



MINUTES

Ordinary Meeting of Council

Tuesday 25 October 2022

6.00pm

Council Chambers



ORDINARY COUNCIL MEETING
MINUTES – 25/10/2022

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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Breaksea Ward	P Terry
Breaksea Ward	A Cruse
Frederickstown Ward	G Stocks
Frederickstown Ward	M Traill
Kalgan Ward	T Brough
Kalgan Ward	M Benson-Lidholm JP (By Zoom)
Vancouver Ward	J Shanhun
Vancouver Ward	D Baesjou (Arrived at 6.31pm)
West Ward	S Smith
West Ward	Vacant
Yakamia Ward	C Thomson (Joined meeting by Zoom at 6.01pm)
Yakamia Ward	R Sutton
Staff:	
Chief Executive Officer	A Sharpe
A/Executive Director Corporate & Commercial Services	L Harding
Executive Director Infrastructure, Development & Environment	P Camins
Executive Director Community Services	N Watson
Manager Planning and Building Services	J van der Mescht
Meeting Secretary	J Williamson
Apologies:	

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BROUGH

THAT Councillor Thomson and Councillor Benson-Lidholm be granted APPROVAL to attend this meeting by Zoom.

CARRIED 10-0

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

6.01pm: The Mayor acknowledged with sadness the passing of Mr Tom Knight yesterday. Together with his late wife Annette, former Mayor of the Town of Albany, Tom has been a staunch advocate for Albany. He will be missed. The Mayor expressed his condolences to the Knight family at this sad time.

6.02pm Councillor Traill
Summary of key points:

Councillor Traill also acknowledged the passing of Mr Tom Knight. Councillor Traill attended the Albany International Folk and Shanty Festival and said that it was a great success with 101 musical events. Councillor Traill said that the event's success was due to the massive effort by volunteers and our community, and that this event was the first of many across WA.

6.05pm Councillor Stocks
Summary of key points:

Councillor Stocks attended the WALGA conference, which he said was a valuable insight into the focus of the federal government, particularly around green energy and the resources sector. Councillor Stocks said that one of the biggest challenges to the economy was productivity, including the need to increase the number of immigrants to provide skilled and semi-skilled labour.

6.06pm Councillor Brough
Summary of key points:

Councillor Brough's Book Club for this month is Die Laughing, a Biography of Bill Leak by Fred Pawle.

6.09pm Councillor Benson-Lidholm
Summary of key points:

Councillor Benson-Lidholm commented on the passing of Tom Knight. Councillor Benson-Lidholm attended the Official Launch by Prime Minister Albanese of fibre based National Broadband Network services in Albany. Councillor Benson-Lidholm said that it was wonderful to see Prime Minister Albanese visit Albany in his official capacity, and that the expansion of the NBN would be warmly welcomed by businesses.

Councillor Benson-Lidholm also commented on the work of the Oyster Harbour Catchment Group.

6.13pm Councillor Smith
Summary of key points:

Councillor Smith attended the 2022 WA Local Government Convention, and was particularly pleased to have heard Professor Fiona Stanley speak about Holistic Wellbeing Measures, a tool for better planning and more engaged citizens as part of the Western Australian Development Index (WADI) Project.

Councillor Smith said that the purpose of wellbeing measures was about supporting sustainable development goals, citizen participation and that an index of wellbeing was a valuable tool for local governments to improve their understanding of community wellbeing.

6.15pm Councillor Sutton
Summary of key points:

Councillor Sutton offered his condolences to the family of Mr Tom Knight. Councillor Sutton said that Tom had been a driving force in the building industry in Albany, particularly his work with apprentices and trainees.

Councillor Sutton said that both Tom Knight and the late Annette Knight were tireless champions of Albany.

Councillor Sutton also said that it was disappointing that the Building Better Regions Fund has been discontinued. Councillor Sutton said that Albany had been the recipient of significant funding from BBRF which had contributed to the development of some wonderful community facilities. Councillor Sutton said that he was hopeful that BBRF would be replaced by an alternate funding stream to encourage regional development.

6.17pm: The Mayor introduced Mr Richard Muirhead, retiring Chair of the National Anzac Centre Advisory Group.

Mr Muirhead said that he had very much enjoyed being part of the National Anzac Centre Advisory Group, and praised the City of Albany and the Albany community for their support and persistence in bringing the project to fruition.

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

7. PUBLIC QUESTION TIME

6.29pm Mr Frank Ruggera, 70A Stead Road, Centennial Park Summary of key points:

Mr Ruggera addressed Council to request an expansion of the street tree program. Mr Ruggera said that he wanted the City to increase the planting of street trees from the current 200 per year to 600 per year.

Mr Ruggera's tabled address is detailed at Appendix A.

6.34pm Ms Tricia Marie, Centennial Park Summary of key points:

Ms Marie addressed Council regarding the need for forests. Ms Marie's tabled address is detailed at Appendix A.

6.36pm Mr Jon Doust, 132 Ulster Road, Spencer Park Summary of key points:

Mr Doust addressed Council regarding the protection of trees. Mr Doust's tabled address is detailed at Appendix A.

6.40pm Ms Lynne McClaren, no address given. Summary of key points:

Ms McLaren addressed Council regarding the Yakamia bush.

6.44pm Annabel Paulley, 38 Parker Street, Lockyer Summary of key points:

Ms Paulley addressed Council regarding the Yakamia Bush. Annabel Paulley's tabled address is detailed at Appendix A.

There being no further speakers the Mayor declared Public Question Time closed at **6.51pm**.

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

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

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

8. APPLICATIONS FOR LEAVE OF ABSENCE

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CRUSE

SECONDED: NO SECONDER

THAT Councillor Baesjou be GRANTED Leave of Absence for the period 14 to 20 December 2022 inclusive.

MOTION LAPSED DUE TO NO SECONDER

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TRAILL

THAT the minutes of the Ordinary Council Meeting held on 26 September 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS479: FINANCIAL ACTIVITY STATEMENT – AUGUST 2022

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement - August 2022
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Acting Executive Director Corporate & Commercial Services (L Harding)

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 August 2022 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 31 August 2022 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS479: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Smith
Seconded: Councillor Brough**

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

CARRIED 12-0

CCS479: COMMITTEE RECOMMENDATION

**Moved: Councillor Thomson
Seconded: Councillor Smith**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS479: AUTHORISING OFFICER RECOMMENDATION

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

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS367, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

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

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

CCS480: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2022

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : A/Executive Director Corporate & Commercial Services
(L Harding)

STRATEGIC IMPLICATIONS

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

IN BRIEF

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

RECOMMENDATION

CCS480: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR TERRY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2022 totalling \$7,452,900.17 be RECEIVED.

CARRIED 12-0

CCS480: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS480: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2022 totalling \$7,452,900.17 be RECEIVED.

DISCUSSION

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

Municipal Fund	
Trust	\$0.00
Credit Cards	\$15,056.94
Payroll	\$1,873,511.14
Cheques	\$843.70
Electronic Funds Transfer	\$5,563,488.39
TOTAL	<u>\$7,452,900.17</u>

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

Current	\$245.80
30 Days	\$1,272.22
60 Days	-\$1,186.49
90 Days	-\$3,334.48
TOTAL	<u>-\$3,002.95</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

9. Nil.

ENVIRONMENTAL CONSIDERATIONS

10. Nil.

ALTERNATE OPTIONS

11. Nil.

CONCLUSION

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

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

**CCS481: DELEGATED AUTHORITY REPORTS – 16 AUGUST 2022 to
15 SEPTEMBER 2022**

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

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS481: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

THAT the Delegated Authority Reports 16 August 2022 to 15 September 2022 be RECEIVED.

CARRIED 12-0

CCS481: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR THOMSON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS481: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 August 2022 to 15 September 2022 be RECEIVED.

BACKGROUND

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

**CCS482: GREAT SOUTHERN ARTS, CULTURE & HERITAGE STRATEGY
& CITY OF ALBANY ARTS, CULTURE & HERITAGE PLAN**

Attachments	: Great Southern Region: Arts, Culture and Heritage Strategy Draft City of Albany Arts, Culture and Heritage Plan GSACH Phase 1 Engagement Outcomes Report GSACH Phase 2 Engagement Report AACH Feedback Report
Report Prepared By	: Manager Arts & Culture (P Nielsen)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans for strategies:
 - **Pillar:** People.
 - **Outcome:** A diverse & inclusive community; and a happy, healthy & resilient community.
 - **Pillar:** Place.
 - **Outcome:** Local history, heritage and character is valued and preserved.

In Brief:

- The Great Southern Arts, Culture and Heritage Strategy is complete. It has been endorsed by the Project Advisory Group and is presented to Council for its acceptance as a regional stakeholder.
- The draft City of Albany Arts, Culture and Heritage Plan, which supports the outcomes of the regional strategy, is also complete and presented for Council's adoption.

RECOMMENDATION

CCS482: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR SMITH

1. **THAT Council NOTE the Great Southern Arts, Culture and Heritage Strategy; and**
2. **THAT Council ADOPT the City of Albany Arts, Culture and Heritage Plan, which supports the outcomes of the regional Strategy.**

CARRIED 12-0

CCS482: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS482: AUTHORISING OFFICER RECOMMENDATION

1. **THAT Council NOTE the Great Southern Arts, Culture and Heritage Strategy; and**
2. **THAT Council ADOPT the City of Albany Arts, Culture and Heritage Plan, which supports the outcomes of the regional Strategy.**

BACKGROUND

2. Following discussions with the Department of Local Government, Sport and Cultural Industries (DLGSCI), the Department invited the City of Albany to apply to its new Leveraged Cultural Planning Fund within the Regional Arts & Cultural Investment Program to develop an Arts, Culture & Heritage Strategy for the Great Southern region.
3. Arts and Culture was identified as a gap within the City of Albany's strategic planning framework, however a regional approach was recommended by DLGSCI in order to leverage funding support from government.
4. The development of a regional Arts, Culture and Heritage Strategy for the region is a first in Western Australia and received a \$50,000 grant from DLGSCI to commence the project in 2019.
5. Additional contributions from the City, GSDC and a number of the region's other local governments created a working budget of more than \$80,000.
6. A Working Group was established to oversee the governance of the project, chaired by GSDC with representatives from the City, DLGSCI, Shires of Katanning, Denmark and Plantagenet, WA Museum Albany, Albany Entertainment Centre, and an Indigenous Elder.
7. The project stalled through 2020 due to Covid restrictions having a significant impact on undertaking region-wide community engagement.
8. The Working Group re-convened in October 2020 and through an RFQ process, INK Strategy was appointed as consultants for the project in late 2020, with engagement work beginning in early 2021.
9. The key objective of the project was to develop a Regional Arts, Culture and Heritage Strategy that would provide an overarching structure to underpin individual LGA action plans with achievable and measurable outcomes with clear sets of priorities for the enhancement of facilities and initiatives across the region.
10. Concurrent to the regional project, the City engaged INK to progress the City of Albany Arts, Culture and Heritage Plan.
11. Both documents are intended to provide a framework for the City to work collaboratively with other stakeholders in achieving beneficial outcomes, and add weight to future funding applications for cultural activities.

DISCUSSION

Great Southern Arts, Culture & Heritage Strategy

12. The Great Southern Arts, Culture and Heritage Strategy was completed in March 2022 and has been endorsed by the Working Group.
13. Led by Ink Strategy, the project involved comprehensive community engagement to inform Strategy development
14. The Strategy sets an ambition for the region to become a networked, resilient, and enterprising cultural hub developed around three key pillars. The Strategy also identifies a range of regional priorities that align with each of these key pillars (refer Page 16 of Strategy):
 - *Cultural Identity* – defining the region's qualities, characteristics and narratives and how these are expressed through arts, culture and heritage;
 - *Experience* – broadening and deepening cultural experiences within the region and ensuring they are delivered equitably; and
 - *Capacity & Investment* – the infrastructure, resources and skills needed to stimulate cultural and creative communities and economies and build capacity.

15. Led by Ink Strategy, the project involved region-wide community and stakeholder engagement to inform Strategy development. These engagement activities are further detailed under points 30 – 34 and within the attached engagement reports.
16. Additionally, the Strategy includes a Vision for 2026 for regional arts and culture that focusses on strong networks, diverse partnerships, sustainability and coordinated programming (refer Page 28 of Strategy).
17. The Strategy document sets out a table of strategies to deliver against the various regional priorities, assigning timing for achievement, and responsible partners and stakeholders in order of priority.
18. State Government is identified as the priority or 'lead' stakeholder for the majority of strategies, with Local Government in the region listed as the primary stakeholder for nine (9) of the strategies.
19. To support implementation, the Strategy recommends a governance framework that includes the ongoing formalisation of a Great Southern Arts, Culture and Heritage Strategy Steering Committee that would continue to involve key stakeholders and representatives involved in the development of the regional strategy.
20. It is expected that the Great Southern Development Commission will initially provide support in establishing this Steering Committee.
21. However, it is considered that the Department of Local Government, Sport and Cultural Industries (DLGSCI) is best placed to lead the ongoing coordination of this committee and the implementation of the regional strategy, but it is not yet clear what role, if any, DLGSCI will take.

City of Albany Plan

22. Concurrent to the development of the Great Southern Arts, Culture and Heritage Strategy, INK has been engaging to develop a City of Albany Arts, Culture & Heritage Plan.
23. This document is the City of Albany's Plan to support the outcomes of the regional strategy.
24. It follows a similar format to the regional strategy, and focuses on delivering against these six key outcomes with a set of detailed actions and recommended timelines (refer Pages 22-36):
 - Albany is nationally recognised for its inspiring and diverse creative and cultural experiences and attractions;
 - Albany has a reputation as a location of choice for creative talent and enterprise;
 - ACH is central to Albany's identity, liveability and prosperity;
 - The City is a leader in building ACH capacity and capability, with ACH stakeholders;
 - People actively engage with Albany's diverse heritage, which is widely shared and boldly expressed; and
 - A strong, sustainable foundation for a renowned cultural capital.
25. The Plan is based on an assessment of where the community and sector is today, together with aspirations for the future. It is intended to be responsive to opportunities as they arise over the next five years.
26. The Plan has considered a range of existing Strategic Planning and Policy documents and has a strong focus on the opportunity arising with the 2026 Bicentenary.

27. It supports partnerships between government, industry, business, and community and provides a valuable framework that will support existing and new activities as well programming, management, and audience development.
28. Engagement for the Plan was incorporated into engagement activities for the regional strategy and has included internal consultation with City of Albany elected members and staff. It was the subject of a public comment period from 18 July to 7 August 2022.
29. Feedback from the internal consultation and public comment period has been included within the final draft presented to Council for adoption.
30. Officers intend to establish an internal working group to have oversight of the implementation of the Albany Plan and provide summary updates to EMT and Elected Members through existing business reporting frameworks.

GOVERNMENT & PUBLIC CONSULTATION

31. Region-wide engagement was undertaken for the Great Southern Arts, Culture and Heritage Strategy in 2021 by INK Strategy.
32. INK undertook consultation for the development of the Albany Arts, Culture and Heritage Strategy concurrently with the regional engagement.
33. Engagement activities were undertaken in two phases and included:
 - An in-depth online survey that generated 178 responses;
 - 5 Think Tank Workshops in Denmark, Albany, Katanning, Mount Barker and Jerramungup that involved 88 participants;
 - Roundtables with numerous industry and interest groups, and Elected Members; and
 - Direct engagement with Traditional Custodians.
34. Both the draft Great Southern Arts, Culture & Heritage Strategy (22 November – 10 December 2021) and the City of Albany Arts, Culture & Heritage Plan (18 July – 7 August 2022) were advertised for public comment.
35. A detailed summary of INK's engagement is included as attachments to this report, as well as summaries of the feedback received during the public comment periods and actions taken.

STATUTORY IMPLICATIONS

36. Nil

POLICY IMPLICATIONS

37. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Risk: Without a strategic framework for Arts, Culture & Heritage there is reduced opportunity for investment in these sectors.	Possible	Moderate	Medium	Support a strategic framework through the acceptance of the Great Southern Arts, Culture & Heritage Strategy and adoption of the City of Albany Arts, Culture & Heritage Plan.
Reputational Risk: Arts, Culture & Heritage outcomes do not meet stakeholder and community expectations.	Possible	Moderate	Medium	Work with stakeholders and industry groups to support implementation of the strategic framework, which has been informed by stakeholders & community.
Operational Risk: Objectives of the Albany Arts, Culture & Heritage Plan are not met in the recommended timeframes.	Possible	Moderate	Medium	Establish an internal working group to have oversight of the implementation of the Albany plan, noting that progress will be influenced by factors such as funding and/or budget availability, Council priorities and capacity, and levels of stakeholder and/or community support.
Opportunity: Provide strategic and operational direction for Arts, Culture and Heritage activities undertaken by the City of Albany.				

FINANCIAL IMPLICATIONS

39. There are no direct financial implications arising from the development of the Great Southern Arts, Culture and Heritage Strategy and supporting City of Albany Arts, Culture and Heritage Plan.
40. The majority of actions within the City of Albany Arts, Culture and Heritage Plan can be achieved as part of day-to-day operations of responsible teams, however some specific actions may require funding in future, and this will be considered as part of the City's usual budgeting and funding processes.
41. The Great Southern Arts, Culture and Heritage Strategy and City of Albany Arts, Culture & Heritage Plan will assist in unlocking future funding opportunities for arts and cultural activities within the region.

LEGAL IMPLICATIONS

42. There are no legal implications related to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

44. Council may choose not to adopt the City of Albany Arts, Culture & Heritage Plan and provide further feedback for inclusion and reconsidering at a future date.

CONCLUSION

45. The arts, culture and heritage sectors play an important role in creating vibrant, diverse and interesting communities for residents and visitors.
46. Development of the Great Southern Arts, Culture and Heritage Strategy for the region is a first in Western Australia, achieved with funding from DLGSCI and collaboration between the City, GSDC and regional shires.
47. The Strategy sets the ambition for the region to become a networked, resilient, and enterprising cultural hub, identifying region-wide opportunities and providing clear direction for achieving these.
48. Responsibility for its implementation is shared across stakeholders, with a key role for the State Government to play in advancing the Strategy's region-wide outcomes.

49. The City of Albany Arts, Culture & Heritage Strategy is Albany's plan to support the outcomes of the regional strategy.
50. It supports partnerships between government, industry, business, and community and provides a valuable framework that will support existing activities as well as leverage additional funding opportunities for local arts, culture and heritage.
51. Implementation of the Plan will be influenced by factors such as funding and/or budget availability, Council priorities and capacity, and levels of stakeholder and/or community support.
52. The Great Southern Arts, Culture and Heritage Strategy is recommended to Council for acceptance, and the City of Albany Arts, Culture and Heritage Plan is recommended for adoption.

Consulted References	:	Great Southern Arts, Culture and Heritage Strategy Draft City of Albany Arts, Culture and Heritage Plan
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 25/02/2020 Resolution CCS224

CCS483: CORPORATE SCORECARD

Attachments : 'CS Dashboard Q1 2022-23'
Report Prepared By : Business Planning & Performance Coordinator
(A Olszewski)
Authorising Officer: : A/Manager People & Culture (D Waugh)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany's Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2021-2025 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council's priority commitments to the community.
- The Corporate Scorecard (CS) Dashboard concept was developed to provide a quarterly update to Council on the status of these actions.

RECOMMENDATION

CCS483: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SUTTON

THAT the Corporate Scorecard Dashboard be NOTED.

CARRIED 12-0

CCS483: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS483: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. These actions are monitored through Business Unit Plans, which define (on a minimum quarterly basis) associated service levels and enable assignment of a simple 'traffic light' status to each action.
4. The first iteration of the CS Dashboard was presented to Council at the November 2021 CCS Committee meeting for feedback, and subsequently endorsed at the December OCM.

DISCUSSION

5. The 'CS Dashboard Q1 2022-23' (attached) provides an update on the status of CBP actions for the July – August 2022 Quarter, identifying those actions potentially 'at-risk.'
6. 'At-risk' actions include those assigned with a traffic light status of either:
 - Red (a service *not meeting* its service level, or a project *not on track*), or;
 - Orange (a service *under strain*, or a project that has *stalled*).
7. As part of the continuous improvement of the CS Dashboard, commentary has now been added to the list of 'At-risk' actions in the final section of the report.

GOVERNMENT & PUBLIC CONSULTATION

8. N/A.

STATUTORY IMPLICATIONS

9. There are no direct statutory implications, however the CS Dashboard supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

POLICY IMPLICATIONS

10. N/A.

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
Reputational/Business Operations: Loss of reputation from not following through on commitments outlined in CBP.	Likely	Minor	Moderate	Staff to review and address areas of concern prior to reconsideration by Council.
Opportunity: Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.				

FINANCIAL IMPLICATIONS

12. N/A.

LEGAL IMPLICATIONS

13. N/A.

ENVIRONMENTAL CONSIDERATIONS

14. N/A.

ALTERNATE OPTIONS

15. Council may choose not to review progress of commitments made in the CBP through the proposed CS Dashboard, and delegate this oversight to the City's Executive.

CONCLUSION

16. It is recommended the CS Dashboard be noted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995, s5.56 Local Government (Administration) Regulations 1996, Reg. 19D IPR Framework and Guidelines 2019
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 24/08/2021 - Report Item CCS374 CCS 30/11/2021 – Report Item CCS398

CCS484: APPOINTMENT OF CHIEF AND DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS AND BUSH FIRE BRIGADE FIRE CONTROL OFFICERS FOR THE 2022-23 FIRE SEASON

Report Prepared By : Emergency Management Team Leader (G Turner)
Authorising Officer: : A/Executive Director Corporate and Commercial Services
(L Harding)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well-informed and engaged community.
 - **Pillar:** People.
 - **Outcome:** A safe community.
 - **Pillar:** Planet.
 - **Outcome:** A resilient community that can withstand, adapt to, and recover from natural disasters.

In Brief:

- Nominations for essential leadership positions have been received and accepted from Volunteer Bush Fire Brigade members.
- Council is now requested to endorse those appointments.

RECOMMENDATION

CCS484: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR TRAILL

THAT the following appointments to essential leadership positions in the City of Albany's Volunteer Bush Fire Brigades be ENDORSED:

- **Chief Bush Fire Control Officer: Mr Rob Lynn**
- **Deputy Chief Bush Fire Control Officer: Mr Graeme Poole**
- **Bush Fire Control Officer North East Sector: Mr John Howard**
- **Bush Fire Control Officer South West Sector: Mr Kevin Martin**
- **Bornholm Brigade Fire Control Officers: Mr Chris Ayres and Mr Laurie Nissen**
- **Elleker Brigade Fire Control Officer: Miss Maxine Jones**
- **Gnowellen Brigade Fire Control Officers: Mr Mark Plunkett and Mr Jeremy Walker**
- **Highway Brigade Fire Control Officers: Mr Ben Braun and Mr Chris Norton**
- **Kalgan Brigade Fire Control Officers: Mr Darryl Bradley, Mr Brent Findlay and Permits Only Mr Don Tomlinson**
- **King River Brigade Fire Control Officers: Mr Simon Whitfort and Mr Malcolm Pearce**
- **Kojaneerup Brigade Fire Control Officers: Mr Ashton Hood and Mr Scott Smith**
- **Manypeaks Brigade Fire Control Officers: Mr Kim Lester and Mr Tim Metcalfe**
- **Napier Brigade Fire Control Officers: Mr Tom Collins and Mr Kim Roberts**
- **Redmond Brigade Fire Control Officers: Mr Pieter Mostert and Mr Troy Mostert**
- **South Coast Brigade Fire Control Officers: Mr Shane Duncan and Mr Rowan Hardy**
- **South Stirling Brigade Fire Control Officers: Mr Graeme Pyle and Mr Reece Curwin**
- **Torbay Brigade Fire Control Officer: Mr Brian Taylor**
- **Wellstead Brigade Fire Control Officer: Mr Matthew Wood**
- **Young Siding Brigade Fire Control Officers: Mr Kevin Martin, Mr Thomas Warner and Mr Martin Peterson.**

CARRIED 12-0

CCS484: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS484: AUTHORISING OFFICER RECOMMENDATION

THAT the following appointments to essential leadership positions in the City of Albany's Volunteer Bush Fire Brigades be ENDORSED:

- Chief Bush Fire Control Officer: Mr Rob Lynn
- Deputy Chief Bush Fire Control Officer: Mr Graeme Poole
- Bush Fire Control Officer North East Sector: Mr John Howard
- Bush Fire Control Officer South West Sector: Mr Kevin Martin
- Bornholm Brigade Fire Control Officers: Mr Chris Ayres and Mr Laurie Nissen
- Elleker Brigade Fire Control Officer: Miss Maxine Jones
- Gnowellen Brigade Fire Control Officers: Mr Mark Plunkett and Mr Jeremy Walker
- Highway Brigade Fire Control Officers: Mr Ben Braun and Mr Chris Norton
- Kalgan Brigade Fire Control Officers: Mr Darryl Bradley, Mr Brent Findlay and Permits Only Mr Don Tomlinson
- King River Brigade Fire Control Officers: Mr Simon Whitfort and Mr Malcolm Pearce
- Kojaneerup Brigade Fire Control Officers: Mr Ashton Hood and Mr Scott Smith
- Manypeaks Brigade Fire Control Officers: Mr Kim Lester and Mr Tim Metcalfe
- Napier Brigade Fire Control Officers: Mr Tom Collins and Mr Kim Roberts
- Redmond Brigade Fire Control Officers: Mr Pieter Mostert and Mr Troy Mostert
- South Coast Brigade Fire Control Officers: Mr Shane Duncan and Mr Rowan Hardy
- South Stirling Brigade Fire Control Officers: Mr Graeme Pyle and Mr Reece Curwin
- Torbay Brigade Fire Control Officer: Mr Brian Taylor
- Wellstead Brigade Fire Control Officer: Mr Matthew Wood
- Young Siding Brigade Fire Control Officers: Mr Kevin Martin, Mr Thomas Warner and Mr Martin Peterson.

BACKGROUND

2. The City of Albany has sixteen Volunteer Bush Fire Brigades, comprising approximately 874 active and auxiliary members who provide bush fire-fighting capacity throughout the municipality.
3. In accordance with the *Bush Fires Act 1954*, the City must appoint a Chief Bush Fire Control Officer, Deputy Bush Fire Control Officer and Fire Control Officers prior to the commencement of each fire season.
4. Nominations for those positions are called for through the Bush Fire Advisory Group (BFAG), and appointments to those positions are made. If multiple nominations are received for any position a ballot is conducted.
5. Final appointment of those officers is authorised by the City of Albany Chief Executive Officer, exercising his delegated authority by Council.

DISCUSSION

6. Nominations for the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Fire Control Officers were received by the Bush Fire Advisory Group.
7. The BFAG have recommended the appointments detailed in the Authorising Officer Recommendation of this report.
8. These appointments remain in force until the end of the 2022-23 fire season.

GOVERNMENT & PUBLIC CONSULTATION

9. N/A

STATUTORY IMPLICATIONS

10. Appointments are made in accordance with the *Bush Fires Act 1954*.
11. Local governments are empowered by Section 38 of the *Bush Fires Act 1954* to appoint such persons as are necessary to perform the duties associated with a Bush Fire Control Officer.

POLICY IMPLICATIONS

12. N/A

RISK IDENTIFICATION & MITIGATION

13. Not applicable to this report.

FINANCIAL IMPLICATIONS

14. Not applicable to this report.

LEGAL IMPLICATIONS

15. Not applicable to this report.

ALTERNATE OPTIONS

16. There are no alternate options applicable to this report.

CONCLUSION

17. That Council endorse the appointments of Bush Fire Control Officers for the 2022-23 fire season.

Consulted References	:	<i>Bush Fires Act 1954</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	BFAC011 02/09/2021

CCS485: QUARTERLY REPORT – TENDERS AWARDED – JULY TO SEPTEMBER 2022

Proponent	: City of Albany
Attachments	: Quarterly Report – Tenders Awarded – July to September 2022
Report Prepared by	: Senior Procurement Officer (H Hutchinson)
Authorising Officer	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS485: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Brough
Seconded: Councillor Terry

THAT the Quarterly Report – Tenders Awarded – July to September 2022 be RECEIVED.

CARRIED 12-0

CCS485: COMMITTEE RECOMMENDATION

Moved: Councillor Brough
Seconded: Councillor Smith

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS485: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – July to September 2022 be RECEIVED.

CCS486: WARDS AND REPRESENTATION REVIEW

Land Description	: City of Albany Municipality
Proponent / Owner	: City of Albany
Attachments	: Discussion Paper-Review of Wards and Representation 2022 Memorandum to Chief Executive Officers-Local Government Reforms-Election Transition Arrangements
Report Prepared By	: Senior Team Leader (J Williamson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcomes:**
 - Proactive, visionary leaders who are aligned with community needs and values.
 - A well informed and engaged community.

In Brief:

- Endorse the Review of Wards and Representation Discussion Paper 2022 and initiate the public consultation period required as part of the Review.

RECOMMENDATION

CCS486: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SMITH

THAT Council:

1. **ENDORSE** the Review of Wards and Representation Discussion Paper 2022 for the purpose of seeking public submissions.
2. **NOTE** that a further report will be presented to Council following completion of the statutory public consultation process as required by Schedule 2.2 of the *Local Government Act 1995*.
3. **NOTE** that any changes to wards and representation are required to be finalised no later than 14 February 2023.
4. **ADVISE** the Minister for Local Government that the City of Albany will be participating in the Voluntary Pathway to local government reform no later than 28 October 2022.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Thomson

CCS486: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH

THAT Council:

1. DEFER endorsement of the Review of Wards and Representation Discussion Paper 2022 for the purpose of seeking public submissions in order to allow Elected Members to engage in further feedback to staff with the objective of having feedback agreed by the end of the first week of November 2022.
2. NOTE that a further report will be presented to Council following completion of the statutory public consultation process as required by Schedule 2.2 of the *Local Government Act 1995*.
3. NOTE that any changes to wards and representation are required to be finalised no later than 14 February 2023.
4. ADVISE the Minister for Local Government that the City of Albany will be participating in the Voluntary Pathway to local government reform no later than 28 October 2022.

LOST 4-8

Record of Vote

For the Motion: Councillors Thomson, Brough, Baesjou and Benson-Lidholm

BACKGROUND

2. In accordance with Schedule 2.2 Clause 6(1) of the Local Government Act 1995, the City of Albany must conduct a Ward and Representation review every eight years.
3. The last Ward and Representation Review was conducted by the City in 2014.
4. That review resulted in retention of six wards each represented by two elected members.
5. Changes to ward boundaries were required to accommodate the councillor to elector ratio of no more than plus or minus ten percent.
6. Importantly, proposed local government reforms to be enacted in 2023 will introduce a tiered system of representation based on the population of local governments, and requires that the City of Albany reduce the number of elected representatives.
7. The City has the option to take a voluntary pathway to implement the proposed reforms. The City must advise the Minister no later than 28 October 2022 if they wish to take that option.

DISCUSSION

8. A Review of Wards and Representation Discussion Paper has been prepared to assist the community in considering options as part of the review, as well as to understand the legislative requirements of the review.
9. Recent reforms to local government in Western Australia include the introduction of tiered limits on the number of elected members based on the population of a local government.
10. The Mayoral position is not included as an elected representative and does not form part of the proposed reduction in representation.
11. The reforms propose that the number of elected representatives for local governments with a population of between 5,000 and 75,000 will be four to eight councillors.
12. The Minister for Local Government has advised the City of Albany that the reform proposals require a reduction in its elected representatives from 12 to a maximum of 8.

13. Whilst the City of Albany had commenced preparation for the ward and representation review process, the Department of Local Government, Sport and Cultural Industries has now advised that there are two pathways which Council may consider to initiate the required reduction in the number of elected representatives.

Voluntary Pathway

14. The City may decide to implement the reduction in numbers of elected representatives voluntarily.
15. This gives the City the opportunity to reduce the number of elected representatives in a staged reduction by:
- a) Reducing the number of vacancies for the 2023 Ordinary Local Government Election from six to four (a total of 10 elected members serving on Council in 2023-24); and
 - b) Reducing the number of vacancies for the 2025 Ordinary Local Government Election from six to four (a total of eight elected members from 2025 onward).
16. Council must resolve to undertake the Voluntary Pathway option no later than 28 October 2022 and advise the Minister accordingly.
17. Council is required initiate a Ward and Representation Review prior to 28 October 2022, to enable the review to be completed and finalised by 14 February 2023.
18. This timeline is to ensure that timeframes set out in the Act regarding the election process are able to be met prior to the 2023 Ordinary Local Government election.
19. No extension to the dates specified in the Voluntary Pathway option will be possible.

Reform Election Pathway

20. The Minister has advised that the Amendment Act will provide for all changes to be implemented through reform elections in 2023.
21. This means that all seats will be declared vacant at the 2023 Local Government Ordinary Election, and the number of elected representative vacancies at that election will be based on the reform proposals.
22. The Reform Election Pathway may result in less than eight vacancies, as the proposal for local governments with a population of between 5,000 and 75,000 is between four and eight elected representatives.
23. This option does not take into consideration any existing wards, but focusses on the immediate reduction in elected member representation levels.
24. Following the 2023 election to fill those vacancies, it may be necessary for terms to be split between two and four years to re-establish an ordinary election cycle.
25. For Band 1 and 2 local governments (the City is a Band 1 local government) the newly elected Council would then be able to consider whether to establish new wards through a future Ward and Representation Review.

GOVERNMENT & PUBLIC CONSULTATION

26. Council are required to endorse the Ward and Representation Review discussion paper in order to commence the public submission period of no less than six weeks.
27. The review process involves a number of steps:
- Council resolves to undertake the review.
 - The public submission period opens.
 - The discussion paper is provided to the community for generate comments.
 - Public submission period closes.
 - Council considers all submissions and relevant factors and makes a decision.
 - Council submit a report to the Local Government Advisory Board for its consideration.
 - The Local Government Advisory Board submits a recommendation to the Minister for Local Government for approval.
28. The *Local Government Act 1995* requires that the review is advertised for a six week public comment period. To aid discussion and feedback from the community, the discussion paper has been developed.
29. Public consultation will include:
- Public notice in the Albany Advertiser;
 - Notices on the City's public noticeboards which include:
 - The City's Customer Service Centre, 102 North Road, Yakamia;
 - Albany Public Library, York Street, Albany;
 - Notices on the City's website and social media platforms.
30. The timeline for the review process is as follows:

Date	Action
25 October 2022	Council resolves to undertake the Ward and Representation Review at the Ordinary Council Meeting being held on 25/10/2022. This review must be initiated prior to 28/10/2022, and the review must be completed and finalised by 14/02/2023.
27 October 2022	Public submission period opens and the Ward and Representation Review Discussion Paper is made available to the community to generate comments.
08 December 2022	Public submission period closes.
Special Council Meeting 20 December 2022	Staff prepare recommendation for consideration by Council, including a summary of submissions received during the public submission period.

STATUTORY IMPLICATIONS

31. Schedule 2.2 of the *Local Government Act 1995*, clause 6 provides that a review of ward boundaries and elected member representation levels be undertaken at least once every eight years.
32. The Local Government Review Panel Final Report states in part that *“there will be a continued requirement for regular representation reviews by local governments in consideration of electoral issues such as the number of elected representatives, how the mayor is elected, the use of wards and whether elected members are sufficiently representative of the broader community.”*

POLICY IMPLICATIONS

33. There are no direct policy implications related to this report or decision.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation. Risk: The City does not meet the required timeframes to undertake the Ward and Representation Review as part of the Voluntary Pathway for local government reform.	Possible	Major	High	The Ward and Representation Review is initiated by 28 October 2022, and the determined pathway is communicated to the Minister.
Opportunity: To implement changes to Wards and Representation voluntarily to avoid all council offices being declared vacant at the 2023 Ordinary Local Government Election.				

FINANCIAL IMPLICATIONS

35. The financial implications of administering the review process is minimal as it will be accommodated from within existing budgeted funds and existing staff resources.

LEGAL IMPLICATIONS

36. Nil

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

38. Council may choose not to initiate the Ward and Representation Review within the timeframes set out in the Voluntary Pathway to local government reforms.
39. This option may result in changes to elected representation levels implemented through a reform election in 2023. All offices would be declared vacant, wards may be abolished and the number of elected representatives would be set based on the reform proposals.

CONCLUSION

40. It is recommended that the Authorising Officer Recommendation is adopted and the voluntary pathway to reform is taken.

Consulted References	:	Local Government Act 1995 Local Government Review Panel Final Report
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 25/11/2014 CSF131

DIS320: ENCLOSED DOG EXERCISE AREA

Land Description	: Centennial Park – Central Precinct
Proponent / Owner	: City of Albany
Attachments	: Minutes from meeting held with petitioners 11 th July 22 Enclosed Dog Exercise Area Concept Plan Indicative Costings
Supplementary Information & Councillor Workstation	: Unleashed a Guide to Successful Dog Parks (Government of South Australia) Enclosed Off-Leash Dog Exercise Area – Needs and Feasibility Study (City of Rockingham)
Report Prepared By	: Manager City Reserves (J Freeman)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcomes:** A diverse and inclusive community
 - **Outcomes:** A safe community
 - **Pillar:** Place
 - **Outcomes:** Interesting, vibrant and welcoming places.

Maps and Diagrams:

Figure 1: Map showing current off-lead Dog Exercise Areas

Figure 2: Map showing recommended Location at Centennial Central Precinct



Figure 1: Current Off-lead Dog Exercise areas



Figure 2: Centennial Central Precinct – Recommended Location

In Brief:

- Two petitions were received from Mrs Monica Belz requesting an enclosed dog area at Becker Park in Lower King and Ms Lily Link who requested one at Foundation Park.
- On accepting the petitions, at the OCM on 24th May 2022 Council requested that officers “prepare a report for future consideration regarding construction of an enclosed off leash dog exercise areas, including indicative costings, compliance aspects and possible locations”.

RECOMMENDATION

DIS320: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Council:

- 1. NOTE the Concept Plan for an Enclosed Dog Exercise Park at Centennial Central Precinct.**
- 2. NOTE that an allocation will be included for consideration by Council in the draft budget for the 23/24 Capital Works Program to implement the concept plan.**

CARRIED 12-0

DIS320: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS320: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- 1. NOTE the Concept Plan for an Enclosed Dog Exercise Park at Centennial Central Precinct.**
- 2. NOTE that an allocation will be included for consideration by Council in the draft budget for the 23/24 Capital Works Program to implement the concept plan.**

BACKGROUND

2. Enclosed Dog Exercise Areas are growing in popularity and demand and have now been installed in many urban environments throughout Australia and globally. Benefits of these parks include; providing a safe place for dogs to be exercised and socialised, providing mental stimulation for dogs, an outlet for dog owners to socialise and providing a place for seniors and owners living with a disability to exercise their dogs.
3. There have been several requests by the community and tourists regarding an enclosed dog exercise area for Albany in addition to the two petitions received by Lily Link (344 signatures) and Monica Belz (200 signatures).
4. A criteria has been developed by other Councils for the selection of suitable locations, which has been used to determine the preferred site.
5. A meeting was held with City staff from Community Services, Recreational Services, Rangers and Reserves, the petitioners and a dog trainer from the Albany Dog Club to discuss criteria and suitable locations (minutes attached).

DISCUSSION

Location Selection Criteria

6. There are many examples from other authorities including City of Rockingham, City of Canning, City of Greater Geelong and the SA Government that suggest appropriate criteria and design principles in establishing enclosed dog exercise areas.
7. As there were no benchmarks regarding the number of dog parks in an area, the City of Rockingham considered it reasonable that for a human population of 35,000 and a dog population of 6,000 a single enclosed dog park would be warranted.

8. Albany currently has 6,245 registered dogs and around 38,000 residents, so probably has the number of users to warrant one enclosed dog park.
9. Following a literature review of best practice for enclosed dog parks, a number of criteria were established to assess appropriate locations:
- Located in an off-lead Dog Exercise Area or a site that could be made an off-lead Dog Exercise Area
 - Central location
 - Existing Infrastructure in place (pathways, carparks)
 - Size – large enough not to interfere with other users
 - Ability to separate Small and Large dogs
 - Accessibility by car and foot (seniors and all abilities)
 - Minimal environmental/cultural impact
 - Noise and social impact (70m from residential areas, hospitals)
 - Good surveillance to minimise anti-social behaviour (from both humans and dogs!)
10. In reference to the first criterion, and from the petitioner's requests, the map of current Off-lead Dog Exercise areas (below) identified four locations for consideration:
- Centennial Park, Central Precinct (Lockyer Ave)
 - Foundation Park (Parade St)
 - Becker Park (Rutherford St, Lower King)
 - Collingwood Park (Collingwood Rd)
11. These four sites were assessed against the other identified criteria and resulted in three of the sites being removed from consideration as summarised below:

	Centennial Park, Central Precinct (Lockyer Ave)	Foundation Park (Parade St)	Becker Park (Rutherford St, Lower King)	Collingwood Park (Collingwood Rd)
a. Located in an off-lead Dog Exercise Area or a site that could be made an off-lead Dog Exercise Area	✓	✓	✓	✓
b. Central location	✓	✓	X	X
c. Existing Infrastructure in place (pathways, carparks)	✓	✓	X	✓
d. Size – large enough not to interfere with other users	✓	X	X	X
e. Ability to separate Small and Large dogs	✓	X	X	X
f. Accessibility (seniors and all abilities)	✓	X	X	X
g. Minimal environmental/cultural impact	✓	✓	X	✓
h. Noise and social impact (70m from residential areas, hospitals)	✓	X	X	✓
i. Good surveillance to minimise anti-social behaviour (from both humans and dogs)	✓	✓	X	X

12. Foundation Park is centrally located however as it is used by the Albany Dog Club there would be an impact to other users. There are no paths and limited room to separate small and large dogs.
13. This park is also surrounded by residents within 70m. Becker Park did not meet any criteria other than it is already an off lead dog exercise area. Collingwood Park would not be accessible during football games and has limited free space that would not interfere with other users.
14. Centennial Park Central Precinct met all the criteria as there are already two car parks, existing paths, is a large enough area to separate users, has no residents within 70m and has great passive surveillance.
15. Additional benefits of the preferred site at Centennial Park, Central Precinct are:
 - This area is quite well drained and does not get too wet in winter
 - The presence of the trees limits other potential uses of the site (e.g. sporting grounds)
 - Natural shelter with the trees
 - There is approximately 6,500 square meters of underutilised area to use.
 - It is a low lying area so it doesn't need to have reticulation.
 - The City mows the area already
 - Allow the dogs to dig – no reticulation
 - Additional area outside still available for dogs to exercise off leash
 - Additional infrastructure is planned for the area
16. The petitioners supported the criteria and the location ultimately identified as preferred.

Compliance

17. There are no additional compliance requirements, as this area will be managed as any other off-leash dog exercise area. In an off-leash area, dogs must still be under control and managed by the owner in accordance with the Dog Act 1976 (Part VI, Division 1, Clause 32):
 - (2) *A person is a competent person for the purposes of subsection (1) only if —*
 - a. *he is a person who is liable for the control of the dog;*
 - b. *he is capable of controlling it; and*
 - c. *he is carrying and capable of attaching to the dog for the purpose of controlling it, a chain, cord, leash, or harness of sufficient strength and not exceeding the prescribed length.*
18. Enclosed Dog Exercise Areas can reduce the amount of compliance required in other parks by reducing the amount of dogs that are not on lead or under control in other recreational spaces.

Ongoing management of enclosed dog parks

19. The very well compiled SA Government Guide identifies a number of issues and management obligations associated with enclosed dog parks that will require additional City resourcing. In relation to dog behaviour the document quotes that
 - 'The most basic problems associated with dog parks can be avoided completely by not bringing inappropriate dogs. Dog parks are not a joyful experience for all dogs' (Smith, 2007:10)*

20. The regular and effective monitoring of the spaces and the elements within it is important as it helps identify existing and emerging issues associated with a dog park including:
- Deterioration of surface materials
 - Poor drainage
 - Site amenities in poor or unsafe condition
 - Ineffective gate closures and fencing.
 - Dog and dog owner behaviour
21. Additional maintenance requirements may include:
- Picking up uncollected dog waste from the site
 - Emptying waste bins
 - Re-supplying dog waste bags
 - Fixing broken or weathered signs
 - Filling holes dug by dogs
 - Pruning of plants
 - General cleaning and deodorising
 - Maintaining and replacing surface materials
 - Deficiencies in facilities e.g. drainage and erosion
 - Repairing perimeter fencing and gate locks
 - Repairing, replacing, park furnishings and dog equipment
22. Some community members may expect the turf to meet a similar standard to other recreational areas, but there are no plans to upgrade the turf in this area to a better condition. The current surface is appropriate for the intended purpose.

Concept Design

23. A concept plan has been developed as attached. This has been created utilising the design principles in the South Australian Government's document; Unleashed - a Guide to Successful Dog Parks, which include:

Key Components for a Dog Park

24. Core infrastructure:
- Perimeter fencing (this is likely to be the biggest single cost)
 - Entry gates/ doggy airlock (2 gates per entry)
 - Service (maintenance) gates which also act as an emergency exit
 - Pathways (internal and external)
 - Ground surfaces (e.g. grass, mulch, gravel, sand, concrete)
 - Landscaping (e.g. vegetation, screen planting, mounding)
25. Essential amenities
- Drinking water fountains (including plumbing & drainage)
 - Bins and bag dispensers
 - Shelter
 - Seating
 - Signs (e.g. directional and park rules)
26. The document also provides guidance around the shape and size that is most beneficial for the users.

27. In consultation with the petitioners Lily Link and Monica Belz, as well as a dog trainer from the Albany Dog Park, all concurred with meeting the following requirements at the preferred site:
- The grass surface is suitable
 - The fence must go to the ground (no gap between ground and fence)
 - Signage must include a code of conduct
 - Double gated access is required
 - Bins and dog bags are currently onsite, but additional may be required.
 - Tap for water, either inside or outside the gate or both
 - Seating is required
 - Agility Equipment can come with dangers and depends on what the purpose is. This may be a future consideration, after monitoring the use and a possible survey of users.
 - Lighting – would not be implemented immediately as it's an expensive upfront cost
 - Toilets are currently located nearby (nearest at Youth Challenge Park)
 - Notice board for public information – possible future implementation.
 - Shelter – designed for shade not to stop rain. Already have trees in the area – not a priority.
 - Emergency exit (through the maintenance gate).
28. One of the key suggestions proposed by the group was a having a third enclosure for single dog or single family use for those dogs that may be recovering from surgery, are nervous around other dogs, or for those owners that are nervous around other dogs.
29. This would be a smaller area with two other larger areas provided for users to self-manage rather than defining small and large dog areas. Denmark has two enclosures that are self-managed and it seems to be working well.
30. To prevent larger dogs from escaping the enclosure, it has been suggested that one area have a higher fence. The plan calls for a 1.8 m high fence with gates in one sector and a 1.2 m high fence in the other two.

GOVERNMENT & PUBLIC CONSULTATION

31. Preliminary consultation was undertaken with petitioners to confirm the location selection criteria and agree on a preferred site.
32. Further public consultation may be undertaken as required once project has been adopted.

STATUTORY IMPLICATIONS

33. N/A

POLICY IMPLICATIONS

34. The preferred site is already deemed an Off-lead Dog Exercise Area.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Risk: Reputation <i>If the enclosed dog park plans are not implemented, it may result in negative feedback from the community.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>If plans are not supported, City officers will re-assess based on feedback.</i>
Opportunity: <i>To create a park that is family friendly, inclusive, and safe for dog owners to exercise their dogs.</i>				

FINANCIAL IMPLICATIONS

36. Enclosed dog parks can be very elaborate with many facilities and subsequently be very expensive. To install what has been identified as the essential components, inclusive of a third single dog area, the indicative costings are approximately \$120K - \$150K (ex GST).
37. A cost estimate is attached that itemises the proposed concept design components. The items that are considered essential are shown in a separate column to additional components that could be considered optional or as future works.
38. The ongoing annual maintenance costs have not been included in the total cost however are estimated to be in the order of \$12,000 (ex GST).

LEGAL IMPLICATIONS

39. N/A

ENVIRONMENTAL CONSIDERATIONS

40. N/A

ALTERNATE OPTIONS

41. Council may choose not to proceed with the installation of an Enclosed Dog Exercise Area.

CONCLUSION

42. Enclosed Dog Exercise Areas are becoming increasingly popular in that they provide a safe place for dogs to be exercised and socialised, providing mental stimulation for dogs, an outlet for dog owners to socialise and providing a place for seniors and owners living with a disability to exercise their dogs. More than 500 Albany residents signed two petitions indicating that they would value this type of facility in Albany.

Consulted References	:	OCM Minutes, Petition received 24 May, 2022.
File Number (Name of Ward)	:	PR.PLA.21
Previous Reference	:	N/A

DIS321: PROPOSED CLOSURE OF CROWN RIGHT OF WAY, LOWER KING

Land Description	: Vacant Crown Lot 66 for the purpose of Right of Way
Proponent / Owner	: Unvested Right of Way: City of Albany (responsible authority) Lot 47: E Marwick & R Denbeigh
Attachments	: 1. Map of proposed ROW closure 2. ROW Closure Report
Report Prepared By	: Lands Officer (A Veld)
Authorising Officer:	: Executive Director Development Infrastructure and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.

Maps and Diagrams:



In Brief:

- The City has received a request from the adjoining landowners to purchase the whole of a vacant, unvested Crown Right of Way (ROW) to the rear of their property.
- A Crown ROW is considered a private road owned by the State Government, under the *Land Administration Act 1997* and needs to be permanently closed in order for adjoining landowners to purchase this land.
- City staff have investigated the request and recommend that the ROW be closed, as there is no future strategic benefit to the City or the greater community for the land to remain in its current land tenure.
- Council's resolution is required to formally commence these land actions, in accordance with the relevant legislation.
- It is recommended that Council support the closure of the unvested Crown ROW in this instance, as there is no strategic benefit to the City in retaining this portion of land, it is no longer required for its intended purpose and the resulting amalgamation with Lot 47 is an appropriate outcome consistent with the site's context and applicable Residential land use zone.

RECOMMENDATION

DIS321: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BAESJOU

SECONDED: COUNCILLOR BROUGH

THAT Council:

- 1) **RESOLVE** to permanently close the subject unvested Crown ROW described as Lot 67 on Diagram 43978 in Lower King, pursuant to s. 58 of the *Land Administration Act 1997* and r. 9 of the *Land Administration Regulations 1998*;
- 2) **REQUEST** the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that:
 - The whole of the closed Crown ROW as shown on the attached plan, is amalgamated with adjoining Lot 47 Lower King Road, Lower King.

CARRIED 12-0

DIS321: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR BROUGH

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

CARRIED 12-0

DIS321: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- 1) **RESOLVE** to permanently close the subject unvested Crown ROW described as Lot 67 on Diagram 43978 in Lower King, pursuant to s. 58 of the *Land Administration Act 1997* and r. 9 of the *Land Administration Regulations 1998*;
- 2) **REQUEST** the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that:
 - The whole of the closed Crown ROW as shown on the attached plan, is amalgamated with adjoining Lot 47 Lower King Road, Lower King.

BACKGROUND

2. Where an adjoining landowner requests to purchase land that is an unvested Crown ROW, and where in the opinion of the City the request is acceptable and can proceed, the City is required to formally commence the associated land actions to implement the request, including a formal road closure process. The City of Albany, as the local government, has authority to undertake this action.
3. In accordance with the Land Administration Act 1997 and Land Administration Regulations 1998, Council's resolution is required to formally request the Minister for Lands to close a road for amalgamation into the adjoining land.
4. The landowners of Lot 47 No. 513 Lower King Road approached the City to purchase a vacant lot to the rear of their property.
5. Following receipt of the request, the City of Albany subsequently investigated the relevant matters.
 - The land is an unvested Crown ROW which potentially predates the original subdivision of the land in 1972 to create Lot 47.
 - The lot is currently landlocked, with the only access being through adjoining private freehold land.
 - There is no Structure Plan in place for the area whereby this ROW would be required for future public access.
 - Future development of the area is unlikely to require this ROW to create a road reserve, as it is currently situated.

DISCUSSION

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

GOVERNMENT & PUBLIC CONSULTATION

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

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letter to adjoining landowners		3	Yes
Consult	Public notice	22 July – 26 August 2022		Yes
Consult	Community Newsletter	22 July – 26 August 2022		Yes
Consult	Public Comments page City of Albany website	22 July – 26 August 2022		Yes

11. Letters were sent to the other landowners adjoining the Crown ROW. One response was received, supportive of the proposal.
12. Public advertising of the proposal was initiated on 22 July and was open for public comment for 35 days until 26 August 2022. No submissions were received.
13. Emails were sent out to all service providers, seeking their comments. Replies were received from Main Roads, Water Corporation, ATCO Gas and Telstra, all with no objection to the proposal.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

REGULATORY COST IMPLICATIONS:

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

21. There are no environmental considerations relating to this item.

ALTERNATE OPTIONS

22. Council may choose to:
 - Refuse the proposed Crown ROW closure or;
 - Support the proposed Crown ROW closure with modifications.

CONCLUSION

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

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	RD.RDC.9 (Kalgan)
Previous Reference	:	Nil.

DIS322 : BUDGET AMENDMENT REQUEST – DRAINAGE, BUILDING AND PATHWAY SUB PROGRAMS

Proponent / Owner : City of Albany
Report Prepared By : Manager Engineering and Sustainability (R March)
Authorising Officer: : Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

- **Pillar:** Place
- **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.

In Brief:

- This is an additional review of grant funding allocation (budget) outside the normal budget review process.
- The review covers budget reallocations from Drainage, Building and Pathway sub-programs to cover underspends and overspends for projects this financial year (2022/2023).

RECOMMENDATION

DIS322: RESOLUTION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SHANHUN

THAT Council amend the Drainage Expenditure Budgets as follows:

1. **INCREASE** budget for Project David Street/RAAFA Flood Mitigation Design Job Number 2455 from \$5,000 to \$85,000.
2. **INCREASE** budget for New Project Lower King, Gomm Lane Flood Mitigation from \$0 to \$38,000.
3. **INCREASE** budget for New Project Laithwood Circuit Storm Damage upgrade works from \$0 to \$78,000.
4. **THAT** the shortfall in budget be funded by transferring an additional \$196,000 from the 'Roadworks and Drainage Reserve' account 13339 totalling \$1,799,869.

CARRIED 12-0
ABSOLUTE MAJORITY

DIS322: RESOLUTION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT Council amend the Pathways Expenditure and Revenue Budgets as follows:

- 1. DECREASE Expenditure budget for Middleton Road Link Shared Path Job Number 3120 from \$951,000 to \$0**
- 2. INCREASE Expenditure budget for new project Adelaide Street Cycle Link from \$0 to \$455,000**
- 3. DECREASE Revenue budget for Path Funding Grants Account Number 14135 from \$941,000 to \$693,500**
- 4. THAT the unallocated funding of \$248,500 be transferred to the 'Roadworks and Drainage Reserve' account 13244 totalling \$2,518,313.**

CARRIED 12-0
ABSOLUTE MAJORITY

DIS322: RESOLUTION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BROUGH

THAT Council amend the Buildings Expenditure Budgets as follows:

- 1. INCREASE budget for Project Town Hall HVAC Air-conditioning Job Number 2476 from \$103,100 to \$175,000.**
- 2. DECREASE budget for Project Bond Store Replace stumps Job Number 2597 from \$44,181 to \$15,000.**
- 3. DECREASE budget for Project Lotteries House Landscaping to courtyard Job Number 1987 from \$24,609 to \$18,400.**
- 4. DECREASE budget for Project Town Hall and University Clock tower mechanisms Job number 3299 from \$32,000 to \$5,490.**
- 5. DECREASE budget for Project Model Railway Access ramp and other works Job Number 2596 from \$19,513 to \$9,513.**
- 6. INCREASE budget for Project Solar Panel Installation Various Locations Job number 3944 from \$427,000 to \$577,000.**
- 7. THAT the shortfall in budget be funded by transferring an additional \$150,000 from the 'Building Reserve' account 15709 totalling \$314,321.**

CARRIED 12-0
ABSOLUTE MAJORITY

DIS322: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 12-0

DIS322: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 12-0

DIS322: COMMITTEE RECOMMENDATION 3

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TRAILL

THAT Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 12-0

DIS322: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council amend the Drainage Expenditure Budgets as follows:

1. INCREASE budget for Project David Street/RAAFA Flood Mitigation Design Job Number 2455 from \$5,000 to \$85,000.
2. INCREASE budget for New Project Lower King, Gomm Lane Flood Mitigation from \$0 to \$38,000.
3. INCREASE budget for New Project Laithwood Circuit Storm Damage upgrade works from \$0 to \$78,000.
4. THAT the shortfall in budget be funded by transferring an additional \$196,000 from the 'Roadworks and Drainage Reserve' account 13339 totalling \$1,799,869.

DIS322: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council amend the Pathways Expenditure and Revenue Budgets as follows:

1. DECREASE Expenditure budget for Middleton Road Link Shared Path Job Number 3120 from \$951,000 to \$0
2. INCREASE Expenditure budget for new project Adelaide Street Cycle Link from \$0 to \$455,000
3. DECREASE Revenue budget for Path Funding Grants Account Number 14135 from \$941,000 to \$693,500
4. THAT the unallocated funding of \$248,500 be transferred to the 'Roadworks and Drainage Reserve' account 13244 totalling \$2,518,313.

DIS322: AUTHORISING OFFICER RECOMMENDATION 3

THAT Council amend the Buildings Expenditure Budgets as follows:

1. INCREASE budget for Project Town Hall HVAC Air-conditioning Job Number 2476 from \$103,100 to \$175,000.
2. DECREASE budget for Project Bond Store Replace stumps Job Number 2597 from \$44,181 to \$15,000.
3. DECREASE budget for Project Lotteries House Landscaping to courtyard Job Number 1987 from \$24,609 to \$18,400.
4. DECREASE budget for Project Town Hall and University Clock tower mechanisms Job number 3299 from \$32,000 to \$5,490.
5. DECREASE budget for Project Model Railway Access ramp and other works Job Number 2596 from \$19,513 to \$9,513.
6. INCREASE budget for Project Solar Panel Installation Various Locations Job number 3944 from \$427,000 to \$577,000.
7. THAT the shortfall in budget be funded by transferring an additional \$150,000 from the 'Building Reserve' account 15709 totalling \$314,321.

BACKGROUND

2. City of Albany officers have received quotes for works to be undertaken and some have come in under budget and some will have potential overspends.
3. A review has been undertaken and re-allocation of budgets within sub programs is being sought.

DISCUSSIONDrainage

4. The budget review that was endorsed by Council on the 27th September 2022 contained a return to reserve figure of \$165,620 from the Admiral Street Drainage Renewal Project. These returned funds plus additional from the Roadworks and Drainage Reserve are proposed to be used on the below, highly valuable projects.

David Street/RAAFA design Job Number 2455:

5. Design & construction works were planned to be undertaken last financial year with a budget of \$79,000. The works were unable to be completed and only \$5,000 was carried forward.
6. The investigation into the best solution has now been completed and construction works have been fully scoped and costed.
7. Construction can be completed this financial year at an estimated cost of \$85,000. It is recommended that \$80,000 be added to the current \$5,000 budget to provide a revised budget of \$85,000.

Lower King, Gomm Lane Flood Mitigation:

8. This project has been identified following complaints by residents resulting from a seasonal flooding issue (lake) affecting 10 Lots in Lower King between Thorne Street and Rae Road.
9. The project would involve installing a storm water outfall pipe from Gomm Lane passing under the Esplanade to Oyster Harbor. It has been scoped and costed at \$38,000.

Laithwood Circuit Storm Damage upgrade works:

10. Maintenance works have been undertaken to repair the damage to Laithwood Circuit following the storm of June 2021.
11. However, additional capital upgrade works are now required in addition to the maintenance works already undertaken to mitigate further flooding/damage issues. These works are estimated to cost \$78,000.

Project Name in Approved Work Schedule	Budget July 2022	Allocation	Updated Budget 2022
Returned to Roadworks and Drainage Reserve in CCS470, 27 th Sept 2022	\$165,620	\$(165,620)	\$0
2455 David Street/RAAFA design	\$5,000	\$80,000	\$85,000
NEW: Lower King, Gomm Lane flood mitigation	\$0	\$38,000	\$38,000
NEW: Laithwood Circuit storm damage upgrade works	\$0	\$42,000	\$78,000
Roadworks and Drainage Reserve		\$36,000	
TOTAL	\$170,620	\$30,380	\$201,000

PathwaysAdelaide Street

12. Adelaide Street Cycle Link is a new project and is WA Bicycle Network (WABN) funded which is part of a three phase project that will link Rufus Street, Adelaide Street and Henry Street. It will form part of the missing link in the Cycle Network across northern suburbs and is a future Local Distributor in the City Path hierarchy.
13. The work on Adelaide Street will widen existing 1.5m wide concrete path and provide additional connectivity between Albany Highway to Henry Street (which is a future project).
14. WABN projects are 50% funded by Department of Transport (DoT) who administer the funding. They provided late approval for \$153,750 which was 50% of the amount of the WABN funding application for which the City of Albany need to provide matched funds.
15. The revised and current estimate for the works is \$455,000. It is proposed that the City of Albany cover the shortfall to meet 50% of the project value \$227,500, making a shortfall of \$73,750, while simultaneously seeking a variation to cover the WABN funding shortfall to take DoT contribution up to 50%.

Middleton Road

16. Middleton Road Link Shared Path Job Number 3120 is a WABN funded project approved for construction this financial year. The current budget is \$951,000. However, when this was submitted for funding over three years ago the project was approved by DoT based on a budget of \$555,100 with DoT funding \$277,550.
17. The City of Albany are currently reviewing the shortfall of funding with DoT and are recommending that this project is re-applied for in 2023/2024 so that the shared path works can be undertaken at the same time as the resurfacing works and therefore achieving cost reduction for the path works.
18. It is proposed that \$277,550 of DoT funding for Middleton Road Link is returned to DoT to cover the variation request for Adelaide Street.
19. It is proposed that the remaining City of Albany contribution of \$673,450 be used to cover the municipal funding shortfall of \$73,750 for the Adelaide Street path with the remaining funds be returned to the "Roadworks and Drainage Reserve".

Project Name in Approved Work Schedule	Budget July 2022	Allocation	Updated Budget 2022
3120 Middleton Road Link Shared Path	\$951,000	-\$951,000 [#]	\$0
NEW Adelaide Street Cycle Link	\$0	\$455,000 [#]	\$455,000

[#]See items 8 through 15 above for funding and municipal funding split.

Buildings

20. Project Town Hall HVAC Air-conditioning Job Number 2476 is currently out for quote and current indications are that the quote plus associated building works will now cost \$175,000.
21. In September CCS470 the funds of \$103,100 for this project were returned to the Building Reserve. However, it is proposed that the \$103,100 be taken back out of the Building Reserve with the shortfall of \$71,900 funded through re-allocation of surplus funds from other buildings projects.
22. Project Bond Store Replace stumps Job Number 2597 is now expected to cost \$15,000. It is proposed to re-allocate the surplus of \$29,181.
23. Project Lotteries House Landscaping to courtyard Job Number 1987 is now expected to cost \$18,400. It is proposed to re-allocate the surplus of \$6,209.

24. Project Town Hall and UWA Clock tower mechanisms Job number 3299 is now complete and it is proposed to re-allocate the surplus \$26,510.
25. Project Model Railway Access ramp and other works Job Number 2596 is now expected to cost \$9,513. It is proposed to re-allocate the surplus of \$10,000.
26. Project Solar Panel Installation Various Locations Job number 3944 involved the installation of solar panels on ALAC, Library and Airport in 2021/22 financial year.
27. The solar panel works for the library and the airport were completed in 2021/22 and ALAC works were commenced.
28. Unspent funds from 2021/22 were transferred to the Building Reserve. This budget review is requesting \$150,000 of funds to be transferred from the Building Reserve in order to complete the works in 2022/23.

Project Name in Approved Work Schedule	Budget July 22	Allocation	Updated Budget 2022
2476 Town Hall HVAC Air-conditioning	\$103,100	\$71,900	\$175,000
2597 Bond Store Replace stumps	\$44,181	\$(29,181)	\$15,000
1987 Lotteries House Landscaping to courtyard	\$24,609	\$(6,209)	\$18,400
3299 Town Hall and Uni Clock tower mechanisms	\$32,000	\$(26,510)	\$5,490
2596 Model Railway Access ramp	\$19,513	\$(10,000)	\$9,513
3994 Solar Panel Installation Various Locations	\$427,000	\$150,000	\$577,000
TOTAL	\$650,403	\$150,000	\$800,403
Transfer from Building Reserve	\$164,321	\$150,000	\$314,321

GOVERNMENT & PUBLIC CONSULTATION

29. Department of Local Government guidelines were followed in the preparation of this report.
30. City of Albany Executives, Managers and Officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

31. Under the *Local Government Act 1995* (the Act), 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.
32. The voting requirement for this item is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. <i>Risk: Community perception that savings realised should be used for other purposes</i>	<i>Possible</i>	<i>Moderate</i>	<i>High</i>	<i>Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.</i>
Opportunity: <i>To complete projects already in progress</i>				

FINANCIAL IMPLICATIONS

35. Building works require re-allocation from the 'Building Reserve' of \$150,000.
36. Drainage works require re-allocation from the 'Roadworks and Drainage Reserve' of \$196,000.
37. Path works require re-allocation within current funding allocations.

LEGAL IMPLICATIONS

38. Nil.

ENVIRONMENTAL CONSIDERATIONS

39. Nil.

ALTERNATE OPTIONS

40. Council may:
- a. Adopt the amendment as recommended; or
 - b. Adopt the amendment with alterations (as specified by Council); or
 - c. Reject the recommendation.

CONCLUSION

41. That the Authorising Officer's Recommendation to adopt the Budget Amendment be supported.

Consulted References	:	Adopted Budget 2022/2023 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	N/A

DIS323: PANEL OF SUPPLIERS – SUPPLY AND APPLICATION OF BITUMEN

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Operations Administration Coordinator (T Rogister)
Authorising Officer:	: Executive Director Infrastructure Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

- **Pillar:** Place
- **Outcome:** Responsible growth, development and urban renewal

In Brief:

- Following a competitive e-quote process, Council approval is sought to award the e-Quote for Contract P22017 – Panel of Suppliers – Supply and Application of Bitumen.
- The contract supports the annual reseal program which must be completed by 30th April 2023.

RECOMMENDATION

DIS323: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT Council AWARD Contract P22017 – Panel of Suppliers – Supply and Application of Bitumen to Fulton Hogan as recommended by the evaluation panel.

CARRIED 12-0

DIS323: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS323: AUTHORISING OFFICER RECOMMENDATION

THAT Council AWARD Contract P22017 – Panel of Suppliers – Supply and Application of Bitumen to the supplier recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. Annually the City seeks to establish a new panel for the provision of the reseal program. Previously we have offered a panel arrangement appointing up to three (3) contractors to the panel for the works.
3. E-quotes were called for P22017 – Panel of Suppliers – Supply and Application of Bitumen through the WALGA Preferred Supplier arrangement.
4. The Schedule of Works for the Reseal/Primer Seal 2022/2023 program is as follows:-

Job No.	Works Item (Section Nos)	From (SLK) ¹	To (SLK) ¹	Area Estimates (m ²)	Stockpile Location	Comments
3043	Chillinup Rd	23.00	26.22	25,000	Chillinup Rd	10mm Reseal
3038	East Bank Rd	0.00	1.20	7,200	Depot	10mm Reseal
3780	Lower Denmark Rd	11.86	14.63	23,000	Elleker	10mm Reseal
0911	Nanarup Rd	1.15	2.89	11,000	Depot	10mm Reseal
2540	Norwood Rd	0.00	3.50	26,500	Depot	10mm Reseal
2579	Eleanor Rd	0.00	0.24	1,000	Depot	10mm Reseal
2579	Gill St	0.41	0.59	1,200	Depot	10mm Reseal
2579	Marine Tce	0.00	0.05	350	Depot	10mm Reseal
2511	South Stirling Rd	0.00	3.90	30,000	South Stirling Rd	10mm Reseal
2446	Hunwick Rd	12.69	13.16	3,500	Hunwick Rd	14mm Prime Seal
3031	Imperial Rd	0.00	0.23	1,500	Depot	14mm Prime Seal
3021	Gladville Rd	1.06	1.50	3,000	Depot	14mm Prime Seal
2579	Queens St	0.40	0.52	1,000	Depot	14mm Prime Seal

NOTES: 1. SLK denotes Straight Line Kilometre distance values for "From" and "To". Alternatively, section limits may be described using chainages.

DISCUSSION

5. Ten (10) preferred WALGA Suppliers were notified of the e-Quote.
6. Five (5) viewed the document, three (3) did not respond, one (1) declined to respond and one (1) submitted a price.

Evaluation of e-Quote

7. The e-Quote panel evaluated submissions using the weighted criteria methodology across six (6) areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Cost	40%
Demonstrated Ability to Meet Timeframe	15%
Demonstrated Experience	20%
Demonstrated Safety Plan	5%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Total	100%

8. The following Table 2 summaries the e-Quote and the overall evaluation score applicable.
Table 2 – Summary of e-Quote Submissions

Supplier	Weighted Score
Fulton Hogan	651.67

9. From the evaluation scoring, clarification and financial check process Fulton Hogan is the only option, it is recommended that their e-Quote be accepted, and the contract awarded.

GOVERNMENT & PUBLIC CONSULTATION

10. Through the budget process for this financial year Council has approved the annual reseal programme and budget was allocated accordingly at that time.

STATUTORY IMPLICATIONS

11. Voting Requirement: **Simple Majority**

POLICY IMPLICATIONS

12. The City of Albany Purchasing Policy (Tenders and Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.
13. The value of this e-Quote is expected to be in excess of \$1,000,000.00 and therefore Council approval is required to award the works to the supplier as this exceeds the CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operations: Contract not awarded may result in delays in delivering the capital works program.	Unlikely	Major	High	This Contract is awarded so the Scheduled Works can be completed.
Financial. Contract not awarded may result in carry overs of scheduled works to the next financial year.	Unlikely	Major	High	This Contract is awarded to the recommended Contractor giving the City flexibility to deliver the capital works program.
Legal & Compliance. Non-compliance with Contract or business failure.	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Reputation. Community expectation of completion of the capital works program.	Possible	Insignificant	Low	Community are advised of any work delays.
Opportunity: To deliver the budgeted scheduled capital works reseal program.				

FINANCIAL IMPLICATIONS

15. The value of this eQuote is in excess of \$1,000,000.00 and therefore the approval is referred to Council for consideration. The Scheduled Works program has been adopted by Council through the budget process. This item is to request a supplier be awarded to proceed with the schedule.

LEGAL IMPLICATIONS

16. There are no legal implications related to report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

18. Council can accept or reject the e-Quote.

CONCLUSION

19. The City has undergone a competitive process in line with the relevant legislation and established policies.

Consulted References	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	P22017
Previous Reference	:	P21035

DIS324: PLANNING AND BUILDING REPORTS SEPTEMBER 2022

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

RECOMMENDATION

DIS324: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR TERRY

THAT Council NOTE the Planning and Building Reports for September 2022.

CARRIED 12-0

**LEMC030: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – 23 JUNE 2022**

Attachments	: Confirmed Minutes of the LEMC Meeting held 23/06/2022
Report Prepared By	: Personal Assistant to the ED Corporate & Commercial Services (H Bell)
Authorising Officer:	: Acting Executive Director Corporate and Commercial Services (L Harding)

STRATEGIC IMPLICATIONS

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

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 23 June 2022.

RECOMMENDATION

LEMC030: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 23 June 2022 be RECEIVED.

CARRIED 12-0

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

There being no further business the Mayor declared the meeting closed at **7.46PM**

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

TABLED ADDRESS BY TRICIA MARIE

We Need Our Forests.

Within our forest systems is a rich interconnected biodiversity where each plant and animal are interdependent on one another. To take away one part of the forest or one creature pressurises the rest of the forest. In a small forest to take away some of the land is to the detriment of the entire ecosystem because it further reduces the habitat which impacts on food availability. Also, reducing this area makes the forest itself more prone to injury when hit by storms or drought. The intertwinement of all its plant and animal species is damaged, sometimes extensively which can take years to recover, if recovery is possible at all, which is to our great loss.

It is well known that de-forestation can change the microclimate in an area. Deserts have been caused by de-forestation.

Non-indigenous people have been in this country for just over 200 years and how many species have become extinct in that time? Far too many! Therefore, should not this tiny remaining island of old growth trees and habitat be left intact for our endangered fauna without giving a large section to a developer for his bushfire mitigation and running a road through the middle of it. The road extension, which I know, is required to service the future North Albany housing surely can be routed through the degraded area of the land between the Council offices and the Yakamia forest, therefore protecting the endangered flora and fauna.

Tricia Marie.
Centennial Park.

TABLED ADDRESS BY MR JON DOUST

Yakamia Boodja 2

Jon Doust, 132 Angove road, Spencer Park, on the cusp of Yakamia, respect, Noongar Menang, past, present, now. Councillors, Mayor, thank you.

In 1972 my grandfather Roy Doust, a Noongar speaking man, said to me one fine Maunganin day:

We have to stop. Jon.

What, Pop?

Cutting down trees. we've gone too far already.

About 15 years later, just before his son, my father, got off his property in Googilup, Bridgetown, he and his sons went for a walk up the back of the farm into the bush.

At every massive jarrah stump, there were five of them, he stopped, and said, I shouldn't have done that, but I was short of money so I cut it down and sold it to the local timber mill.

Both those men would have been deeply saddened by the front page of the Albany Advertiser of October 18, revealing that the city is investigating a spate of illegal tree felling and that, particularly, some of the jarrah trees felled were over 100 years old, which would have been my dad's age this year, had he lasted the distance.

And both men would be horrified to know that bits of the Yakamia Forest have even the possibility hanging over them of destruction, to make way for roads and housing, when there's plenty of land nearby already cleared.

Interesting position, councillors, given the Albany Advertiser reported that the city named those jarrah trees as homes for the karak, indeed all three species of cockatoos, and that Kincinnup Kinjarling Albany is a recognised breeding place for them, and that the koomal, the ring-tailed possum, also lives in jarrah forests.

It has been estimated by a retired forester, who is a regular in the Yakamia Forest, that there are in excess of 50 jarrah trees in the block.

Not only is it a home for endangered species,

-It's a carbon storage tank.

- a community mental health therapy space.

- a monument to Mokare, Nakina, Mullet, Gallypert, Patiart, Waiter.

I have nothing more to say. Tonight.

Thank you.

TABLED ADDRESS BY ANNABEL PAULLEY

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any **motion** to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,
inclusive of the mover.
- (1a) Notice of a **motion** to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

TABLED ADDRESS BY ANNABEL PAULLEY

My name is Annabel Paulley and I live at 38 Parker Street, Lockyer.

I refer to the Yakamia Forest petition point 2 regarding a rescission motion relating to CCS438 – Proposed Road Reserve.

Firstly, I would like to address the point made in emails from some councillors that a rescission motion cannot be held because more than 3 months has elapsed since the original motion was moved in June.

This appears this is incorrect.

We have received advice from Dept for Local Government senior officers who say that there is no time limit for rescission motions.

Regulation 10 of the Local Government (Administration) Regulations 1996 relates to rescission motions and states that it would require one third of councillors to successfully pass a rescission motion. This would amount to 5 councillors including the mover.

It would only need an absolute majority of 7 councillors to pass a rescission motion if an attempt to revoke or change the original motion had failed within the previous 3 months.

Please will councillors advise on what basis they believed there was a 3-month time limit?

In an email sent by one councillor, it was stated that the developer has rights. That is correct but this is ratepayers' forest and we have rights as well - rights which the Mayor and many councillors have ignored. The developer has the right to develop his land but it should not be at the expense of clearing ratepayers' forest and critical wildlife habitat. Critically endangered Western ring tail possums and endangered black cockatoos are nationally-significant fauna and they have rights too.

I believe the Mayor and Councillors do make good decisions for Albany in the vast majority of cases but occasionally we all make mistakes. The motion to give up the 17-metre-wide section of our forest is one of those mistakes. It would be good if the Mayor and councillors admit they made a mistake and have the courage to correct it by passing a rescission motion.

Councillors did not widely consult with the Yakamia residents who use this forest and they did not ask for extensive fauna and flora surveys to be undertaken before moving the motion. This was an uninformed decision which was heavily stacked in favour of the developer.

There are State Government exemptions under planning and bushfire laws which will almost certainly allow the developer to clear the 2.4 hectares on Lot 420.

Secondly, we are extremely concerned that the Environmental Protection and Biodiversity Conservation Act might not give our precious forest the protection it so desperately needs. Only recently, Federal Environment Minister Tanya Plibersek announced that the previous Coalition Government sat on 38 recommendations to strengthen the EBPC Act but did not enact one of them!

One councillor has asked our group to compromise by dropping the rescission motion, in favour of focussing on the rezoning of the forest and the re-routing of Range Road. We must say that we did not witness any compromise coming from the Mayor and most of the councillors when we lobbied them at the May and June council meetings to vote against motion CCS438. You completely ignored our valid points of view and there was no compromise – only a motion weighted heavily in the developer's favour so that he could make more profit from his subdivision.

Too much of this forest remnant will be lost if the developer gets clearing permits, so we need to do all we can to stop 4,500 square metres of our forest from being destroyed as well. As mentioned above, we cannot rely on the EPBC Act to save it.

We acknowledge Council's apparent willingness to rezone the forest under LPS2 and re-route Range Road but, Mayor and councillors, please also rescind motion CCS438 immediately.

Thank you.

APPENDIX A

TABLED ADDRESS BY MR FRANK RUGGERA

Good evening.

My name is Frank Ruggera

My purpose here tonight is to raise the profile of street tree canopy cover in the City, and to ask the City to increase its budget for street trees from the current 200 to 600 trees per year.

Why is it important?

It is now indisputable recognised that trees provide a temperature control influents, that is, under the canopy it's warmer in winter and cooler in summer.

Trees improve air quality, improve property values, provide habitat for native fauna, reduce our urban heat island effect and enhance the character of our suburbs.

Where is the city at now?

Here it is-Street Tree management policy – 1 page.

Where as the Town of Mosman-13 pages.

Town of Bassendean-39 pages.

Town of Cockburn-48 pages.

We plant 200 street trees per year.

The town of Vic Park 2899 trees in 2020

City of Stirling 10,000 trees on verges and reserves each year

Why are metropolitan councils trying so hard?

Not only do they recognise the value of street trees as I have outlined already, but they have data.

Each 2nd year the Dept of Planning, Lands and Heritage in conjunction with the CSIRO produces urban tree canopy data. Briefly, this gives a council access to a percentage of street tree canopy cover.

For example in 2016 Vic Park had a coverage of 10%. It now has a goal of 20% coverage by 2024. That annual planting of over 2800 trees per year is achieving this figure. City of Stirling has a coverage now of 12.4% with a target of 18% by 2040. Every 1% increase means planting thousands of trees.

Can we get such data for Albany? NO

Thanks to the City's Exec Director of Infrastructure, Development and Environment (Paul Cammins) who contact the Dept, we cannot get such data. But we can get some information through "Nearmaps"

Where is the City at now?

There is a 2017 Urban Tree Canopy that is well presented and talks of recognising biodiversity, values urban trees etc. but emphasises maintaining and protecting existing trees. It makes no mention of increasing our canopy.

This documents needs an update and a position push.

Let's see where 200 trees each year gets us in improving our street tree canopy.

I can find 1 place in Albany that has a beautiful canopy of trees. Along Middleton Road, starting just past the ambulance station and continues for 300 metres and has 30 plane trees. Do you know the place?

APPENDIX A

TABLED ADDRESS BY MR FRANK RUGGERA

On this basis we have 1 tree every 10 metres counting both sides of the road. Therefore 200 trees will provide 2km of trees each year. In a City where there are hundreds of kms of urban roads, 2km isn't very much.

For example.

Bayonet Head Rd-Allwood Parade is 2.6kms long. It currently has 37 trees. One whole years allocation of plantings will just about do this road.

Ange Rd-Collingwood Rd is 3.3kms long. It currently has 68 trees. One whole years allocation of plantings will not quite do this road.

I can go on and on with statistics.

My point is 200 is not doing the job.

My request is that in the first instance, the city increase the allocation of street trees to 600 for the next planting season.

Frank Ruggera
70a Stead Road
Centennial Park