - 22 October 2019**

EXPENSES

Description	Total
<u>Host destination requirements</u>	
Major events attraction - job number 3325 CMCA	\$140,000.00
CoA Salaries & Wages	\$10,107.00
Materials & Consumables	\$14,110.00
Contract works	\$12,598.00
Fuel & Oil	\$27,158.00
Equipment Hire & Plant Vehicles Hire	\$650.00
Advertising	\$1,092.00
Labour Hire / Contract Employment	\$7,356.00
Internal Plant Hire Depreciation	\$1,500
Water	\$1,152.00
Plant Operating Costs	\$2,290.00
Labour Overhead	\$14,300.00
Totals	\$92,313.00
Balance	\$47,687.00

29. Management and oversight of event contractual deliverables was undertaken using existing staff resources within Community Services and within existing allocated budgets.
30. Provision of the venue and facilities at Centennial Oval to the event had an additional in-kind value of \$13,125.
31. The National Caravan Club Rally donated all water distribution materials including 80 brass taps, fittings and kilometres of piping with a value of around \$7,500 to the City’s Reserves Team at the conclusion of the event.

LEGAL IMPLICATIONS

32. Nil.

ENVIRONMENTAL CONSIDERATIONS

33. Nil.

ALTERNATE OPTIONS

34. Nil.

SUMMARY CONCLUSION

35. Securing the 2019 National Caravan Clubs' Rally event achieved a City strategic deliverable to support significant events that promote our region and have a positive economic and social benefit.
36. The event is considered as being economically successful delivering an excellent ROI on the \$92,000 host city investment and generating an estimated \$1.8m economic injection into Albany.
37. Significant but unquantifiable economic benefit would also have been received across the region as a result of the Rally and the more than 400 participating caravans it attracted from across the country.

Consulted References	:	City of Albany Community Strategic Plan - Albany 2030
File Number (Name of Ward)	:	Not applicable.
Previous Reference	:	OCM Minutes 26/04/2016 – ED031

CCS219: RACEWARS UPDATE

- Proponent / Owner** : City of Albany
Attachments: : *Distributed separately under confidential cover.*
- *HHG Legal Group Review Letter – Review of Sponsorship Agreement – Other parties: Racewars Pty Ltd, Targa West Pty Ltd. (Confidential)*
 - *Revised Agreement. (Confidential)*
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
Responsible Officers: : Acting Executive Director Corporate & Commercial Services (D Olde)
Chief Executive Officer (A Sharpe)

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:
- **Theme:** Smart, prosperous and growing.
 - **Objectives:**
 - Strengthen and grow our region’s economic base.
 - Develop and promote Albany as a unique and sought after visitor location.
 - **Community Priorities:**
 - Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
 - Promote the “Amazing South Coast” region as a sought after and iconic tourism destination.

In Brief:

- Note the updated Event Sponsorship Agreement and Status Report.

RECOMMENDATION

CCS219: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the updated Event Sponsorship Agreement and Officer Report be NOTED and acknowledge that the first sponsorship payment of \$35,000 will not be paid until the formal sponsorship agreement has been signed and event approval for 2020 has been issued.

CCS219: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Goode

CCS219: RESPONSIBLE OFFICER RECOMMENDATION:

THAT the updated Event Sponsorship Agreement and Officer Report be NOTED and acknowledge that the first sponsorship payment of \$35,000 will not be paid until the formal sponsorship agreement has been signed and event approval for 2020 has been issued.

BACKGROUND

2. At the Special Council Meeting held on 3 September 2019, Council resolved:

<p>THAT:</p> <p>(1) The City of Albany’s Risk Exposure in regards to sponsoring and approving Motorsports Events be NOTED.</p> <p>(2) The Racewars Pty Ltd, Business Plan and associated supporting documents be NOTED.</p> <p>(3) The decision to enter into a Sponsorship Agreement with Racewars Pty Ltd for the next three (3) years be APPROVED.</p> <p>(4) The Chief Executive Officer, formally advise Racewars Pty Ltd, that the proposed Racewars Events are subject to the issue of an Event Approval Permit by the City of Albany (Approving Authority) in accordance with the Sponsorship Agreement, noting each event site will be assessed on a site by site basis, for example:</p> <ul style="list-style-type: none"> • The Racewars Principle Event located at the Albany (Harry Riggs) Regional Airport; or • The Racewars Middleton Beach Hill Climb Sprint Event.

DISCUSSION

3. The purpose of this report is to provide Council with an update on activities associated with the event and detail the changes made to the Sponsorship Agreement.

4. It is anticipated that the event approval process will be completed by 20 February 2020.

Amended Sponsorship Agreement:

5. The changes made to the previous sponsorship agreement are detailed in the attached letter of advice from the City’s legal counsel.

6. The draft agreement will be updated to include the listed support provided by the City in addition to the \$35,000 (AUD) sponsorship provided annually.

7. The listed support is detailed in the financial implications section of the report.

8. The following provides an update on activities that have been completed or are in progress at the time of writing this report.

Racewars Event	Progress:
Notification to Local Emergency Management Committee (LEMC)	Completed.
Notification to Hospital and St John Ambulance. Note: <ul style="list-style-type: none"> • A condition of event approval for the airport event will the mandatory positioning of a Paramedic on the advice of St John Ambulance on site for the airport event. 	Completed.
Sponsorship Agreement (Amended). Note: <ul style="list-style-type: none"> • The current agreement is between Racewars Group Pty Ltd and the City of Albany. • The current agreement needs to be amended to reflect Racewars Pty Ltd and the engagement of Targa West Pty Ltd and the sanctioning body AASA. • Once Event Approval is given, the sponsorship will be paid to Racewars Pty Ltd. 	In progress.

Albany Airport Event:	Status:
<p>Rescheduling of Regular Passenger Transport Flights (Regional Express).</p> <p>Note:</p> <ul style="list-style-type: none"> • Rex and DoT have agreed to reschedule flights. • Last flight out of Albany is at 2000 hours (8pm) on the Friday evening, with extra flights prior to and on the Monday after 1400 hours (2pm). 	<p>Completed.</p>
<p>Method of Work Plan - Racewars Event – Aerodrome Unavailability.</p> <p>Note 1:</p> <ul style="list-style-type: none"> • In the event of any emergency aircraft requiring access, the event will be suspended. • In the event of a local bush fire requiring water bomber action, the event may be suspended or cancelled. • NOTAM states all emergency services to contact aerodrome operator for access. • RWY 05/23 will be made available for emergency services aircraft access. • Portable lighting will be set up on RWY 05/23 for night operations. <p>Note 2:</p> <ul style="list-style-type: none"> • Meeting conducted with WA Country Health Service, Director Regional, on 29 January 2020. 	<p>Completed.</p> <p><i>Note: Additional briefings are scheduled with the Airport Emergency & Safety Committees.</i></p>
<p>Traffic Management Plans & Road Closures (Albany Highway and Parker Brook Road).</p> <p>Note 1: Parker Brook Road will be closed:</p> <ul style="list-style-type: none"> • Saturday, February 29: Road Closed 11:30am to 6:00pm, with by-pass via Menang Drive and Rocky Crossing Rd / Willyung Rd or Hawley Rd. • Sunday, March 1: Road Closed 8:00am to 4:30pm, with by-pass via Menang Drive and Rocky Crossing Rd / Willyung Rd or Hawley Rd. <p>Note 2: Albany Traffic Management (ATM) are currently undertaking the update of the TMP. On completion of the TMP, approval will be given by the City for the Road Closure.</p>	<p>In progress.</p>
<p>Competitor Safety Works at end of Runway 14/32 (Parker Brook Rd End).</p> <ul style="list-style-type: none"> • Works booked, scheduled to be completed by 26 February 2020. 	<p>In progress.</p>
<p>Internal Return Road Grading for competitors.</p> <ul style="list-style-type: none"> • Grading booked for 26 February 2020. 	<p>In progress.</p>
<p>Event Staff (Visitor Identification Card) VIC Applications.</p> <ul style="list-style-type: none"> • A number have been received already which is an improvement on previous years. 	<p>In progress.</p>

Middleton Beach Hill Climb Sprint Event:	Progress:
<p>Traffic Management Plans & Road Closures.</p> <ul style="list-style-type: none"> • Approved by City of Albany and submitted to Albany Police on behalf of Targa West Pty Ltd. • Confirmed on 31 January 2020, that receipted. <p><i>Note: Road closure reduced from previous year, from 6am to 6pm on the Monday.</i></p>	<p>Completed.</p>
<p>National Anzac Centre</p> <p>The National Anzac Centre will be closed on Monday 2 March 2020 during the running of the Racewars Sprint Event at Middleton Beach.</p> <p>Note 1:</p> <ul style="list-style-type: none"> • The decision is based on previous attendance figures and the necessary restricted access during the event. <p>Note 2:</p> <ul style="list-style-type: none"> • Consultation with effected business owners completed and public notification on-going. 	<p>Completed.</p>

GOVERNMENT & PUBLIC CONSULTATION

9. Continued consultation has been conducted with the City's:

- a. Insurance Broker (LGIS); and
- b. Legal counsel.

10. Consultation has been conducted with:

- a. **Airport Operations:** Officers, through the Department of Transport's Community Consultation Group, which consists of stakeholders from industry, government, and the aviation community the City have sought permission and been granted approval for the Albany Airport to be closed to aircraft movement from Friday evening to 12.00pm (midday) Monday. Noting, as previously communicated, air transport on the Perth to Albany route is historically low on long weekends and it is usual for flights to be cancelled due to insufficient demand.
- b. **Royal Flying Doctor & Water Bombers:** Officers have met with WA Country Health Service to advise the Airport will remain open for emergency flights for the Royal Flying Doctor Service. To facilitate emergency use of the airport, Albany Airport staff will remain on duty to ensure safety and operational compliance needs are adhered to, and to respond to any emergency air service requirements. The Royal Flying Doctor Service, in consultation with the Albany Hospital, may schedule non-emergency flights to accommodate the event.
- c. **Community & Stakeholder Consultation:** The event organisers (Racewars & Targa West) assisted by the City's Media and Airport Team have commenced community and stakeholder notification.

12. Additional consultation has been conducted with the Public and Aboriginal Health Division - Department of Health, on behalf of Princess Royal Hospital. Points of Clarification Provided:
- a. Racewars Pty Ltd is now conducting the Albany Airport Sprint events under the Australian Auto-Sport Alliance (AASA) sanctioning body.
 - b. Event approval will be based on the condition that a paramedic must be on site as stipulated by St John Ambulance and the City Local Emergency Management Committee (LEMC).
 - c. The Racewars 2020 Event Regulations have been reviewed and updated.
 - d. The Racewars– Event & Motorsport Risk Register was submitted with their proposal end of last year.
 - e. There are protocols in place to open and close the airport to facilitate RFDS and other emergency response aircraft (i.e. Rescue Helicopter etc). This has been facilitated on a number of occasions.
 - f. The current requested protocol is RFDS/Hospital to provide 1 hour prior notice of requirement to land required; however this can be reduced.
 - g. Over the past three years, the City of Albany, owner and operator of the Albany Airport, has been responsible for ensuring that Royal Flying Doctor Service (RFDS) Flights can safely access the airport for emergency response.
 - h. The City has requested the Albany Regional hospital to reserve using the RFDS for emergency transport only.

STATUTORY IMPLICATIONS

Governance Role

- 13. Under the Environmental Health Regulations the City also has a regulatory role to ensure public events are safe.
- 14. As the event permit authority, the City's involvement should be limited to providing approval and sponsorship.
- 15. It is the role of the event organiser (RACEWARS) to organise, manage and regulate the event in accordance with conditions imposed by the permit authority.
- 16. The City is entitled to rely on RACEWARS to run, organise and manage the event to the requisite standards in order to minimise risk and ensure safety.
- 17. The Agreement clearly states that the City will take control of airport operations should emergency use be required (RFDS/Water Bombers), and that the City will not be liable for any losses to RACEWARS associated with the emergency use of the airport.

POLICY IMPLICATIONS

- 18. The City, as the event permit authority, can instruct and/or take direct action if it considers that obligations under the Act are not being met by the event holder.

RISK IDENTIFICATION & MITIGATION

19. At the Special Council meeting held in September 2019, the following Risk and Opportunity Assessments were provided to Council.

20. The assessment has been updated with additional information:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation & Financial. Risk: Accelerated wear and tear to the Albany Airport runway from chip seal loss.</p>	Likely	Moderate	High	<p>Continue to monitor the wear resulting from the event activity. Allocate additional funds from an appropriate budget line.</p> <p>Post special council meeting funding application submitted to Federal Government for main runway upgrade. To facilitate this project pavement condition assessment is currently being conducted.</p> <p>Current assessment has only identified show minor chip loss and cracking from current use (which includes use by Racewars Competitor over the past 3 years).</p>
<p>Reputation. There is a potential risk that the event will continue to grow and existing resources may not be able to accommodate visitor expectations.</p>	Almost Certain	Major	Extreme	<p>Encourage the event organisers to transition this event to be overseen by a dedicated event management entity.</p> <p>Racewars have appointed a dedicated Event Manager for the Airport Event.</p> <p>Racewars have transitioned the Middleton Beach Sprint to Targa West.</p> <p>Racewars Airport to be run under AASA sanctioning body rules.</p> <p>A fully revised risk management plan will continue to be developed which formulates potential event approval conditions to mitigate and/or manage hazards as part of the event approval process.</p>
<p>Legal & Reputation. Identified risks are not mitigated and/or managed by the Event Organiser.</p>	Unlikely	Severe	High	<p>The City as the permit authority allocates dedicated compliance staff to monitor and work with the Event Organiser.</p> <p>Further guidance and advice has been taken from the City's insurer.</p> <p>Separate legal review has been undertaken.</p> <p>Additional review of agreement conducted noting engagement of Targa West and AASA.</p>
<p>Safety & Liability: Council is the venue owner, but not a participant or the event organiser.</p> <p>As venue owner Council, (City of Albany), is responsible for ensuring the venue is safe and suitable for purpose, and set out terms and conditions of use.</p> <p>Council is also responsible for ensuring the event organiser will run a safe event.</p> <p>As owner of the venue Council should establish a set of requirements, terms and conditions for the users to meet and comply with.</p>	Unlikely	Severe	High	<p>As a minimum the City will:</p> <ul style="list-style-type: none"> Request full details of event including site plan and conduct its own risk assessment for suitability and safety risks. Received. Obtain a risk assessment from organiser Received. Conduct a joint site inspection with organiser to evaluate plans and processes. Verification inspection to be conducted. Detail requirements in writing to the organiser as part of the event approval process. In progress.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><i>This should include insurance and indemnity requirements.</i></p> <p><i>The same level of management for Council events should be required from the event organiser depending on the size of the event.</i></p>				<ul style="list-style-type: none"> Provide written terms and conditions (including insurance and indemnity) as part of the formal sponsorship agreement. <i>Completed (v1), In progress (v2).</i> Ensure Event Holder establishes contingencies. <i>In progress: Part of Event Approval Certificate.</i> <p><i>Additional safety precautions for Middleton Beach Hill Sprint:</i></p> <ul style="list-style-type: none"> <i>Reduction in average speed to under 90km/h resulting from modified course design.</i>
<p>Legal, Reputation & Financial Risk:</p> <p><i>Future event cancellation results in financial loss.</i></p>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<p>Condition of Event Approval that Event Cancellation Insurance must be in place to the satisfaction of the City's Insurer (LGIS).</p> <p><i>In progress: Part of Event Approval Certificate.</i></p>
<p>Opportunity: <i>To continue to promote Albany as a unique and sought after visitor location to attend and hold internationally recognised events and meet our Communities priority to encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.</i></p> <p><i>It is still believed that there is the potential to develop this event into an internationally recognised event.</i></p>				

FINANCIAL IMPLICATIONS

21. Sponsorship of \$35,000 per annum for a period of three (3) years for the RACEWARS event, will not be paid until the formal sponsorship agreement has been signed and event approval for 2020 has been issued.
22. The following additional expenses and in-kind support are met by the City:

Airport Event:

- a. Erection of security fencing to protect general aviation users;
- b. Grading of end of runway and drainage treatments;
- c. Grading of internal competitor return road;
- d. Emergency Services Support: Pilot accommodation and meal allowances for the DBCA (Fire Spotter) relocation; and
- e. Road Traffic Management and Control (Albany Highway and Parker Brook Rd).

Expenditure estimated at approximately \$20,000.

Middleton Beach Hill Climb Sprint Event:

- f. Ground servicing (mowing, reticulation mark out) for Middleton beach and Eyre Park;
- g. Installing the overflow car parking bunting at the golf course and Eyre Park;
- h. Variable Message board for 2 weeks prior to road closure (\$1,323.00);
- i. Road Sweeper pre and post event;
- j. Removal and reinstall of the speed hump at Forts precinct gate;
- k. Fencing and Road Cones (to designate access to Albany Surf Life Saving Club and public access space, pit lane); and
- l. Staff support on day (Two City Staff).
- m. In addition the City's Asset Team provided a structural condition report for Marine Drive and scheduled maintenance prior to the event to ensure road is safe; and

LEGAL IMPLICATIONS

23. As previously advised the City is within its right to terminate the contract prior to the 3-year term, if event approval conditions are not complied with or a breach of the sponsorship agreement occurs.

ENVIRONMENTAL CONSIDERATIONS

24. Not applicable to this report.

ALTERNATE OPTIONS

25. Not applicable to this report.

CONCLUSION

26. It is recommended that the revised Sponsorship Agreement and report is noted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none">• <i>National Anzac Centre / Forts Store Closure Monday 2 March – Briefing Note – 22 January 2020.</i>• <i>SCM September 2019 Resolution SCM018</i>

CCS220: ELECTED MEMBER PROFESSIONAL DEVELOPMENT & TRAINING POLICY

- Proponent / Owner** : City of Albany
Attachments : Elected Member Professional Development & Training Policy
Report Prepared By : Senior Team Leader/Council Liaison (J Williamson)
Manager Governance & Risk (S Jamieson)
Responsible Officers: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

In Brief:

- Adopt the amended “*Elected Member Professional Development Policy*”, now titled “*Elected Member Professional Development & Training Policy*”.

RECOMMENDATION

CCS220: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY
THAT the Elected Member Professional Development & Training Policy be ADOPTED.

CCS220: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS220: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Elected Member Professional Development & Training Policy be ADOPTED.

BACKGROUND

2. On 26 March 2019, Council resolved to adopt the Elected Member Professional Development Policy.
3. As at the 6 July 2019, it is legislative requirement under the *Local Government Act 1995* (the Act) for elected members to conduct training and professional development.
4. A local government must prepare and adopt a policy in relation to the continuing professional development of council members.

DISCUSSION

5. Policy content amended to reflect changes to the Act:

Objective:	Amended to include: <i>“The Local Government Act 1995 (the Act), states in part that a local government must prepare and adopt a policy in relation to the continuing professional development of council members.”</i>
Policy Statements:	Administrative amendment: Policy statements listed and appended with acknowledgement of new legislative requirement, being: <i>“It is acknowledged that Elected Member must receive and complete “Council Member Training” as prescribed in the Act and regulations, however Council also acknowledge the need to support an individual’s continuing professional development.”</i>

Legislative and Strategic Context:	Appended with applicable references, being: Local Government Act 1995: <ul style="list-style-type: none"> • Section 5.126 (Training for council members) • Section 5.127 (Report on training) Local Government (Administration) Regulations 1996 <ul style="list-style-type: none"> • Regulation 35. Training for council members (Act s. 5.126(1)) • Regulation 36 (Exemption from Act s. 5.126(1) requirement), noting a council member on the day on which the <i>Local Government Regulations Amendment (Induction and Training) Regulations 2019</i> regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.
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GOVERNMENT & PUBLIC CONSULTATION

- 6. Government circulars.
- 7. No public consultation is required.

STATUTORY IMPLICATIONS

Local Government Act 1995:

- Section 5.126 (Training for council members)

<p>5.126. Training for council members</p> <p>(1) Each council member must complete training in accordance with regulations.</p> <p>(2) Regulations may —</p> <ul style="list-style-type: none"> (a) prescribe a course of training; and (b) prescribe the period within which training must be completed; and (c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); <p style="padding-left: 40px;">and</p> <ul style="list-style-type: none"> (d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.
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- Section 5.127 (Report on training)

5.127. Report on training

(1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.

(2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.

Local Government (Administration) Regulations 1996

- Regulation 35 (Training for council members (Act s.5.126(1)))

35. Training for council members (Act s. 5.126(1))

(1) A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).

(2) The course of training is the course titled Council Member Essentials that —

(a) consists of the following modules —

- (i) Understanding Local Government;
- (ii) Serving on Council;
- (iii) Meeting Procedures;
- (iv) Conflicts of Interest;
- (v) Understanding Financial Reports and Budgets;

and

(b) is provided by any of the following bodies —

- (i) North Metropolitan TAFE;
- (ii) South Metropolitan TAFE;
- (iii) WALGA.

(3) The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.

- Regulation 36 (Exemption from Act s. 5.126(1) requirement)

36. Exemption from Act s. 5.126(1) requirement

(1) A council member is exempt from the requirement in section 5.126(1) if —

(a) the council member passed either of the following courses within the period of 5 years ending immediately

before the day on which the council member is elected —

- (i) the course of training specified in regulation 35(2);
- (ii) the course titled 52756WA — Diploma of Local Government (Elected Member);

or

(b) the council member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.

(2) A person who is a council member on the day on which the *Local Government Regulations Amendment (Induction and Training) Regulations 2019* regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.

Note: On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed by the Western Australian Parliament, coming into effect on 6 July 2019

8. The voting requirement for this item is **Absolute Majority**, as the policy contains a delegations to the Chief Executive Officer; and
9. In accordance with section 5.128(1) & (2) of the Act, **Absolute Majority** is required to adopt and amend this policy.

POLICY IMPLICATIONS

10. *Local Government Act 1995*. Section 2.7(2)(b)-Council determines local government policies.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: Amended Policy is not adopted.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<p><i>Council may further review the policy and request amendments.</i></p> <p><i>Professional Development opportunities will continue to be provided by the City to ensure adequate training for Councillors to fulfil their role and prescribed training will be delivered as prescribed by the Act and regulations.</i></p>

FINANCIAL IMPLICATIONS

12. The amount will be set annually as part of the budget adoption process. For planning purposes an amount of \$4,000 will be allocated to each elected member annually.
13. Unspent funds for individual elected members from each year will carry over for a maximum of two years, after which time any unspent funds may be returned to the general training budget.

LEGAL IMPLICATIONS

14. There are no direct legal implications associated with this report.

ENVIRONMENTAL CONSIDERATIONS

15. Nil.

ALTERNATE OPTIONS

16. Council may choose to either adopt the proposed policy, adopt with modification or refer the policy back to the Executive for further development.

CONCLUSION

17. It is recommended that the amended proposed policy decision be adopted.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Adoption reference: OCM 26/03/2019 Resolution CCS137.

CCS221: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 2020

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

RECOMMENDATION

**CCS221: 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 January 2020 totalling \$6,368,115.93.

CCS221: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
 SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS221: RESPONSIBLE 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 January 2020 totalling \$6,368,115.93.

BACKGROUND

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

DISCUSSION

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

Municipal Fund	
Trust	\$0.00
Credit Cards	\$17,220.73
Payroll	\$1,611,463.86
Cheques	\$32,713.27
Electronic Funds Transfer	\$4,706,718.07
TOTAL	\$6,368,115.93

As at 15 January 2020, the total outstanding creditors stands at \$190,647.61 and is made up as follows:-

Current	\$359,179.21
30 Days	\$116,482.00
60 Days	\$0.00
90 Days	\$0.00
TOTAL	\$475,661.21
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 January 2020 has been incurred in accordance with the 2019/2020 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 January 2020 has been incurred in accordance with the 2019/2020 budget parameters.

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS222: APPOINTMENT OF SENIOR DESIGNATED EMPLOYEE - EXECUTIVE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

Attachments : **CONFIDENTIAL – Curriculum Vitae and Selection Panel Report. The Draft Employment Contract will be tabled at the OCM or can be viewed prior to the meeting upon request to the Manager People & Culture.**

Report Prepared By : Manager People and Culture (L Harding)

Responsible Officers: : Chief Executive Officer (A Sharpe)

This report will be considered as CONFIDENTIAL in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee.

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:
 - **Theme 1: Leadership.**
 - **Objective 1.2:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority 1.2.1:** Provide positive leadership that delivers community outcomes.

In Brief:

- Council is requested to endorse the Chief Executive Officer's determination to fill the vacant position of Executive Director Corporate and Commercial Services with the preferred candidate, and offer the successful applicant a negotiated contract within the prescribed salary range for a term of 3 years.

RECOMMENDATION

**CCS222: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT:

- 1) **The Confidential Selection Committee Report for the position of Executive Director Corporate and Commercial Services be NOTED; and**
- 2) **The Chief Executive Officer's determination to fill the vacant position of Executive Director Corporate and Commercial Services and offer the successful applicant a negotiated contract within the prescribed salary range for a term of 3 years as per the confidential report for this item be ENDORSED.**

CCS223: CINEFESTOZ 2020 PARTNERSHIP

Business Entity Name	: CineFestOz Film Festival
Attachments	: CinfestOZ Film 2020 Partnership Opportunity Proposal
Report Prepared By	: Manager Communications & Events (N Watson)
Responsible Officers:	: Executive Director Community Services (S Kay)

CONFIDENTIAL REPORT

This report is confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Smart Prosperous & Growing
 - **Objective:** To develop a smart city that supports economic growth.
 - **Community Priority:** Partner with learning networks, schools and training providers to deliver education and training programs that support families and encourage a culture of lifelong learning
 - **Objective:** To develop and promote Albany as a unique and sought-after visitor location.
 - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
 - **Theme:** Community Health & Participation
 - **Objective:** To build resilient and cohesive communities with a strong sense of community spirit.
 - **Community Priority:** Facilitate and promote arts and cultural activities for all ages by providing a variety of arts and cultural activities that attract local and visiting patrons.

In Brief:

- Cinefest Oz has submitted a proposal for a start-up film festival focussed on Australian film tailored for Albany in May 2020. City officers are seeking Council's endorsement to accept the proposal.

RECOMMENDATION

CCS223: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT:

1. The Cinefest Oz proposal for an Albany Film Festival in May 2020 be **ACCEPTED**.
2. Unexpended appropriate existing budget lines be reallocated to the Cinefest Oz proposal in accordance with recommendation made in the body of the Confidential Report.

CCS224: GREAT SOUTHERN ART CULTURAL & HERITAGE STRATEGY

Report Prepared By : Executive Director Community Services (S Kay)
Responsible Officers: : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Community Health & Participation
 - **Objective:** To build resilient and cohesive communities with a strong sense of community spirit,
 - **Community Priority:** Facilitate and promote arts and cultural activities for all ages by providing a variety of arts and cultural activities that attract local and visiting patrons

In Brief:

- The City was successful in securing funding from the Department of Local Government, Sport and Cultural Industries RACIP Leveraged Cultural Planning - 2019 to 2023 funding round for a total of \$50,000 to facilitate the development of a Great Southern Arts, Culture and Heritage Strategy.
- The City has also secured a funding commitment of \$23,500 from other Great Southern Local Government Authorities (LGAs) and organisations including Great Southern Development Commission (GSDC), Shire of Plantagenet, Shire of Denmark, Shire of Katanning, Shire of Cranbrook, Shire of Gnowangerup, Shire of Woodanilling, and Shire of Broomehill-Tambellup.
- The City of Albany is contributing \$10,000 plus in-kind support to the development of a Great Southern Strategy as well as an additional \$20,000 to produce a City of Albany Arts, Culture and Heritage Plan, in conjunction with the regional project.
- A small Advisory Group, chaired by GSDC, was formed in October 2019 to oversee this project. The Group is poised to issue a Request for Quotation to the marketplace to engage a suitably qualified and experienced consultant to deliver the strategy.

RECOMMENDATION

**CCS224: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council

1. **ACCEPT** the receipt of funding towards the development of a Great Southern Regional Arts, Culture and Heritage Strategy, comprising of:
 - \$50,000 from the Department of Local Government, Sport and Cultural Industries RACIP Leveraged Cultural Planning - 2019 to 2023 round; and
 - \$23,500 from the Great Southern Development Commission, Shire of Plantagenet, Shire of Denmark, Shire of Katanning, Shire of Cranbrook, Shire of Gnowangerup, Shire of Woodanilling, and Shire of Broomehill-Tambellup;
2. **APPROVES** continuation of work to deliver a Great Southern Arts, Culture and Heritage Strategy and a City of Albany Arts, Culture and Heritage Plan.

BACKGROUND

2. Planning for the development of the Great Southern Regional Arts, Culture and Heritage Strategy has occurred since late 2018. GSDC engaged Keston Technologies to undertake a developing the scope for this project in early 2019.
3. Keston Technologies consulted with all local governments and selected key stakeholders in the Great Southern to determine their requirements from such a strategy. The scoping study provided a Terms of Reference and provisional budget required to undertake the development of the strategy.
4. This preliminary work formed the basis for further consultation with the Department of Local Government, Sport and Cultural Industries, resulting in an invitation to apply to the RACIP Leveraged Cultural Planning - 2019 to 2023 funding round.
5. The Great Southern Arts Culture and Heritage Strategy Advisory Group chaired by GSDC, endorsed the City's application for a total of \$50,000, which has been successful.
6. The City has also secured a funding commitment of \$23,500 from other Great Southern LGAs and organisations including GSDC, Shire of Plantagenet, Shire of Denmark, Shire of Katanning, Shire of Cranbrook, Shire of Gnowangerup, Shire of Woodanilling, Shire of Broomehill-Tambellup.
7. The Advisory Group is now finalising the request for quotation via the City of Albany, to engage a consultant to deliver the strategy. The Arts, Culture and Heritage Strategy and associated reports and action plans are scheduled for completion by 31 March 2021.

BACKGROUND

8. The arts, culture and heritage sector plays an important role in creating a vibrant, diverse and interesting community for residents and visitors. Culture represents our being – who we are, the way we do things and express who we are. Arts represents the expression of our being – how we express our culture through language and literature, art and music, dance and drama. Heritage is the history of our being – it is what connects the past with the present and the future.
9. Together, arts, culture and heritage contribute to a sense of identity both for individuals and the community. However, as well as enriching the experiences of our daily life, the sector plays an important role in our economic development through employment, entertainment and tourism. Research shows that the sector provides flow-on advantages, social and economic.
10. One of the key findings in a recent study, *2017 Arts and Culture Monitor* (on behalf of the Department of Culture and the Arts), identified as a Strategic Insight the need to continue to improve access to the arts across regional WA for two main benefits:
 - To increase regional participation in arts and culture; and
 - To fuel regional tourism and economic development through arts and cultural events.
11. The Arts, Culture and Heritage Strategy and associated report and action plans are required for completion by 31 March 2021 (this will depend on the timing of the signed grant agreement and acquittals required).

DISCUSSION

12. The purpose of the Great Southern Arts, Culture and Heritage Strategy is to understand the region's strengths and opportunities in the cultural sector and to build on these to set out a path aimed at reaping economic impacts, social benefits and positive environmental effects, including achieving social and civic outcomes such as in the areas of health, wellbeing and reconciliation.
13. There will be an emphasis on deliverable actions that are supported by sound analysis. It will have a strong focus on short to medium term actions over a five to ten year period.

14. Key objectives of the regional arts, culture and heritage strategy include:

- An understanding of local and regional needs and opportunities – recognising our innovation and emerging creative industries, opportunities for private and public partnerships, our hard and soft infrastructure and our community and cultural assets.
- A review of relevant available research, policy and strategies developed in the past five years.
- An assessment benchmarking the region against other regions in WA and Australia.
- Understanding of regional disparities and addressing the need for equitable access for smaller communities.
- Region-wide and community-wide engagement, including recognition of indigenous, ethnic groups and also disengaged community members.
- Development of a regional strategy that will provide:
 - An overarching structure to underpin strategies for individual LGAs that will enable them to work collaboratively to achieve beneficial outcomes rather than in competition with each other.
 - Add weight to future funding applications for cultural activities.
 - Complement other documents (e.g. LGAs' Community Engagement Strategies and Integrated Planning and Reporting Frameworks).
- Definition of region-wide and individual LGA action plans with achievable and measurable outcomes and that establish clear sets of priorities for the enhancement of arts, culture and heritage facilities and initiatives across the region.

GOVERNMENT & PUBLIC CONSULTATION

15. Consultation with eight artists and key community organisations and all local governments in the Great Southern region occurred as part of developing the scope for the brief to engage a consultant.
16. Extensive consultation in the region is considered to be essential in the context of gaining an understanding of regional and subregional dynamics, including key issues and opportunities.
17. The nature of the strategy makes it vital that all members of the community have the opportunity to participate in the consultation process during the development of the strategy.
18. Face-to-face interviews, community workshops and surveys will all form important components of the consultation process.

STATUTORY IMPLICATIONS

19. Nil known

POLICY IMPLICATIONS

20. Nil known

RISK IDENTIFICATION & MITIGATION

21. 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, Reputation & Financial.</p> <p><i>Risk: The GS Strategy is not completed due to insufficient funds or lack of community or staff support.</i></p>	Possible	Moderate	Medium (9)	<p><i>GS Advisory Group has been formed to oversee project, contract the consultant and monitor the budget.</i></p> <p><i>Project funds will allow a suitably experienced and qualified consultant to engage with the community in multiple forms.</i></p> <p><i>City of Albany staff are committed to supporting the project and liaising with LGAs across the region where necessary.</i></p>
<p>Opportunity: To development a GS Arts, Culture and Heritage Strategy which provide a blueprint for future creative and heritage programs, activities and investment across the region.</p>				

FINANCIAL IMPLICATIONS

- 22. The City has sought funding from the Department of Local Government, Sport and Cultural Industries RACIP Leveraged Cultural Planning - 2019 to 2023 funding round for a total of \$50,000 and was successful in this funding application.
- 23. The City also approached other Regional LGAs and organisations including Great Southern Development Commission, Shire of Plantagenet, Shire of Denmark, Shire of Katanning, Shire of Cranbrook, Shire of Gnowangerup, Shire of Woodanilling, and Shire of Broomehill-Tambellup and have received a funding commitment of \$23,500.
- 24. The City of Albany has set aside a budgeted amount of \$10,000 plus in-kind support to the development of the Great Southern Strategy.
- 25. An additional budgeted amount of \$20,000 will be available to develop the City of Albany Arts, Culture and Heritage Plan in parallel with the Great Southern strategy.

LEGAL IMPLICATIONS

26. Not Applicable.

ENVIRONMENTAL CONSIDERATIONS

27. Not Applicable.

ALTERNATE OPTIONS

28. The City of Albany Council can elect not to accept the funding offer and proceed with a local plan.

CONCLUSION

29. A regional strategy will provide a vision and direction for connecting people and places across the Great Southern while maximising investment in the arts, culture and heritage amenities, programs and services. The strategy will have a focus on future priorities and directions that will make this region a preferred place to live, work, visit and invest.

<p>Consulted References</p>	<p>2017 Arts and Culture Monitor Report, Department of Culture and the Arts. Mapping Arts and Cultural Funding in Regional Western Australia, 2017. Draft WA Cultural Infrastructure Strategy 2019. : City of Mandurah Arts, Cultural and Heritage Strategy 2014-2020. Peel Region Arts and Culture Strategy 2015-2020. Cairns Regional Council Strategy for Culture and the Arts 2022. Creative Bunbury Strategy (no date).</p>
<p>File Number (Name of Ward)</p>	<p>: All wards</p>
<p>Previous Reference</p>	<p>: Nil.</p>

AR071: REVIEW OF DELEGATIONS & AUTHORISATIONS REGISTER

Proponent	: City of Albany
Attachments	: Delegations & Authorisations Register 2020
Report Prepared by	: Manager Governance & Risk (S Jamieson)
Responsible Officer(s)	: Chief Executive Officer (A Sharpe) 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 and Corporate Business Plan:
 - a. **Theme:** Leadership.
 - b. **Objectives:** To establish and maintain sound business and governance structures.
 - c. **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to our community.

In Brief:

- Council review and approve the Register of Delegations & Authorisations 2020.

RECOMMENDATION

AR071: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

That the reviewed and amended Register of Delegations & Authorisations 2020 be ADOPTED.

AR071: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

AR071: RESPONSIBLE OFFICER RECOMMENDATION

That the reviewed and amended Register of Delegations & Authorisations 2020 be ADOPTED.

BACKGROUND

2. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.
3. Without delegated authority, most decisions of the City would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.
4. The Act requires local government to keep a register of its delegations and review this register once every financial year.
5. The last review was adopted by Council on 28 May 2019 and a review is now due.

DISCUSSION

6. Proposed amendments are detailed in the document control section of the Delegations Register.
7. Previously under certain legislation, Council was not able to delegate the responsibility for appointing authorised persons to the Chief Executive Officer. As at 19 October 2019, section 9.10 of the Act was amended transitioning authority to appoint authorised persons from Council to the CEO.
8. Council Policies and their associated delegation(s) are listed at attachment C to the Delegations Register.
9. Council may choose to identify and prioritise specific delegations and/or Council Policy Positions for separate review.

GOVERNMENT AND PUBLIC CONSULTATION

10. Relevant staff have been provided with an opportunity to review their respective delegations.

STATUTORY IMPLICATIONS

11. Local Government Act 1995:
 - a. Section 5.42 (Delegation of some power and duties to CEO);
 - b. Section 5.43 (Limits on delegations to CEO);
 - c. Section 5.44 (CEO may delegate powers and duties to other employees);
 - d. Section 5.46 (Register of, and records relevant to, delegations to CEO and employees);
 - e. Section 9.10 (Appointment of authorised persons); and
 - f. Section 9.49 (Execution of documents).
12. Voting Requirement: **Absolute Majority**.
Delegation to CEO
13. Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer.
Delegation to Committees
14. Section 5.16 and 5.17 of the Act enables the delegation of some powers and duties to a committee.
15. Council has previously not approved delegations to committees and the proposed reviewed register does not proposed this.
Delegations to be reviewed every financial year
16. Under the provisions of section 5.46 (2) (Register of, and records relevant to, delegations to CEO and employees) of the Act, delegations must be reviewed by the delegator at least once every financial year.
Appointment of authorised persons
17. Section 9.10 (Appointment of authorised persons) of the Act. The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
18. As at 19 October 2019, section 9.10 of the Act was amended transitioning authority to appoint authorised persons from Council to the CEO.

9.10. Appointment of authorised persons

- (1) In this section — law means any of the following —
- (a) this Act;
 - (b) the *Caravan Parks and Camping Grounds Act 1995*;
 - (c) the *Cat Act 2011*;
 - (d) the *Cemeteries Act 1986*;
 - (e) the *Control of Vehicles (Off-road Areas) Act 1978*;
 - (f) the *Dog Act 1976*;
 - (g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);
 - (h) a written law prescribed for the purposes of this section;

specified means specified in the instrument of appointment.

- (2) The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.

Transfer of Authority Due to Absence

19. Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.
20. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Executive Director or Senior Manager for the period of absence.

Proposed, Amended Delegations

21. New, deleted and proposed amendments are detailed in the version control section of the register.

POLICY IMPLICATIONS

22. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 31 March 2020.</i>

FINANCIAL IMPLICATIONS

24. Nil.

LEGAL IMPLICATIONS

25. Refer to statutory implication section of report.

ENVIRONMENTAL CONSIDERATIONS

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

SUMMARY CONCLUSION

27. That the reviewed delegations register (attached) be adopted and if required identify specific delegations and/or council policy positions for separate review.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• Local Government: Operational Guidelines Number 17 – January 2007
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM May 2019 Resolution AR063

AR072: COMPLIANCE AUDIT RETURN (CAR) 2019

Business Entity Name	: City of Albany
Attachments	: Albany – Compliance Audit Return 2019
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible 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 and Corporate Business Plan:
 - a. **Theme:** Leadership.
 - b. **Objectives:** To establish and maintain sound business and governance structures.
 - c. **Community Priorities:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

In Brief:

- Receive and critique the Compliance Audit Return (CAR) Report – 2018

RECOMMENDATION

**AR072: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2019 to 31 December 2019 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2020.

AR072: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

AR072: RESPONSIBLE OFFICER RECOMMENDATION

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2019 to 31 December 2019 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2020.

BACKGROUND

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

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

DISCUSSION

6. Additional information explaining and quantifying the compliance review follows:

Report Serial	Comment/Action Taken
Commercial Enterprises by Local Governments	
Commercial Enterprises by Local Governments Response: N/A	Respondents: Executive Director Corporate & Commercial Services. Comment: No major land transactions undertaken in 2019.

Report Serial	Comment/Action Taken
Delegation of Power / Duty	
Delegation of Power / Duty. No. 1 to 3 Response: N/A	Respondent: Manager Governance & Risk. Comment: No committees have delegated power.
Delegation of Power / Duty. No. 4 & 5 Question: Were all delegations to committees recorded in the register of delegations? Response: N/A	Respondent: Manager Governance & Risk. Comment: No committees have delegated power.
Delegation of Power / Duty. No. 5 Question: Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2018/2019 financial year. Response: Yes	Respondent: Manager Governance & Risk. Comment: Fully reviewed and adopted by Council on 28 May 2019, Resolution AR063.

Disclosure of Interest	
Disclosure of Interest. No.2 Reference: s5.68(2) Question: Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings? Response: Yes	Respondent: Manager Governance & Risk Comment: Members interest recorded in the minutes. Members with a Proximity or Financial Interest did not request to participate.
Disclosure of Interest. No.12 Reference: s5.88(1)(2) Admin Reg 28. Question: Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28? Response: Yes	Respondent: Manager Governance & Risk Comment: Noting transitions provision for register of gifts, regulation 28B of the Admin Regulations.

<p>Disclosure of Interest. No.13</p> <p>Reference: s5.89A Admin Reg 28A</p> <p>Question: Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?</p> <p>Response: N/A</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: RE: Section 5.71A (CEOs to disclose interests relating to gifts in connection with advice or reports) - No disclosures made in the reporting period.</p> <p>Note: Register of gifts published under section 5.89A(5) of the Act has been modified to remove individuals' addresses in accordance with section 5.89A(5A) of the Act.</p>
<p>Disclosure of Interest. No.14</p> <p>Reference: s5.88(3)</p> <p>Question: Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: Hardcopy files removed from register, current electronic records system does not facilitate deleting of electronic records.</p>
<p>Disclosure of Interest. No.15</p> <p>Reference: s5.88(4)</p> <p>Question: Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: Hardcopy files removed from register, current electronic records system does not facilitate deleting of electronic records.</p>

Report Serial	Comment/Action Taken
Disposal of Property	
<p>Disposal of Property. No. 1</p> <p>Reference: s3.58(3)</p> <p>Question: Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).</p> <p>Response: N/A</p>	<p>Respondents: Executive Director Corporate & Commercial Services</p> <p>Comment: No disposals required local public notice.</p>
<p>Disposal of Property. No. 2</p> <p>Reference: s3.58(4)</p> <p>Question: Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.</p> <p>Response: N/A</p>	<p>Respondents: Executive Director Corporate & Commercial Services</p> <p>Comment: No disposals required local public notice.</p>

Report Serial	Comment/Action Taken
Elections	
<p>Elections. No. 2</p> <p>Reference: Elect Reg 30G(3) &(4)</p> <p>Question: Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?.</p> <p>Response: Yes</p>	<p>Respondents: Executive Director Corporate & Commercial Services</p> <p>Comment: Hardcopy files removed from register, current electronic records system does not facilitate deleting of electronic records.</p>

Report Serial	Comment/Action Taken
Finance	
<p>Finance. No. 1</p> <p>Reference: s7.1A</p> <p>Question: Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: All members of the Audit Committee are Elected Members.</p>
<p>Finance. No. 6</p> <p>Reference: s7.9(1)</p> <p>Question: Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: OCM 26/11/2019 Resolution AR070. Audit & Risk Committee Meeting held on 11/11/2019 Resolution AR066.</p>
<p>Finance. No. 7</p> <p>Reference: s7.12A(3)</p> <p>Question: Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government, ensure that appropriate action was undertaken in respect of those matters?</p> <p>Response: N/A</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: The City received an unqualified auditor's report, therefore there are no legal implications related to this report.</p>

<p>Finance. No. 9</p> <p>Reference: s7.12A(4)</p> <p>Question: Within 14 days after the local government gave a report to the Minister under s7.12A(4) (b), did the CEO publish a copy of the report on the local government's official website?</p> <p>Response: Yes</p>	<p>Respondent: Manager Finance</p> <p>Comment:</p> <p>The City's financial statements were submitted to the Department on 18/12/2019 via the Auditor General's portal.</p>
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Report Serial	Comment/Action Taken
Integrated Planning and Reporting	
<p>Integrated Planning and Reporting. No. 6</p> <p>Reference: s5.56 Admin Reg 19DA (3)</p> <p>Question: Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment:</p> <p>Adoption Ref: OCM 16/04/2013 Report Item 1.1.</p> <p>Review Ref: OCM 23 May 2017 Resolution CCCS028.</p>

Report Serial	Comment/Action Taken
Local Government Employees	
<p>Local Government Employees. No.1</p> <p>Reference: Admin Reg 18C</p> <p>Question: Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.</p> <p>Response: N/A</p>	<p>Respondent: Manager Governance & Risk, Manager People & Culture</p> <p>Comment: CEO not appointed in this reporting period.</p>
<p>Local Government Employees. No.2</p> <p>Reference: s5.36(4) s5.37(3), Admin Reg 18A</p> <p>Question: Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk, Manager People & Culture</p> <p>Comment:</p> <p>A designated senior employee was appointed in this reporting period.</p> <p>Executive Director Infrastructure & Environment.</p> <p>Appointment Reference: Special Council Meeting 15/05/2019 Resolution SCM017.</p>

Report Serial	Comment/Action Taken
Local Government Employees (continued)	
<p>Local Government Employees. No.5</p> <p>Reference: s5.37(2)</p> <p>Question: Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk, Manager People & Culture</p> <p>Comment:</p> <p>Appointment Reference: Special Council Meeting 15/05/2019 Resolution SCM017.</p>

Report Serial	Comment/Action Taken
Official Conduct	
<p>Official Conduct. No. 1</p> <p>Reference: s5.120</p> <p>Question: Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.</p> <p>Response: N/A</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment: CEO is the complaints officer.</p>

Report Serial	Comment/Action Taken
Optional Questions	
<p>Options Questions. No. 1</p> <p>Reference: Financial Management Reg 5(2)(c)</p> <p>Question: Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5(2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?</p> <p>Response: No</p>	<p>Respondent: Finance Manager</p> <p>Comment: Previous report prepared May 2017.</p> <p>Auditors engaged to perform a Financial Management Review, with work commencing February 2020.</p>
<p>Options Questions. No. 2</p> <p>Reference: Audit Reg 17</p> <p>Question: Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?</p> <p>Response: Yes</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment:</p> <p>Audit & Risk Committee 22/11/2018 Resolution AR051. (Sent to all Elected Members)</p> <p>OCM 26/11/2019 Report AR067, Council acknowledged that the following modules must be included as part of the Internal Audit Program:</p> <ul style="list-style-type: none"> • Financial Management System Review • Audit Reg 17 - Review and Compliance (required by FY 2022).

Report Serial	Comment/Action Taken
Optional Questions (continued)	
<p>Options Questions. No. 3</p> <p>Reference: Financial Management Reg 5A</p> <p>Question: Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?</p> <p>Response: No</p>	<p>Respondent: Manager Governance & Risk</p> <p>Comment:</p> <p>Annual Electors Meetings held:</p> <ul style="list-style-type: none"> • 14 March 2019 • 16 December 2019.
<p>Tenders for Providing Goods and Services. No. 4</p> <p>Reference: s6.4(3)</p> <p>Question: Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?</p> <p>Response: Yes</p>	<p>Respondent: Manager Finance</p> <p>Comment:</p> <p>Documents submitted to contracted external auditor Moore Stephens onto their portal by their requested due date of 9 September 2019.</p>

Report Serial	Comment/Action Taken
Tenders for Providing Goods and Services	
<p>Options Questions. No. 11 to 14</p> <p>Reference: Multiple</p> <p>Question: RE: Expressions of Interest</p> <p>Response: N/A</p>	<p>Respondent: Executive Director Corporate & Commercial Services</p> <p>Comment:</p> <p>Nil Expression of Interest (EOIs) in 2019.</p>
<p>Options Questions. No. 15</p> <p>Reference: F&G Reg 24AC (1) & (2)</p> <p>Question: Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?</p> <p>Response: Yes</p>	<p>Respondent: Executive Director Corporate & Commercial Services</p> <p>Comment:</p> <p>Part of Purchasing Policy (Tenders and Quotes).</p>

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

8. **Compliance audits by local governments:** Prescribed actions are detailed at Regulation 14 of the *Local Government (Audit) Regulations 1996*.
9. An adopted return is required to be submitted to the Department by 31 March 2019.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance: The CAR not endorsed by Council.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>CAR re-presented once concerns are adequately addressed and submitted to the Dept. prior to the 31 March 2020.</i>
<i>Opportunity: Facilitates Audit & Risk Committee critique.</i>				

FINANCIAL IMPLICATIONS

12. Nil.

LEGAL IMPLICATIONS

13. Nil.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. Nil.

CONCLUSION

16. Nil.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Audit) Regulations 1996 • Department Circulars
File Number (Name of Ward)	:	(All Wards)
Previous References	:	<ul style="list-style-type: none"> • OCM 05/02/2019 Resolution AR058.

DIS194: AMENDMENT TO HOLIDAY ACCOMMODATION POLICY

Land Description	: All
Proponent / Owner	: City of Albany
Attachments	: Draft Amended Holiday Accommodation Policy
Report Prepared By	: Coordinator Planning Services (A Bott)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from:
 - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
 - b. Its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.

In Brief:

- The current City of Albany Holiday Accommodation Local Planning Policy has been in place for a number of years. During this timeframe, a large number of holiday accommodation applications have been lodged and processed.
- The current policy states that if an objection is received as part of the advertising process that the proposal will be required to be referred to Council for determination.
- It is proposed that this policy measure be removed.
- Council is requested to endorse the amended Holiday Accommodation Policy for the purpose of adoption.

RECOMMENDATION

**DIS194 : COMMITTEE RECOMMENDATION (AMENDED OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

1. **THAT Council in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to MAKE the Holiday Accommodation Policy (as set out as an attachment to this item), as an amendment to the Holiday Accommodation Policy; pending the following amendments;**

Remove the following from clause “11. ~~Where a neighbour objects to a proposal for Holiday Accommodation,~~ The application is to be considered in view of the following:”

and

2. **APPROVE giving notice through the placement of a notice of the amended policy in a newspaper circulating in the Scheme area.**

DIS194 : COMMITTEE RECOMMENDATION (AMENDED OFFICER RECOMMENDATION)

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON**

THAT the Amended Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS194 : AMENDED OFFICER RECOMMENDATION

1. THAT Council in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to MAKE the Holiday Accommodation Policy (as set out as an attachment to this item), as an amendment to the Holiday Accommodation Policy; **pending the following amendments;**

Remove the following from clause “11. ~~Where a neighbour objects to a proposal for Holiday Accommodation,~~The application is to be considered in view of the following:”

and

2. APPROVE giving notice through the placement of a notice of the amended policy in a newspaper circulating in the Scheme area.

Officer’s Reason (Manager Planning and Building Services):

Feedback has been received regarding clause 11.The change clarifies the assessment process for all applications under this policy.

DIS194: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council in accordance with Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to MAKE the Holiday Accommodation Policy (as set out as an attachment to this item), as an amendment to the Holiday Accommodation Policy; and
2. APPROVE giving notice through the placement of a notice of the amended policy in a newspaper circulating in the Scheme area.

BACKGROUND

3. The City of Albany deals with a large number of development applications for holiday accommodation each year.
4. All holiday accommodation planning applications are advertised and it is common to receive comments as part of the consultation process.
5. The current policy states that if an objection is received as part of the advertising process that the proposal will be required to be referred to council for determination.
6. The purpose of a local planning policy is to guide the assessment and subsequent determination of planning proposals. It is not the role or function of a local planning policy to dictate whether or not a proposal is referred to Council for determination.
7. The current policy provision results in proposals which meet the relevant policy measures being required to be referred to Council for determination, even when the objection received may not be grounded to relevant town planning matters.
8. It is proposed that the existing policy be amended in order to remove the requirement for proposals which receive any objections to be automatically referred to council.

DISCUSSION

9. The current policy provision is overly broad and conflicts with the assessment of planning proposals and essentially empowers a third party to dictate when a matter is to be referred to Council, irrespective of the town planning merits of their submission.
10. The role of the local planning policy is to guide the assessment process for holiday accommodation proposals and set out the relevant matters the City of Albany considers relevant e.g. the requirement for management plans or the number of car parking bays.
11. The purpose of public advertising is to obtain comments regarding a proposal. Comments received which are relevant to town planning matters are given consideration in the decision making process and form one of the elements of the larger assessment process.

12. The automatic referral to Council due to mere fact that an objection has been received can result time delays and the inefficient use of officer and Council time dealing with matters which can be determined under delegation.
13. The proposed removal of the automatic referral to Council does not change the current advertising process or the weighting any the submission received is given in the assessment process to the extent it is relevant to town planning matters.
14. The removal of the requirement from the current policy does not preclude holiday accommodation proposals being referred to Council by staff, or alternatively, Council requesting to determine the relevant application.
15. The removal of this element will also make the policy consistent with all other policy within the local planning policy framework.

GOVERNMENT & PUBLIC CONSULTATION

16. The proposed amendment is considered to be minor and as such is not proposed to be advertised for comment.
17. All holiday accommodation planning proposals will continue to be advertised and submissions received will be assessed against the relevant matters to be considered within the planning framework and policy.
18. It is necessary to note that the removal of the requirement from the current policy does not preclude holiday accommodation proposals being referred to Council by staff, or alternatively, Council requesting to determine the relevant application.

STATUTORY IMPLICATIONS

19. There are no statutory implications relating to endorsing the amended holiday accommodation policy.
20. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

21. The amendment is minor and removes the current requirement for proposals which receive any objection to be referred to Council for determination. All other policy considerations remain unchanged. As with all planning proposals, Council has the ability to call in proposals for determination, or alternatively, where there are substantive issues, be referred the application for determination by staff.

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
<p>Business Operation, Reputation & Financial.</p> <p><i>Risk: Reputation. Modification of the Policy position may have a perceived impact on the way that application are determined.</i></p>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<p><i>All holiday accommodation planning proposals will continue to be advertised and submissions received will be assessed against the relevant matters to be considered within the planning framework and policy. all planning applications with substantive issues are referred to Council for determination in accordance with delegations.</i></p>
<p><i>Opportunity: Consistency and efficiency; Council focus on applications with strategic importance and on substantive issues.</i></p>				

FINANCIAL IMPLICATIONS

23. There are no financial implications relating to resolving to amend a Local Planning Policy.

LEGAL IMPLICATIONS

24. There are no legal implications relating to resolving to amend a Local Planning Policy.

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations relating to resolving to amend a Local Planning Policy

ALTERNATE OPTIONS

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

- To resolve that the draft amended policy is publicly advertised and any submissions considered prior to final adoption.
- To resolve that the draft amended policy is unacceptable and refuse adoption
- To resolve to further amend the proposed policy prior to adoption.

CONCLUSION

27. The City of Albany's current holiday accommodation local planning policy requires that if any submission is received against a proposal, then the matter is required to be referred to Council for determination.
28. This policy requirement has seen a number of proposals which meet the policy and statutory framework be required to be determined by Council due to a sole submission.
29. It is proposed that this element of the policy be removed on the basis that it is not the role or function of a local planning policy to dictate whether or not a proposal is referred to Council for determination.
30. All proposals and submissions received will continue to be assessed against the relevant matters to be considered within the planning framework and policy.
31. The removal of the current policy provision does not preclude holiday accommodation proposals being referred to Council.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
File Number (Name of Ward)	:	All
Previous Reference	:	OCM December 2013 Item PD018

DIS195: AMENDING ‘TRADING IN PUBLIC PLACES POLICY’

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Attachments	: Draft Trading in Public Places Policy
Report Prepared by	: Manager Planning and Building Services (J van der Mescht))
Responsible Officer	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed Policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. The Albany Community Strategic Plan – Albany 2030 recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

In Brief:

- The current City of Albany Public Places Policy has been in place since 2009, with minor reviews undertaken in 2010 and 2017.
- During the subsequent timeframe, a number of trading permits have been issued in accordance with the policy.
- There are a number of key matters which are consistently raised regarding this policy which will benefit from clarification and refinement in the form of a revised policy.
- Council is requested to resolve to approve the policy for advertising purposes.

RECOMMENDATION

**DIS195: COMMITTEE RECOMMENDATION (AMENDED OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

1. THAT Council APPROVE the policy for advertising purposes **pending the following amendments to the policy;**

Change the following clause D.3 in the following way;

“ **D.3 Outside the CBD:**

Trading is permitted in areas outside of the Albany CBD on condition that:

- It occurs a minimum of 150 metres away from any shop or other permit holder, **who is trading at the time and** offering a similar product for sale, **except when the Trader has been invited onto a property by the property owner/occupier and/or is participating in a special / community event, such as a weekend market or sporting event;** “

DIS195: COMMITTEE RECOMMENDATION (AMENDED OFFICER RECOMMENDATION)

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR THOMSON

THAT the Amended Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS195: AMENDED OFFICER RECOMMENDATION

1. THAT Council APPROVE the policy for advertising purposes **pending the following amendments to the policy;**

Change the following clause D.3 in the following way;

“ D.3 Outside the CBD:

Trading is permitted in areas outside of the Albany CBD on condition that:

- It occurs a minimum of 150 metres away from any shop or other permit holder, **who is trading at the time and** offering a similar product for sale, except when the Trader has been invited onto a property by the property owner/occupier **and/or** is participating in a special / community event, such as a weekend market or sporting event; “

Officer’s Reason (Manager Planning and Building Services):

Feedback has been received regarding this clause, the change clarifies the trading restrictions under the policy.

DIS195: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the Trading in Public Places Policy for advertising purposes.

BACKGROUND

4. The Trading in Public Places Policy is prepared as a Council Policy in accordance with the *Local Government Act 1995*.
5. The Trading in Public Places Policy provides direction to City staff in the processing of enquiries and permit applications for trading in public places under the *“Activities on Thoroughfares and Public Places and Trading Local Law 2011”*. The policy also provides a clear set of controls for operators to trade under.
6. The City of Albany deals with a number of enquiries in relation to or applications for trading permits each year. These enquiries most often relate to requests for new fixed location trading areas.
7. Staff also from time to time receive comments and or complaints from formal “brick and mortar” business owners about these traders. These comments or complaints normally relate to breaches of policy provisions or are competition/equity related.
8. The current City of Albany Public Places Policy has been in place since 2009, minor reviews were completed in 2010 and 2017.
9. The existing policy is proposed to be superseded by a revised Draft Trading in Public Places Policy.
10. The revised policy has been prepared with a view of specifically addressing the following;
 - Request for more fixed location sites and opportunities;
 - Concerns or complaints which are consistently raised;
 - Introducing a new time frame for fixed location traders and proposed additional fixed location areas; and
 - The policy also improves the operational requirements of other activities in public spaces e.g. alfresco dining.

DISCUSSION

11. The review of the policy has been primarily focused on the matters most frequently raised by the community, which mainly relates mobile food vehicles (fixed location traders and itinerant vendors) aka Food Vans. The majority of the changes in the policy therefore focuses on this element.
12. Mobile food vehicles have a role to play within the local economy, including the following;
 - Increasing the overall vibrancy of the city;
 - Activating underutilized public spaces;
 - Providing passive surveillance to public places;
 - Creating opportunity for small business to be established and perhaps progress towards a formal business; and
 - Mobile food vehicles can provide more food choices, attraction and vibrancy to residents and visitors during times that the City's existing bricks and mortar businesses choose not to be open.
13. However, it is important to ensure that mobile food vehicles operate in a way which complements existing food businesses and do not unfairly compete with the City's existing bricks and mortar businesses.
14. Mobile food vehicles should also not unreasonably compromise the amenity of the surrounding residential area.
15. The above mentioned was duly considered and as a result the most pertinent changes in the draft policy includes;
 - Providing a number of additional proposed fixed location trader locations at:
 - Nanarup Beach;
 - Lake Weerlara Park;
 - Foundation Park;
 - Goode Beach; and
 - Surfers Beach car park.
 - Allowing mobile food vehicles to stay for a set amount of hours in a location as opposed to having to move on immediately once they have served all the customers in an area. Time limits proposed include being able to stay for:
 - 2 hours if they set up a distance greater than 2 km away from the CBD; and
 - 4 hours if they set up in an area greater than 10 km away from the CBD.
16. The policy also proposes to introduce a special permit that can be obtained that will allow mobile food vehicles to trade not closer than 150 m from any shop open for business that generally offers the same type of goods for sale for the following areas:
 - On Stirling Terrace on Fridays between 10pm and 2am and Saturdays between 10pm and 12am.
 - In the CBD Between the following hours:
 - Saturdays between: 1 pm to dusk and
 - Sundays: All Day during daylight hours.

17. The policy would not obligate the City to issue any special permits and the City may choose to introduce trial periods or tie it to specific seasons or introduce additional conditions as required.
18. The changes to the policy are unlikely to really affect any of the City’s existing bricks and mortar businesses because they are likely to generate additional trade and service a different market.

GOVERNMENT & PUBLIC CONSULTATION

19. The Local Planning Policy will be advertised for comment.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper	TBA (min 21 days)	Open	Yes

20. After expiry of the period within which submissions may be made, the City of Albany will be required to:

- Review the policy in light of any submissions made; and
- Resolve to adopt the policy with or without modification, or not to proceed with the policy.

STATUTORY IMPLICATIONS

21. There are no statutory implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.
22. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

23. The proposed policy aims to refine the existing Policy and potentially create additional opportunities for traders.

RISK IDENTIFICATION & MITIGATION

24. The following indicates the risk to the City in making a decision to support or not support the Policy:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Provisions within the Policy have been drafted to provide a balanced approach to address competition with the City’s existing bricks and mortar businesses and amenity concerns.</i>
Opportunity: <i>Increase controls and opportunities for small business.</i>				

FINANCIAL IMPLICATIONS

25. There are no major financial implications other than funding the advertising of the policy. Funding for this is available within the current budget.
26. The policy clarifies the ability of Council to set fixed location site hire fees annually through the budget process and also to set fees different fees depending on the location/desirability of the site.

LEGAL IMPLICATIONS

27. There are no legal implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

ENVIRONMENTAL CONSIDERATIONS

28. There are no environmental implications relating to endorsing the proposed Draft Trading in Public Places Policy for advertising.

ALTERNATE OPTIONS

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

- To resolve to proceed with the policy without modification;
- To resolve to proceed with the policy subject to additional modification; and
- To resolve not to proceed with the policy.

CONCLUSION

30. The City's policy has been amended and refined to better address the common issues which arise from informal trading operations and the implementation of the existing policy.

31. The policy has also been further expanded to provide a framework to providing more sites and the ability to trade in the central area when bricks and mortar offerings are closed.

32. Council is requested to accept the policy for the purpose of advertising.

Consulted References	:	1. <i>Local Government Act 1995</i> 2. <i>Activities on Thoroughfares</i> 3. <i>Public Places and Trading Local Law 2011</i>
File Number (Name of Ward)	:	All
Previous Reference	:	OCM 23/05/2017 Resolution CCCS028

DIS196: BETTER BINS FUNDING

Report Prepared By : Waste Project Officer (J Passmore)
Responsible Officers: : 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:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Council approval is sought to accept Waste Authority funding for the Better Bins Program.

RECOMMENDATION

**DIS196: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

1. **THAT Council ACCEPT \$456,930 funding from the State of Western Australia for the Better Bins Kerbside Collection Program.**
2. **THAT Council APPROVE submission of an application for funding through the Department of Water and Environmental Regulation's Better Bins Plus Program, if that program opens for application and ACCEPT that funding should the application be successful.**

DIS196: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS196: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council ACCEPT \$456,930 funding from the State of Western Australia for the Better Bins Kerbside Collection Program.
2. THAT Council APPROVE submission of an application for funding through the Department of Water and Environmental Regulation's Better Bins Plus Program, if that program opens for application and ACCEPT that funding should the application be successful.

BACKGROUND

2. It is the responsibility of owners or occupiers to provide and maintain waste bins at their property.
3. In 2014 the City began a transition to Australian standard coloured lids for bins in the urban residential collection area (i.e., red for general waste, yellow for recycling and lime green for FOGO) with local suppliers agreeing to provide compliant bins and lids for new purchases and lid replacements. The transition has been gradual with upgrades occurring when required for maintenance and for new properties, creating some limitations for simple communications (i.e., messages have to include both lid colours) and confusion for visitors.
4. In October 2019, the City received notification that an application for Waste Authority funding for the Better Bins program was successful.
5. In November 2019 Council endorsed the deferral of the kerbside FOGO service until the first quarter of Financial Year 2020-21 to allow the streamlined combination of FOGO implementation with changes to bin lids.

DISCUSSION

6. Better Bins funding will provide \$30 per urban household to facilitate a one-off roll out of compliant bin lids to households who do not yet have them to enable simplified communications and maximise community education, bringing the City in line with Australian standards.
7. The retrofitting would complement the City's transition to a kerbside FOGO service and maximise the impact of complementary communications to assist householders sorting their waste, optimising outcomes of the best-practice FOGO service.
8. Residents and ratepayers will be informed of the program prior to the roll out.
9. Following the one-off roll out owners and occupiers will be responsible for the maintenance and replacement of lids as required.
10. City staff were contacted in January by the Department of Water and Environmental Regulation (DWER) to determine interest in applying for additional funding through a proposed Better Bins Plus Program. The proposed program would provide an additional \$15 per unit dwelling to approved councils already committed to implementation of a FOGO service.
11. Better Bins Plus funding would assist the City with complementary measures such as bin tagging and waste auditing to provide feedback for ongoing improvements to the FOGO service and associated communications.

GOVERNMENT & PUBLIC CONSULTATION

12. An application for Waste Authority funding for the Better Bins program was successful.
13. The City is working with DWER's Waste Sorted program to develop communication materials for the introduction of the FOGO service and the Better Bins program.
14. Notification of the roll-out of bin lids and complementary information to assist with waste sorting and use of bins will be provided to all urban households and ratepayers. Communication will include direct mail, social media, newsletter, newspaper advertising, displays, and printed material delivered with kitchen caddies.
15. DWER contacted the City to determine interest in applying for the proposed Better Bins Plus program.

16. Community Engagement (Examples)

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Mail Out	Prior to roll-out in Q1 2020-21	All Urban Households	N/A

STATUTORY IMPLICATIONS

17. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

18. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation <i>Risk: The one-off provision of lids may cause some confusion around who is responsible for the supply and maintenance of bins and lids.</i></p>	Possible	Low	Low	Sufficient communication will be provided to ensure awareness that ongoing supply and maintenance of bins and lids is the responsibility of owners/occupiers.
<p>Opportunity: Consistent bin lid colours will simplify communications and improve household waste sorting to maximise resource recovery and minimise waste to landfill.</p>				

FINANCIAL IMPLICATIONS

20. If accepted by Council, an invoice for a preliminary payment of \$365,544 will be issued immediately for the Better Bins Program. An invoice for a final payment of \$91,386 will be issued following submission of a final project evaluation report after the Project End Date of 30 September 2021.

21. The proposed Better Bins Plus Program would potentially provide up to an additional \$238,000 funding.

LEGAL IMPLICATIONS

22. Acquittal of the funds is subject to the terms of the Better Bins Kerbside Collection Program Funding Agreement between the State of Western Australia, represented by the Waste Authority, and the City of Albany.

ENVIRONMENTAL CONSIDERATIONS

23. The combination of consistent bin lid colours and complementary measures will improve household waste sorting to maximise resource recovery and minimise waste to landfill.

ALTERNATE OPTIONS

24. N/A

CONCLUSION

25. It is recommended that Council accept the Better Bins funds and approve the submission of an application for Better Bins Plus funding if that program opens for application.

Consulted References	:	<ul style="list-style-type: none">• City of Albany Community Waste Resource Strategy 2019-26• State Waste Avoidance & Resource Recovery Strategy 2030
File Number (Name of Ward)	:	CM.STD.6 (All Wards)
Previous Reference	:	DIS180 (OCM – November 2019)

DIS197: CONTAINER DEPOSIT SCHEME INFRASTRUCTURE POLICY

Land Description	: All
Proponent / Owner	: City of Albany
Attachments	: Draft Container Deposit Scheme Infrastructure Policy
Report Prepared By	: Coordinator Planning Services (A Bott)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. In making a decision on the proposed policy, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*. The policy that relates to the structure plan complies with strategic planning for the following reasons:
 - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

In Brief:

- The Western Australian Government is currently preparing to implement the Container Deposit Scheme (CDS), with a start date of Tuesday, 2 June 2020.
- The Container Deposit Scheme is proposed to complement existing kerbside recycling services by providing a refund payment for people or organisations who return eligible containers through the scheme.
- The CDS will operate via container collection points. In May 2019, the Department of Planning Lands and Heritage (DPLH) released a position statement and template local planning policy for the location of CDS Infrastructure.
- The template local planning policy has been prepared to ensure that the infrastructure required to facilitate CDS is established in appropriate locations.
- At the July 2019 OCM, Council resolved to advertise the draft policy. No comments were received during the consultation process.
- Council is requested to endorse the Container Deposit Scheme Infrastructure Policy.

RECOMMENDATION

**DIS197: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

1. **THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to proceed with the Container Deposit Scheme Infrastructure Policy.**
2. **APPROVE giving notice through the placement of a notice of the policy in a newspaper circulating in the Scheme area.**

DIS197: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS197: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to proceed with the Container Deposit Scheme Infrastructure Policy.
2. APPROVE giving notice through the placement of a notice of the policy in a newspaper circulating in the Scheme area.

BACKGROUND

4. In May 2019 the Department of Planning Lands and Heritage (DPLH) released a position statement for the rollout of the CDS in Western Australia.
5. The scheme has benefits including reducing litter, increasing recycling, protecting the environment and providing opportunities for social enterprise participation.
6. The CDS will allow consumers to take empty beverage containers covered by the scheme to a refund point to receive a refund of 10 cents.
7. Staff consider it pertinent to adopt the template planning policy for CDS infrastructure, in order to be in a position to have a policy position in place for when the scheme commences.
8. The template local planning policy was advertised for public comment, with no comments received.

DISCUSSION

9. DPLH has provided the following position statement for the CDS infrastructure:
 - Ensure a coordinated approach to the provision of CDS infrastructure throughout WA;
 - Ensure that appropriate locations are chosen for the installation of CDS infrastructure;
 - Ensure the timely roll out of infrastructure in support of the scheme's establishment and ongoing operational needs; and
 - Establish minimum development requirements to exempt certain CDS infrastructure from requiring planning approval, for adoption by local governments.
10. The policy provides measures for the following types of CDS infrastructure:
 - Container collection cages;
 - In shop/ over the counter return points;
 - Reverse vending machines;
 - Container deposit recycling centres; and
 - Large-scale facilities.
11. It is considered that by adopting the proposed policy prior to the formal commencement of the CDS, it will put the City of Albany in position to be able to deal with proposals for the associated infrastructure in a pragmatic and consistent manner.

12. The draft Local Planning Policy was advertised for public comment in December 2019 via an advert in a local paper. No comments were received as part of this process.
13. On the basis that the policy is in accordance with the relevant state model local planning policy and that no comments were received consultation, it is recommended that the draft policy be adopted.

GOVERNMENT & PUBLIC CONSULTATION

14. The draft policy was advertised for comment in a local newspaper for a period of 21 days. No comments were received during the consultation process.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Newspaper	28/11/2019 - 20/12/2019	Nil	N/A

STATUTORY IMPLICATIONS

15. There are no statutory implications relating to endorsing the Container Deposit Scheme Infrastructure Policy
16. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

17. The proposed local planning policy is in accordance with the model local planning policy and will provide the following objectives;
- To ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities;
 - To prevent negative impacts on local amenity from the operation of CDS infrastructure;
 - To enable the timely, cost effective delivery of essential CDS infrastructure; and
 - To provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Policy position may have an impact on business operations.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>The proposed policy puts in place a sound framework in accordance with the State government template and includes exemptions from requiring approval.</i> <i>Continue to consult and educate.</i>
Opportunity: <i>To facilitate the sustainability and recycling effort of community.</i>				

FINANCIAL IMPLICATIONS

19. There are no financial implications in relation to adopting this Local Planning Policy.

LEGAL IMPLICATIONS

20. There are no legal implications in relation to adopting this Local Planning Policy.

ENVIRONMENTAL CONSIDERATIONS

21. There are no direct environmental considerations in relation to adopting this Local Planning Policy.

ALTERNATE OPTIONS

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

- To resolve that the draft policy is unacceptable and refuse adoption.
- To resolve to amend the proposed policy prior to adoption.

CONCLUSION

23. By adopting an early policy position on the matter, the City of Albany will able to provide guidance of development CDS infrastructure prior to the full rollout of the Scheme in June 2020.

24. Council is requested to resolve to proceed with the policy.

Consulted References	:	<i>1. Local Planning Scheme 1 2. Planning and Development (Local Planning Schemes) Regulations 2015. 3. Position Statement: Container Deposit Scheme Infrastructure</i>
File Number (Name of Ward)	:	All
Previous Reference	:	July 2019 OCM Item DIS170

DIS198: CONTAINERS FOR CHANGE REFUND POINT (CONTAINER DEPOSIT SCHEME)

Land Description	: Hanrahan Road Waste Facility
Attachment	: Confidential Attachment Under Separate Cover
Report Prepared By	: Waste Project Officer (J Passmore)
Responsible Officers:	: 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:
 - **Theme:** Clean, Green & Sustainable.
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
 - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

In Brief:

- Council approval is sought to establish a Containers for Change Refund Point at Hanrahan Road Waste Facility.

RECOMMENDATION

**DIS198: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

1. **APPROVE** the establishment of a Containers for Change Refund Point at Hanrahan Road Waste Facility subject to legal review of contractual obligations.
2. **AUTHORISE** the CEO to issue a Request for Proposal (RFP) to seek a partner to operate the Refund Point facility and report back to Council in April or May 2020.

DIS198: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Stocks and Sleeman

DIS198: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **APPROVE** the establishment of a Containers for Change Refund Point at Hanrahan Road Waste Facility subject to legal review of contractual obligations.
2. **AUTHORISE** the CEO to issue a Request for Proposal (RFP) to seek a partner to operate the Refund Point facility and report back to Council in April or May 2020.

BACKGROUND

2. A Container Deposit Scheme is scheduled to commence in WA on 2 June 2020. The scheme will provide a 10 cent refund to customers and 6 cents to the Refund Point Operator for all eligible beverage containers including soft drink cans and bottles, water bottles, small flavoured milk cartons, beer cans and bottles.
3. The *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Act 2019* legislates that the beverage industry is required to contribute to the costs of the scheme, including the cost of refunds.
4. In July 2019 the State government appointed not-for-profit entity WA Return Recycle Renew Limited (WARRRL) as the Scheme Coordinator in WA and announced that the branding and name for the scheme is “Containers for Change”.
5. City of Albany staff presented a preliminary overview of the scheme to the DIS Committee in July 2019.
6. Under the *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2019*, if a beverage is to be supplied in a container, various conditions must be met, including a supply agreement being in force that requires a contribution to the costs of the scheme (including the costs of refund amounts paid under the scheme);
 - (c) a refund amount will be paid to a person who returns an empty container to a refund point;
 - (d) containers that have been returned to a refund point must not be disposed of in a prohibited manner.
7. Eligible containers are between 150ml and 3 litres and include soft drink, water, flavoured milk, sports drinks, beer and premixed drinks but exclude milk, cordial, wine and health tonics.
8. To be eligible, containers need to include a refund mark and lids must be removed.
9. The objectives of Containers for Change are to:
 - a. increase the recovery and recycling of empty beverage containers; and
 - b. reduce the number of empty beverage containers that are disposed of as litter or to landfill; and
 - c. ensure that first responsible suppliers of beverage products take product stewardship responsibility in relation to their beverage products; and
 - d. provide opportunities for social enterprise, and benefits for community organisations, through participation in the container deposit scheme; and
 - e. create opportunities for employment; and
 - f. complement existing collection and recycling activities for recyclable waste.
10. The refund point network will include drop-off points at established waste management facilities, reverse vending machines in approved locations, charitable organisations, shop front drop-offs, and sporting club collection points.
11. WARRRL intends to have a minimum of 172 refund points at launch on 2 June 2020 and 114 full time refund points and 115 flexible refund points across WA by June 2021.
12. Of those refund points, WARRRL intends for there to be two full time refund points within the City of Albany area and six flexible refund points across the Great Southern.

DISCUSSION

13. In October 2019 an application was submitted on behalf of the City of Albany to WARRRL to host a Containers for Change Refund Point (Refund Point) for the community from the shed adjacent to Fossicker's Tip Shop at Hanrahan Road Waste Facility.
14. The application was submitted subject to Council endorsement and specified that the City did not intend to compete with other applicants who would fulfil the Containers for Change goals to provide opportunities for community groups, social enterprise and potential employees experiencing vulnerability or disadvantage.
15. In December 2019 WARRRL informed City staff that the proposed site had been selected as one of the two preferred full time Refund Points to service and benefit the Albany community.
16. Council needs to consider whether operation of a Refund Point at Hanrahan Road Waste Facility is a service it would like to provide to the community.
17. A full time Refund Point is required to operate a minimum of 35 hours per week including four hours at the weekend.
18. It is estimated that 7 million eligible containers will come through Albany's two Refund Points in the first twelve months of the scheme.
19. As an operator of a Refund Point, the City would need to provide staff and infrastructure to accept, sort into nine different waste streams, and store containers prior to transport to a Processing Facility by a WARRRL appointed logistics and processing Contractor.
20. Residents would drop off eligible containers at the Refund Point and receive a 10 cent refund for each container. Refunds can be paid in cash, via bank transfer to those who have registered in advance or donated to registered charities.
21. WARRRL will provide operators of a Refund Point with software to manage electronic refunds, collections by the logistics and processing Contractor and reporting of container numbers. The City would need to provide IT hardware for these operations.
22. An eligible container will require the lid removed, some form of identifying label to confirm that it is from WA and cannot be delivered in a broken or crushed form.
23. The Refund Point Operator is required to store eligible containers in a secure covered enclosure.
24. The City would endeavour to partner with an organisation that would benefit the community such as a disability enterprise or a charity. Three potential options have been identified:
 - a. Option 1: Sub-contract entire operation of the Refund Point, including capital infrastructure, to a third party. This is the preferred option as it is likely to be cost-neutral, provide opportunity for community groups and reduce risk to the City as the operator is likely to be an organisation experienced in running this type of enterprise.
 - b. Option 2: Sub-contract partial operation of the Refund Point, e.g., City provides capital infrastructure, sub-contractor provides staff.
 - c. Option 3: City operates the Refund Point in its entirety. This is the least preferred option as it increases the operational burden to the City.
25. If Council approves the establishment of a Refund Point the next stage will involve issuing a Request for Proposal (RFP) to invite proposals from businesses and community organisations interested in operating the Refund Point. Applicants would need to demonstrate how they would work to provide opportunities for social enterprise, and benefits for community organisations, as well as create opportunities for employment.
26. These options are provided for information only and will be the subject of a subsequent agenda item for Council consideration in March/April 2020 when officers have a better understanding of potential budgetary and/or operational impacts.

27. A benefit of increased throughput at Hanrahan Road Waste Facility via the Refund Point is the opportunity to increase patronage at Fossicker's Tip Shop and awareness of other services provided at the facility.
28. World of E'Co have been using the shed proposed for the Refund Point at the Hanrahan Road Waste Facility on a trial basis while they investigate whether their business model to recycle unwanted textiles is financially viable. Due to security issues and storage requirements it is not possible for World of E'Co to continue to use this facility should Council endorse this item.

GOVERNMENT & PUBLIC CONSULTATION

29. As the State government's appointed coordinator, WARRRL will provide significant community education to encourage participation in Containers for Change.
30. Regardless of whether Council decides to establish a Refund Point or not, the City will promote commencement of Containers for Change and details of how residents can participate.
31. The City will engage with local charities, clubs, schools, and community groups to encourage and support their participation in Containers for Change for fundraising and litter reduction purposes.
32. If Council decides to establish a Refund Point, this will be promoted through newspaper and social media advertising.
33. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Newspaper and social media advertising to promote Containers for Change and how to participate.	Prior to and following 2 June 2020	20,000	N/A
Engage	Emails and workshops with community groups to optimise participation in Containers for Change.	Prior to 2 June 2020	Unknown	N/A

STATUTORY IMPLICATIONS

34. Waste Avoidance and Recovery Act and associated Regulations.

POLICY IMPLICATIONS

35. There are no policy implications directly relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community Risk: Not providing a Refund Point may limit the community's opportunity to participate in Containers for Change.	Possible	Moderate	Medium	Approve the establishment of a Refund Point to service Albany's community. If not approved, promote and educate residents on how to participate anyway.
Financial Risk: There is a risk that operating a Refund Point will result in a financial loss to the City.	Unlikely	Moderate	Medium	Pursue an arrangement which limits the City's capital and staff costs.

<p>Legal, Reputational & Operational Risk: There is a risk that if the onerous performance regime in the Refund Point Agreement are not met the City will be found to be in breach of contract, potentially resulting in cancellation of contract and loss of reputation.</p>	<p>Unlikely</p>	<p>Minor</p>	<p>Low</p>	<p>Seek legal input prior to entering into Refund Point Agreement. Develop good working relationship with scheme coordinator and any sub-contractors to ensure conditions of agreement are fulfilled. Any sub-contract will have back-to-back conditions.</p>
<p>People, Health & Safety Risk: Having cash and cash equivalent (containers) onsite may increase the risk of theft.</p>	<p>Unlikely</p>	<p>Major</p>	<p>Medium</p>	<p>Limit cash refunds and cash kept onsite, store containers and cash securely, increase security presence, display adequate signage, provide staff with duress alarms and provide adequate insurance against loss.</p>
<p>Opportunity: A Refund Point at the Hanrahan Road Waste Facility will offer a convenient location for the community to participate in Containers for Change and increase aware of other services available at the Facility. Optimal participation in Containers for Change will have a positive influence by reducing litter, increasing recycling and providing a higher quality of product for recycling. There is also potential to improve Albany's kerbside recycling by reducing glass in household bins which has a tendency to break and contaminate the current commingled recycling system.</p>				

FINANCIAL IMPLICATIONS

37. If endorsed by Council, provision will need to be made in Council's 2019/20 budget review with the intention of running the scheme from 2 June 2020.
38. Current indications are that the number of eligible containers within the City of Albany will be equivalent to 1.5 per person per day which is approximately 20.7m per year. It is anticipated that during the first year approximately one third (approximately 7m) will be collected through the Containers for Change Refund Point. This is a conservative estimate based on experience from other similar schemes.
39. There will be two refund points, one in Spencer Park and the other potentially at the Hanrahan Road Waste Facility. Current indications are that somewhere between 60% and 75% of the eligible containers will be delivered to the Hanrahan Road Refund Point.
40. For budgeting purposes it is assumed that 60% will go through the Hanrahan Road Refund Point for the first year. Each resident will receive 10 cents per container and the Refund Point Operator will receive an additional 6 cents per container. Payment from the Principal, WARRRL, will take five days after submission of an invoice. Therefore the Refund Point Operator will need two weeks float. For estimation purposes, the budget is based on 350,000 eligible containers per month.
41. The Refund Point could operate with minimal Capital Works investment for sorting tables and an undercover storage area. It is important to note that security needs to be considered as these containers have transitioned from waste items to items for cash.
42. Initial costs may include capital works, resources such as sorting tables, Intermediate Bulk Containers (IBC's) and trolleys and IT hardware.

Element For this financial year (FY 2019/20) – June 2020 only	Cost \$
Capital works (site works around facility)	20,000
Expenses – Staffing, sorting tables, IT, sales, etc	60,000
Income	(56,000)

Element For this financial year (FY 2020/21)	Cost \$
Expenses – Staffing (3 staff), sales, etc.	660,000
Income	(672,000)

43. The above budget is based on the worst case scenario (Option 3 – operated by the City of Albany) with the minimal of Capital investment as stated above. However, there is a likelihood that a proponent could submit a cost neutral option. That is, the City of Albany would provide the use of the shed to the operator for a period of five years and the operator would make any necessary modifications to the building but would receive the income through container refunds via the City. This would significantly reduce the above costs and any associated risks.
44. At present, World of E’Co use approximately half of the facility that would be required for the Refund Point. Due to security issues and storage requirements, it is not possible for World of E’Co to continue to use this facility while the Refund Point is in operation. Alternative accommodation is required that could be in the form of two sea containers or the lease of facilities. Currently there are no available City-owned lease facilities that could be provided that are suitable for their use. Sea containers could be located on the Hanrahan Rd site with an expectation of a co-contribution from them. World of E’Co are pursuing a 3-year lease and the sea container option is currently being explored and is a viable lower-cost solution.

LEGAL IMPLICATIONS

45. Operation of a Refund Point would be subject to the terms of a Refund Point Agreement between WA Return Recycle Renew Ltd (WARRRL) and the City of Albany.
46. The terms of the Refund Point Agreement are a standard agreement throughout WA and cannot be altered by individual operators.
47. Legal advice on the terms of the Agreement is currently being sought and although the performance regime is onerous, the Refund Point Agreement is a standard for this type of agreement for this type of service.

ENVIRONMENTAL CONSIDERATIONS

48. Containers for Change seeks to increase the recovery and recycling of empty beverage containers; and reduce the number of empty beverage containers that are disposed of as litter or to landfill.
49. This is an excellent opportunity for our community to participate in a state-wide initiative to reduce litter and increase recycling.
50. Containers for Change will reduce broken glass making road verges safer and reducing contamination of materials at the Albany Material Recovery Facility.
51. Support for Containers for Change will assist both the City and the State in achieving the waste diversion targets in their respective waste strategies.

ALTERNATE OPTIONS

52. Decline to provide a City Refund Point at this time enabling WARRRL to outsource the Refund Point to an alternate provider.

CONCLUSION

53. Establishing a Refund Point at Hanrahan Road Waste Facility will ensure residents are adequately serviced by, and have ample opportunity to benefit from, Containers for Change, and increase aware of other services available at the Facility.
54. Council is requested to approve the establishment of a Refund Point at the Hanrahan Road Waste Facility.

55. Should the Officer Recommendation be supported, once operational parameters are further advanced a subsequent agenda item for Council consideration will be presented in March / April 2020.

Consulted References	:	<ul style="list-style-type: none">• <i>Waste Avoidance & Resource Recovery Strategy 2030</i>• <i>City of Albany Community Waste Resource Strategy 2019-26</i>• <i>Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2019</i>
File Number (Name of Ward)	:	WM.SP.V.16 (All Wards)
Previous Reference	:	DIS170

**DIS199: PLANNING AND BUILDING REPORTS DECEMBER 2019 AND
JANUARY 2020**

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports December 2019 and January
2020
Report Prepared By : Administration Officer – Planning (A James)
Administration Officer – Development Services (J Corcoran)
Responsible Officers: : Manager Planning and Land Information Services
(J Van Der Mescht)

RECOMMENDATION

**DIS199: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Planning and Building Reports for December 2019 and January
2020.**

LEMC021: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE – 26 SEPTEMBER 2019 AND 19 DECEMBER 2019

Attachments	: Animal Welfare in emergencies Exercise – Bremer Bay Fire
Report Prepared By	: Planning and Building Administration Officer(J Cobbold)
Responsible Officers:	: Acting Executive Director Corporate and Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 26 September 2019 and 19 December 2019.

RECOMMENDATION

**LEMC021: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 26 September 2019 and 19 December 2019 be RECEIVED.

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 Nil**
17. **MEETING CLOSED TO PUBLIC**

CCS213: VARIATION TO LICENCE-CENTENNIAL STADIUM INCORPORATED-CENTENNIAL PARK EASTERN PRECINCT

CCS222: APPOINTMENT OF EXECUTIVE DIRECTOR CORPORATE AND COMMERCIAL SERVICES-SENIOR DESIGNATED EMPLOYEE

CCS223: CINEFEST OZ 2020 PARTNERSHIP

CCS225: SURRENDER AND NEW LEASE

18. **CLOSURE**