



MINUTES

Ordinary Meeting of Council

Tuesday 27 June 2023

6.00pm

Council Chambers



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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

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou (Entered the Chamber at 6.10pm)

West Ward

S Smith

West Ward

S Grimmer

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellow

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

Apologies:

Breaksea Ward

A Cruse (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Terry	DIS356	Financial. The nature of the interest being that one of the tenderers would be classified as a closely associated person to Councillor Terry. Councillor Terry left the Chamber and was not present during the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	PR013	Financial. The nature of the interest being that this item is directly related to Mr Sharpe's employment at the City of Albany. Mr Sharpe left the Chamber and was not present during the confidential discussions and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Terry Summary of key points:

Councillor Terry attended a tour of the Motorsport Park and said that the site visit gave him an opportunity to appreciate the size and scale of the project and the work that was being undertaken.

Councillor Terry was pleased that the Oyster Harbour Foreshore Management Final Draft had been published allowing community comment. Councillor Terry said that while the public comment period has closed, submissions would still be welcome.

Councillor Terry commented on the recent visit to the City of Albany by the Chinese Consul. Councillor Terry said that the visit had generated goodwill and opportunities for local primary producers to re-engage in trade to China following the easing of trade restrictions imposed by China in 2020, after Australia called for an independent inquiry into the origins of the COVID-19 pandemic.

Councillor Terry attended the WALGA Zone Meeting in Mount Barker and heard a presentation from the Regional Manager for Telstra regarding regional connectivity. There was also discussion regarding landfill bans on Ewaste with WALGA taking an advocacy position to encourage industry stewardship.

Councillor Terry also attended the Aboriginal Cultural Heritage Act Workshop and advised residents increase their awareness and understanding of their responsibilities under the legislation.

6.05pm Councillor Traill Summary of key points:

Councillor Traill recommended the book 'The Nature Fix' by Florence Williams as a great read to increase our understanding of why, and how, nature makes us healthier and happier.

Councillor Traill said he was very pleased to be part of the Wilson Inlet Catchment Committee, and was particularly excited that the WICC had raised over \$500,000 to purchase the Eungedup Wetlands. The wetlands are an area of great significance for the endangered Australian Bittern, and waterbird populations on a larger scale.

The WICC are now raising funds for the design and construction of an eco-wetland interpretive centre on the site.

Councillor Traill also commended the ongoing Art Shows at the Town Hall, including the highly successful Generations Exhibition which closed on 21 June 2023.

6.10pm Councillor Baesjou entered Chamber.

6.10pm Councillor Stocks

Summary of key points:

Councillor Stocks said that the support for the Great Southern Universities Centre, currently hosted in the Regional Development Australia building, is so popular that RDA will have to relocate. Councillor Stocks said that the connections throughout the regional centres have allowed regional and remote students to access higher education without having to leave their community. Councillor Stocks said that it was very encouraging that funding for the centres had been provided for a further four years.

Councillor Stocks also attended the Aboriginal Cultural Heritage Workshop, which he said had posed more questions than answers. Councillor Stocks raised concern that Capital Works Program costs may escalate in response.

6.14pm Councillor Brough

Summary of key points:

Councillor Brough requested additional time to speak, which was granted by consensus of Council.

Councillor Brough said that he wished to make a distinction between Chinese people (Population of China 1.4b), and the Chinese Communist Party.

A delegation from the City of Albany travelled to Linyi in July 2014, in response to the signing of a Sister city Relationship between Albany and Linyi.

Councillor Brough said that following the signing of the Sister City Relationship in July 2014, not one form of communication had been received by the City of Albany from Linyi.

Councillor Brough said that it was of concern that Linyi has a documented record of human rights abuse, particularly against women. City Relationship.

Councillor Brough also expressed concern that after three years of economic warfare against Australian primary producers, the Chinese Consul General and his delegation had received information of a commercial nature related to fishing, agriculture, mining and other activities important to the region.

6.20pm Councillor Benson-Lidholm

Summary of key points:

Councillor Benson-Lidholm expressed concerned about trade restrictions affecting the fishing industry.

Councillor Benson-Lidholm attended the WALGA Zone Workshop in Mount Barker and said that he was pleased to learn that the DAMA, supported by the WALGA Great Southern Zone, had been submitted to the Department of Home Affairs. Councillor Benson-Lidholm expressed concern over the housing shortage and how that may affect the implementation of the DAMA.

Councillor Benson-Lidholm attended a meeting with St Vincent de Paul which was focussed on the challenges of providing support to community.

Councillor Benson-Lidholm also attended an Albany Aero Club meeting where hangar planning and valuation issues were discussed.

6.25pm Councillor Smith

Summary of key points:

Councillor Smith congratulated the Wilson Inlet Catchment Committee for the purchase of the Eungedup Wetlands thereby providing a vitally important wetland for the conservation, protection and preservation of the endangered Australian Bittern and other waterbirds.

Councillor Smith also attended the meeting with St Vincent de Paul and said that the organisation were currently providing support for the establishment of three households per week. St Vincent de Paul are not the only organisation assisting the community.

Councillor Smith said that statistically, those accessing assistance from these organisations are over-represented by those affected by domestic violence, who have a disability or who are indigenous. Councillor Smith urged residents to consider donating household goods to assist those in need.

6.27pm Councillor Grimmer

Summary of key points:

Councillor Grimmer congratulated the Wilson Inlet Catchment Committee on the purchase of the Eungedup Wetlands.

Councillor Grimmer also acknowledged the efforts which have led to a review into the cancellation of VACSWIM in some regional and remote areas.

6.28pm Councillor Thomson

Summary of key points:

Councillor Thomson requested additional time to speak which was granted by consensus of Council.

Councillor Thomson attended:

- Batons and Bayonets at RSL.
- Generations Exhibition.
- US Submariners Memorial.
- Boer War Memorial Service.
- Albany Classic-Around the Houses
- Planning Institute of Australia Regional Conference.
- Quiz Night at Albany Club
- ACCI Business After Hours.
- South Coast Alliance briefing.
- Aboriginal Cultural Heritage Act Workshop.

Councillor Thomson said that it was important to investigate the provision of an alternate facility for use by the Arthritis Foundation following the closure of the hydrotherapy pool at the Albany Health Campus.

Councillor Thomson also announced the withdrawal of his Notice of Motion concerning the Chinese Elms on Spencer Street to allay concerns that he may have a conflict of interest. Councillor Thomson said that he would continue to lobby the City for action regarding the trees.

Councillor Thomson has requested the following comments be attributed to him for inclusion in this section of the minutes (Synergy Reference EF23166882):

Councillor Thomson outlined his reasons for boycotting the Chinese consular visit.

Councillor Thomson lauded the *Albany at Ease* program that leverages Albany's idyllic seaside location and position as Australia's home of the Anzacs to give war veterans a change to escape day-to-day pressures.

6.37pm Councillor Sutton

Summary of key points:

Councillor Sutton attended the Aboriginal Cultural Heritage Workshop, and expressed concern over the anger and uncertainty in the community. Councillor Sutton called for clearer identification of Aboriginal Cultural Heritage areas to ensure that those sites were preserved for the future.

Councillor Sutton said that the new Multi-Use Facility at Centennial Oval is a magnificent addition to sporting and community facilities. The workmanship from a local contractor in constructing the facility is of a very high standard. Councillor Sutton congratulated Councillor Stocks for his vision in bringing this project to fruition.

The Mayor declared Reports of Members closed at **6.39pm**.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on Tuesday 23 May 2023, Ms Paulley asked two questions which were taken on notice. Responses to those questions have been provided by email to Ms Paulley (Synergy Ref. EF23287418) and are provided below.

Please will the City confirm its vision for creating a Net Zero Carbon Emissions Plan and by what date the City of Albany intends to achieve Net Zero?

Response: The City has recently approved the Corporate Power Plan. The next stage is to transition to a Corporate Roadmap to Net Zero, which subject to budget endorsement, will be developed next financial year. The scope of this roadmap is yet to be determined and it is therefore too early to state what year will be targeted to be net zero.

The City's Climate Action Declaration was due for review in October 2022. Please advise what were the outcomes of any review and please provide a copy of the review report.

Response: A review of the City's Climate Action Declaration is in progress. Outcomes of this review will be reported back to Council through its governance processes.

7. PUBLIC QUESTION TIME

6.39pm Mr Chris Patterson, 701 Marbelup North Road, Marbelup

Summary of key points:

Mr Patterson expressed his concerns over mining exploration in areas west of the City which he said will impact priority agricultural areas and food production. There will also be a negative impact on residents, particularly farming families.

Mr Patterson said that there were also concerns related to environmental impacts on water, flora and fauna in the area. The uncertainty surrounding the exploration is causing enormous stress to residents who are impacted.

Mr Patterson also expressed concerns over landowners liability should anyone entering private property for the purposes of mining exploration be injured. Mr Patterson said that he would be grateful for any support which may be provided by the City of Albany or Council in this matter.

6.43pm Ms Lyn MacLaren, 31b Beresford Street, Mira Mar

Summary of key points:

Ms McLaren asked the following questions, which were taken on notice:

1. How much money is in the Road Reserve and what is the amount allocated for the construction of Range Road?

Response: There is no funding in the Roadworks, Drainage and Paths Reserve specifically allocated to Range Road.

2. Does the City have additional funds allocated in the 23-24 budget for this project?

Response: The City has funds allocated to construct a four-legged roundabout at the intersection of Sanford Road and North Road, with the fourth leg representing the start of Range Road.

3. With regard to the City's Long Term Financial Plan, does the City have any plans to bring forward the commencement of the Range Road project?

Response: Not at this stage. Subject to receiving the appropriate approvals and funding, a future Council may elect to bring the project forward.

6.44pm Ms Carol Pettersen, Albany

Summary of key points:

Ms Pettersen addressed Council in support of 15.1: Notice of Motion by Councillor Thomson.

Ms Pettersen said that the proposed Kairlee Cultural and Language Centre would create 24 direct jobs to operate the Centre, and over 90 indirect jobs during construction, in addition to utilising local aboriginal businesses.

Ms Pettersen said the project would provide opportunities for the Noongar community and encourage respect for their culture and language, improve knowledge and build relationships across the wider community.

6.49pm Mr Frank Ruggera, 70A Stead Road, Centennial Park.

Summary of key points:

Mr Ruggera addressed Council regarding compulsory and voluntary planting of street trees. Mr Ruggera's tabled address is detailed at Appendix A.

6.51pm Ms Trudi Franklin, Kronkup

Summary of key points:

Ms Franklin addressed Council regarding mining exploration in the western parts of the municipality. Ms Franklin asked why the City had not formally objected, like a number of other local governments, to the mining exploration when it was able to do so.

Response: In response to concerns raised by residents in the western part of the municipality regarding mining exploration, City Officers have conducted preliminary discussions with a representative from the Department of Mines, Industry Regulation and Safety. A representative from DMIRS will deliver a presentation to Council and City of Albany staff in the first half of August 2023 to explain the various stages of the approvals and processes under the Mining Act.

Engaging with the Department before making a decision on how the City and Council may formally respond to community concerns is important to gain a better understanding of the complexities and processes involved in mining exploration. This information will enable a better understanding of the potential impacts on the community and the environment.

Council and the City need to understand the potential risks and/ or benefits associated with exploration and mining to make well-informed decisions that consider the interests and well-being of our community. Being fully informed will also ensure that any decisions made on this matter are transparent and balanced.

6.52pm Mr Paul Thompson, Kronkup

Summary of key points:

Mr Thompson addressed Council regarding mining exploration in the western parts of the municipality. Mr Thomson strongly objected to the exploration, citing community concerns, damage to the environment and a decline in property values.

6.54pm Ms Sonia Beattie, Bornholm

Summary of key points:

Ms Beattie addressed Council regarding mining exploration in the western parts of the municipality. Ms Beattie said that mining exploration received funding from the WA State government.

Ms Beattie requested that Council formally object to the exploration.

6.59pm Ms Diane Evers, 58 Bindaree Road, Cuthbert

Summary of key points:

Ms Evers addressed Council as the Chair of the Torbay Catchment Group. Ms Evers expressed concern over the runoff from the Motorsport Park due to heavy rainfall.

Ms Evers said that over 600 property owners may be affected by mining exploration in the western parts of the municipality, and that mining was not appropriate in that area. Ms Evers requested that the City of Albany lodge a formal objection with the Minister for Mines.

In response to those speakers who expressed concerns regarding mining exploration, the Chief Executive Officer Mr Andrew Sharpe provides the following response:

The City of Albany acknowledges the concerns of residents in the Torbay area, and the wider community, regarding mining exploration in the western parts of the municipality.

The City is currently engaging with the Department of Mines, Industry Regulation and Safety to better understand the complexities of mining exploration for private landowners and the City of Albany. We hope that this will be a positive step towards gaining a better understanding of the ramifications of mining exploration for both private landowners and the city itself. This will also enable the city to effectively communicate with residents, provide accurate information, and make well-informed decisions based on a comprehensive understanding of the situation.

There being no further speakers the Mayor declared Public Question Time closed at **7.03pm**.

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

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

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

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BROUGH

THAT the Petition lodged with the City of Albany on 14 June 2023 requesting that Council consider:

The creation of a public right-of-way path between the ends of Surrey Street and Lake Seppings Drive (southern part) in Mira Mar

be RECEIVED.

CARRIED 12-0

Officer Comment:

This petition is compliant with the City of Albany Petition Policy and contains 44 signatures.

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SHANHUN

THAT the minutes of the Ordinary Council Meeting held on 23 May 2023, 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

CCS530: FINANCIAL ACTIVITY STATEMENT – APRIL 2023

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

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 30 April 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 30 April 2023 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS530: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY**

THAT the Financial Activity Statement for the period ending 30 April 2023 be RECEIVED.

CARRIED 12-0

CCS530: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS530: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 April 2023 be RECEIVED.

DISCUSSION

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

STATUTORY IMPLICATIONS

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

- 34(3) The information in a statement of financial activity may be shown –
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 April 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

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

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

CCS531: LIST OF ACCOUNTS FOR PAYMENT – MAY 2023

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

STRATEGIC IMPLICATIONS

- 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

CCS531: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2023 totalling \$7,237,921.10 be RECEIVED.

CARRIED 12-0

CCS531: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS531: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2023 totalling \$7,237,921.10 be RECEIVED.

DISCUSSION

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

Municipal Fund	
Trust	\$0.00
Credit Cards	\$12,309.13
Payroll	\$1,764,121.03
Cheques	\$287.95
Electronic Funds Transfer	\$5,461,202.99
TOTAL	<u>\$7,237,921.10</u>

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

Current	\$87,638.04
30 Days	\$61,552.30
60 Days	\$3,530.03
90 Days	\$19,575.27
TOTAL	\$172,295.64
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 May 2023 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

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

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

CCS532: DELEGATED AUTHORITY REPORTS – 16 APRIL 2023 TO 15 MAY 2023

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared By	: PA to Mayor and Councillors (D Clark)
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

CCS532: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BENSON-LIDHOLM

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

CARRIED 12-0

CCS532: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SHANHUN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS532: AUTHORISING OFFICER RECOMMENDATION

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

BACKGROUND

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

**CCS533: RATES SUBSIDY: SPORTING & COMMUNITY ORGANISATION
RECIPIENT LIST FOR 2022/23**

Business Entity Name	: City of Albany
Attachments	: Rating Subsidy: Sporting & Community Organisations Recipient List for 2022/23 financial year.
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officers:	: Executive Director Corporate & Commercial Services (M Gilfellow)

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

**CCS533: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations
Recipient List for 2022/23.**

CARRIED 12-0

CCS533: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS533: AUTHORISING OFFICER RECOMMENDATION

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations Recipient List
for 2022/23.**

CCS534: NAMING OF CITY FACILITIES, ROADS, PARKS, RESERVES, BUILDINGS, OTHER ASSETS, AND AWARDS POLICY

Proponent / Owner	: City of Albany
Attachments	: Naming of City Facilities, Roads, Parks, Reserves, Buildings, and other Assets Policy Confidential Briefing Note
Report Prepared By	: Executive Director Community Services (N Watson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place – A responsibly planned city that is attractive, vibrant and well connected
 - **Outcome:** Local history, heritage and character is valued and preserved

In Brief:

- To establish a policy and criteria for Council to recognise and celebrate significant individual contributions to the Albany community in a consistent and equitable way.

RECOMMENDATION

CCS534: RESOLUTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BROUGH

THAT Council ADOPT the Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy, subject to Part B point (iii) of the draft policy being enhanced to read:

- (iii) The contribution made by the person to the Albany and/or wider community, through areas such as education, healthcare, the humanities, science, the law, the arts, law enforcement, the armed forces, or community service, representation on Council or another level of government, volunteering, association with a local sporting or service club, or through business or professional achievement. A significant contribution could include, but is not limited to:
 - three (3) or more terms of office on the local government Council;
 - twenty (20) or more years association with a local community, sporting or service club;
 - twenty (20) or more years association with an industry or sector that has contributed to the development of the community or region;
 - action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area;
 - distinction in an artistic, professional, academic, law enforcement, military, sporting or not-for-profit field; and/or
 - evidence of entrepreneurialism, or philanthropy, that has greatly benefitted people other than the nominee.

CARRIED 12-0

The amendment then became the substantive motion.

CCS534: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH

THAT Council ADOPT the Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy, subject to Part B point (iii) of the draft policy being enhanced to read:

- (iii) The contribution made by the person to the Albany and/or wider community, through areas such as education, healthcare, the humanities, science, the law, the arts, law enforcement, the armed forces, or community service, representation on Council or another level of government, volunteering, association with a local sporting or service club, or through business or professional achievement. A significant contribution could include, but is not limited to:
 - three (3) or more terms of office on the local government Council;
 - twenty (20) or more years association with a local community, sporting or service club;
 - twenty (20) or more years association with an industry or sector that has contributed to the development of the community or region;
 - action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area;
 - distinction in an artistic, professional, academic, law enforcement, military, sporting or not-for-profit field; and/or
 - evidence of entrepreneurialism, or philanthropy, that has greatly benefitted people other than the nominee.

CARRIED 12-0

Councillor Thomson then moved an amendment to the Committee Recommendation.

Councillor Reason:

No list of societal endeavours can be comprehensive, a point reflected in the administration's original wording of point (iii), above.

Nonetheless, the enhanced list above is more inclusive of the wide range of fields in which the people of Albany are involved.

The enhanced wording also allows for recognition of eminent Albany people whose main achievements are in a broader public sphere. Surfer Jodie Cooper, AFL premiership player Jeremy McGovern, authors Kim Scott and Tim Winton, former State Premier Alan Carpenter, and Albany's many veterans of war are examples of such high-achieving people.

The addition of philanthropic works in the last dot point, above, recognises business achievement specifically aimed at benefitting other people, while acknowledging that in some cases outstanding entrepreneurialism with no philanthropic goal in mind can still be of great benefit to society.

CCS534: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TRAILL

THAT Council ADOPT the Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy.

CCS534: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR TERRY

THAT Council APPROVE the naming of the proposed awards in recognition of the persons detailed within the confidential attachment to this report, in line with the adopted policy.

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Thomson and Brough

CCS534: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT Council ADOPT the Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy.

CARRIED 13-0

CCS534: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR SMITH

THAT Council APPROVE the naming of the proposed awards in recognition of the persons detailed within the confidential attachment to this report, in line with the adopted policy.

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Thomson and Brough

CCS534: RESOLUTION (MOTION BY COUNCILLOR THOMSON)

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TRAILL

THAT the two Authorising Officer Recommendations be considered separately.

CARRIED 11-2

Record of Vote

Against the Motion: Councillors Baesjou and Shanhun

CCS534: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy; and
2. APPROVES the naming of the proposed awards in recognition of the persons detailed within the confidential attachment to this report, in line with the adopted policy.

BACKGROUND

2. There are a number of assets across the City that have been named in honour of current and late community members who have made a significant contribution to Albany.
3. Examples are:
 - Alison Hartman Garden (York Street)
 - Carol Pettersen Hall (within Albany Town Hall)
 - Harry Riggs Albany Regional Airport
4. There are also a number of meeting rooms within the City's administration building on North Road that have been named:
 - Margaret Coates Boardroom
 - Annette Knight Room
 - Lange/McKail Room
 - Harry Riggs Room
 - June Hodgson Room
 - Enid Home Room
 - Albert Young Hassell Room
 - William Finlay Room
5. There have been recent requests to consider bestowing further honorary naming recognition within the City of Albany with several people suggested for formal naming honours.
6. In considering ways to respond to these requests, officers identified that the City needed a policy position similar to other Local Governments to guide considerations and decisions on bestowing formal naming honours on community members to avoid having an ad-hoc and inconsistent approach.

DISCUSSION

7. The "Naming of City Facilities, Roads, Parks, Reserves, Buildings, and other Assets Policy" will apply to City facilities and other assets or activities that fall under the care and control of the City.
8. The policy statement defines:
 - The form of recognition that can be bestowed;
 - Naming request and proposals will be considered on merit;
 - Naming recognition other than on building and facilities will be preferred;
 - The process for considering naming recognition.
9. Detailed criteria for assessment of recognition is included in the draft policy.
10. The policy also requires that any naming initiatives must be in accordance with Landgate's "Policies and Standards for Geographical Naming in Western Australia". These policies and standards would apply to the majority of public spaces, facilities and assets.
11. Aboriginal and Dual-Naming must also follow Landgate's Aboriginal and Dual Naming Guidelines. The recent Restoring Menang-Noongar Place Names project is a good example of this.

12. Naming or re-naming proposals that require approval through Landgate under the Geographic Names policies and standards generally require community consultation.
13. The policy includes the option for Council to consider naming awards and medals in memoriam of a person, and also defines who will be recognised on plaques commemorating the establishment of City facilities, streets and buildings.
14. The policy requires a decision of Council to approve any application for naming.
15. Memorial plaques and street furniture is administered under the Memorial Plaque & Seat Policy and Guideline as a different set of criteria applies to this process.

GOVERNMENT & PUBLIC CONSULTATION

16. Nil

STATUTORY IMPLICATIONS

17. Landgate has the legislated delegated authority of the Minister for Lands to administer all official naming actions for town sites, districts, localities, roads, parks, reserves and other geographic features in Western Australia.
18. The Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy defines what naming actions must be in accordance with Landgate's Policies and Standards for Geographical Naming in Western Australia.

POLICY IMPLICATIONS

19. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: <i>An ad-hoc and inconsistent approach to bestowing naming honours on worthy citizens causes embarrassment to the City and families.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Implement a policy that provides a consistent framework and clear criteria for the Council to consider requests for naming honours.</i>
Opportunity: <i>To recognise and celebrate significant individual contributions to the community of Albany.</i>				

FINANCIAL IMPLICATIONS

21. Nil

LEGAL IMPLICATIONS

22. Nil

ENVIRONMENTAL CONSIDERATIONS

23. Nil

ALTERNATE OPTIONS

24. Council may choose not to adopt the Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy, or request amendments to the Policy before adopting.

CONCLUSION

25. This policy provides a consistent and equitable framework for Council to consider bestowing naming honours on community members.
26. It supports the outcomes and objectives of the Place pillar within the City of Albany Strategic Community Plan 2032 in ensuring the contributions of our community that form part of Albany's history are celebrated, valued and preserved.

Consulted References	:	City of Albany Strategic Community Plan 2032 Landgate Policies and standards for Geographical Naming in Western Australia Landgate Aboriginal and Dual Naming Guidelines
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	Nil

CCS535: AGE FRIENDLY ALBANY PLAN

Attachments	: Age-Friendly Albany Plan 2023-2027 Age-Friendly Albany Engagement Report
Report Prepared By	: Community Development Coordinator (T Flett), Community Development Officer (C Jameson)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People.
 - **Outcomes:** A diverse and inclusive community.
: A happy, healthy and resilient community.

In Brief:

- To adopt the City of Albany Age-Friendly Albany Plan 2023-2027 with an updated framework for the City to become a more inclusive and welcoming environment for older people.

RECOMMENDATION

CCS535: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Council ADOPT the Age-Friendly Albany Plan 2023-2027.

CARRIED 12-0

CCS535: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS535: AUTHORISING OFFICER RECOMMENDATION

THAT Council ADOPT the Age-Friendly Albany Plan 2023-2027.

BACKGROUND

2. An age-friendly environment enables people of all ages to actively participate in community activities, and be treated with respect, regardless of their age.
3. The World Health Organization (WHO) has developed a framework to guide age-friendly planning and is leading the global movement towards age-friendly environments.
4. The City adopted this framework in 2016 as a strategy for responding to its ageing population.
5. Age-friendly cities are places where older people can stay connected to those who are important to them, and stay healthy and active, even at the oldest ages. Age-friendly cities provide appropriate support to those who can no longer look after themselves.
6. Across Western Australia local governments started developing their own age-friendly cities strategies and plans. Presently there are over 80 local governments that have committed to adopt age-friendly approaches.

7. The City of Albany adopted its first Age-Friendly Albany Plan in February 2016.
8. A number of initiatives were delivered under the plan including the very successful Long Live You program at the Albany Leisure & Aquatic Centre, and very popular digital literacy sessions for seniors at the Albany Public Library.

DISCUSSION

9. The revised Plan gives consideration to the following elements.

The Importance of Planning for an Ageing Community

10. The challenges and opportunities faced by ageing communities are recognised internationally. They include:
 - a. Significant growth in the population aged over 65 years and declining younger age demographics;
 - b. Rapid growth in the proportion of the population aged over 80 years, placing further demand on aged and community services;
 - c. Ageing populations living in rural areas, increasing demand on neighbouring regional towns; and
 - d. An increase in the number of older people supporting adult children, grandchildren and/or elderly parents.
11. It is important to acknowledge that, as older people are not a homogenous group, these challenges and opportunities will vary greatly, even within communities. The emerging group of seniors are very different to previous generations; they are living longer, have greater material wealth and their expectations and aspirations have changed.
12. Planning for an ageing community needs to recognise and be responsive to this diversity. Building physical and social environments that meet these aspirations has significant policy and planning implications for all levels of government.
13. The City of Albany has an ageing population with a higher proportion of its residents aged over 60 years compared with WA, and a lower proportion of people aged 25-49 years. Albany's 65-and-over population has grown significantly from 14.6% in 2001 to 23.4% in 2021. This growth is expected to continue.
14. Undertaking age-friendly planning provides guidance to help local governments implement strategies that meet the challenges associated with an ageing population, and ultimately meet the changing needs of older residents.

The World Health Organization Framework

15. The WHO framework to guide age-friendly planning is based on participatory research with 35 cities from all continents across the globe. Focus groups of people aged over 60 years were conducted throughout 2006 and 2007 in which 1,485 people contributed. Further input was sought from 250 carers and 515 service providers. Australian cities which participated in this research were the Cities of Melville and Melbourne.
16. The framework identifies eight key domain areas which influence health and quality of life for older people. These are:
 - a. Transportation;
 - b. Housing;
 - c. Social Participation;
 - d. Respect and Social Inclusion;
 - e. Civic Participation and Employment;
 - f. Communication and Information;
 - g. Community Support and Health Services; and
 - h. Outdoor Spaces and Buildings.

17. These eight domain areas cover the whole of the City of Albany and as such indicate age-friendly planning must be a whole-of-City response.

Benefits in Implementing Age-Friendly Planning

18. Planning for an ageing population will deliver many benefits across the community. The whole community benefits because the characteristics of age-friendly communities are also characteristics of communities that benefit people with disability, children and youth, and parents of young children.
19. Age-friendly communities are places where older people feel welcomed, included and respected by the population at large. They are communities where older people feel they have a contribution to make and can participate in and stay connected to their community.
20. Age-friendly planning also benefits Council by creating partnerships across multiple sectors. Additionally, making public facilities more accessible leads to increased use and help the wider community get more value from their public resources.

Age-Friendly Albany Plan 2023-2027

21. Development of the Plan was led by the Community Development team. Staff sought community and stakeholder input. Community members were asked their experiences with particular issues across the eight domain areas above.
22. The Community Development Officer analysed the survey data and reviewed the stakeholder submissions.
23. The Age-Friendly Albany Plan is a whole-of-City document with the achievement of objectives and actions linked to the annual budget and work plan review cycles. This process of annual review of achievements will ensure the Plan remains a 'living document', enabling regular performance monitoring.

GOVERNMENT & PUBLIC CONSULTATION

24. Community participation in engagement activities for this Plan exceeded the participation levels of the 2016-2020 Plan.
25. The following community engagement was undertaken as part of the review of the Plan. Refer to the full engagement report attached to this report for more information.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Workshop	21 April 2022	25	Nil
		3 May 2022	39	
		10 May 2022	13	
		19 May 2022	6	
		25 May 2022	8	
		13 June 2022	18	
Consult	Community Survey	25 April 2022-30 June 2022	300	Nil
Consult	Stakeholder Survey	16 May 2022 – 30 June 2022	17	Nil

STATUTORY IMPLICATIONS

26. Nil.

POLICY IMPLICATIONS

27. This Plan contributes to the achievement of the following key Australian and Western Australian government policies, plans, and legislative requirements:
- Age-Friendly WA State Seniors Strategy 2023-2033
 - Healthy Spaces and Places;
 - Building Code of Australia;
 - Australian Standards;
 - Disability Services Act (1993);
 - Liveable Neighbourhoods;
28. Age-Friendly Albany also builds on and informs a number of local City plans, strategies and policies, namely:
- Access and Inclusion Plan;
 - Albany Local Planning Strategy;
 - Community Development Strategy;
 - Public Health Plan;
 - Trails Hub Strategy (2015-2025);
 - Communications & Engagement Strategy; and
 - Asset Management Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community & Reputational: <i>Actions identified within the Age-Friendly Albany Plan raise community expectations.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The Age-Friendly Albany Plan acknowledges that implementation is subject to external funding, resourcing, and annual budget allocations. Officer will provide Council with an annual progress report.</i>
Operational & Financial <i>Implementation of the Age Friendly Albany places capacity strain on the City's general operations and budget.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Drafting of the plan included substantial internal consultation to ensure adequate resources would be available for delivery within existing budget allocations, or through external grant programs.</i>
Reputational: <i>Council does not adopt the Age-Friendly Albany Plan leading to community dissatisfaction and damage to relationships with relevant stakeholders.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Officers recommend the Plan for adoption. Should Council choose not to adopt the Plan, a communications plan will be implemented to inform the public and stakeholders of the reasons for Council's decision.</i>
Opportunity: <i>Adoption and delivery of the Age Friendly Albany Plan demonstrates the City's future planning for an aging community.</i>				

FINANCIAL IMPLICATIONS

30. The Plan will require linking to the City's Asset Management and Financial Plans for some of the proposed actions to be achieved. Allocation(s) for achieving specific actions will be considered as part of the annual budget allocation and review processes.
31. The Plan will also allow the City to apply for funding to undertake the proposed activities should suitable funding opportunities arise.

LEGAL IMPLICATIONS

32. Nil

ENVIRONMENTAL CONSIDERATIONS

33. Nil

ALTERNATE OPTIONS

34. Council can choose not to adopt this Plan. This is not recommended as the international, national, and Western Australian trend is towards building communities that are more accessible, inclusive, and liveable for people of all ages.
35. Further, as a municipality with a higher than state average proportion of its demographic aged over 60 years, there is an expectation that the City would continue its commitment to becoming an age-friendly city.
36. Council can choose to make modifications to the Plan.

CONCLUSION

37. An age-friendly environment enables people of all ages to actively participate in community activities, and be treated with respect, regardless of their age.
38. The WHO Framework for age-friendly cities provides a good model on which the City can base its response to becoming a more welcoming and inclusive community for older adults.
39. The Age-Friendly Albany Plan 2023-2027 provides strategic guidance to Council about improving the inclusiveness and accessibility of the municipality over the next four years.

Consulted References	:	World Health Organisation 'Global age-friendly cities: a Guide' Western Australian Government: 'An Age-Friendly WA State Seniors Strategy 2023-2033' LG Professionals: 'Age-friendly Communities Priorities Report' Western Australian Government: 'Creating Age-friendly Communities in Western Australia. 2021'
File Number (Name of Ward)	:	CS.PLA.25 Age Friendly (All Wards)
Previous Reference	:	OCM Item CS026 (23 February 2016)

CCS536: SUNDRY DEBTOR WRITE OFF

Business Entity Name : City of Albany
Report Prepared By : Manager Finance (S van Nierop)
Authorising Officer: : Executive Director Corporate & Commercial Services
(M Gilfellon)

CONFIDENTIAL REPORT

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

STRATEGIC IMPLICATIONS

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

In Brief:

- Periodically, City officers review the aged debtors list and recommend writing off debts with little or no chance of recovery.
- City officers have reviewed overdue debts and taken action to recover amounts owing.
- The debt listed in the confidential version of this report is unable to be recovered.

RECOMMENDATION

CCS536: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT Council APPROVE the write-off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in the confidential version of this report.

CARRIED 12-0
ABSOLUTE MAJORITY

CCS536: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS536: COMMITTEE RECOMMENDATION

THAT Council APPROVE the write-off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in the confidential version of this report.

AR137: RECEIVE THE MINUTES OF THE AUDIT AND RISK COMMITTEE MEETINGS HELD 07 MARCH 2023

Proponent / Owner : City of Albany
Attachments : **Confirmed Minutes of Audit and Risk Committee Meeting held 07 March 2023 - CONFIDENTIAL**
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.
 - **Outcome:** Provide strong, accountable leadership.

RECOMMENDATION

AR137: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BROUGH

THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 07 March 2023 be RECEIVED.

CARRIED 12-0

BACKGROUND

2. The Audit and Risk Committee meeting is not open to the public and as such the minutes are not required to be published on the City's website, in accordance with section 13 (1) (a) of the *Local Government (Administration) Regulations 1996*.
3. Report items requiring a decision of Council will be presented to an Ordinary Meeting of Council for consideration.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Number (Name of Ward)	:	FM.MEE.3
Previous Reference	:	OCM 23/08/2022 Resolution AR123 OCM 28/03/2023 Resolution AR133

DIS352: DEDICATION OF PORTION RESERVE 30599 FOR ALBANY RING ROAD

Land Description	: Lot 127 Reserve 30599 managed by the City of Albany
Proponent / Owner	: Main Roads WA
Attachments	: Main Roads WA Drawings 2160-089
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:** A safe, sustainable and efficient transport network.

Maps and Diagrams:



In Brief:

- Council is requested to consider dedicating a portion of City of Albany managed Crown Reserve 30599 as public road to enable construction of a section of the Albany Ring Road project.

RECOMMENDATION

DIS352: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT Council:

- 1. SEEKS the approval of the Minister for Lands pursuant to section 56 of the *Land Administration Act 1997*, to dedicate the land subject of Main Roads Land Dealing Plan 2160-089 as a public road.**
- 2. INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under section 56 of the Land Administration Act 1997.**
- 3. AUTHORISES Main Roads to deliver this request to the Minister for Lands.**

CARRIED 12-0

DIS352: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS352: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- 1. SEEKS the approval of the Minister for Lands pursuant to section 56 of the *Land Administration Act 1997*, to dedicate the land subject of Main Roads Land Dealing Plan 2160-089 as a public road.**
- 2. INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under section 56 of the Land Administration Act 1997.**
- 3. AUTHORISES Main Roads to deliver this request to the Minister for Lands.**

BACKGROUND

2. Main Roads WA have identified that a 4.9ha portion of Crown Reserve R 30599 (adjoining Lower Denmark Road at the intersection with Roundhay Street) is required to be dedicated as road reserve for the Albany Ring Road.
3. The entirety of R 30599 is currently vested with City of Albany via Management Order for the purpose of Council Depot and General Industrial Activities. The land is zoned General Industry in accordance with City of Albany Local Planning Scheme No. 1.
4. Main Roads have already commenced preliminary works associated with the Albany Ring Road on the land in question.

DISCUSSION

5. Main Roads are seeking Council's support to undertake the proposed land actions.
6. The subject portion of R 30599 to be dedicated as public road is currently vacant, with some remnant vegetation of low quality identified in the northern section.
7. City staff have reviewed the request from Main Roads. The dedication of the 4.9ha portion of R 30599 as a public road for the Albany Ring Road will not conflict with existing tenure arrangements over other portions of R 30599, nor the existing purpose, vesting, or zoning of the land.
8. Council is asked to support the request from Main Roads to dedicate the subject portion of R 30599 for the construction of a public road as part of the Albany Ring Road project.

GOVERNMENT & PUBLIC CONSULTATION

9. There was no requirement to undertake any government or public consultation for this matter.

STATUTORY IMPLICATIONS

10. The *Land Administration Act 1997* and *Land Administration Regulations 1998* provides the legislative process for how land may be dedicated as a road reserve.
11. Section 56 of the *Land Administration Act 1997* gives authority to the local government to request the Minister to dedicate land as a road.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial Risk: There is a risk that by not resolving to dedicate portions of Reserve 28465 & 30599, the Albany Ring Road project will be significantly impacted.	Almost Certain	High	Extreme	Council resolves to dedicate portions of Reserve 28465 & 30599 as public roads.
Opportunity: To support Main Roads WA in delivering a significant State Government project.				

FINANCIAL IMPLICATIONS

14. All costs for the land acquisition are the responsibility of Main Roads WA.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

17. Council could request Main Roads WA to redesign the proposed Ring Road. It is unlikely that a redesign will result in a more efficient layout with lesser land requirement.

CONCLUSION

18. In order for the Albany Ring Road project to progress, land is required to be taken from a portion of R 30599 and dedicated as a public road reserve.
19. Acquisition and dedication of this land as public road is not in conflict with the current and future use of this land.
20. Staff therefore recommend Council support MRWA's request for the City to dedicate a 4.9 ha portion of R 30599 as a public road.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	RD.ACQ.1 (Vancouver)
Previous Reference	:	N/A

DIS353: PROPOSED CLOSURE OF PORTION OF LAKE POWELL ROAD, ELLEKER

Land Description	: Portion of Lake Powell Road, Elleker
Proponent / Owner	: Road reserve: City of Albany managed Lot 3140: A. Roth Lot 11: C & E McGarva
Attachments	: Lake Powell Road map
Supplementary Information & Councillor Workstation	: Lake Powell Road feature survey 2013
Report Prepared By	: Lands Officer (A Veld)
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.
 - **Outcome:** A safe, sustainable and efficient transport network.

Maps and Diagrams:



In Brief:

- Two landowners adjoining Lake Powell Road have applied to the City of Albany to close a portion of the Lake Powell Road reserve, for inclusion into their properties.
- Council's resolution is required to formally close the portion of road reserve, in accordance with the relevant legislation.

RECOMMENDATION

DIS353: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR BROUGH

THAT Council RESOLVE to permanently close portion of Lake Powell Road pursuant to section 58 of the Land Administration Act 1997 on condition that this land is amalgamated with adjoining Lot 3140 and Lot 11, subject to final survey.

CARRIED 12-0

DIS353: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS353: AUTHORISING OFFICER RECOMMENDATION

THAT Council RESOLVE to permanently close portion of Lake Powell Road pursuant to section 58 of the Land Administration Act 1997 on condition that this land is amalgamated with adjoining Lot 3140 and Lot 11, subject to final survey.

BACKGROUND

2. Lake Powell Road services two properties, No. 23 (Lot 3140) Lake Powell Road and No. 31 (Lot 3) Lake Powell Road.
3. It is approximately 400m long with a tapering gravel pavement 9m wide at the intersection with Elleker-Grasmere Road reducing to a sand track 3m wide at its western extent, where it ends at Reserve 25849.
4. The City received a request in 2012 from the landowner of No. 23 (Lot 3140) Lake Powell Road to purchase a portion of the Lake Powell Road reserve adjoining their property.
5. The landowners of No. 459 (Lot 11) Elleker-Grasmere Road subsequently submitted a request in January 2023. Both landowners have indicated they are prepared to pay all costs associated with the road closure and amalgamation process.
6. Initial officer investigations in 2012 revealed an anomaly that the road had wholly been constructed within the adjoining Lake Powell Nature Reserve (Reserve No. 25809) which is designated as an A-Class reserve and managed by Department of Biodiversity Conservation and Attractions (DBCA).
7. The constructed road encroachment anomaly needed to be addressed before the City could continue its investigations into the requested closure of the portion of road reserve. The process undertaken to address the anomaly is summarised as follows:
 - In 2013 the City advised DBCA of the encroachment anomaly of the constructed road. DBCA agreed to include the encroachment anomaly into a project they were implementing at that time to address encroachments from adjoining private properties into the A-Class reserve.
 - This proposal was presented by DBCA to the Lands division of the Department of Planning Lands & Heritage (DPLH) in 2015. Following consultations between the two agencies, DPLH began planning in 2019 to present recommended land administration actions to the A-Class reserve to State Parliament.
 - In December 2021 DPLH commenced due diligence investigations into the current tenure arrangements around Lake Powell Nature Reserve.

- DPLH subsequently advised the City in August 2022 that the encroachment anomaly had been addressed as part of these investigations, with a boundary adjustment undertaken at the time that resulted in the constructed road being located within the road reserve.
8. Following the constructed road encroachment anomaly being addressed as outlined above, the City progressed in finalising its investigations into the proposed closure for a portion of Lake Powell Road.
 9. The outcomes and recommendations of the City's investigations are discussed in detail below.

DISCUSSION

10. The road reserve in its current form is 40m wide, most of which is undeveloped. The City's standard width for a local rural road reserve is 20m.
11. A site investigation by City Reserves team in 2015 found that the road reserve consists of:
 - Quality remnant native vegetation to the north of the constructed road, where it adjoins Lake Powell Nature Reserve;
 - Grassed area maintained by the owners of Lot 3140 directly in front of their lot on the southern side of the constructed road; and
 - Predominantly overgrown with weeds with some poor-quality native vegetation for the remaining areas.
12. The City undertook the required public consultation of proposed road closure land actions in March and April 2023, with no objections received during advertising.
13. The proposed closure of a portion of the Lake Powell Road reserve aims to resolve legacy issues in relation to ambiguity of boundaries between the various land tenures, exacerbated by the current width of the road reserve, that is not in accordance with the City's standards for local rural roads.
14. The City's consideration of the request found that there was no benefit to the local government or broader community in retaining the subject portion of road reserve.
15. Following the above, it is therefore recommended Council resolve to formalise the proposed road closure.

GOVERNMENT & PUBLIC CONSULTATION

16. Pursuant to section 58 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998, the City publicly advertised the proposal.
17. The proposal was advertised for 36 days, between 23 March and 28 April 2023, with no submissions from the public received.
18. Two responses were received from Telstra and Main Roads with no objections to the proposal.
19. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letters and emails to service providers	22 March – 28 April 2023	9	yes
Consult	Public notice in local newspaper	22 March – 28 April 2023		yes
Consult	Notice on Public Comments page City of Albany website	22 March – 28 April 2023		yes

STATUTORY IMPLICATIONS

20. Lake Powell Nature Reserve is designated as an A-Class reserve and administered in accordance with the Land Administration Act 1997.
21. Reducing the area of an A-Class reserve is only allowed under a limited number of circumstances pursuant to the legislation under Part 4 the Act.
22. Land actions relating to A-Class reserves are administered by the relevant management agency of the reserve. The land actions and tenure arrangements in relation to the adjoining A-Class Lake Powell Nature Reserve are being progressed by DBCA and DPLH Lands division accordingly.
23. Section 58 of the Land Administration Act 1997 gives authority to a local government to request the Minister for Lands to close a road.
24. 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

25. There are no policy implications in relation to this proposal.

RISK IDENTIFICATION & MITIGATION

26. No risks have been identified related to this report.

FINANCIAL IMPLICATIONS

27. All costs associated with this proposal are the responsibility of the landowners.

LEGAL IMPLICATIONS

28. There are no legal implications in relation to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

30. Council can either choose to:
 - a) Refuse the proposed road closure or;
 - b) Support the proposed road closure with modifications.

CONCLUSION

31. Staff have investigated the proposal and undertaken the required actions to close a portion of the road, pursuant to the relevant legislation. The proposed closure is supported, based on the reasons outlined above.
32. Council's resolution is therefore sought to formalise the road closure of a portion of Lake Powell Road reserve.

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

DIS354: RESERVE 31700 AND CITY OF ALBANY PORTIONS OF LOT 741 & 744 DISPOSAL FOR DEDICATION AS A PUBLIC ROAD

Land Description	: Reserve 31700 Management Order to City of Albany Lot 741 & Lot 744 freehold ownership to City of Albany
Proponent / Owner	: City of Albany
Attachments	: R31700 Map, Lot 741 Map & Lot 744 Map
Report Prepared By	: Lands Officer (A Veld)
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.
 - **Outcome:** A safe, sustainable and efficient transport network.

Maps and Diagrams:



In Brief:

- Council is requested to consider the disposal of City Managed Reserve 31700 and various portions of City owned land adjoining the intersection of Sanford and North Roads, for dedication as road reserves.
- The land actions will allow for implementation of proposed upgrades to the intersection of North and Sanford Roads and future connection with Range Road.

RECOMMENDATION

**DIS354: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council:

- 1. RESOLVE to dispose of the following portions of City of Albany owned land for dedication as road reserve, subject to final survey:**
 - **Portion Lot 741 (534 m²)**
 - **Portion Lot 744 (134m²)**
- 2. REQUESTS the Minister for Lands revoke the City of Albany's Management Order over Reserve 31700, pursuant to section 50 of the *Land Administration Act 1997*.**
- 3. REQUESTS the Minister for Lands to cancel the vesting of Reserve 31700, pursuant to section 51 of the *Land Administration Act 1997*.**
- 4. SEEKS the approval of the Minister for Lands to dedicate the following land as road reserve, pursuant to section 56 of the *Land Administration Act 1997*:**
 - **Lot 813 on Deposited Plan 27567 (385m²)**
 - **Lot 1278 on Deposited Plan 27567 (324m²)**
- 5. INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*.**

CARRIED 12-0

DIS354: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS354: AUTHORISING OFFICER RECOMMENDATION

THAT Council;

- 1. RESOLVE to dispose of the following portions of City of Albany owned land for dedication as road reserve, subject to final survey:**
 - **Portion Lot 741 (534 m²)**
 - **Portion Lot 744 (134m²)**
- 2. REQUESTS the Minister for Lands revoke the City of Albany's Management Order over Reserve 31700, pursuant to section 50 of the *Land Administration Act 1997*.**
- 3. REQUESTS the Minister for Lands to cancel the vesting of Reserve 31700, pursuant to section 51 of the *Land Administration Act 1997*.**
- 4. SEEKS the approval of the Minister for Lands to dedicate the following land as road reserve, pursuant to section 56 of the *Land Administration Act 1997*:**
 - **Lot 813 on Deposited Plan 27567 (385m²)**
 - **Lot 1278 on Deposited Plan 27567 (324m²)**
- 5. INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*.**

BACKGROUND

2. The City of Albany has been progressing the realignment of Range Road in accordance with the Albany Local Planning Strategy and the Yakamia Structure Plan.
3. The realignment design is expected to be finalised shortly, with construction works to upgrade the intersection of North and Sanford Roads and incorporate the future connection with Range Road commencing in 2023/24.

DISCUSSION

Reserve 31700

4. Reserve 31700, being Lots 813 and 1278 on Deposited Plan 27567, needs to be resumed for dedication as a public road, to facilitate the proposed intersection upgrades.
5. R 31700 is vested with the City via Management Order for the purpose of Recreation, and zoned Parks and Recreation in accordance with the City of Albany Local Planning Scheme No. 1.
6. R 31700 is currently being used primarily for informal parking for the adjoining athletics ground and playing fields, it also incorporates footpath and other service and utility infrastructure.
7. The City intends to have Reserve 31700 divested and dedicated as a public road.

City owned Lots 741 & 744

8. The City also requires portions of adjoining freehold land owned by the City of Albany to be excised and dedicated as road reserve.
9. A 534m² portion of Lot 741 proposed for road dedication is currently being used as a carpark for the athletics ground on North Road.
10. A 134m² portion of Lot 744 proposed for road dedication is currently a grassed area adjoining the Yakamia Creek drainage Reserve 34381.
11. As this land is owned by the City of Albany, Council is being asked to support the disposal of this land.

GOVERNMENT & PUBLIC CONSULTATION

12. There was no requirement to undertake any government or public consultation for this matter.
13. The Department of Planning, Lands & Heritage have provided preliminary support for the proposal, subject to the City of Albany complying with the relevant legislation in relation to this matter.

STATUTORY IMPLICATIONS

14. Section 50 of the *Land Administration Act 1997* states that a management body can agree with the Minister for Lands to have its management order revoked.
15. Section 51 *Land Administration Act 1997* states the Minister for Lands may by order cancel a reserve.
16. Section 56 of the *Land Administration Act 1997* states that a local government can resolve to reserve land for use by the public as a road, under the care, control and management of the local government.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial Risk: <i>There is a risk that by not seeking to dedicate Reserve 31700 and portions of Lot 741 & Lot 744 as a public road, the required upgrades to the intersection will not be implemented.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Resolve to revoke the City's management order over the Reserve and have Lots 813, 1278 and portions of 741 and 744 dedicated as public road.</i>
<i>Clubs and users of the locality may be disrupted by proposed works that this item relates to</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Consultation to occur prior to works commencing.</i>
Opportunity: <i>To deliver on a much needed road infrastructure upgrade for the City.</i>				

FINANCIAL IMPLICATIONS

19. Any costs associated with the road dedication have been allocated from the City of Albany's Road Network Capital Works budget.

LEGAL IMPLICATIONS

20. There are no legal implications.

ENVIRONMENTAL CONSIDERATIONS

21. There are no environmental considerations.

ALTERNATE OPTIONS

22. Council can either;
 a) Refuse this request; or
 b) Support this request with modifications.

CONCLUSION

23. Council is requested to support the recommended land actions to support the implementation of the Range Road project.

Consulted References	:	<i>Land Administration Act 1997 Land Administration Regulations 1998 Planning & Development Act 2005</i>
File Number (Name of Ward)	:	RD.ACQ.1 (Frederickstown)
Previous Reference	:	None

DIS355: DRAFT LOCAL PLANNING POLICY 2.1 NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Draft LPP 2.1 Non-Residential Development in the Residential Zone.
Supplementary Information & Councillor Workstation	: DIS332 Agenda and Minutes OCM - February 2023 State Planning Policy 7.3 – Residential Design Codes Volume 1 (July 2021) State Planning Policy 7.3 – Residential Design Codes Volume 2 (May 2019) WAPC Designing Out Crime Guidelines (June 2006) Elected Member Briefing Note (October 2022)
Report Prepared By	: Planning Officer (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When considering the proposed amendment, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. Relevant elements, objectives and strategic directions of these documents relevant to this item are outlined under the Strategic Implications section of the previous report item DIS332, presented to Council in February 2023.

In Brief:

- Draft *Local Planning Policy 2.1: Non-Residential Development in the Residential Zone* (LPP2.1) was advertised for public comment in March and April 2023, following Council's endorsement to advertise at its meeting in February.
- No submissions were received on draft LPP2.1 during the advertising period.
- Staff recommend Council resolve to adopt final draft LPP2.1, without modification (refer Attachment 1).

RECOMMENDATION

DIS355: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH

THAT Council:

1. **ADOPT** Local Planning Policy 2.1: Non-Residential Development in the Residential Zone, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. **NOTE** the existing local planning policy *Consulting Rooms, Public Worship & Child Care Centres* will be superseded upon adoption of LPP2.1, and subsequently revoked via a notice issued in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 12-0

DIS355: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS355: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ADOPT Local Planning Policy 2.1: Non-Residential Development in the Residential Zone, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. NOTE the existing local planning policy *Consulting Rooms, Public Worship & Child Care Centres* will be superseded upon adoption of LPP2.1, and subsequently revoked via a notice issued in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

4. Draft LPP 2.1 was endorsed for advertising by Council at its February 2023 Ordinary Council Meeting.
5. The draft policy was prepared to provide development standards for non-residential development in the Residential Zone, given these uses are not addressed by *State Planning Policy 7.3 – Residential Design Codes*.
6. Draft LPP 2.1 is proposed to replace the existing *Consulting Rooms, Public Worship & Child Care Centres* local planning policy (LPP).
7. Refer to previous report item DIS332 for further information and background on the draft policy.

DISCUSSION

8. Draft LPP 2.1 was advertised for public comment in March and April 2023. No submissions received during advertising.
9. No changes are proposed to the draft policy following close of advertising.
10. It is recommended that Council adopt *Local Planning Policy 2.1: Non-Residential Development in the Residential Zone*.

GOVERNMENT & PUBLIC CONSULTATION

11. The draft policy was advertised in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), for a period of 22 days.
12. Details of advertising as follows:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	21/03/2023	No submissions received	Yes
Consult	Public comment – City website	21/03/2023 to 11/04/2023		Yes

STATUTORY IMPLICATIONS

13. Voting requirement for this item is **Simple Majority**.
14. A periodic review of the City's suite of LPPs is underway.
15. Consideration of draft new LPPs and proposed modifications to existing LPPs require resolution of Council for endorsement to advertise and final adoption following advertising, subject to modifications, in accordance with the Planning Regulations.
16. Should Council resolve to adopt LPP2.1, a notice of the policy must be published in accordance with clause 87 of the Planning Regulations.
17. It is noted that the policy currently references current Local Planning Scheme No. 1.
18. Should Council resolve to adopt LPP2.1, it will form part of the City's current LPPs that are proposed to be retained following gazettal of Local Planning Scheme No. 2, following referral to Council in due course for amendment and adoption, aligning with the new planning scheme.

POLICY IMPLICATIONS

19. Adoption of proposed LPP2.1 will add an additional LPP to the City of Albany Local Planning Policy Manual.
20. An LPP may be revoked by:
 - a) A subsequent LPP adopted in accordance with the Planning Regulations, that expressly revokes the local planning policy; or
 - b) A notice of revocation prepared and published by the local government, in accordance with the Planning Regulations.
21. Draft LPP2.1 aims to update relevant provisions from the existing *Consulting Rooms, Public Worship and Child Care Centres* LPP, with the existing policy to be revoked following formal adoption of LPP2.1.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation Risk Policy position may result in development applications for non-residential development in the Residential Zone being more difficult and/or time consuming to prepare/approve.	Possible	Minor	Low	Policy includes clear guidelines and clarifies the desired outcomes.
Opportunity: Ensure non-residential development in the residential zone is compatible with adjoining residences and does not detract from residential amenity.				

FINANCIAL IMPLICATIONS

23. There are no financial implications beyond what will be used for notice of adoption and revocation.

LEGAL IMPLICATIONS

24. There are no legal implications relating to adopting LPP2.1.

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental implications relating to adopting LPP2.1.

ALTERNATE OPTIONS

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

CONCLUSION

27. Based on the discussion above, staff recommend Council resolve to adopt *LPP2.1: Non-Residential Development in the Residential Zone*, without modification.
28. Upon formal adoption of LPP2.1, a notice will be published in a local newspaper and on the City of Albany website advising of the adoption of LPP2.1, in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Draft Local Planning Scheme 2</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 4. <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i> 5. <i>State Planning Policy 7.3 – Residential Design Codes Volume 2</i> 6. <i>WAPC Designing Out Crime Guidelines</i>
File Number (Name of Ward)	:	All
Previous Reference	:	OCM 28/02/2023 – DIS332

DIS356: C23008 – PANEL OF SUPPLIERS – CIVIL AND RESERVES PRODUCTS

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 & Environment (P Camins)

7.28PM: Councillor Terry declared a Financial Interest in this item and left the Chamber.

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:** A safe, sustainable and efficient transport network.

In Brief:

- Tender to appoint preferred contractors to supply civil and reserves products to the City of Albany.
- The contract shall be for an initial period from 1st July 2023 to 30th June 2024, with a mutually agreed and price negotiated option for a renewal for one (1) year, then an option to extend for a further one (1) year, then a final option to extend for another one (1) year.

RECOMMENDATION

DIS356: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT Council ACCEPT the tendered rates for Contract C23008 - Panel of Suppliers – Civil and Reserves Products by:

- **Soil Solutions**
- **AD Contractors**
- **Palmer Civil**
- **Keilor Contracting**
- **Bill Gibbs Excavations**

CARRIED 11-0

DIS356: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS356: AUTHORISING OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for Contract C23008 - Panel of Suppliers – Civil and Reserves Products by the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

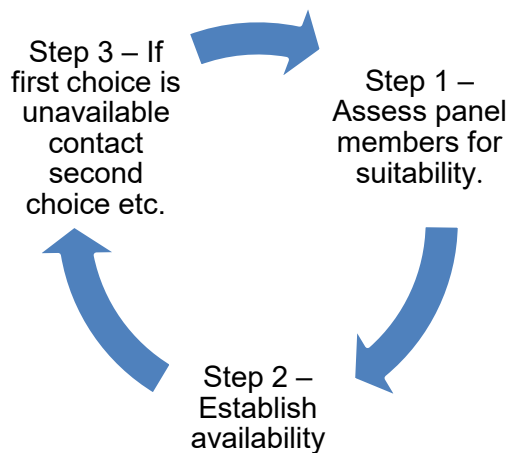
BACKGROUND

2. The City of Albany ("the City") is seeking to establish a Panel of Suppliers for the supply of civil and reserves products primarily delivered to the City of Albany Works Depot at 61 Mercer Road, Hanrahan Road Waste Management Facility, Bakers Junction Waste Management Facility and the Centennial Precinct.
3. There is provision for supply and delivery to other City locations, as well as other locations to be negotiated with the supplier at time of delivery.
4. The City also reserves the right to collect products from the supplier's yard, particularly for smaller quantities that won't be stored at the Depot.
5. The contract additionally includes a schedule for gravel crushing at the City's various pits/quarries. Gravel from these sites is to remain at the pit/quarry where it is crushed with transport arranged by the City of Albany.
6. This Panel shall be Council's preferred suppliers and requests for supply of products shall be directed to members of this Panel before all others.
7. It is expected that the City will require irregular quantities and deliveries of the following products:

Description		Possible annual quantities – cubic metres
CIVIL PRODUCTS		
1.	5mm Aggregate	300
2.	7mm Aggregate	120
3.	10mm Aggregate	200
4.	14mm Aggregate	70
5.	Road Base	100
6.	Metal Dust	450
7.	Gravel 37.5mm minus	5,000
8.	Gravel 75mm minus	7,500
9.	Compaction/Bedding Sand	1,100
10.	Coarse Sand	400
11.	General Fill	1,100
12.	Rock Spall (200mm)	500
13.	Clay	1,000
14.	Clean Crushed Concrete	1,000
15.	Mixed Crushed Concrete	1,000
16.	Yellow Brickies Sand	50
17.	20mm Aggregate	30
18.	Premix Concrete	30
19.	Natural Granite Boulder 0.5t to 2t	40

Description	Possible annual quantities – cubic metres
20. Natural Granite Boulder 2t to 5t	40
21. Natural Granite Boulder 5t to 10t	40
TURF REHABILITATION PRODUCTS	
22. Screened Lime Sand	1,100
23. Screened Turf Sand	2,000
24. Unscreened Turf Sand	1,000
VERGE AND GARDEN PRODUCTS	
25. Screened Top Soil	1,000
26. Lime Rubble (Garden)	200
27. Blue Gum Woodchips	100
28. Pine Woodchips	10
29. Red River Gum Woodchips	20
30. Mixed Species Woodchips	120
31. Jarrah Woodchips	10
32. Native Bedding Mix	5
33. Sheep Manure	5
34. 10mm Pea Gravel	10
35. 20mm Quartz	10

8. Products will be selected from the Contractor identified from the panel who will likely be able to offer the product for the required works and the Contractor will be engaged by the following methodology:



9. In addition to the process map highlighted above, panel members will be engaged after consideration has been given to job requirement, ability to meet the timeframe for the particular works, and best value for money for the City.
10. The City requires flexibility in this panel to negotiate and evaluate requirements by individual works. The City acknowledges that all Contractors will not necessarily be able to supply all products.

DISCUSSION

11. A total of seventeen (17) tender documents were issued.
12. Tenderers were asked to provide rates for the various products at a cubic metre rate of supply only, supply and delivery to each of the Mercer Road Depot, Hanrahan Rd Waste Facility and Bakers Junction Waste Facility. A delivery per kilometre rate to other locations was also requested.
13. Should there be a requirement for products not on the preferred supplier listing, then the normal procedure for quoting of these products will apply.
14. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	35
Relevant Experience	20
Key Personnel Skills and Experience	15
Tenderer's Resources	25
Corporate Social Responsibility	5
Total	100

15. Eight (8) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City's intention was to appoint up to eight (8) Contractors to the Panel of Suppliers however only five (5) Contractors have been recommended to be appointed to the Panel of Suppliers.
16. The following table summarises the recommended tenderers and overall evaluation scores. The cost scoring was evaluated based on the delivered rates to Mercer Road Depot. The rates for supply have not been included in the table as these are "commercial in confidence" and will not be made publicly available.

Tenderer	Weighted Score
Soil Solutions	802.50
AD Contractors	652.79
Palmer Civil	600.87
Keilor Contracting	512.79
Bill Gibbs Excavations	501.35

GOVERNMENT & PUBLIC CONSULTATION

17. A request for tenders was published in the West Australian on Wednesday 19 April 2023 and the Albany Extra on 21 April 2023.

STATUTORY IMPLICATIONS

18. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the Contract is, or is expected to be, more, or worth more, than \$250,000.00.
19. Regulation 18 of the Regulations outline a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
20. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

21. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
22. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations. Council does not award this Contract delays in achieving the capital works and maintenance programme may result.	Unlikely	Major	High	This Contract is awarded so products can be purchased.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	No single Contractor would be able to supply the varied products list. This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes.
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. The communities expectation of completion of capital works or maintenance programmes.	Possible	Insignificant	Low	Community are advised of any work delays.
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

24. The estimated value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
25. Tenderers were required to provide a schedule of rates for the products. The supply of products is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

26. Nil

ENVIRONMENTAL CONSIDERATIONS

27. Nil

ALTERNATE OPTIONS

28. Council can accept or reject the tenders as submitted.

CONCLUSION

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

Consulted References	:	Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C23008
Previous Reference	:	C20003

7.29PM: Councillor Terry returned to the Chamber. Councillor Terry was not present during the discussion and vote for this item.

DIS357: C23009 – PANEL OF SUPPLIERS – CIVIL PLANT AND EQUIPMENT

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Operations Administration Coordinator (T Register)
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
 - **Outcome:** A safe, sustainable and efficient transport network.

In Brief:

- Tender to appoint preferred contractors to “wet” and “dry” hire of civil plant and equipment.
- Contract shall be for an initial period from 1st July 2023 to 30th June 2024, with a mutually agreed and price negotiated option for a renewal for a further twelve (12) months, and then a further option of another twelve (12) months.

RECOMMENDATION

DIS357: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SHANHUN

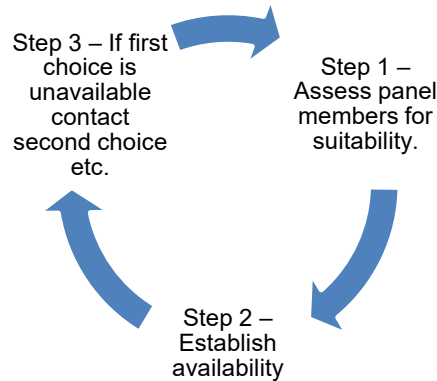
THAT the tendered rates for C23009 Panel of Suppliers – Civil Plant and Equipment recommended by the evaluation panel in the Confidential Briefing Note be ACCEPTED.

CARRIED 12-0

BACKGROUND

2. The City of Albany (“the City”) is seeking to establish a “Panel of Suppliers” for the supply of civil plant and equipment.
3. This Panel of Suppliers shall consist of Contractors prepared to “wet” and/or “dry” hire civil plant and equipment to the City. The term “wet” hire refers to the hire of equipment with an operator and “dry” hire refers to hire of equipment without an operator.
4. This Panel shall be Council’s preferred suppliers and requests for hire of equipment and operators shall be directed to members of this Panel before all others.
5. In order to better reflect the nature of works being requested of panel members, the City revised the panel from previous iterations to include two separate price schedules.
6. One schedule for works that would be regarded of a “heavy” nature and one schedule for works of a “light” nature.

7. The City encouraged ANY Tenderers who had “light” equipment to submit.
8. The City acknowledged that some Tenderers could provide both “heavy” and “light” equipment. Each of the “light” and “heavy” schedules were evaluated separately.
9. Plant will be selected from the Contractor identified from the panel who is likely to be able to offer plant from either the “light” or “heavy” rates whichever is fit for purpose for the required works and the Contractor will be engaged by the following methodology.



10. In addition to the process map highlighted above, panel members will be engaged after consideration has been given to job requirement, experience of operator (if known), any additional plant required to complete the works, efficient execution of the job, ability to meet the timeframe for the particular works, and best value for money for the City.
11. The City requires flexibility in this panel to negotiate and evaluate requirements by individual works. To provide that flexibility we have asked the Contractors to tender day rates.
12. During a wet hire period and in the event the machine hired is not being utilised at the time the operator may be instructed by the City of Albany Representative to work on other tasks.
13. This arrangement would maximise operator use and would only occur by agreement with the Contractor and the City of Albany Representative.

DISCUSSION

14. A total of thirty (30) tender documents were issued.
15. Tenderers were asked to provide hire rates for various items of plant. These preferred suppliers will be used on an “as and when” required basis with no guarantee of the amount of work required by the City.
16. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting of these services will apply.
17. To simplify engagement of the Contractors the mobilisation/demobilisation rates were changed to the “low loader wet hire rate.”

18. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	40
Relevant Experience	15
Key Personnel Skills and Experience	25
Tenderer's Resources	15
Corporate Social Responsibility	5
Total	100

19. Seventeen (17) completed tender documents were submitted on or before the stipulated closing date and time.
20. As per Regulations, the tender documents stated that the City's intention was to appoint up to ten (10) Contractors to the Panel of Suppliers.
21. There have been three (3) Contractors recommended to be appointed to the Panel of Suppliers – Light Equipment and seven (7) Contractors recommended to be appointed to the Panel of Suppliers – Heavy Equipment.
22. The following table summarises the recommended tenderers and overall evaluation scores applicable to each category of plant for each of the light and heavy categories.
23. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are commercial in confidence, and will not be made publicly available.

LIGHT EQUIPMENT

Small Excavator CCF Class ½ (1 – 2t weight)

Tenderer	Weighted Score
Tenderer M	708.92
Tenderer I	646.77
Tenderer O	612.30
Tenderer L	580.16
Tenderer C	566.77
Tenderer K	518.83
Tenderer E	407.50

Small Excavator CCF Class 3.5 (3 – 7.5t weight)

Tenderer	Weighted Score
Tenderer G	682.84
Tenderer O	622.24
Tenderer B	618.49
Tenderer A	571.94
Tenderer K	534.44
Tenderer E	425.94
Tenderer G	425.92
Tenderer P	400.69

Small/Medium Excavator CCF Class 7.5 (7.5t – 10t weight)

Tenderer	Weighted Score
Tenderer I	668.64
Tenderer M	649.89
Tenderer O	646.67
Tenderer A	586.76
Tenderer L	574.95
Tenderer H	542.37
Tenderer G	431.97

Wheel Loader CCF Class 1.5-2.5 (1.5 – 3t operating capacity)

Tenderer	Weighted Score
Tenderer A	643.61
Tenderer O	580.99
Tenderer G	437.90

Tandem Smooth Drum Roller CCF Class 1-2 (2 – 4t weight)

Tenderer	Weighted Score
Tenderer F	625.59
Tenderer O	587.46
Tenderer G	449.45

Tandem Multi Tyre/Combo Roller CCF Class 1-2 (2 – 4t weight)

Tenderer	Weighted Score
Tenderer I	651.25

Pedestrian Roller

Tenderer	Weighted Score
Tenderer A	801.25
Tenderer O	380

Skid Steer (Wheeled) CCF Class 600-700 (600 – 800kg capacity)

Tenderer	Weighted Score
Tenderer F	681.86
Tenderer B	604.86
Tenderer C	528.44
Tenderer E	409.84

Skid Steer (Tracked) CCF Class 600-700 (600 – 800kg capacity)

Tenderer	Weighted Score
Tenderer M	683.80
Tenderer I	667.68
Tenderer A	585.71
Tenderer K	580.18
Tenderer B	576.70
Tenderer C	491.01
Tenderer E	470.99
Tenderer P	446.43

Small Tipper (2 – 8t capacity)

Tenderer	Weighted Score
Tenderer F	677.91
Tenderer I	670.85
Tenderer B	595.85
Tenderer G	535.43
Tenderer K	507.27
Tenderer A	487.71

Tandem Tipper (~12t capacity)

Tenderer	Weighted Score
Tenderer M	665.38
Tenderer F	658.61
Tenderer I	631.69
Tenderer A	581.69
Tenderer B	574.17
Tenderer C	567.08
Tenderer G	499.83
Tenderer E	467.33
Tenderer P	375.47

HEAVY EQUIPMENT

Small/Medium Excavator CCF Class 10 (10 – 15t weight)

Tenderer	Weighted Score
Tenderer C	666.79
Tenderer M	659.51
Tenderer O	626.79
Tenderer L	584.79
Tenderer A	566.10
Tenderer H	553.60
Tenderer K	497.52
Tenderer E	424.90

Small/Medium Excavator CCF Class 15 (15 – 20t weight)

Tenderer	Weighted Score
Tenderer O	642.34
Tenderer M	618.22
Tenderer L	602.62
Tenderer C	600.01
Tenderer I	594.12
Tenderer H	560.19

Medium Excavator CCF Class 20 (20 – 25t weight)

Tenderer	Weighted Score
Tenderer F	693.16
Tenderer D	676.37
Tenderer O	626.86
Tenderer I	622.61
Tenderer M	603.86
Tenderer L	600.93
Tenderer C	567.33
Tenderer H	546.71
Tenderer A	545.82
Tenderer E	459.08
Tenderer G	418.51
Tenderer B	376.25
Tenderer P	230.00

Medium Excavator CCF Class 30 (30 – 35t weight)

Tenderer	Weighted Score
Tenderer M	637.63
Tenderer O	631.59
Tenderer L	617.84
Tenderer C	598.42
Tenderer A	536.70
Tenderer E	405.32

Long Reach Excavator (19m) CCF 30

Tenderer	Weighted Score
Tenderer I	625.21
Tenderer L	592.29

Wheel Loader CCF Class 3.5-4 (3.5 - 5t capacity)

Tenderer	Weighted Score
Tenderer F	719.06
Tenderer D	650.67
Tenderer A	625.00
Tenderer M	624.89
Tenderer I	612.29
Tenderer O	595.20
Tenderer C	574.10
Tenderer H	534.11
Tenderer G	410.93

Wheel Loader CCF Class 5 (5 – 6t capacity)

Tenderer	Weighted Score
Tenderer F	694.17
Tenderer M	634.43
Tenderer I	624.74
Tenderer A	603.18
Tenderer C	586.05
Tenderer D	584.74
Tenderer H	562.24
Tenderer O	540.57
Tenderer E	461.02

Wheel Loader CCF Class 6-8 (6 – 10t weight)

Tenderer	Weighted Score
Tenderer D	704.36
Tenderer L	664.94
Tenderer I	658.44
Tenderer M	627.41
Tenderer H	559.11
Tenderer C	436.22

Backhoe Loader CCF Class 5-5.5 (5 – 6m digging depth)

Tenderer	Weighted Score
Tenderer F	738.02
Tenderer I	688.18
Tenderer A	577.66
Tenderer L	416.14

Grader CCF Class 15

Tenderer	Weighted Score
Tenderer F	711.33
Tenderer D	657.99
Tenderer C	646.31
Tenderer I	637.08
Tenderer M	593.97
Tenderer H	586.76
Tenderer O	581.34
Tenderer L	567.59
Tenderer A	513.99
Tenderer E	383.64

Tractor Mounted Broom

Tenderer	Weighted Score
Tenderer C	598.78

Self-Propelled Smooth Drum Roller CCF Class 10-12.5 (10 – 15t operating weight)

Tenderer	Weighted Score
Tenderer F	678.18
Tenderer M	673.54
Tenderer D	670.23
Tenderer I	620.49
Tenderer O	572.09
Tenderer H	557.99
Tenderer C	557.88
Tenderer A	534.60

Multi-Tyre Roller (10 – 18t operating weight)

Tenderer	Weighted Score
Tenderer F	695.34
Tenderer M	676.79
Tenderer I	624.40
Tenderer C	580.72
Tenderer O	575.78
Tenderer H	561.90
Tenderer A	538.82

Self Propelled Pad Foot Roller CCF Class 10-15 (10 – 17.5t operating weight)

Tenderer	Weighted Score
Tenderer I	654.26
Tenderer M	635.51
Tenderer O	604.06
Tenderer A	571.17

Skid Steel (Wheeled) CCF Class 600-700 (600 – 800kg capacity)

Tenderer	Weighted Score
Tenderer F	612.35
Tenderer O	568.90

Skid Steer (Tracked) CCF Class 600-700 (600 – 800kg capacity)

Tenderer	Weighted Score
Tenderer M	668.81
Tenderer I	651.19
Tenderer D	644.53
Tenderer O	601.15
Tenderer C	576.56
Tenderer H	572.02
Tenderer A	567.85
Tenderer K	563.69
Tenderer G	456.94
Tenderer E	454.75

Tandem Tipper (~12 tonne capacity)

Tenderer	Weighted Score
Tenderer M	667.46
Tenderer F	660.54
Tenderer I	634.06
Tenderer O	584.93
Tenderer A	584.06
Tenderer C	569.52
Tenderer H	554.18
Tenderer J	485.03
Tenderer E	469.49

Semi Ended Tipper (Bogie-axle)

Tenderer	Weighted Score
Tenderer E	649.27
Tenderer D	641.52
Tenderer I	637.15
Tenderer A	587.15
Tenderer C	570.08
Tenderer K	564.44
Tenderer H	559.86
Tenderer E	499.19
Tenderer J	483.83

Semi End Tipper (Tri-axle)

Tenderer	Weighted Score
Tenderer O	588.88
Tenderer L	575.13
Tenderer A	572.29
Tenderer C	554.07
Tenderer J	498.54
Tenderer G	490.13

Low Loader (<30t capacity)

Tenderer	Weighted Score
Tenderer I	667.59
Tenderer D	651.56
Tenderer K	640.03
Tenderer H	629.06
Tenderer F	617.59
Tenderer M	588.89
Tenderer O	576.72
Tenderer J	546.02
Tenderer C	540.05
Tenderer L	530.27
Tenderer A	497.69
Tenderer E	456.37

Semi Side Tipper (*Tri-axle*)

Tenderer	Weighted Score
Tenderer I	656.44
Tenderer M	623.59
Tenderer O	595.45
Tenderer L	581.70
Tenderer H	579.84
Tenderer A	578.24
Tenderer E	515.47
Tenderer J	504.49

Semi-Trailer – Live Bottom/walking floor

Tenderer	Weighted Score
Tenderer D	663.79
Tenderer C	588.43
Tenderer J	485.28

Road Train (Side Tippers)

Tenderer	Weighted Score
Tenderer M	631.24
Tenderer O	624.34
Tenderer C	608.11
Tenderer H	607.56
Tenderer L	574.11
Tenderer A	559.87
Tenderer E	411.02

Water Truck >10,000L tank capacity

Tenderer	Weighted Score
Tenderer M	685.53
Tenderer I	672.73
Tenderer F	670.05
Tenderer O	607.22
Tenderer H	594.46
Tenderer D	585.42
Tenderer L	579.13
Tenderer C	541.61

Dozer CCF Class 20/25 (20-30t operating weight)

Tenderer	Weighted Score
Tenderer F	735.63
Tenderer I	667.57
Tenderer A	573.30
Tenderer C	568.13
Tenderer E	473.12
Tenderer L	449.76

Dozer CCF Class 30 (30-40t operating weight)

Tenderer	Weighted Score
Tenderer J	675.68
Tenderer I	669.60
Tenderer C	555.55
Tenderer E	457.03
Tenderer L	434.63

Dozer CCF Class 40 (40-60t operating weight)

Tenderer	Weighted Score
Tenderer M	679.76
Tenderer I	638.04
Tenderer C	635.93
Tenderer J	634.31
Tenderer D	582.92
Tenderer L	416.53

Mobile Jaw Crusher

Tenderer	Weighted Score
Tenderer I	1136.95
Tenderer E	963.53
Tenderer L	963.34
Tenderer F	932.21
Tenderer C	713.53

Mobile Screener

Tenderer	Weighted Score
Tenderer H	1094.30
Tenderer D	1013.65
Tenderer L	956.24
Tenderer I	955.84
Tenderer E	833.67
Tenderer F	706.80

Mobile Impact Crusher

Tenderer	Weighted Score
Tenderer I	760.99
Tenderer C	537.83
Tenderer E	492.00
Tenderer L	474.18

Tracked Forestry Mulcher

Tenderer	Weighted Score
Tenderer A	799.99
Tenderer D	568.48
Tenderer J	524.98
Tenderer C	445.29

Tractor Mounted Stone Crusher/Stabilizer

Tenderer	Weighted Score
Tenderer C	619.46

Road Widener

Tenderer	Weighted Score
Tenderer H	666.64
Tenderer D	581.77
Tenderer C	550.35

Dump Truck (specify size)

Tenderer	Weighted Score
Tenderer D	779.58
Tenderer M	689.29
Tenderer I	605.08
Tenderer C	565.81
Tenderer L	420.24

GOVERNMENT & PUBLIC CONSULTATION

24. A request for tenders was published in the West Australian on 19 April 2023 and the Albany Extra on 21 April 2023.

STATUTORY IMPLICATIONS

25. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the Contract is, or is expected to be, more, or worth more, than \$250,000.00.
26. Regulation 18 of the Regulations outline a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
27. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

28. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
29. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations. Delays in achieving the capital works and maintenance program.	Unlikely	Major	High	Approve the recommended panel.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	Approve the recommended panel.
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.
Opportunity: To provide flexibility in project delivery.				

FINANCIAL IMPLICATIONS

31. The value of this tender is in excess of \$500,000.00 and therefore the approval s referred to Council for consideration.
32. Tenderers were required to provide a schedule of rates for their services. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

33. Nil

ENVIRONMENTAL CONSIDERATIONS

34. Nil

ALTERNATE OPTIONS

35. Council may accept or reject the tenders as submitted.

CONCLUSION

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

Consulted References	:	Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C23009
Previous Reference	:	C22008

DIS358: PLANNING AND BUILDING REPORTS MAY 2023

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

RECOMMENDATION

DIS358: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STOCKS

THAT Council NOTE the Planning and Building Reports for May 2023.

CARRIED 12-0

PR013: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Proponent / Owner	: City of Albany.
Attachments	: Attachment 001 – CEO Performance Review Process Policy (which includes Annex A - Model standards for CEO recruitment, performance, and termination - [r. 18FA]) <i>Attachments 002 & 003 – Minutes of the CEO Performance Review Committee held on 17 March 2023 and 29 May 2023 – Confidential distributed separately.</i> <i>Attachment 004 – CEO Contract – Confidential distributed separately.</i>
Declaration of Interest	: Chief Executive Officer: Financial . The nature of interest being that this report relates to his contract of employment with the City of Albany. Manager Governance & Risk: Impartiality . The nature of interest being that Mr Jamieson is an employee of the City of Albany. Acting Manager People & Culture: Impartiality . The nature of interest being that Ms Waugh is an employee of the City of Albany.
Report Prepared By	: Manager Governance & Risk (S Jamieson) A/Manager People and Culture (D Waugh)
Authorising Officer:	: Manager Governance & Risk (S Jamieson), in consultation with the Committee Chair.

CONFIDENTIAL REPORT

This Report and designated attachments to this report were considered confidential in accordance with section 5.23(2)(a) of the Local Government Act 1995, as it relates to a matter affecting an employee.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany 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
 - **Objectives:** Provide strong, accountable leadership

In Brief:

- Consider the CEO Performance Review Committee Recommendations.

7.33PM: The Chief Executive Officer Mr Andrew Sharpe declared a Financial Interest in this item and left the Chamber.

RECOMMENDATION

PR013: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR THOMSON

THAT in accordance with section 4.1 of the City of Albany Standing Orders Local Law 2014 (As amended), the meeting be closed to members of the public.

CARRIED 12-0
ABSOLUTE MAJORITY

7.33PM: Members of the public, media and staff left the Chamber. Manager Governance and Risk and Acting Manager People and Culture remained in attendance.

PR013: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR TRAILL

THAT the meeting be re-opened to members of the public.

**CARRIED 12-0
ABSOLUTE MAJORITY**

7.39PM: Staff, one member of the public and one media representative returned to the Chamber.

PR013: AUTHORISING OFFICER RECOMMENDATION 1

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR STOCKS

THAT Council:

- (a) **RECEIVE** the Confidential Minutes of the Chief Executive Officer Performance Review Committee held on 17 March 2023 and 29 May 2023.
- (b) **ADOPT** the revised CEO Performance Review Process Policy, which includes the model standards in relation to the recruitment of CEOs in accordance with section 5.39 of the Local Government Act 1995.

**CARRIED 12-0
ABSOLUTE MAJORITY**

PR013: AUTHORISING OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR TRAILL

THAT Council APPROVES the Chief Executive Officer's contract renewal and certifies that Mr Andrew Sharpe's contract was renewed in accordance with the adopted standards in relation to the recruitment of CEOs.

**CARRIED 12-0
ABSOLUTE MAJORITY**

BACKGROUND

2. CEO Performance Review Committee is made up of the following members:
 - a. Mayor Wellington;
 - b. Councillor Stocks;
 - c. Councillor Terry; and
 - d. Councillor Thomson.
3. The contract extension process was overseen by the appointed facilitator Ms Helen Hardcastle of Learning Horizons with governance oversight facilitated by the City's Manager Governance & Risk, Stuart Jamieson.

CEO Contract Renewal Process / Time-line

Date	Comment
23 August 2022	On 23 August 2022, Council resolved to ADOPT the CEO Performance Review Committee (the Committee) recommendation recommending that the CEO contract be renewed for a period of five years, noting that the incumbent CEO's contract has held the position for under 10 consecutive years.
17 March 2023	On 17 March 2023, the Committee met and reviewed the draft contract extension. In accordance with the CEO Performance Review Process Policy, the Committee resolved to continue the engagement of the Independent consultant, being Helen Hardcastle AM, Owner Director – Learning Horizons. Committee recommended that independent legal advice be sought to ensure that the contract is lawful and able to be enforced, prior to being presented to Council for consideration.
29 May 2023	The Committee reviewed the legal review comments and facilitator feedback. Committee recommended that the revised CEO Contract be approved in principal, subject to the proposed amendments and actions detailed in the discussion section of the report.

DISCUSSION

4. The CEO contract extension (renewal) was based on existing contractual terms being drafted to ensure compliance with new "State" prescribed CEO Contract content.

5. **Redacted.**

6. **Redacted.**

GOVERNMENT & PUBLIC CONSULTATION

7. Not Applicable

STATUTORY IMPLICATIONS

8. The CEO Performance Review has been conducted in accordance with the *Local Government Act 1995* (the Act), section 5.39 (Contracts for CEO and senior employees), which states in part:

*The contract cannot be for a term exceeding 5 years; and
The contract has no effect unless –*

- (a) *the expiry date is specified in the contract; and*
- (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
- (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*

9. Voting requirement for this item is **Absolute Majority** as required for the adoption of the revised amended policy and approval of the contract.

POLICY IMPLICATIONS

10. The CEO Performance Review Process Policy and Clause 4 (Performance Criteria and Review) detailed in the CEO's employment contract detail the review process in accordance with the Model Standards.

CEO Performance Review Policy

11. The objective of the policy is to ensure a consistent, transparent, and accountable performance review process.
12. The revised policy has been fully reviewed and is compliant with the relevant legislation, noting the inclusion of the Model Standards for CEO Recruitment, Performance and Termination, which is appended to and referenced in the policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal. The statutory and contractual process compromised	Unlikely	Major	High	<p>Ensure Council is fully aware of the statutory and contractual process to be followed. Guidance from external performance specialist followed.</p> <p>Ensure legislative compliance and continued transparency, the CEO Performance Review Committee contracted Ms Helen Hardcastle of Learning Horizons to oversee the contract renewal process and the City's Manager of Governance & Risk.</p>

FINANCIAL IMPLICATIONS

14. CEO remuneration bandings are determined by the Salaries and Allowances Tribunal (SAT).
15. The SAT has classified the City of Albany as a Band 1 local government.
16. The CEO's remuneration package is within this band and is included in the current and proposed budget.
17. The proposed new CEO contract includes the approved current CEO's total remuneration package.

LEGAL IMPLICATIONS

18. The contract extension, is based on the new template provided by the Western Australian Local Government Association (WALGA), which ensures compliance with the *Local Government Act 1995* and current Administration Regulations that prescribes the model standards that apply to CEO recruitment and contract extensions.
19. In addition, at the request of the Committee the proposed contract was legally reviewed by Mills Oakley Lawyers.
20. The CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.

ENVIRONMENTAL CONSIDERATIONS

21. Not applicable.

ALTERNATE OPTIONS

22. Council may either endorse, modify, or reject what is proposed.

CONCLUSION

23. It is recommended the recommendations be adopted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Administration) Regulations 1996</i>• Guidelines on CEO Standards sourced from the DLGS website: https://www.dlgsc.wa.gov.au website.• Work Health and Safety Act 2011 (WHS Act).
File Number (Name of Ward)	:	Personnel File
Previous Reference	:	<ul style="list-style-type: none">• CEO Performance Review Committee Report PR013• CEO Performance Review Committee Report PR012• OCM 23/08/2022 Resolution PR011• OCM 22/06/2021 Resolution PR009• OCM 25/08/2020 Resolution PR008

7.39PM: Mr Andrew Sharpe returned to the Chamber. Mr Sharpe was not present during the discussion and vote for this item.

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR TRAILL)

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR STOCKS

THAT Council PLEDGE to provide a letter of support for the Expression of Interest process for the proposed Kairli Cultural and Language Centre for the Growing Regions Funding opportunity should a letter of support be formally requested.

CARRIED 12-0

Reason:

The importance of the promotion of knowledge, understanding and respect for local indigenous culture through the planned Kairli Cultural and Language Centre is acknowledged by Council.

The Expressions of Interest stage of the Growing Regions Program opens on 05 July 2023 and closes on 01 August 2023. The Notice of Motion by Councillor Thomson has requested that a report on this matter be prepared by the Chief Executive Officer for consideration by Council at the Ordinary Council Meeting before 31 August 2023.

The preparation of that report and its consideration by Council may lead to an unnecessary delay should the Southern Aboriginal Corporation require a formal letter of support to accompany an Expression of Interest for the first stage of the funding application process.

This motion provides an immediate opportunity for Council to provide a letter of support should it be requested by the Southern Aboriginal Corporation.

Councillor Traill foreshadowed an Alternate Motion should the Notice of Motion be lost. As the Notice of Motion was lost, Councillor Traill then proposed an Alternate Motion.

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

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Council instructs the Chief Executive Officer to present a report at an Ordinary Meeting of Council before 31 August 2023 outlining options for how the City might best assist development of Southern Aboriginal Corporation's planned Kairli Cultural and Language Centre as a major legacy project of the 2026 Albany bicentenary.

LOST 3-9

Record of Vote

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

Councillor Reason:

This motion aims to inform elected members of developments with regard to the planned Kairli Cultural and Language Centre, and to secure the City's priority consideration of assistance it might be able to provide toward the Centre's realisation.

The motion is consistent with Objective 1.5 of the City's Strategic Community Plan, i.e. "to grow recognition and respect for local Indigenous cultures", and with a commitment of that plan to "advocate for a centre for art, culture and story to promote improved knowledge, understanding and respect for local Indigenous cultures and country".

In June 2019, the Albany-headquartered Southern Aboriginal Corporation (SAC) promulgated its plans to build the Kairli Cultural and Language Centre on the Albany foreshore (<https://www.albanyadvertiser.com.au/news/albany-advertiser/cultural-centre-a-tourism-boost-ng-b881233000z>).

In June 2020, Noongar Elders Aden Eades and former City of Albany councillor Carol Pettersen reportedly spoke in support of the project (<https://www.albanyadvertiser.com.au/news/albany-advertiser/is-this-albanys-one-big-thing-southern-aboriginal-corporation-puts-waterfront-cultural-centre-on-state-election-agenda-ng-b881583671z>).

SAC envisages the Centre will be built at a prominent site, on the Princess Royal Harbour waterfront, immediately to the west of Albany Entertainment Centre. The site is historically significant, given it is metres from where Major Edmund Lockyer pulled ashore in 1826, in what was ground zero for European colonisation of the Western third of the Australian continent.

SAC purchased the site from the State in 2019, and advises it has now paid off the \$1 million purchase price and owns the land outright. So SAC – as a not-for-profit community organisation and experienced property manager – has put its money where its mouth is on this major cultural and community development project.

Further, SAC advises that it has a \$2 million conditional funding commitment for the project from the national Indigenous Land and Sea Corporation.

Now, as per advice I provided recently to City councillors and executive administrators, a major opportunity has emerged for SAC to realise its plans for the site, namely the recent release of guidelines for the Federal Government's Growing Regions Program.

Most relevantly for the planned Kairli Cultural and Language Centre, the Growing Regions Program will provide grants up to \$15 million, with only a 10 per cent co-funding requirement for projects run by First Nations organisations such as SAC.

SAC has advised that if it were to lodge an application and secure a \$15 million grant under Growing Regions, it would be in a position to fund the necessary \$1.5 million co-funding requirement. SAC also advises it would warmly welcome contributions and involvement in the project from the City of Albany and the Western Australian Government.

However, SAC further advises that previous requests to the State Government and City for letters of support for the Kairli Cultural and Language Centre have not borne fruit. In that regard, there has been some suggestion that an alternative proposal, which somewhat mirrors SAC's original idea, might be in the offing from some party or parties. That notwithstanding, in the interests of competitive neutrality, it should not be a big burden for the City, at the very least, to agree to provide a letter of support for the Kairli Cultural and Language Centre, a grass-roots community project with potential to bring great economic and cultural investment to Albany.

The Growing Regions Program provides the one-off potential to realise the Centre as likely the largest and most culturally significant legacy project of the 2026 Albany bicentenary.

Since 2019, the City has, on an ongoing basis, convened overarching steering committees for the bicentenary. These high-level discussions are yet to deliver a single announcement of a major legacy project. With the bicentenary now only 30 months away, the City should take all reasonable steps to prioritise facilitation of the Kairli Cultural and Language Centre as a major, perhaps *the* major, legacy project of the bicentenary.

The project holds great potential for reconciliation, economic development, tourist attraction and Noongar self-determination at a significant site in a scenic city that was the first urban settlement where Aboriginal people and colonisers learned to live together in Western Australia.

Officer Comment:

City Officers have had preliminary supportive conversations with Southern Aboriginal Corporation (SAC) representatives regarding the planned Kairli Cultural and Language Centre and the associated Growing Regions Program funding opportunity.

Council may wish to consider options for how the City might best assist development of Southern Aboriginal Corporation's planned Kairli Cultural and Language Centre as a major legacy project of the 2026 Albany bicentenary following confirmation that the project funding has been secured. Noting the outcome of any Centre funding application through the Growing Regions Program will not be known before 31 August 2023.

15.2: Notice of Motion by Councillor Thomson was withdrawn by Councillor Thomson.

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

THAT Council instructs the Chief Executive Officer to:

1. arrange an inspection of the four Chinese Elm trees on the western side of Spencer Street to assess their potential impact on road safety and the structural integrity of public infrastructure and private property;
2. liaise with the owners of 71 Spencer Street with regard to their concerns over the Chinese Elm in front of their State heritage listed building;
3. following the above inspection and liaison, present a report at an Ordinary Meeting of Council before the end of August 2023 that provides:
 - a. options for either pruning, keeping or removing the Chinese Elms in the segment of Spencer Street between Earl Street and Grey Street East;
 - b. in the instance that removal is advanced as an option, advice on replacement options for any of the four Chinese Elms with other trees; and
 - c. advice on how any problem Chinese Elms detected elsewhere in Albany might be dealt with.

Councillor Reason:

In November, 2021, a caravan towed by a four-wheel-drive was destroyed after colliding with a Chinese Elm that encroaches, at car level, upon Spencer Street near Earl Street.

At the time, the owners of the State heritage listed suites at 71 Spencer Street provided lodging for the elderly caravanners, free of charge, until they could arrange to travel back to their home in New South Wales. The owners of the suites also called upon the City to cut the tree back so it would no longer encroach upon the road (<https://www.albanyadvertiser.com.au/news/albany-advertiser/local-resident-calls-for-tree-to-be-pruned-after-caravan-crash-in-spencer-st-ng-b882061240z>).

Soon after, and periodically since, another councillor and I have requested that the City consider pruning or removing the Chinese Elm. Regardless, the portion of the tree that extends into the road remains unpruned.

Locals colloquially refer to the tree as the ‘caravan killer’.

Recently, the owner of another historic house on Spencer Street asked the City to remove a second Chinese Elm on the verge in front of her property. The City acquiesced after the homeowner expressed concerns that the tree might be damaging her house. All that remains of that Chinese Elm is a stump.

Now, the owners of 71 Spencer Street have raised the issue of a third Chinese Elm, planted less than five metres from their historic suites about 25 years ago, causing problems with their gutters and encroaching on a power line.

The owners of 71 Spencer Street have since noticed that, for the first time in their building’s 140-year history, the northeast corner of the structure has significant cracks. The owners have further noticed root damage on the footpath and extending into their car park.

The owners want the ‘caravan killer’ pruned or removed and the Chinese Elm in front of their property removed. If either or both trees are removed, the owners say they would be very happy to have more appropriate street tree(s) that are native to the south coast of the Great Southern region (e.g. red flowering gums, *Corymbia ficifolia*) planted in their place.

Late last year, Emeritus Professor Byron Lamont of Curtin University, a botanist, was cited as saying the Chinese Elm, an introduced species, is inappropriate for use as a verge tree, and is invasive (<https://www.yourlocalexaminer.com.au/chinese-elm/>).

There are four Chinese Elms on the verge at the western side of Spencer Street between Earl Street and Grey Street East.

Officer Comment:

The administrative process for dealing with removal of street trees is considered in accordance with our Urban Tree Strategy and Street Trees Community Guidelines. Specifically, the Community Guidelines consider the following possible reasons for tree removal:

- The tree has been assessed by a qualified City Officer / Contractor as being diseased and beyond repair or dead.
- The tree has been irreparably damaged by a storm event.
- The tree is considered hazardous to motorists / pedestrians.
- The tree is affected by road widening requirements, location of services or other necessary infrastructure.
- The tree is in dangerous contact with overhead powerlines.
- The tree impinges on the development potential of abutting properties with no reasonable design alternatives.
- To allow for the construction of an essential City of Albany approved crossover.

These are NOT reasons for tree removal:

- The tree obscures or potentially obscures views (other than minimum safety sight lines for pedestrians or vehicles).
- The tree species is disliked.
- The tree species causes nuisance by way of leaf, fruit, bark shedding etc.
- The tree blocks a non-essential crossover or road verge treatment.
- The tree shades private property.
- Any pruning that is contrary to AS 4373-2007 ‘Pruning of Amenity Trees’.

Should there be concerns that a tree is unsafe (e.g. at risk of losing branches or falling over) City Officers would undertake a QTRA (Quantified Tree Risk Assessment).

Should an owner believe that damage is being caused to their property by street trees, City officers would seek definitive proof (generally an arborist and/or structural engineers report) prior to remedial works or removal of any trees.

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

PR013: Chief Executive Officer Performance Review

18. CLOSURE

There being no further business the Mayor declared the meeting closed at **8.16PM.**

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

TABLED ADDRESS BY MR FRANK RUGGERA

Street Tree Programme Update

This season's promotion for street trees has finished.
I'd like to give you some feedback from a humble volunteer's point of view.

The Promotion

We had articles in the local newspaper by city officers.
We had appearances on local radio by city officers.
We had 4 sessions in 2 local shopping centres by a volunteer.
We had approximately 1500 letter box drops in 2 suburbs by a volunteer.

The Outcome

216 requests for street trees with some requests for multiple trees.
That's not a very good outcome. That's a lot of effort for a small gain.

The Future

The promotion programme, where we "ask" residents to apply for a street tree can be continued and I'm happy to volunteer for next season. But this approach does not get enough trees planted. We are marching on the spot, we are not advancing.

An enforcement programme (don't ask just plant) needs to be implemented. This would be in line with the majority of other councils. This is the only way to get street tree coverage done. Instead of marching on the spot we will move forward.

Now while I favour this approach, my contact officer in the City and I have reached a compromise.

For every tree planted under the "promotion" programme, a tree be planted under the enforced programme. One for one. This will double the number of trees planted. Sounds like a good compromise.

Can the City take on this programme?
Can the City provide funds for this programme?

Thank you.

Frank Ruggera
0437 152 595

70 a. Stead Rd
Centennial