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# MINUTES

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**Ordinary Meeting of Council**

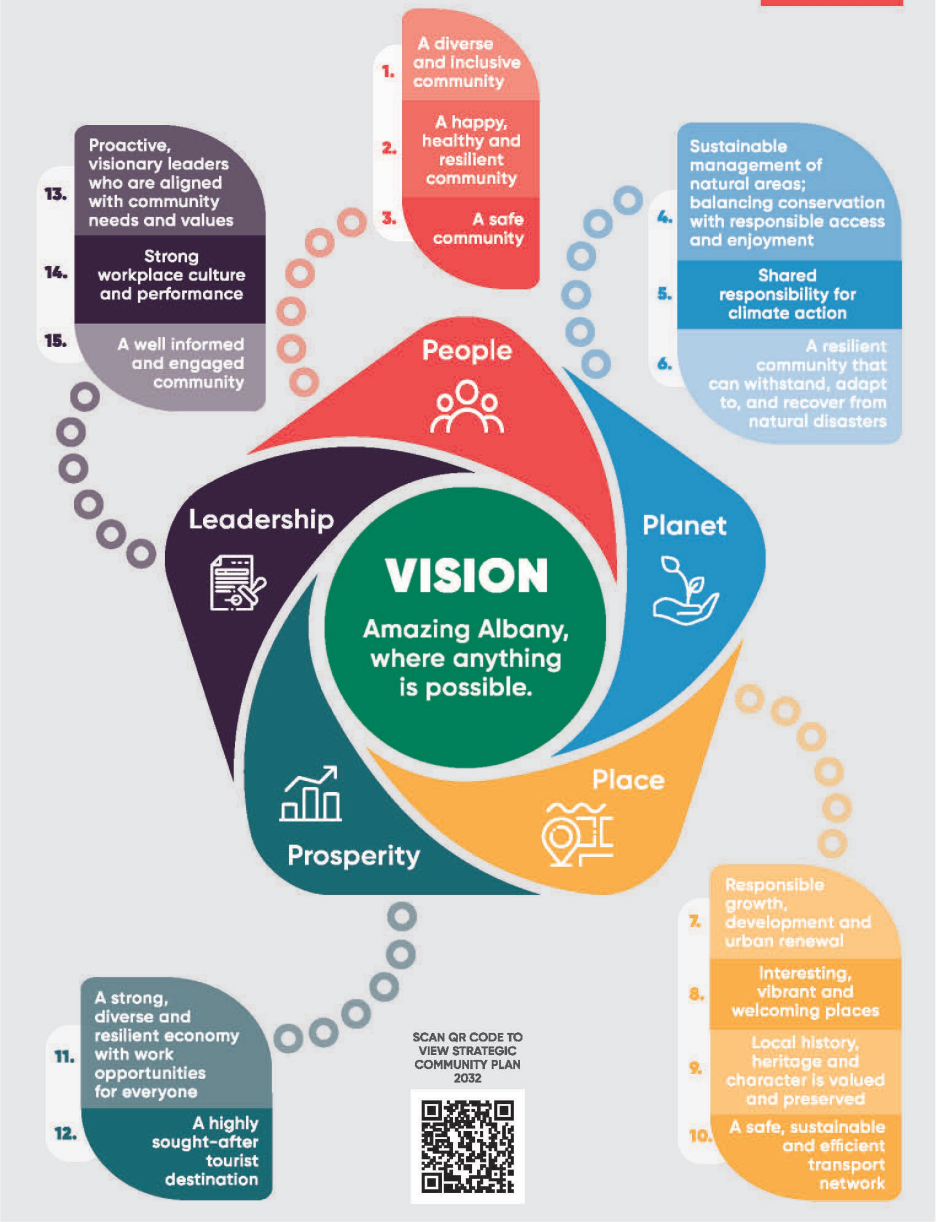
**Tuesday 27 September 2022**

6.00pm

**Council Chambers**



**STRATEGIC COMMUNITY PLAN 2032**



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ORDINARY COUNCIL MEETING  
MINUTES – 27/09/2022

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## 1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

## 2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

## 3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
<b>Councillors:</b>	
Breaksea Ward	P Terry
Breaksea Ward	A Cruse
Frederickstown Ward	G Stocks
Frederickstown Ward	M Traill
Kalgan Ward	M Benson-Lidholm JP
Kalgan Ward	T Brough
Vancouver Ward	D Baesjou (by Zoom) Councillor Baesjou left the meeting at 8.19pm
West Ward	S Smith (By Zoom)
West Ward	Vacant
Yakamia Ward	C Thomson
Yakamia Ward	R Sutton
<b>Staff:</b>	
Chief Executive Officer	A Sharpe
A/Executive Director Corporate & Commercial Services	L Harding
Executive Director Infrastructure, Development & Environment	P Camins
Executive Director Community Services	N Watson
Manager Planning and Building Services	J van der Mescht
Meeting Secretary	J Williamson
<b>Apologies:</b>	
Vancouver Ward	J Shanhun (Apology)
Vancouver Ward	D Baesjou-Councillor Baesjou left the meeting at 8.19pm and did not return.

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Traill	CCS477	<b>Impartiality.</b> The nature of the interest being that Councillor Traill's wife is a Registered Migration Agent, but does not work in the field of employment visas or migration. Councillor Traill remained in the Chamber and participated in the discussion and vote for this item.
Councillor Benson-Lidholm	CCS477	<b>Financial.</b> The nature of interest being that Councillor Benson-Lidholm is a Board Member of RDA Great Southern. Councillor Benson-Lidholm left the Chamber and was not present during the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	CCS471	<b>Impartiality.</b> The nature of the interest being that Mr Sharpe is a financial member of the Lawley Park Tennis Club. Mr Sharpe remained in the Chamber and was present during the discussion and vote for this item.
Executive Director Community Services Mr Nathan Watson	CCS471	<b>Impartiality.</b> The nature of the interest being that Mr Watson is a former financial member of the Emu Point and Merrifield Park Tennis Clubs, and his father-in-law is a current office bearer of the Emu Point Tennis Club. Mr Watson remained in the Chamber and was present during the discussion and vote for this item.
Councillor Traill	CCS478	<b>Financial.</b> The nature of the interest being that Councillor Traill has worked for the WAEC as a casual employee for State elections since 2001. Councillor Traill left the Chamber and was not present during the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### 6.02pm Councillor Cruse Summary of key points:

Councillor Cruse attended the opening night of the gARmenT Exhibition at the Town Hall. gARmenT is an exhibition showcasing wearable artworks. Councillor Cruse said that this was a wonderful and creative community event, with over 200 people in attendance on opening night. Councillor Cruse thanked the Department of Local Government, Sport and Cultural Industries for providing financial support through grant funding for this event.

**6.04pm Councillor Terry**

**Summary of key points:**

Councillor Terry acknowledged the recent passing of HM Queen Elizabeth II and Councillor Alison Goode.

Councillor Terry attended the Albany Children's Theatre (ACT) production of Moana. Performers between the ages of 5 and 18 performed in this very entertaining musical adaptation of Disney's animated film of the same name. Councillor Terry said that he looks forward to more productions by ACT in the future.

Councillor Terry also attended the free community concert by the Sydney Male Choir at the Town Hall, a Tribute to the Anzacs. Councillor Terry said that it was a very special performance acknowledging the story of Anzacs who left Australia from Albany and the sacrifices made by so many of them.

Councillor Terry also spoke about a local family affected by the rental crisis in Albany, which is leading many in our community to experience homelessness for the first time. Councillor Terry said that local governments could play an important role in alleviating some of the immediate effects by approving camping on private property for up to three months. Councillor Terry said that he would welcome a discussion about further options that may be available through local government to ease the homelessness crisis.

**6.08pm Councillor Traill**

**Summary of key points:**

Councillor Traill also acknowledged the recent passing of HM Queen Elizabeth II and Councillor Alison Goode. Councillor Traill had a personal connection and friendship with Alison prior to her becoming involved in local government in Albany and said that she would be greatly missed by her family, particularly her husband Gerry Gregson, colleagues and staff at the City of Albany and the wider Albany community. Alison made a significant contribution to the Albany community.

**6.12pm Councillor Stocks**

**Summary of key points:**

Councillor Stocks also acknowledged the passing of Councillor Alison Goode, a steadfast and valued colleague in the Chambers for eight years. Councillor Stocks extended his condolences to Alison's husband Gerry, who also served as a local government councillor.

Councillor Stocks attended Cinefest Oz in Busselton and said that the success of this event would be achievable in Albany.

Whilst attending Cinefest Oz in Busselton, Councillor Stocks had the opportunity to meet with Rio Tinto representatives. Rio Tinto have the largest number of employees in the WA resource sector from rural and regional areas as part of their fly in/fly out workforce. Busselton has 1100 Rio Tinto FIFO employees, and there are currently 220 Rio Tinto FIFO employees in Albany.

Councillor Stocks said that Rio Tinto would welcome the opportunity to collaborate with the City of Albany to ensure the Albany Regional Airport has the capability to accommodate increased FIFO flights into and out of Albany.

**6.17pm Councillor Brough**

**Summary of key points:**

Councillor Brough said that he had three points on which to touch this evening: Community Spirit, Security and Book Club.

Councillor Brough said that the Southern Art and Craft Trail had commenced, including a wonderful exhibition of handcrafted jewellery at the Kalgan Hall. Local residents were taking it in turns to provide a watch person overnight at the Hall to ensure the hall was secure, meaning that exhibits could remain on site. Councillor Brough said that this was a wonderful example of community spirit.

Councillor Brough said that in light of the recent Optus security breach it was a very timely reminder that we should all be changing our passwords on a regular basis to safeguard against identity theft.

Councillor Brough said that the security breach was a neat segue into his latest Book Club recommendation *The Digital Silk Road* by Jonathan Hillman.

**6.20pm Councillor Benson-Lidholm**

**Summary of key points:**

Councillor Benson-Lidholm endorsed remarks from previous speakers regarding Queen Elizabeth II and Councillor Alison Goode.

Councillor Benson-Lidholm said that he was honoured to provide the opening remarks at a recent DPIRD function related to biosecurity in WA agriculture, particularly Lumpy Skin Disease and Foot and Mouth Disease. He said that should Australia suffer an outbreak of either disease, the cost to the agricultural sector would be between 80 and 100 billion dollars.

Councillor Benson-Lidholm requested a briefing to Council regarding biosecurity issues.

Councillor Benson-Lidholm attended the Manypeaks Meet and Greet, and said that it was heartening to see the enthusiasm of local residents.

**6.26pm Councillor Baesjou**

**Summary of key points:**

Councillor Baesjou acknowledged the passing of Councillor Goode, and condolences to her husband Gerry Gregson and family.

Councillor Baesjou commented on the Southern Art and Craft Trail and said there was great range of venues and galleries, complemented by the Bloom Festival.

Councillor Baesjou said that the City could provide support to those experiencing homelessness by approving temporary camping on private property.



**6.29pm Councillor Smith**

**Summary of key points:**

Councillor Smith extended her condolences to Councillor Alison Goode's family. Councillor Smith said that she has many fond memories of serving as Councillor Goode's ward partner, including time spent inspecting rural roads, one of Alison's particular passions.

Councillor Smith represented the Mayor at the WA Coastal Excellence Awards, where the City was awarded Special Commendation in the Coastal Design category for the Binalup/Middleton Beach Foreshore Enhancement Project. The commendation noted that the project had made a significant contribution to the improvement of Albany and regional Western Australia's coastal landscape. Councillor Smith thanked City staff for their work on the project, and members of the community who were very supportive of the project.

Councillor Smith also attended the Manypeaks Meet and Greet, where the community voted to implement an overnight stay project to encourage more visitors to the region to stop and explore Manypeaks.

**6.32pm Councillor Thomson**

**Summary of key points:**

Councillor Thomson commended the community of Albany on its level of engagement, evidenced by the community engagement and enthusiasm demonstrated at the Manypeaks Meet and Greet.

Councillor Thomson paid tribute to the late Councillor Alison Goode. Councillor Thomson said that he had very much enjoyed being seated next to Councillor Goode in the Chamber, and that those who spoke at her funeral remembered Alison as they knew her, very kind, compassionate and with a great sense of humour. Councillor Thomson said that it was fantastic that the City was able to host a celebration of Alison's life in the Council Chamber, where she gave some much of her time and energy to her community.

Councillor Thomson also commented on the Southern Art and Craft Trail, which has 55 exhibitions. Councillor Thomson said he had the privilege of opening Town Hall Exhibition, which has the biggest exhibition of artists on the Trail. Councillor Thomson visited Little Grove artists Jo Sharpe and Merry Robertson (and enjoyed the wonderful view from their studio across the harbour to the City), and the Plein Air artists at Discovery Bay.

**6.37pm Councillor Sutton**

**Summary of key points:**

Councillor Sutton said he was thrilled to represent the Mayor at the Kleeman Medal Count, which was a fantastic night with an outstanding MC in Mr Barry Panizza. Councillor Sutton said that Retravision Stadium was a wonderful venue for the occasion.

Councillor Sutton also acknowledged the passing of Councillor Goode, and expressed his sympathy for Alison's husband Gerry, the Shanhun Family and the Goode Family. He said that Alison will be sorely missed by the community and by Council.

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

**7. PUBLIC QUESTION TIME**

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

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

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

**6.39pm:Mr Michael Tugwell, RSL Albany Sub Branch  
Summary of key points:**

Mr Tugwell addressed Council regarding the City's funding of the annual Anzac Day Commemorations. Mr Tugwell's tabled address is detailed at Appendix A.

**6.44pm Ms Diana Caley, 12 Franklin Court, Bayonet Head  
Summary of key points:**

Ms Caley addressed Council as a member of the Friends of the Yakamia Forest, and read a storybook to Council.

**6.48pm Mr Mal Parker, Sydney Street, Yakamia  
Summary of key points:**

Mr Parker addressed Council as a member of the Friends of Yakamia Forest. Mr Parker's tabled address is detailed at Appendix A.

**6.51pm Annabel Paulley, Parker Street, Lockyer  
Summary of key points:**

Ms Paulley addressed Council as a member of the Friends of Yakamia Forest. Ms Paulley's tabled address is detailed at Appendix A.

**6.56pm Ms Sandra Swain, 21 Leslie Street Yakamia  
Summary of key points:**

Ms Swain addressed Council as the Chief Petitioner for the Friends of Yakamia Forest.

**7.00pm Mr Jon Doust, 132 Angove Road, Spencer Park  
Summary of key points:**

Mr Doust addressed Council as a member of the Friends of Yakamia Forest. Mr Doust's tabled address is detailed at Appendix A.

**7.04pm Ms Sonia Emery, 11 Finlay Street, Albany  
Summary of key points:**

Ms Emery addressed Council as member of the Friends of Yakamia Forest. Ms Emery's tabled address is detailed at Appendix A.

**7.08pm Mr Adam Wolfe, 31 Hill Street, Albany  
Summary of key points:**

Mr Wolfe addressed Council regarding the bushland on Lot 102 North Road. Mr Wolfe's tabled address is detailed at Appendix A.

There being no further speakers the Mayor declared Public Question Time closed at **7.12pm**.

**8. APPLICATIONS FOR LEAVE OF ABSENCE Nil**

9. PETITIONS AND DEPUTATIONS

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**

**SECONDED: COUNCILLOR THOMSON**

**THAT the Petition lodged at the Ordinary Council Meeting held on Tuesday 23 August 2022 requesting that Council:**

- 1. Amend the Yakamia/Lange Structure Plan to re-zone as much bushland as possible on Lot 4743, 102 North Road, Yakamia, particularly the northern one third portion, from *'Future Urban Residential'* to *'Environmental Conservation Reserve'*.**
- 2. Rescind the sections of the motion passed at the 21 June 2022 Ordinary Council meeting for agenda item CCS438: Proposed Road Reserve, so that none of the City managed land on Lot 4743, 102 North Road, Yakamia is cleared or ceded to help the developer make his subdivision viable on Lot 420, 58 Sydney Street, Yakamia.**
- 3. Abide by the intent, objectives and actions outlined in the adopted City of Albany Local Planning Strategy 2019 which places a heavy emphasis on the need for conservation of native vegetation when addressing land use matters within the City of Albany.**
- 4. Comply with the City's Climate Change Action Declaration to reduce carbon emissions by preserving carbon-absorbing bushland on Lot 4743 which may be able to be used to offset the City's ongoing carbon emissions from projects such as road building.**

be RECEIVED.

**CARRIED 11-0**

10. CONFIRMATION OF MINUTES

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR BROUGH**

**THAT the minutes of the Ordinary Council Meeting held on 23 August 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 11-0**

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

**CCS467: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2022**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

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

**RECOMMENDATION**

**CCS467: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**  
**MOVED: COUNCILLOR BROUGH**  
**SECONDED: COUNCILLOR BENSON-LIDHOLM**  
**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2022 totalling \$5,536,160.80 be RECEIVED.**  
**CARRIED 11-0**

CCS467: COMMITTEE RECOMMENDATION  
 MOVED: COUNCILLOR THOMSON  
 SECONDED: COUNCILLOR CRUSE  
 THAT the Authorising Officer Recommendation be ADOPTED.  
**CARRIED 10-0**

CCS467: AUTHORISING OFFICER RECOMMENDATION  
 THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2022 totalling \$5,536,160.80 be RECEIVED.

**DISCUSSION**

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

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$13,136.35
Payroll	\$1,690,120.43
Cheques	\$1,077.00
Electronic Funds Transfer	\$3,831,827.02
<b>TOTAL</b>	<b>\$5,536,160.80</b>

4. The table below summaries the total outstanding creditors as at 15 August 2022.

Current	\$276,661.08
30 Days	\$14,628.33
60 Days	\$1,765.07
90 Days	-\$3,171.30
<b>TOTAL</b>	<b><u>\$289,883.18</u></b>
<b>Cancelled Cheques</b>	<b>Nil</b>

**STATUTORY IMPLICATIONS**

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. 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**

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

10. Nil

**ENVIRONMENTAL CONSIDERATIONS**

11. Nil

**ALTERNATE OPTIONS**

12. Nil

**CONCLUSION**

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

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

**CCS468: DELEGATED AUTHORITY REPORTS – 16 JULY 2022 to 15 AUGUST 2022**

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

**STRATEGIC IMPLICATIONS**

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

**RECOMMENDATION**

**CCS468: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR BROUGH**

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

**CARRIED 11-0**

CCS468: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

**CARRIED 10-0**

CCS468: AUTHORISING OFFICER RECOMMENDATION

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

**BACKGROUND**

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
  - **Delegation: 006** – Sign Documents on Behalf of the City of Albany (Authority to Executive 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)

**CCS469: REVIEW OF COUNCIL POLICY POSITION-BUY LOCAL POLICY**

**Business Entity Name** : City of Albany  
**Attachments** : Revised Buy Local Policy  
**Report Prepared By** : Manager Finance (S van Nierop)  
**Authorising Officer:** : Acting Executive Director Corporate & Commercial Services  
(L Harding)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillars:** Leadership, Prosperity
  - **Outcomes:** Strong workplace culture and performance; and Shared responsibility for climate action

**In Brief:**

- Council is requested to consider the proposed minor amendments to the Buy Local Policy.

**RECOMMENDATION**

**CCS469: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR STOCKS**

**THAT the reviewed Buy Local Policy position be ADOPTED.**

**CARRIED 10-1**

**Record of Vote**

Against the Motion: Councillor Brough

**CCS469: AMENDMENT BY COUNCILLOR THOMSON**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR BROUGH**

**THAT** Point 4a of the draft Buy Local Policy be **AMENDED** to read:

Goods or services up to a maximum price reduction of \$50,000: 10% to businesses located within those municipal areas of Denmark, Plantagenet, Jerramungup and Gnowangerup (that together with Albany comprise the Prescribed Area) whose shires reciprocate Albany's recognition of their municipal areas as 'local' in their buy local (price preference) policies.

**MOTION LOST 5-6**

**Record of Vote**

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

**Councillor Reason:**

The purpose of this amendment is to ensure that Albany's commercial and industrial suppliers are not disadvantaged when competing for work against suppliers based in those adjoining municipalities that from time to time may not reciprocate Albany's recognition of them as 'local' in their buy local (price preference) policies.

Desktop research has established that of the four municipalities whose areas adjoin Albany within the Prescribed Area of this policy, only the Shire of Denmark reciprocates Albany's recognition of its municipal area as 'local' for the purposes of procurement.

I strongly support a sub-regional approach to economic development, as my Council-elected role on the executive committee of the South Coast Alliance would attest. Hence, I firmly believe the City should, as it currently does, have a Buy Local Policy that recognises all adjoining municipalities as 'local'. To that end, I also support the administration's proposed updates to the policy.

However, my support does not extend to bestowing an unfair advantage upon suppliers from outside Albany to the detriment of Albany-based businesses.

On September 16, I asked the City administration for details of how many contracts had been let outside Albany in the past two years since I first raised this issue with elected members. I trust this information will be available in time for the September OCM.

Regardless of the results of my inquiry, it would be very unfortunate if just one Albany-based supplier were to lose a contract to a non-Albany supplier afforded preferential treatment and located in a municipality that does not reciprocate our recognition of them as 'local'.

This may have already occurred. If not, it may well occur in future.

My suggested amendment, if passed, will ensure that no Albany business is ever put in this invidious position.

I applaud the intent of Albany's Buy Local Policy, and the Shire of Denmark for reciprocating Albany's recognition of Denmark suppliers. In the interests of advancing a consistent sub-regional approach, I encourage Plantagenet, Jerramungup and Gnowangerup to consider doing the same.

The proposed amendment will not affect Albany's recognition of adjoining municipal areas as 'local'. It will merely limit the 10 per cent price preference to suppliers located within the areas of adjoining municipalities that reciprocate Albany's recognition of them as 'local'.

In doing so, the proposed amendment promotes, rather than detracts from, a sub-regional approach.

I respectfully request that elected members support the amendment, which is aimed at restoring equality of opportunity for Albany's business community, and encouraging a consistent and fair approach to advancing commerce and industry across the Lower Great Southern.

**Officer Comment:**

From an operational perspective, Officers have no concerns with the proposed amendment if supported by Council, noting the additional requirement to monitor the status of the buy local policies of the local governments outlined in the Prescribed Area for the inclusion of Albany as a local area.

CCS469: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH  
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-1

**Record of Vote**

Against the Motion: Councillor Brough



CCS469: AMENDMENT BY COUNCILLOR THOMSON

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR BROUGH

THAT the Buy Local Policy point 4a be AMENDED to read as:

*Goods or Services up to a maximum price reduction of \$50,000: 10% to businesses located within the municipal areas of Albany and Denmark, Plantagenet, Jerramungup and Gnowangerup provided those shires recognise Albany as “local” in their Buy Local (Price Preference) Policies (Prescribed Area).*

LOST 3-7

**Record of Vote**

Against the Motion: Councillors Cruse, Stocks, Benson-Lidholm, Baesjou, Terry, Smith and Mayor Wellington

CCS469: AUTHORISING OFFICER RECOMMENDATION

THAT the reviewed Buy Local Policy position be ADOPTED.

**BACKGROUND**

2. The attached Buy Local Policy was reviewed by the Acting Executive Director Corporate & Commercial Services and the Executive Management Team.
3. Two minor amendments aligned with the underlying intention and principles within the policy have been proposed.

**DISCUSSION**

4. The intent of the Buy Local Policy and how it relates to legislation, current Council policy positions and the Community Strategic Plan 2032 remains relevant.
5. Attached to this report is a copy of the policy with the proposed amendments to the approved policy position highlighted.
6. In summary, the proposed amendments are as follows:

Policy Title:	Officer Comment:
Buy Local Policy	(a) Addition of wording: <i>Although the buy local policy applies for purchases of \$30,000 or greater, the principles of this policy can apply to all purchases across the City of Albany and should be applied wherever possible.</i> (b) The policy review period changed from annually to every two years.

7. The purpose of the proposed amendment (a) shown above is to reinforce the importance of adherence to ‘Buy Local’ principles for purchases made by City of Albany employees.
8. Amendment (b) is proposed given the likelihood of a change in policy position is considered to be low and the two year review period aligns with other City policies of a similar nature.

**GOVERNMENT & PUBLIC CONSULTATION**

9. No government or public consultation was required in preparing this report.

**STATUTORY IMPLICATIONS**

10. Part 4A of the Local Government (Functions and General) Regulations 1996 outlines the requirements for Local Governments in relation to Regional Price Preference. The proposed amendments will not impact the City’s compliance with this legislation.

**POLICY IMPLICATIONS**

11. As per the content of the proposed policy.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Legal &amp; Compliance. Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>

**FINANCIAL IMPLICATIONS**

13. Nil.

**LEGAL IMPLICATIONS**

14. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

15. Nil.

**ALTERNATE OPTIONS**

16. Council may support the review and re-adoption of this policy or not.

17. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

**CONCLUSION**

18. It is recommended that the Authorising Officer’s Recommendation is adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	<ul style="list-style-type: none"> <li>• <i>CM.STD.7 (All Wards)</i></li> </ul>
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• <i>OCM 23/05/2017 Resolution CCCS028.</i></li> </ul>

**CCS470: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 31 JULY 2022**

<b>Proponent</b>	:	City of Albany
<b>Attachments</b>	:	Budget Review for the period ending 31 July 2022
<b>Report Prepared by</b>	:	Business Analyst/Management Accountant (D Harrison)
<b>Authorising Officer</b>	:	Acting Executive Director Corporate & Commercial Services (L Harding)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
- This review is for the period ending 31 July 2022, and is outside the requirements of regulation 33A of the Local Government (Financial Management) Regulations 1996. A further budget review is required to satisfy this regulatory obligation.
- This budget review achieves a balanced budget inclusive of the proposed Budget Review allocations.

**RECOMMENDATION**

**CCS470: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR BROUGH**

**THAT the Budget Review for the period ending 31 July 2022 be ADOPTED.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CCS470: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR BROUGH**

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

**CARRIED 10-0**

**CCS470: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Budget Review for the period ending 31 July 2022 be ADOPTED.**

## BACKGROUND

2. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
3. Local Governments are required to conduct a budget review between 1 January and 31 March each financial year in accordance with regulation 33A of the *Local Government (Financial Management) Regulations 1996*. A further budget review will be required to satisfy this regulatory obligation.

## DISCUSSION

4. Council adopted the 2022/2023 Budget on 26 July 2022. The total adopted budget of \$134.5M comprised of:
  - a. \$56.2M capital works;
  - b. \$ 1.8M debt reduction; and
  - c. \$76.5M in operating expenditure.
5. This Budget Review identifies a net reduction of \$1,265,948 for carry forward works funding required to complete existing 2021/22 projects adopted within the 2022/23 Budget.
6. This Budget Review also identifies additional expenditure of \$553,259 for general works, variations and new projects.
7. The funding of \$553,259 (inclusive of reduction in expenditures, adjustment of grant funding, additional revenue and reserve funding) has been identified in this review to maintain a balanced position for the 2022/2023 financial year.
8. A copy of the Budget Review for the period ending 31 July 2022 is attached.
9. City of Albany Executives, Managers and Officers will continue to monitor their expenditure in line with budgets and bring to Council any material items that require amendment.
10. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

## GOVERNMENT & PUBLIC CONSULTATION

11. Department of Local Government guidelines were followed in the preparation of this report.
12. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

## STATUTORY IMPLICATIONS

13. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - a. is incurred in a financial year before the adoption of the annual budget by the local government
  - b. is authorised in advance by a resolution (absolute majority required) or;
  - c. is authorised in advance by the mayor in an emergency.
14. If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed.
15. The voting requirement of Council is **Absolute Majority**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

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

**FINANCIAL IMPLICATIONS**

18. Please refer to the attachment: Budget Review for the period ending 31 July 2022.

**LEGAL IMPLICATIONS**

19. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

20. Nil.

**ALTERNATE OPTIONS**

21. For the period ending 31 July 2022, Council may consider to:

- a. Adopt the Budget Review as recommended; or
- b. Adopt the Budget Review with amendments (as specified by Council)

**SUMMARY CONCLUSION**

22. It is recommended that the Authorising Officer’s Recommendation is adopted.

<b>Consulted References</b>		<ul style="list-style-type: none"> <li>• Adopted Budget 2022/2023</li> <li>• Local Government Act 1995</li> </ul>
<b>File Number (Name of Ward)</b>	:	FM.BUG.12
<b>Previous Reference</b>	:	Adopted Budget 2022/2023 – OCM 26/7/2022 Resolution CCS457

**CCS471: COMMUNITY SPORTING AND RECREATION FACILITIES FUND  
2023/2024 ANNUAL AND FORWARD PLANNING GRANT ROUND  
APPLICATIONS**

- Proponent / Owner** : City of Albany  
**Attachments** :
  - Albany Community Tennis Centre (City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs) Correspondence and Project Assessment Sheet
  - Community Sports and Recreation Facilities Small Grant Funding Policy**Report Prepared By** : Manager Recreation Services (M Green)  
**Authorising Officers:** : Executive Director Community Services (N Watson)

Chief Executive Officer Mr Andrew Sharpe and Executive Director Community Services Mr Nathan Watson declared an Impartiality Interest in this item. Mr Sharpe and Mr Watson remained in the Chamber and were present during the discussion and vote for this item.

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Annual and Forward Planning Grant funding round.
- To note Council's previously approved funding assistance to the Albany Community Tennis Centre (City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs) upon return of successful CSRFF Annual grant application.

**RECOMMENDATION**

**CCS471: RESOLUTION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RANK the one CSRFF application in the following order for the CSRFF Annual and Forward Planning grant application 2023/24 Funding Round:**

1. **City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs – Albany Community Tennis Centre (Ranked 1 of 1).**

**CARRIED 11-0**

**CCS471: RESOLUTION 2 (AMENDMENT BY COUNCILLOR TERRY)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR STOCKS**

**THAT Council NOTE a total of \$642,000.00 (Ex GST) is allocated within the 2022/23 Budget as Council's previously approved financial commitment towards the CSRFF Annual and Forward Planning grant applications as follows:**

- 1. City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs:**
  - \$542,000.00 Cash contribution**
  - \$100,000.00 In-kind contribution**
- 2. That the contribution from Council for this project is limited to the funds already committed in the 2022/23 Budget.**

**CARRIED 11-0**

**CCS471: AMENDMENT BY COUNCILLOR TERRY  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR STOCKS**

**THAT Committee Recommendation 2 be AMENDED to include Point 2:**

- 2. That the contribution from Council for this project is limited to the funds already committed in the 2022/23 Budget.**

**CARRIED 11-0**

Councillor Terry then proposed an Amendment to Committee Recommendation 2.

**Councillor Reason:**

Due to the re-scope of this project from a 10 court Community Tennis Facility using a Gelcoat surface plus floodlighting, to a smaller 6 court Community Tennis Facility using a Plexi-Pave surface and without Floodlighting, Council's financial commitment to this project should be limited to what has already been committed. If there is a shortfall in funds due to further cost escalation then this should be funded by the Lower Great Southern Tennis Association/Albany Tennis Club.

The Lower Great Southern Tennis Association/Albany Tennis Club should also note that should Stage 2 of the Community Tennis Facility be undertaken at a future point in time, i.e additional 4 courts plus floodlighting, then any additional request for funds from Council will need to be considered at that point in time and there is no guarantee that further funds would be committed to this project.

**Officer Comment:**

Officers are supportive of the proposed amendment to Committee Recommendation 2.

CCS471: COMMITTEE RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR BROUGH

THAT Council NOTE a total of \$642,000.00 (Ex GST) is allocated within the 2022/23 Budget as Council's previously approved financial commitment towards the CSRFF Annual and Forward Planning grant applications as follows:

1. City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs:
  - \$542,000.00 Cash contribution
  - \$100,000.00 In-kind contribution

CCS471: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS471: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS471: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council RANK the one CSRFF application in the following order for the CSRFF Annual and Forward Planning grant application 2023/24 Funding Round:

1. City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs – Albany Community Tennis Centre (Ranked 1 of 1)

CCS471: AUTHORISING OFFICER RECOMMENDATION 2

That Council NOTE a total of \$642,000.00 (Ex GST) is allocated within the 2022/23 Budget as Council's previously approved financial commitment towards the CSRFF Annual and Forward Planning grant applications as follows:

1. City of Albany, Lower Great Southern Tennis Association, Merrifield and Lawley Park Tennis Clubs
  - \$542,000.00 Cash contribution
  - \$100,000.00 In-kind contribution



## BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funds including:
  - a. Small Grant Funding Round (Summer).
  - b. Annual and Forward Planning Funding Round.
  - c. Small Grant Funding Round (Winter).
3. The CSRFF program is a State-wide \$12 million program. All three rounds are often oversubscribed and clubs may need to reapply on a number of occasions to be successful.
4. The CSRFF Annual and Forward Planning Grants Round targets community sport projects where the financial value of the total project is over \$300,000 and can be claimed up to three financial years following the date of approval. Under CSRFF guidelines it is not a requirement for the applicant to have secured funding at time of approval. The applicant has 3 years to secure funding and complete the project.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the *Associations Incorporation Act 1987* (WA).
6. Clubs and local government authorities applying for funds must demonstrate equitable access to the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
  - a. Crown reserve.
  - b. Land owned by a public authority.
  - c. Municipal property.
  - d. Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
8. Whilst there is no obligation for Local Government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.
9. The City of Albany has a Community Sports & Recreation Facilities Small Grant Funding Policy to guide how it will allocate funding through its annual Capital Seed Fund towards community sporting projects applying for CSRFF funding.
10. In the instance of the application received for consideration in this report, the scale of the project and contribution requested from Council is beyond the capacity of the Capital Seed Fund and Council has previously approved funding allocations towards these projects from within its annual Budget.
11. The DLGSCI – Sport and Recreation application form requires applications to be initially submitted to the Local Government within which the project proposal is located.
12. The CSRFF funding application process requires Local Government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSCI on behalf of the applicants prior to September 30, 2022.
13. Once the assessment process from Local Government Authorities is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSCI – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## DISCUSSION

14. The DLGSCI grant guidelines require Council to provide a ranking for the projects.
15. The DLGSCI – Sport and Recreation provides guidelines for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
  - Project justification.
  - Planned approach.
  - Community input.
  - Management planning.
  - Access and opportunity.
  - Design.
  - Financial viability.
  - Coordination.
  - Potential to increase physical activity.
  - Sustainability.
16. With overall project rating, being:
  - Well planned and needed by municipality.
  - Well planned and needed by applicant.
  - Needed by municipality, more planning required.
  - Needed by applicant, more planning required.
  - Idea has merit, more planning work needed.
  - Not recommended.
17. The type of projects which will be considered for funding through the CSRFF program include:
  - New playing surfaces - ovals, courts, synthetic surfaces etc.
  - Floodlighting projects (must be to Australian Standards).
  - Change rooms and ablutions.
  - Sports storage.
18. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
19. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
20. The City of Albany has received one (1) Annual and Forward Planning grant applications this round. As there has only been one grant application received this round an independent peer review has not been required to assess the ranking process and subsequent ranking of projects.
21. The following additional information is provided about the project and funding application:  
**Project: Albany Community Tennis Centre** – City of Albany with Merrifield and Lawley Park Tennis Clubs, and the Lower Great Southern Tennis Association (LGSTA).
22. The funding application is a Forward Planning grant application to construct the Albany Community Tennis Centre at the Centennial Park Sporting Precinct – Eastern Precinct (CPSP-EP). Crown Reserve managed by the City of Albany.
23. The facility proposal includes the development of 6 Plexi-Pave courts including utilising the Book a Court online court booking and payment platform.
24. The 6-court development provides the capacity to accommodate mobile hot-shot courts: essential for junior participation and growth in tennis as a sport in the region.

25. Merrifield and Lawley Park Tennis Clubs have confirmed in principle with the LGSTA to support the relocation and amalgamation of their clubs with a signed MOU already in place.
26. Clubs affiliated with LGSTA have a combined membership of 470 (53% male and 47% female). There are 185 club members between Lawley Park and Merrifield, and 297 members in Albany with a member to court ratio of 14:1. Junior coaching is provided to 250 children in Albany.
27. The Lawley Park Tennis Club is located on crown reserve and the club hold a lease agreement with the City of Albany. The facility on this land is heritage listed. The Merrifield Tennis Club is on private property that is owned by the Uniting Church. Both facilities are in poor condition and are at the end of their life.
28. The project is well planned (Business Case and Feasibility Study) and needed by the region.
29. A Regional Tennis Centre Feasibility Study was completed in 2019 by Dave Lanfear Consulting and when presented to Council in March 2020, City officers were requested to support the tennis community to re-work the project scope, review the sites and explore possible co-location partners.
30. The reworked project scope was presented to Council in September 2020. The re-worked scope was endorsed in line with the guidelines for a Large Community Tennis Centre with provision of up to 16 courts.
31. At the September 2020 meeting, Council also endorsed the Centennial Park Sporting Precinct – Eastern Precinct (CPEP) as the site for the Albany Community Tennis Centre. A co-located amalgamation was supported as the most viable option.
32. The overarching purpose of the project is to develop a 16-court tennis centre in the Eastern Precinct of the Centennial Park Sporting Complex, Albany, as a two-stage project (Albany Community Tennis Centre).
33. In order to address priority court surface concerns, a refined project consisting of 10 courts as a like-for-like replacement of existing end-of-life and degraded infrastructure at current Merrifield Park Tennis Club and Lawley Park Tennis Club sites was supported by council to extend the capacity of tennis and increase participation in the region.
34. The Tennis project has submitted two (2) unsuccessful CSRFF applications to date. Both of these applications have been well planned and have been identified as priority projects for the region. However, feedback from the Department suggests the significant funding gap has been the barrier to the application being successful with more than a one third funding remaining unsecured.
35. The 10-court model was re-scoped to provide only the essential elements. This included removing the Gel Coat surface in favour of the less expensive Plexi-Pave option and reducing the lighting component to floodlight only 5 of the 10 courts. Unfortunately, even with the reduced scope, the project's value increased to \$3.3 million in the current market.
36. Given the rising project costs, the current funding landscape, the feedback from the Department and the rapidly deteriorating condition of courts at both Merrifield and Lawley Park, the Tennis Working Group have consulted their membership and further refined the scope of the project.
37. The proposed project will see the development of a 6-court community tennis centre in the Centennial Park Sporting Precinct – Eastern Precinct. The 'Book a Court' infrastructure will be included in the project in order to extend the capacity of tennis and increase participation in the region.
38. The 6-court development in stage 1 will also have the capacity to incorporate mobile hot shot courts, to further support junior participation and development.
39. The reduced 6-court project cost is \$1.466 million.

40. As part of the City's commitment to funding the tennis centre, both Merrifield and Lawley Park agreed to merge their clubs, forming the Albany Tennis Club. As part of this merger, and in order to build the tennis centre at the Centennial Precinct site, the clubs agreed to relinquish their leases at both locations.
41. To support their current scheduling and competitions, the Albany tennis community requires a minimum of 10 courts. With the scope of the CPEP project reduced to only 6 courts, the Albany Tennis Club proposes to continue operations from both CPEP and Lawley Park until a further 4 courts are built (making 10 courts total at CPEP).
42. A further report will be prepared for Council's consideration to renew Lawley Park Tennis Club's lease at their current site, with consideration to a number of conditions being placed on the lease approval to ensure the amalgamation of both clubs and to confirm CPEP as the venue for future development.
43. The proposed project will address the immediate needs of tennis through the centralisation of tennis activities at the CPEP. It is expected however that a future second stage would include the construction of additional courts, floodlighting and an extension to existing shared clubroom facilities at the site.
44. The project is noted in the Great Southern Regional Sport and Recreation Plan as a Key Facility Investment for the City of Albany and the region under the Facility Development Priorities 6.1.
45. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level as a high priority.

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1.	City of Albany (with the LGSTA, Merrifield and Lawley Park Tennis Clubs)	Albany Community Tennis Centre	<p>Well planned and needed by region.</p> <p>This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project was ranked as the highest priority as the current provision is lacking and need has been well established through the feasibility study.</p> <p>The project is identified as a strategic priority for the region in the GS Sport and Recreation Strategic Plan. The facility will include new playing Plexi-Pave surfaces at a new central location.</p>

#### GOVERNMENT & PUBLIC CONSULTATION

46. The City of Albany consulted with the DLGSCI - Sport and Recreation, Regional Manager for the Great Southern in July 2022. The DLGSCI was a member of the project working group that worked on the concept.
47. The City of Albany has consulted with the tennis clubs that will benefit from this Community Sporting project (July 2022).

**STATUTORY IMPLICATIONS**

- 48. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.
- 49. The Council Officers' ranking recommendations have not been independently peer reviewed as there was only one (1) application received.
- 50. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
- 51. It should be noted that the Department of Local Government, Sport and Cultural Industries – Sport and Recreation will make the final decision on funding allocation.

**POLICY IMPLICATIONS**

- 52. Whilst this is the annual and forward grant round, the Community Sports and Recreation Facilities Small Grant Funding Policy principles have been applied in the assessment and recommendations.
- 53. The Great Southern Regional Sport and Recreation Plan (2018) has been applied in the ranking and assessment of these projects. The Regional Tennis Centre is identified in the plan as the priority project for Albany and key project for the region.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Community Property</b> Failure to secure required funding may result in Clubs using amenities that are unsafe or unsuitable	Possible	Moderate	Medium	Council may choose to support the funding application, or work with City officers and the Clubs to source alternate funding streams.
<b>People Health &amp; Safety</b> Failure to secure required funding may result in the Clubs using amenities that are unsafe or unsuitable	Possible	Moderate	Medium	Council may choose to support the funding application, or work with City officers and the Clubs to source other funding streams.
<b>Reputation &amp; Financial</b> The projects cannot proceed because the CSRFF funding applications are not successful.	Possible	Moderate	Medium	Council's approved funding contributions towards the projects can continue to be leveraged until June 2023 to allow additional funding opportunities to be sourced.

**FINANCIAL IMPLICATIONS**

- 55. The total projected costs estimate for the proposed project is \$1,466,000.00.
- 56. The requested total from the 2022/23 Budget is \$542,000 (plus \$100,000 in-kind).
- 57. In addition to the financial contribution, the City of Albany will act as the lead agency for the project development and provide project management support as its In-kind Contribution.

58. The following table provides the project budget detail and requests for financial support from the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Tennis Australia Grant (ex GST)	Election Commitment (ex GST)	City of Albany (Cash + In-kind)
City of Albany – Merrifield, Lawley Park Tennis Club and Lower Great Southern Tennis Assoc.	\$1,466,000.00	\$62,333.00	\$488,667.00	\$73,000.00	\$200,000.00	\$ 642,000.00  (\$542,000 cash)  (\$100,000 in-kind)
<b>TOTAL</b>	<b>\$1,466,000.00</b>	<b>\$ 62,333.00</b>	<b>\$488,667.00</b>	<b>\$73,000.00</b>	<b>\$200,000.00</b>	<b>\$642,000.00</b>

59. If the application is unsuccessful, the applicants can reapply in the next round.

#### LEGAL IMPLICATIONS

60. There are no direct legal implications related to this report.

#### ENVIRONMENTAL CONSIDERATIONS

61. There are no environmental impacts associated with the project.

#### ALTERNATE OPTIONS

62. Council may choose to provide more or less funding assistance to the submitted projects.  
63. Council may choose to change the project ranking based on its strategic priorities.

#### CONCLUSION

64. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.  
65. Both projects meet the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. Council is required to endorse the officers ranking.  
66. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.  
67. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 30<sup>th</sup> September 2022.

<b>Consulted References</b>	:	Community Sports & Recreation Facilities Small Grant Funding Policy
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 28 September 2021 – Resolution CCS381 OCM 29 March 2022 – Resolution CCS423

**CCS472: REGIONAL EVENTS SPONSORSHIP ROUND 2 – 2022/2023**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Manager Community Relations (L Paterson)  
**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 happy, healthy and resilient community

**In Brief:**

- Review and endorse the proposed Regional Event Sponsorship Assessment Panel recommendations.

**COVID-19 IMPACT**

- COVID-19 impact detailed in the discussion section of the report.

**RECOMMENDATION**

**CCS472: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR BROUGH**

**THAT the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 23 – Table 1 of this report be ENDORSED.**

**CARRIED 11-0**

CCS472: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

**CARRIED 10-0**

CCS472: AUTHORISING OFFICER RECOMMENDATION

THAT the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 23 – Table 1 of this report be ENDORSED.

**BACKGROUND**

2. The City of Albany's Regional Events Sponsorship (RES) program is designed to attract and support the staging of events that are regional economic drivers for Albany as a destination.
3. A Regional Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$80,000 in its 2022-2023 budget for RES. This was equivalent to the amount allocated in 2021-2022 and reflects Council's continued commitment to have budget capacity to support community and regional events in a recovering economy.
5. COVID-19 is still having an impact on the events industry with low confidence in the industry.
6. This is reflected in the low number of applications received in the past three rounds of RES.

## DISCUSSION

### Program Overview

7. Applications for RES funded activity for events being held between 1 January 2023 to 30 June 2023 opened for applications on 17 June 2022 and closed on 18 July 2022.
8. The City received four applications for events in the January to June 2023 round.
9. The RES program 2022 objectives include:
  - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact);
  - b. Involve and inspire the local community (social benefits);
  - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact);
  - d. Demonstrate continuity and potential to engage the community in the future (sustainability).
10. The program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
11. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

### COVID-19 Impact

12. The pandemic has had a profound impact on the events sector as the Western Australian and Australian governments introduced measures to limit public gatherings, causing events locally and elsewhere to be cancelled.
13. This has been seen throughout Western Australia and particularly in the Great Southern with many events cancelled over the Christmas/New Year period and the March 2022 long weekend.
14. The uncertainty caused by COVID-19 and the ongoing impact on event organiser's ability to secure staff for planned events has influenced the low number of RES applications received by the City in recent rounds.

### Assessment

15. Applicants were encouraged to shape their proposed activities to the funding and event sponsorship criteria, and officers gave guidance to applicants who did not meet the eligibility criteria.
16. An assessment panel comprising Mayor Dennis Wellington, Councillor Paul Terry, Councillor John Shanhun and Councillor Amanda Cruse received an overview of applications and guidance from City officers.
17. The application assessment process included a pitch from the applicants. All applicants presented their events to the assessment panel on August 16, and applications were evaluated by City officers using an event assessment tool developed to measure the economic value, visitor numbers and financial sustainability of each application.
18. One applicant withdrew their application during the presentation process, citing the uncertain availability of their proposed event site.
19. Following a discussion with the Committee, Targa West has agreed to postpone the 2023 Albany Targa Event due to the construction of the Middleton Beach Hotel Development, and the associated difficulties in safely staging the event alongside a major active construction site.



20. The Assessment Panel supported the remaining three applications and made its funding recommendations based on the funding criteria, information supplied and applicant presentations.
21. The three applications were deemed eligible for RES funding with sponsorship requests totalling \$50,000 with \$67,500 available for allocation.
22. The panel recommended supporting all three (3) of the applications.

Panel Recommendations

23. A summary of applications recommended for funding is outlined in Table 1.

**Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations**

	Applicant / Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
1.	<b>Albany Speedway Club:</b> <i>National Titles for Modified Sedans, Late Model Easter Grand Prix, and Super Sedans</i>	<b>Sporting Event</b> Motorsport	Showcases Albany as a premier motorsport destination nationally. National Titles attract participation and attention from across Australia. Peak period event at Easter 2023.	\$20,000	\$20,000
2.	<b>Targa West:</b> <i>Targa Albany Sprints Weekend</i>	<b>Sporting Event</b> Motorsport	Application withdrawn at interview following discussion of site access and safety complications due to construction of Middleton Beach Hotel.	\$20,000	Nil
3.	<b>Taste Great Southern:</b> <i>Food and Wine Festival</i>	<b>Tourism Event</b> Proposed series of food and wine events across the Great Southern region.	The event has struggled to attract participating businesses and attendees to events. While the event has great potential, organisers have not demonstrated a commitment to respond to market demands or evolve the program to attract wider participation and attendance.	\$20,000	\$10,000
4.	<b>Breaksea Incorporated:</b> <i>2023 Regional Youth and Families Program &amp; Event Showcase: The Magical Weedy Sea Dragon</i>	<b>Cultural Event</b> Youth mentorship and skill development theatre program that culminates in series of performances as part of Maritime Festival 2023	A three-month program staged across Albany and the wider Great Southern that will have 1350 participants. Program will culminate in flagship arts event to be staged during Maritime Festival 2023.	\$20,000	\$20,000
<b>Totals</b>				<b>\$80,000</b>	<b>\$50,000</b>

24. The table of panel recommendations is for cash support only.

**GOVERNMENT & PUBLIC CONSULTATION**

25. Not applicable.

**STATUTORY IMPLICATIONS**

26. Nil.

**POLICY IMPLICATIONS**

- 27. The Regional Events Sponsorship program aligns with the City of Albany Sponsorship Policy & Guidelines.
- 28. Approval of RES funding recommendations is required by Council.
- 29. Funded applications are required to enter into a Funding Contract with the City.
- 30. Funded applicants are required to submit an Event Approval Application to the City no later than 3 months prior to their event, where applicable.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> Funding recommendations not endorsed may result in negative feedback from the community and/or applicants.	Unlikely	Minor	Low	A rigorous application and assessment process has been applied to ensure Council has confidence in assessment panel funding recommendations.
<b>Reputation:</b> Negative feedback from applicants declined for funding.	Possible	Minor	Medium	Communicate the justification and reasoning to unsuccessful applicants.
<b>Financial:</b> Further COVID restrictions could lead to events not occurring once funds have been distributed to successful applicants.	Possible	Major	High	Funding Agreements include a Force Majeure and appropriate COVID clauses, and milestone payment schedule that provide security to the City’s interests.
<b>Community:</b> Community safety is put at risk by not following appropriate health directions.	Possible	Major	High	Adherence to State or Federally mandated pandemic advice is part of the Event Approval Application to be submitted to the City. Officers will communicate with event organisers about mandated COVID-19 risk mitigation and strategies.

**FINANCIAL IMPLICATIONS**

- 32. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Relations business unit, within existing allocated budgets.
- 33. Council has allocated \$80,000.00 for RES in 2022-2023, with \$67,500 being the balance available for the current round, inclusive of Taste Great Southern Budget Allocation and a balance of \$7,500 from the 2021-2022 RES allocation.

**LEGAL IMPLICATIONS**

- 34. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

- 35. Nil.

**ALTERNATE OPTIONS**

- 36. Council may make alternative recommendations for funding including substitute dollar amounts for recommended applicants. This is not recommended given the rigorous assessment process undertaken which has carefully considered each application on its merits.

**CONCLUSION**

37. The process for RES Application Assessment is considered transparent and equitable.
38. It is recommended that the Responsible Officer’s recommendation be endorsed.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• City of Albany Sponsorship Policy &amp; Guidelines</li><li>• City of Albany Regional Events Sponsorship Guidelines</li></ul>
<b>File Number (Name of Ward)</b>	:	CR.SPO.44 (All Wards)
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>• Regional Event Sponsorship Assessment Panel Recommendations – CCS430 (OCM: 26/04/2022)</li></ul>

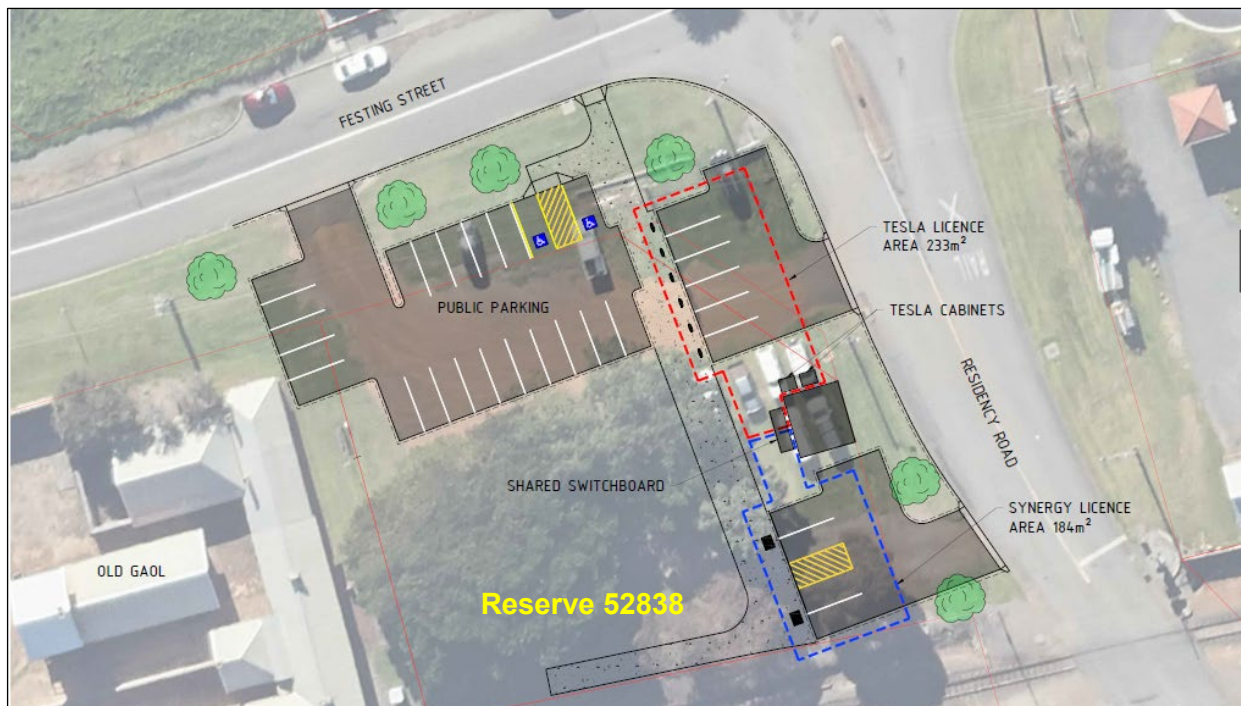
**CCS473: PROPOSED NEW LICENCE – ELECTRICITY GENERATION AND RETAIL CORPORATION (SYNERGY) – ELECTRIC VEHICLE CHARGING STATIONS – OLD GAOL CAR PARK – RESERVE 52838**

<b>Land Description</b>	: Crown Reserve 52838 – Lot 875 on Deposited Plan 157632 the subject of Certificate of Title LR3121 Folio 611
<b>Proponent</b>	: Electricity Generation and Retail Corporation (trading as Synergy) (ABN 58 673 830 106)
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property & Leasing (T Catherall)
<b>Authorising Officer</b>	: Acting Executive Director Corporate & Commercial Services (L Harding)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Planet.
  - **Outcome:** Shared responsibility for climate action.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new licence with Electricity Generation and Retail Corporation (Synergy) to establish a public Electric Vehicle (EV) charging facility on a portion of Crown Reserve 52838 Residency Road, Albany.
- Synergy is proposing to supply and install two public EV fast charging stations in Albany as part of the State Governments EV Strategy to provide an 'EV Highway Network' of fast chargers across the state.
- The area adjacent the Old Gaol is the preferred location. The City has designated the site for car parking with construction works approved in the 2022/23 budget.
- The Department of Planning, Lands and Heritage (DPLH) has recently finalised land actions to facilitate the establishment of the EV charging stations on the reserve.
- The licence will allow Synergy to supply and install two fast charging stations (which it will be responsible for operating and maintaining) within the parking area once the City has completed car park works.
- The licence does not prevent Tesla or some other third party entering into similar EV charging arrangements with the City on land adjacent to Synergy's licensed area.
- The introduction of EV fast charging facilities ensures the City is ready for the future of transport and supports the City's Community Strategic Plan 2032 objectives.
- It is recommended that the new licence be approved.

**RECOMMENDATION**

**CCS473: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR TERRY**

**THAT Council APPROVE a new licence to Electricity Generation and Retail Corporation (Synergy) on a portion of Crown Reserve 52838, subject to:**

- a) Licence purpose being 'Installation and use for electric vehicle charging station'.**
- b) Licence area being five parking bays and EV charging infrastructure, an area of approximately 184m<sup>2</sup> subject to survey.**
- c) Licence term being 5 years with three 5-year option terms (20 years).**
- d) Licence rent being \$5 per annum payable on demand.**
- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.**
- f) All cost associated with the installation, maintenance and ongoing operations of the electric vehicle charging stations being payable by Synergy.**
- g) Licence being consistent with City Policy-Property Management (Leases and Licences).**

**CARRIED 11-0**

**CCS473: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 10-0**

CCS473: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a new licence to Electricity Generation and Retail Corporation (Synergy) on a portion of Crown Reserve 52838, subject to:

- a) Licence purpose being 'Installation and use for electric vehicle charging station'.
- b) Licence area being five parking bays and EV charging infrastructure, an area of approximately 184m<sup>2</sup> subject to survey.
- c) Licence term being 5 years with three 5-year option terms (20 years).
- d) Licence rent being \$5 per annum payable on demand.
- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.
- f) All cost associated with the installation, maintenance and ongoing operations of the electric vehicle charging stations being payable by Synergy.
- g) Licence being consistent with City Policy-Property Management (Leases and Licences).

**BACKGROUND**

Land tenure

2. DPLH have recently finalised land actions to create Crown Reserve 52838.
3. The 'C' class reserve, an area of approximately 1743m<sup>2</sup>, is located on the corner of Festing Street and Residency Road, Albany.
4. The reserve is under Management Order issued to the City for the purpose of 'Parking and Drainage' with power to lease and licence for a term not exceeding 21 years subject to the prior approval of the Minister for Lands.
5. The above land actions have allowed the City to progress public parking facilities and the licence with Synergy for public EV fast charging stations.

State Government EV Strategy

6. The WA State Government has developed an Electric Vehicle (EV) Strategy to prepare for the transition to low and zero-emission electric vehicles and maximise the benefits to WA.
7. In August 2021, the State Government announced the creation of Australia's longest EV fast charging network by installing charging stations at 49 locations across the state.
8. The 'EV Highway Network' public infrastructure initiative is funded by the WA State Government and delivered jointly by Synergy and Horizon Power.
9. Installation of the EV charging infrastructure will be progressively rolled out commencing in 2022 with the network operational by 2024.
10. Energy providers Synergy and Horizon Power have identified the intended location of the stations.
11. In September 2021, Synergy approached the City with a proposal to supply and install two public EV fast charging stations in a location in Albany. Each station will have the ability to charge two cars at once. Both units will be a DC fast charger of 150kW.
12. The City indicated the preferred location being the Old Gaol car park, on a portion of Reserve 52838 on the corner of Festing Street and Residency Road. The site is currently used for informal parking.

13. The reserve has been designated by the City for car parking under the current Long Term Financial Plan, with construction works budgeted in the current financial year.
14. The City will design and construct the car park prior to the proposed installation of the EV charging stations by Synergy. All costs associated with the maintenance and operation of the car park will be the responsibility of the City.
15. Synergy will be responsible for upgrading the existing transformer at their own cost.

## **DISCUSSION**

16. There are currently 11 EV charging points throughout the City. Currently accommodation providers operate most of the charging points for their guests. The charging points at McDonalds Orana, The Sandalwood Factory and the Tesla destination charger in the City's Library car park are available to the public.
17. The City acknowledges the importance of the future of EV charging infrastructure and will be developing an Albany EV network plan to guide future installations.

## Synergy Licence

18. City officers have been in discussion with Synergy to agree licence terms (which will be subject to prior approval being obtained from the Council and Minister for Lands). It is noted the licence agreement is a Synergy document with standard terms.
19. As it is a Western Australia State Government initiative, Synergy had to stay consistent with the licence agreement template to fit the twenty two (22) Local Governments concerned and as such was limited to negotiating the terms other than some bespoke land tenure provisions.
20. The proposed licence will allow Synergy to supply and install, and operate and maintain (excluding concrete pad and line marking) the EV charging infrastructure, including all utility charges, at no cost to the City. Synergy are offering Universal charging infrastructure which means all EVs in the Australian market could use them.
21. As such, and because it is a WA State Government initiative, Synergy proposes the licence fee be \$5.00 for all Local Governments payable on demand, in recognition of the capital contribution and infrastructure maintenance commitments during the term of the licence. It is Synergy's position that the licence between the parties should be entered into on a no rental fee basis.
22. Synergy on behalf of the State Government considers that the installation of EV Charging Stations in Albany will of itself provide substantial benefits to the City, including increased exposure and tourism within the area, reduced greenhouse gas emissions and increased economic opportunities for local communities.
23. Synergy are seeking an initial term of 5 years with three 5-year option terms (20 years), to enable the State Government through Synergy, to achieve the EV Highway Network objectives including the stimulation of EV uptake and provide better safety outcomes to EV drivers.
24. As with any option arrangement, it is on the same terms as the existing agreement. As a consequence the licence fee will be the same for the entire agreement.
25. Synergy has requested a minimum of four parking bays be dedicated to EV charging with one universal bay that can be used for EV overflow (total 5 bays).
26. The licence does not prevent Tesla or some other third party entering into similar EV charging arrangements with the City on land adjacent to Synergy's licenced area.

27. Synergy also requires that the City is to provide members of the public wishing to use the EV charging station easy and unhindered access (Access Obligation).
28. The City is required to have appropriate arrangements in place for the control and management of the safe use of the EV Charging Station, including controls against improper or unsafe use of the EV charging station (Safety Obligation). It is understood that informational branding will be displayed on only the EV charging stations themselves, which will provide suitable guidance on the proper and safe use of the EV charging station.
29. Consultation has taken place with the Rangers team to consider the potential impact of the Access Obligation and the Safety Obligation. The Rangers Team confirm with appropriate signage and line marking they anticipate minimal compliance issues and will include this location on routine patrols.
30. Changes to the City's Parking and Parking Facilities Local Law to allow future parking enforcement are being proposed in a separate report to Council.
31. The table below summarises the key terms of the proposed licence:

Item	Details
Tenant	Electricity Generation and Retail Corporation (Synergy)
Land Description	Crown Reserve 52838 – Lot 875 on Deposited Plan 157632 – Certificate of Title LR3121 Folio 611
Licence Area	Approx. 184m <sup>2</sup>
Land Ownership	Crown (City of Albany under Management Order)
Fee	\$5 payable on demand
Permitted Use	Installation and use for EV charging station
Term	5 years with three 5-year option terms (20 years)
Utilities	Licensee responsible for all utilities
Maintenance	Synergy will be responsible for maintaining the EV Charging infrastructure
Special Condition	Indemnification clause will be included in the licence to ensure the City and Minister for Lands are not liable for any loss or damage by the licensee by any reason arising from occupation of the site

32. DPLH have confirmed in principle agreement to the above licence terms, subject to final Minister for Lands consent.
33. In April 2022, Development Application approval P2220130 was granted for car park works and installation of EV charging stations on the reserve adjacent the Old Gaol.

## GOVERNMENT & PUBLIC CONSULTATION

34. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Lands.
35. DPLH has been consulted and provided in principle consent. The Department will be further consulted and provided the final licence documentation to obtain Minister for Lands approval.
36. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease and licence of a property is considered to be a disposal.
37. Clause 30(2)(c) of the Local Government (Functions and General) Regulations 1996 defines those dispositions which are exempt from section 3.58 of the Act. This includes disposal to the State or the Commonwealth including a department, agency or instrumentality of the State of the Commonwealth.



38. On the above basis, the proposed licence is considered exempt from public notice requirements.
39. No general public consultation on the licence has occurred, as the discussions between the City and Synergy were specific to this State Government public infrastructure initiative.
40. The City’s Engineering team advise they will inform the neighbours who may be affected by the car park works. It is noted that the immediate neighbours are non-residential.
41. Community Engagement

Community Engagement	
Inform	Inform neighbours of car park works by letter drop.

### STATUTORY IMPLICATIONS

42. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings.
43. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.

### POLICY IMPLICATIONS

44. The Property Management (Leases and Licences) Policy aims to support equitable access and the consistent and effective management of City owned and managed properties in line with statutory procedures.
45. The Policy provides that rent will be at a peppercorn rent of \$10 plus GST per annum. The proposed variation to the Policy to allow a rental of \$5 payable on demand is both reflective of the nature of the tenancy and the commitment to provide public EV charging station facilities.
46. The remainder of the licence terms are consistent with the Policy.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> licence not approved.	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction.
<b>Reputation:</b> licence not approved – Electric Vehicle frustration from residents and tourists due to lack of charging facilities.	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction.
<b>Opportunity:</b> To increase EV tourism in Albany, reduce range anxiety and support regional travel by providing additional fast charging capability in the Albany town centre.				
<b>Opportunity:</b> This licence supports the City’s Strategic Community Plan 2032 objective to work towards net zero greenhouse gas emissions.				
<b>Opportunity:</b> To provide support to the State Government in preparing for the transition to low and zero emission electric vehicles.				

**FINANCIAL IMPLICATIONS**

- 48. All costs associated with the supply and installation of the electric vehicle charging stations including utility costs will be the responsibility of Synergy.
- 49. All cost associated with the design, construction, maintenance and operation of the car park will be the responsibility of the City.

Regulatory Cost Implications

- 50. The Ranger team confirm the following costs will apply to ensure compliance with parking local laws for the public EV charging stations at the Old Gaol car park.
- 51. Noting the Rangers Team advise they anticipate minimal compliance issues with appropriate signage and line marking to educate the public users of the car park.

<b>Education, Investigation, Enforcement, Transaction, Follow Up</b>	
<b>Element</b>	<b>Cost</b>
Rangers time to patrol car park	\$42 per hour
Ranger Administration staff time for infringement processing	\$38 per hour

**LEGAL IMPLICATIONS**

- 52. The licence agreement has enforceable terms and conditions to protect all parties.

**ENVIRONMENTAL CONSIDERATIONS**

- 53. The land for the proposed licence area is already cleared and currently used for informal parking.
- 54. The car parking design will be undertaken to ensure that there is no adverse impact to the existing mature trees and the heritage listed Old Gaol premises adjacent to the proposed construction works.

**ALTERNATE OPTIONS**

- 55. Council may:
  - Approve the licence agreement with Synergy; or
  - Support some elements of the licence although not in its entirety; or
  - Decline the licence request.
- 56. Should Council decline the request, Synergy will need to promptly consider and obtain approval for alternate suitable locations to provide fast charging EV charging stations to meet the State Government's Electric Vehicle (EV) Strategy initiatives and its impending overall Project delivery deadlines.
- 57. It is understood that an alternate location would likely not be feasible at this late stage. However, should an alternate location be considered it may not be in Albany. Noting the City will commit to continue to work with Synergy to find a suitable alternative location.

**CONCLUSION**

- 58. Synergy has approached the City seeking access to a suitable location to establish public EV fast charging stations to achieve the EV Highway Network objectives under the WA State Government's Electric Vehicle (EV) Strategy.
- 59. The preferred location adjacent the Old Gaol has been agreed in principle by Synergy and DPLH subject to Council and final Minister for Lands approval.
- 60. The proposed licence aligns with the City's Strategic Community Plan 2032 objective to work towards net zero greenhouse gas emissions.
- 61. It is recommended the licence agreement with Synergy for the supply and installation (operation and maintenance) of public EV fast charging stations be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Land Administration Act 1997</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• Council Policy – Property Management (Leases and Licences)</li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO468, A96861 (Frederickstown Ward)
<b>Previous Reference</b>	:	Nil

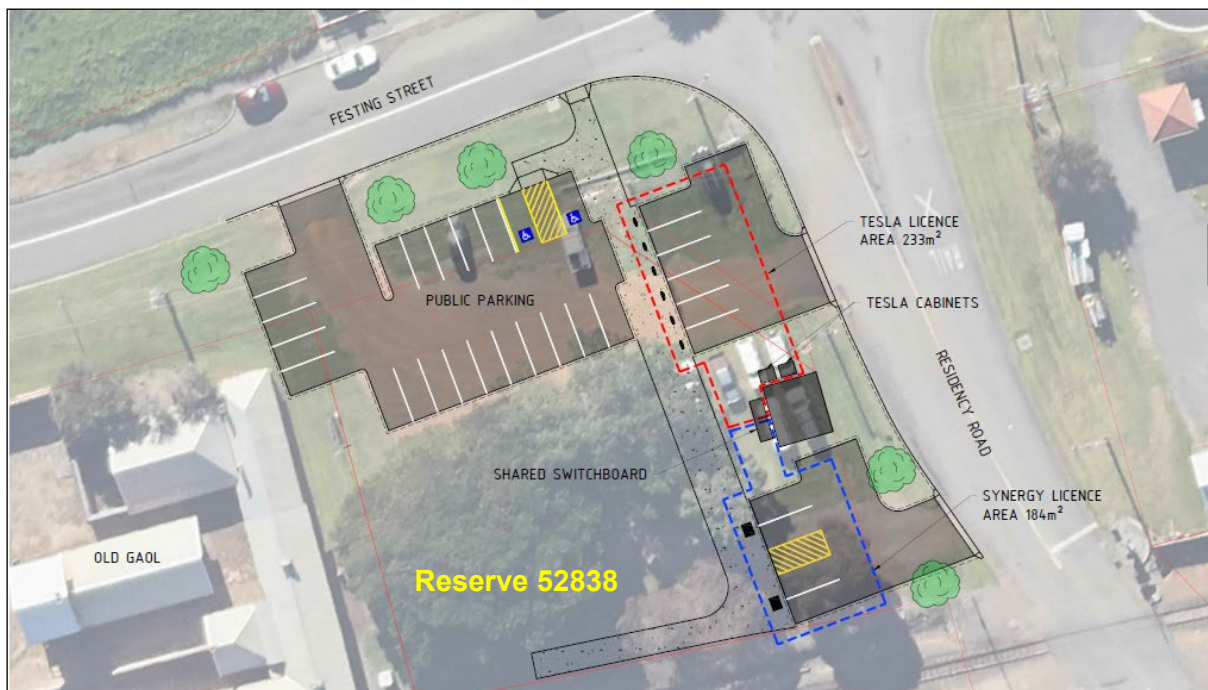
**CCS474: PROPOSED NEW LICENCE – TESLA MOTORS AUSTRALIA PTY LTD – ELECTRIC VEHICLE CHARGING STATIONS – OLD GAOL CAR PARK – RESERVE 52838**

<b>Land Description</b>	: Crown Reserve 52838 – Lot 875 on Deposited Plan 157632 the subject of Certificate of Title LR3121 Folio 611
<b>Proponent</b>	: Tesla Motors Australia Pty Ltd (ACN 142 889 816) Directors being Li Li, Thomas Drew, David Feinstein and Josef Tadich
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property & Leasing (T Catherall)
<b>Authorising Officer</b>	: A/Executive Director Corporate & Commercial Services (L Harding)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Planet.
  - **Outcome:** Shared responsibility for climate action.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new licence with Tesla Motors Australia Pty Ltd to establish Electric Vehicle (EV) charging stations on a portion of Crown Reserve 52838 Residency Road, Albany.
- Council received a briefing on 13 July 2022 on the Tesla proposal.
- Tesla is proposing to supply, install and maintain six EV super charging stations in the Old Gaol car park, at its own cost.
- The City has planned construction works to formalise the car park approved in the 2022/23 budget.
- The Department of Planning, Lands and Heritage (DPLH) has recently finalised land actions to facilitate the establishment of the EV charging stations on the reserve.

- The licence will allow Tesla to supply and install super charging station infrastructure to service six parking bays (which it will be responsible for operating and maintaining) within the parking area once the City has completed car park works.
- Council, in a separate report, is considering a licence with Synergy to establish two public EV fast charging stations (servicing four bays) on that part of the Old Gaol car park outlined in blue in the map.
- The introduction of EV super charging facilities ensures the City is ready for the future of transport and supports the City's Community Strategic Plan 2032 objectives.
- It is recommended that the new licence be approved.

**RECOMMENDATION**

**CCS474: RESOLUTION (AMENDMENT BY COUNCILLOR TRAILL)**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR SMITH**

**That Council APPROVE a new licence to Tesla Motors Australia Pty Ltd on a portion of Crown Reserve 52838, subject to:**

- Licence purpose being 'Installation and use for electric vehicle charging station'.**
- Licence area being six parking bays and EV charging infrastructure, an area of approximately 233m<sup>2</sup> subject to survey.**
- Licence term being 5 years with two 5-year option terms (15 years).**
- Licence rent being \$5,000 (inc. GST) per annum, commencing first renewal term (year 6).**
- Licence being conditional on Minister for Lands consent pursuant to Section 18 of the Lands Administration Act 1997.**
- All costs associated with the installation, maintenance and ongoing operations of the electric vehicle charging stations being payable by Tesla.**
- Licence being consistent with City Policy – Property Management (Leases and Licences);**

**AND**

**Council NOTE that Tesla is trialling universal adaptability for superchargers and looks forward to its implementation in Albany at the earliest opportunity.**

**CARRIED 11-0**

**CCS474: AMENDMENT BY COUNCILLOR TRAILL**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR SMITH**

**THAT the Committee Recommendation be AMENDED to add the following:**

***Council NOTE that Tesla is trialling universal adaptability for superchargers and looks forward to its implementation in Albany at the earliest opportunity.***

**CARRIED 11-0**

**Councillor Reason:**

Tesla has announced on its website it is working towards universal adaptability, meaning that any electric vehicles may use their superchargers, regardless of EV make or model.

This clause is proposed to record Council's enthusiasm for the proposal and hopes that it will take place as soon as possible to provide accessibility to universal supercharging stations for EVs and encourage EV owners to visit Albany.

**Officer Comment:**

Officers have no further comment on this proposed amendment.

[Councillor Traill then moved an Amendment to the Committee Recommendation.](#)

CCS474: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SMITH

That Council APPROVE a new licence to Tesla Motors Australia Pty Ltd on a portion of Crown Reserve 52838, subject to:

- a) Licence purpose being 'Installation and use for electric vehicle charging station'.
- b) Licence area being six parking bays and EV charging infrastructure, an area of approximately 233m<sup>2</sup> subject to survey.
- c) Licence term being 5 years with two 5-year option terms (15 years).
- d) Licence rent being \$5,000 (inc GST) per annum, commencing first renewal term (year 6).
- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the Lands Administration Act 1997.
- f) All costs associated with the installation, maintenance and ongoing operations of the electric vehicle charging stations being payable by Tesla.
- g) Licence being consistent with City Policy – Property Management (Leases and Licences).

CCS474: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON  
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS474: AUTHORISING OFFICER RECOMMENDATION

That Council APPROVE a new licence to Tesla Motors Australia Pty Ltd on a portion of Crown Reserve 52838, subject to:

- a) Licence purpose being 'Installation and use for electric vehicle charging station'.
- b) Licence area being six parking bays and EV charging infrastructure, an area of approximately 233m<sup>2</sup> subject to survey.
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- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the Lands Administration Act 1997.
- f) All costs associated with the installation, maintenance and ongoing operations of the electric vehicle charging stations being payable by Tesla.
- g) Licence being consistent with City Policy – Property Management (Leases and Licences).

## **BACKGROUND**

### Land tenure

2. DPLH have recently finalised land actions to create Crown Reserve 52838.
3. The 'C' class reserve, an area of approximately 1743m<sup>2</sup>, is located on the corner of Festing Street and Residency Road, Albany.
4. The reserve is under Management Order issued to the City for the purpose of 'Parking and Drainage' with power to lease and licence for a term not exceeding 21 years subject to the prior approval of the Minister for Lands.
5. The above land actions have allowed the City to progress public parking facilities and the licence with Tesla for EV super charging stations.

### Current Tesla Agreement – Library car park

6. The City and Tesla first entered into an agreement in 2019 which resulted in a brand new 11kW charging station being installed in the car park behind the Library, as part of the Tesla Destination Charging network.
7. The destination charger is available free of charge to Tesla EV owners and has seen an increase in demand especially in peak tourist season. The average charge time is 35 minutes.
8. Residents and visitors to the region have requested that the City install a super charging station in addition to the existing destination charger.
9. In June 2021, Tesla approached the City with an offer of three 250kW super charging stations to be installed within the CBD, with the Library car park the preferred location.
10. However following a feasibility assessment of the Library car park site it was determined this location would require extensive substation and rewiring upgrades including lighting modifications, which make this location not viable.
11. Due to the extra costs associated with above works Tesla requested six super charging stations to make the proposal viable.
12. Tesla presented to Councillors on 13 July this year proposing six super charging stations at the Library car park. However, the Old Gaol car park on Reserve 52838 was considered a suitable alternate location, as this was being developed as a public car park and preferred by City officers and Councillors.
13. The reserve has been designated by the City for car parking under the current Long Term Financial Plan, with construction works budgeted in the current financial year.
14. The City will design and construct the car park prior to the proposed installation of the EV charging stations by Tesla. All costs associated with the maintenance and operation of the car park will be the responsibility of the City.
15. All costs associated with the supply, installation (including upgrades to the existing transformer) and maintenance of the six super EV charging stations will be met by Tesla.

## **DISCUSSION**

16. There are currently 11 EV charging points throughout the City. Currently accommodation providers operate most of the charging points for their guests. The charging points at McDonalds Orana, The Sandalwood Factory and the Tesla destination charger in the City's Library car park are available to the public.
17. The City acknowledges the importance of the future of EV charging infrastructure and will be developing an Albany EV network plan to guide future installations.

18. Local Governments are playing a key role in bringing EV charging infrastructure to communities. Being a sustainable city is a key focus of the City and initiatives like the Tesla EV charging stations are assisting in reducing our carbon footprint.
19. The strategic positioning of the EV charging station site within close proximity to the CBD will support small local business, while reduction in emissions increases air quality.

Tesla Licence

20. The City has already signed a licence agreement with Tesla for stations at the Library car park so the expectation is that any new agreement in an alternate location will be on similar terms. While it is a Tesla document, the City's lawyers have reviewed the Library Licence agreement and advise its terms are reasonable and do not present any material risk to the City.
21. The proposed licence will allow Tesla to supply and install, and operate and maintain (excluding concrete pad and line marking) the EV charging infrastructure, including all utility charges, at no cost to the City.
22. Tesla proposes the licence fee be \$5,000 (inc GST) per annum payable from the first renewal term (year 6) onward to the end of the licence term. This fee proposal allows Tesla to slightly offset the capital expense to install the infrastructure while still allowing Council to support a growing industry.
23. Tesla are seeking an initial term of 5 years with two 5-year option terms (15 years).
24. Tesla has requested six parking bays be dedicated to EV charging. The proposed licence area of 233m<sup>2</sup> comprises six charging stations and associated infrastructure.
25. Changes to the City's Parking and Parking Facilities Local Law to allow future parking enforcement are being proposed in a separate report to Council.
26. The table below summarises the key terms of the proposed licence:

Item	Details
Tenant	Tesla Motors Australia Pty Ltd
Land Description	Crown Reserve 52838 – Lot 875 on Deposited Plan 157632 – Certificate of Title LR3121 Folio 611
Licence Area	Approx. 233m <sup>2</sup>
Land Ownership	Crown (City of Albany under Management Order)
Fee	\$5,000 (inc GST) payable first renewal term (year 6)
Permitted Use	Installation and use for EV charging station
Term	5 years with two 5-year option terms (15 years)
Utilities	Licensee responsible for all utilities
Maintenance	Tesla will be responsible for maintaining the EV Charging infrastructure
Special Condition	Indemnification clause will be included in the licence to ensure the City and Minister for Lands are not liable for any loss or damage by the licensee by any reason arising from occupation of the site

27. DPLH have confirmed in principle agreement to the above licence terms as it aligns with the State Government's EV Strategy, subject to final Minister for Lands consent.
28. In April 2022, Development Application approval P2220130 was granted for car park works and installation of EV charging stations on the reserve adjacent the Old Gaol.



**GOVERNMENT & PUBLIC CONSULTATION**

29. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Lands.
30. DPLH has been consulted and provided in principle consent. The Department will be further consulted and provided the final licence documentation to obtain Minister for Lands approval.
31. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease and licence of a property is considered to be a disposal. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.
32. The new licence will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.
33. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise proposed licence in local newspaper and City's website inviting submissions from the public	A two week period following Council endorsement of agenda item	Open	Section 3.58 of the <i>Local Government Act 1995</i>
Inform	Letter drop	Prior to car park works commencing	Neighbours	N/A

**STATUTORY IMPLICATIONS**

34. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings.
35. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.

**POLICY IMPLICATIONS**

36. The Property Management (Leases and Licences) Policy aims to support equitable access and the consistent and effective management of City owned and managed properties in line with statutory procedures.
37. The Policy provides that rent will be determined by market valuation. The proposed variation to the Policy to allow a rental of \$5,000 (inc GST) per annum payable in the first renewal term (year 6) is both reflective of the nature of the tenancy and the commitment to provide EV charging station facilities in the region.
38. The remainder of the licence terms are consistent with the Policy.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> licence not approved.	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction.
<b>Reputation:</b> licence not approved – Electric Vehicle frustration from residents and tourists due to lack of charging facilities.	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction.
<b>Opportunity:</b> To increase EV tourism in Albany, reduce range anxiety and support regional travel by providing additional fast charging capability in the Albany town centre.				
<b>Opportunity:</b> This licence supports the City’s Strategic Community Plan 2032 objective to work towards net zero greenhouse gas emissions.				
<b>Opportunity:</b> This licence aligns with the State Government’s Electric Vehicle Strategy to transition to low and zero emission electric vehicles.				

## FINANCIAL IMPLICATIONS

40. All costs associated with the supply and installation of the EV charging stations including utility costs will be the responsibility of Tesla.
41. All costs associated with the design, construction, maintenance and operation of the car park will be the responsibility of the City.
42. The licence fee will be of \$5,000 (inc GST) per annum will be directed to Income – Misc. Commercial.

## LEGAL IMPLICATIONS

43. The licence agreement has enforceable terms and conditions to protect all parties.

## ENVIRONMENTAL CONSIDERATIONS

44. The land for the proposed licence area is already cleared.
45. The car parking design will be undertaken to ensure that there is no adverse impact to the existing mature trees and the heritage listed Old Gaol premises adjacent to the proposed construction works.

## ALTERNATE OPTIONS

46. Council may:
- Approve the licence agreement with Tesla; or
  - Support some elements of the licence although not in its entirety; or
  - Decline the licence request.
47. Should Council decline the request, Tesla are likely to seek alternate suitable locations to provide super charging stations, although they may not be in Albany.

**CONCLUSION**

48. Tesla has approached the City seeking access to a suitable location close to the CBD to establish six EV super charging stations in Albany.
49. The Tesla charging stations are designed to encourage EV tourism to the region and will come at no cost to the City.
50. The preferred location adjacent the Old Gaol on Crown Reserve 52838 has been agreed in principle by Tesla and DPLH subject to Council and final Minister for Lands approval.
51. The proposed licence aligns with the State Government’s EV Strategy and the City’s Strategic Community Plan 2032 objective to work towards net zero greenhouse gas emissions.
52. It is recommended the licence agreement with Tesla for the supply and installation (operation and maintenance) of EV super charging stations be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Land Administration Act 1997</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• Council Policy – Property Management (Leases and Licences)</li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO469, A96861 (Frederickstown Ward)
<b>Previous Reference</b>	:	Nil

## CCS475: PARKING AND PARKING FACILITIES LOCAL LAW – DETERMINATION

<b>Land Description</b>	:	City of Albany
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>Proposed Electric Vehicle (EV) charging locations.</li></ul>
<b>Supplementary Information &amp; Councillor Workstation</b>	:	City's website: <ul style="list-style-type: none"><li><a href="#">Parking &amp; Parking Facilities Local Law 2012</a></li><li><a href="#">Delegations &amp; Authorisations Register</a></li></ul>
<b>Report Prepared By</b>	:	Manager Governance & Risk (S Jamieson)
<b>Authorising Officer:</b>	:	A/Executive Director Corporate & Commercial Services (L Harding)

### 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:
  - Pillars:** Leadership & Planet.
  - Outcomes:**
    - A well-informed and engaged community.
    - Work towards net zero greenhouse gas emissions.

**Maps and Diagrams:** Refer to Parking Schedules detailed within the report.

#### In Brief:

- Consideration be given to the establishment of designated parking spaces for Electric Vehicle (EV) Charging; and the establishment of new parking stations under the City's *Parking and Parking Facilities Local Law 2012*.

#### Purpose & Effect:

- Purpose:** The establishment of designated time limited parking spaces reserved for charging Electric Vehicles (EVs) only.
- Effect:** Only vehicles of the determine class will be permitted to stop or park in designated EV charging spaces and they must be plugged in to the designated approved power source.

**RECOMMENDATION**

**CCS475: RESOLUTION 1  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR STOCKS**

**THAT Council:**

- 1. APPROVE the following determination, NOTING enforcement of the deemed parking stations can only occur post prescribed public notice and the installation of signage and line markings:**

**City of Albany**  
**Parking and Parking Facilities Local Law 2012 (as amended)**  
**Determination: Designate Parking Spaces for**  
**Electric Vehicle Charging Use Only**

**For the purpose of this local law:**

**Definition: "*Electric Vehicle (EV)* means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.**

**Determination:**

- (1) A person is prohibited from stopping or parking a motor vehicle not classified as an Electric Vehicle (EV) in a designated Electrical Vehicle (EV) charging space.**
- (2) A person who stops or parks in a designated EV charging space, must also comply with the following rules:**
  - Use of the Designated EV charging spaces is limited to a maximum of 1 hour duration; and**
  - The parked/stopped EV must be plugged in and have a live connection to the City approved recharging facility.**
- (3) This determination will come into effect 14 days after that date of public notice and publication on the City's website: [www.albany.wa.gov.au](http://www.albany.wa.gov.au)**

- 2. AUTHORISES the Chief Executive Officer to authorise persons to administer the Designated Electric Vehicle (EV) Charging Spaces and immediate surrounds under the Parking and Parking Facilities Local Law 2012.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CCS475: RESOLUTION 2**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH**  
**SECONDED: COUNCILLOR STOCKS**

**THAT Council:**

- 1. APPROVE the establishment of Designated Electric Vehicle (EV) Charging Spaces, at the location detailed in the layout plan, titled: “Old Gaol Car Park - Concept EV Charging Station Layout”, attached to this report.**
- 2. NOTE that Authorised Persons will approve future Designated Electric Vehicle Charging Spaces, under Delegation 044 – Public Traffic Management Treatments.**
- 3. NOTE that the Parking and Parking Facilities Local Law will be appended with the following condition:**

**Schedule 1**

**Designated Electric Vehicle (EV) Plug In Charging Spaces**

**(1) Designated EV Plug In Charging Spaces will be designated by signage that states, as a minimum:**

- Electric Vehicle Parking**
- Only while charging**
- 1P (1 Hour Limit)**
- Example: Electric-powered vehicle signage:**



**CARRIED 11-0**  
**ABSOLUTE MAJORITY**

CCS475: COMMITTEE RECOMMENDATION 1

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS475: COMMITTEE RECOMMENDATION 2

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS475: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council:

1. APPROVE the following determination, NOTING enforcement of the deemed parking stations can only occur post prescribed public notice and the installation of signage and line markings:

City of Albany  
Parking and Parking Facilities Local Law 2012 (as amended)  
Determination: Designate Parking Spaces for  
Electric Vehicle Charging Use Only

For the purpose of this local law:

Definition: "*Electric Vehicle (EV)* means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.

Determination:

- (1) A person is prohibited from stopping or parking a motor vehicle not classified as an Electric Vehicle (EV) in a designated Electrical Vehicle (EV) charging space.
- (2) A person who stops or parks in a designated EV charging space, must also comply with the following rules:
  - Use of the Designated EV charging spaces is limited to a maximum of 1 hour duration; and
  - The parked/stopped EV must be plugged in and have a live connection to the City approved recharging facility.
- (3) This determination will come into effect 14 days after that date of public notice and publication on the City's website: [www.albany.wa.gov.au](http://www.albany.wa.gov.au)

2. AUTHORISES the Chief Executive Officer to authorise persons to administer the Designated Electric Vehicle (EV) Charging Spaces and immediate surrounds under the Parking and Parking Facilities Local Law 2012.

CCS475: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council:

1. APPROVE the establishment of Designated Electric Vehicle (EV) Charging Spaces, at the location detailed in the layout plan, titled: *“Old Gaol Car Park - Concept EV Charging Station Layout”*, attached to this report.
2. NOTE that Authorised Persons will approve future Designated Electric Vehicle Charging Spaces, under Delegation 044 – Public Traffic Management Treatments.
3. NOTE that the Parking and Parking Facilities Local Law will be appended with the following condition:

Schedule 1

Designated Electric Vehicle (EV) Plug In Charging Spaces

(1) Designated EV Plug In Charging Spaces will be designated by signage that states, as a minimum:

- Electric Vehicle Parking
- Only while charging
- 1P (1 Hour Limit)
- Example: Electric-powered vehicle signage:



**BACKGROUND**

2. In August 2021, the Western Australian Government announced the establishment of the longest electric highway in Australia.
3. To enable this, an infrastructure network of fast charging stations was proposed to connect Perth and regional Western Australia.
4. Locations for the EV Charging Stations have been determined by energy providers in consultation with the City and are addressed in a separate report.
5. The purpose of this report is to consider the establishment of parking spaces reserved for Electric Vehicle (EV) Charging Use Only.
6. It is also proposed that penalties will apply to persons who park internal combustion engine (ICE) vehicles, including hybrid EVs that are not required to be plugged in and charged, in the designated parking bays (spaces).



**DISCUSSION**

7. The City’s Parking & Parking Facilities Local Law, allows for Council to determine the specific classes of vehicle that are permitted to park in designated parking stations.

**Power to prohibit and regulate**

8. The Council may prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle or any class of person or vehicle, or both, but is to do so consistently with the City’s Parking & Parking Facilities Local Law.

**Designate Parking Spaces for Electric Vehicle Charging Use Only**

9. There are two elements that must be completed to allow for the proposed electric vehicle (EV) charging stations to be administered under the City’s local law:
  - a. Firstly Council must determine the associated class of vehicle. Therefore, it is proposed that the class of vehicle will be described as follows for the purpose of determination under the local law:  
*“Electric Vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via ‘plug in’ connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.*
  - b. The above vehicle type classification is modelled off an existing classification that has been reviewed and accepted by the Joint Standing Committee on Delegated Legislation in 2022.
  - c. Secondly Council must approve the “Deemed Parking Stations” as described in the proposed Schedule, noting enforcement of the deemed parking stations can only occur post the installation of signage / line marking and prescribed public notification.

**GOVERNMENT & PUBLIC CONSULTATION**

10. As at the time of writing this report, August 2022, it is only an offence under state law in the states of Victoria and Queensland for a driver to stop or park in a designated EV charging space unless they are driving an EV and it's plugged into a power source.
11. However, the *Local Government Act 1995* enables Western Australian local governments to make local laws considered necessary for the good government of their districts.
12. Recently the Joint Standing Committee on Delegated Legislation approved Parking Local Laws that categorised (defined) Electric Vehicles (EVs) for the purpose of reserving parking spaces for Electric Vehicles (EVs) charging.
13. Community consultation, specifically with the Museum for the proposed charging station sites was conducted as part of project feasibility process prior to presentation.

**Community Engagement:**

Type of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	From the date of the published Committee agenda to the designated closing date for the prescribed public notice.	Not applicable.	Proposed public consultation subject to separate report. Public notice, as prescribed.

**STATUTORY IMPLICATIONS**

14. The determination process is prescribed in the local law. Clause 6.1 of the City’s Local Government Parking & Parking Facilities Local Law 2012 (as amended) stipulates inter alia:

**“6.1 Determination of metered zones**

- (1) *The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.*
- (2) *In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—*
  - (a) *permitted times and conditions of parking depending on and varying with the locality;*
  - (b) *classes of vehicles which are permitted to park;*
  - (c) *the amount payable for parking; and*
  - (d) *the manner of parking.”*

15. Local Government Act 1995, section 5.42 states, in part:

*“5.42. Delegation of some powers and duties to CEO (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under — (a) this Act other than those referred to in section 5.43; or (b) the Planning and Development Act 2005 section 214(2), (3) or (5).”*

16. Voting Requirement: **Absolute Majority.**

**POLICY IMPLICATIONS**

17. A new classification of vehicle will be established in accordance with the City’s Parking & Parking Facilities Local Law 2012 (as amended).

**Purpose & Effect:**

- **Purpose:** The establishment of designated time limited parking space, reserved for charging Electric Vehicles (EVs).
- **Effect:** Only vehicles of the determine class will be permitted to stop or park in designated EV charging spaces and they must be plugged in to the designated approved power source.

**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
<b>Business Operation:</b> <i>Indiscriminate parking at EV charging points.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Proceed with recommended determination under the City’s Local Law, to allow Council Officers to provide enforcement if necessary.</i>
<b>Opportunity:</b> <i>Encourage EV driving tourism to Albany and promote the establishment of EV charging stations.</i>				

**FINANCIAL IMPLICATIONS**

19. There are no direct financial implications related to this report.

20. An appropriate modified penalty exists under the current local law, being:

- a. Offence: Parking in a parking station space set aside for a different class of vehicle or driver.
- b. Modified Penalty: \$45.00.

21. In addition if the modified penalty is not paid and the infringement is referred to the Fines, Enforcement Registry (FER), the following additional costs will also be borne by the infringed person:

- a. Final Demand Notice Fee: \$25.00
- b. Enforcement Certificate Fee: \$21.50
- c. FER Registration Fee: \$81.00

**Regulatory Cost Implications:**

22. Complaints that are straightforward can often be resolved on first contact. If this is not the case and enforcement action is required, the following details estimated costs per transaction.
23. In general the cost for Rangers to undertake routine patrols and responding to complaints are \$42/hour (which includes overheads of 20% for Superannuation, Workers Compensation, Annual Leave, etc.).
24. The cost of Ranger Administration staff time for processing infringements and refereeing to Fines Enforcements Registry (FER) are \$38/hour (which includes overheads of 20% for Superannuation, Workers Compensation, Annual Leave, etc.).
25. It is difficult to forecast additional costs specific to this situation, however it would be reasonable to assume that with appropriate signage and line marking, there should be minimal compliance issues.
26. The proposed parking station, will be included as part of routine patrols, totally approximately 1 to 2 hours per week.

<b>Education, Investigation, Enforcement, Follow Up Transaction</b>	
<b>Element</b>	<b>Cost</b>
Modified penalty for breach of local law	\$45.00
Administration Costs (i.e. Referral to Fines, Enforcement Registry etc.).	Approximately \$38 per transaction.

**LEGAL IMPLICATIONS**

27. Future enforcement action will be administered under the Parking and Parking Facilities Local Law and the proposed determination.

**ENVIRONMENTAL CONSIDERATIONS**

28. There are no direct environmental considerations related to this report. However, the promotion of EV vehicles and the facilitation of charging stations, supports the City’s adopted Community Strategic Plan 2032 and the State Government Electric Vehicle (EV) initiatives.

**ALTERNATE OPTIONS**

29. Council may resolve to:
- a. Not support the determination; or
  - b. Support the determination with modification.

**CONCLUSION**

30. It is recommended that the proposed determinations are adopted to facilitate compliance action.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <a href="#">Local Government Act 1995</a></li> <li>• <a href="#">Parking &amp; Parking Facilities Local Law 2012</a></li> <li>• <a href="#">Delegations &amp; Authorisations Register</a></li> <li>• Joint Standing Committee on Delegated Legislation Findings sourced from: <a href="http://www.parliament.wa.gov.au">www.parliament.wa.gov.au</a></li> <li>• AS/NZS Regulations and Standards for EV Charging</li> <li>• <a href="https://nationalsafetysigns.com.au/">https://nationalsafetysigns.com.au/</a></li> </ul>
<b>File Number (Name of Ward)</b>	:	Frederickstown Ward
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• OCM 13/12/2016 Resolution ED044 (Parking Determination)</li> <li>• OCM 24/09/2019 Resolution DIS175 (Parking Determination)</li> <li>• Elected Member Briefing, held post DIS Committee held on 13 July 2022</li> <li>• CCS Committee 13/09/2022 Report CCS473.</li> </ul>

**CCS476: COMMUNICATIONS & ENGAGEMENT STRATEGY – Q4**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: City of Albany Communications & Engagement Strategy 2021-2022 Quarter 4 Progress Report
<b>Report Prepared By</b>	: Manager Community Relations (L Paterson)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- Note the City of Albany Communications & Engagement Strategy Q4 progress report.

**RECOMMENDATION**

**CCS476: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT the City of Albany Communications & Engagement Strategy progress report ending August 2022 (Q4) and its endorsement by the Communications & Engagement Advisory Group be NOTED.**

**CARRIED 11-0**

CCS476: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

**CARRIED 10-0**

CCS476: AUTHORISING OFFICER RECOMMENDATION

THAT the City of Albany Communications & Engagement Strategy progress report ending August 2022 (Q4) and its endorsement by the Communications & Engagement Advisory Group be NOTED.

**BACKGROUND**

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

**DISCUSSION**

4. The Advisory Group previously met and endorsed the 2021-2022 Q3 progress report on 25 May 2022, and this was tabled and noted at the OCM of 22 June 2022.
5. The Advisory Group endorsed the 2021-2022 Q4 progress report at its meeting on 24 August 2022.
6. The Advisory Group noted new updates to the progress report and City engagement projects, including:
  - a. Local Planning Scheme 2 progress update.
  - b. Completed one year of FOGO.
  - c. Return of cruise ships to the Port.
  - d. Rates notices distributed and Rates Flyer included.
  - e. Inclusivity Logo engagement summary.
  - f. E-Scooter trial proposal going to Council in September.
7. Manager Recreation Services provided an update regarding the Stidwell Bridle Trail Working Group.
8. Bicentenary Coordinator provided an updated regarding the 2026 Bicentenary Engagement and Strategic Planning.
9. Community Development Coordinator provided an update on Council Meet and Greet formats and the future of the events.
10. Manager City Reserves provided an update regarding City of Albany Nature Based Camp Grounds and Camp Ground Waste Services.
11. This report includes 65 actions, 44 which have been completed, 17 remain ongoing or underway, and 4 are on hold.

**GOVERNMENT & PUBLIC CONSULTATION**

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

**STATUTORY IMPLICATIONS**

14. Nil

**POLICY IMPLICATIONS**

15. This item aligns with the Council's adopted policy position: Community Engagement Policy.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational:</b> If community engagement expectations are not met due to budget, viability, funding agreements, safety or legislative constraints.	Likely	Moderate	High	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
<b>Reputational:</b> If communications or engagement activity is ad-hoc, untimely, inaccurate or untargeted.	Unlikely	Major	Low	Follow best practice engagement framework and provide timely, informative, and accurate communications to the community through effective channels as outlined in the Communications & Engagement Strategy.
<b>Operational:</b> Some aspirations of the Strategy may not be fully realised due to budget funding, or resource constraints.	Possible	Moderate	Medium	Prioritise budget allocation where necessary and explore all options to achieve objectives.
<b>Operational:</b> A severe second wave of Covid-19 that results in re-tightening of community restrictions and impacts City operational priorities.	Possible	Major	High	Follow Federal and State public health directions as informed and re-prioritise actions as necessary to align with City's operational priorities and capacity.

**FINANCIAL IMPLICATIONS**

17. Nil.

**LEGAL IMPLICATIONS**

18. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

19. Nil.

**ALTERNATE OPTIONS**

20. Nil.

**CONCLUSION**

21. The Communications & Engagement Strategy is overseen by an Advisory Group comprising community, Elected Member and City staff representatives.
22. Community representation on the Advisory Group ensures community needs and priorities remain central to the implementation of the Communications and Engagement Strategy.
23. A quarterly progress report of achievements against the Strategy is endorsed by the Advisory Group and submitted to Council for information. The progress report against the Strategy's Action Plan for Q3 of 2021-2022 is submitted to Council for noting.

<b>Consulted References</b>	:	City of Albany Communication and Engagement Strategy 2019 Council Policy – Community Engagement
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM June 2022, Resolution CCS446

**CCS477: DESIGNATED AREA MIGRATION AGREEMENT**

**Proponent / Owner** : WALGA Great Southern Country Zone  
**Report Prepared By** : Acting Executive Director Corporate and Commercial Services (L Harding)  
**Authorising Officer:** : Chief Executive Officer (A Sharpe)

8.02pm: Councillor Benson-Lidholm 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:** Prosperity.
  - **Outcomes:** A strong, diverse and resilient economy with work opportunities for everyone.

**In Brief:**

- A Designated Area Migration Agreement (DAMA) is a labour agreement that provides an increase to the list of standard occupations and concessions (reductions) in the eligibility requirements for skilled and semi-skilled migration visas.
- DAMAs allow businesses/employers to sponsor skilled and semi-skilled overseas workers to fill labour shortages in specific areas that cannot be filled with Australian workers.
- This report seeks a commitment from Council to participate in developing a DAMA that covers all 11 Local Governments in the Great Southern region.
- Establishing a Great Southern DAMA has in-principle support and proposed financial commitment from Regional Development Australia and the Great Southern Development Commission.

**RECOMMENDATION**

**CCS477: RESOLUTION (AMENDMENT BY COUNCILLOR TERRY)  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR THOMSON**

**THAT Council:**

1. **SUPPORT** the development of a Great Southern Designated Area Migration Agreement (DAMA); and
2. **REQUEST** the Chief Executive Officer to advise the DAMA Working Group, established at the West Australian Local Government Great Southern Country Zone Meeting on 26 August 2022, of the City of Albany's intent to participate, subject to:
  - a. **Regional Development Australia Great Southern undertaking the role of the Designated Area Representative,**
  - b. **A contribution of up to \$25,000 is confirmed as the City of Albany's contribution; and;**
3. **REQUEST** City of Albany representation on the DAMA working group.

**CARRIED 10-0  
ABSOLUTE MAJORITY**



**CCS477: AMENDMENT BY COUNCILLOR TERRY  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR THOMSON**

**THAT the Committee Recommendation be AMENDED to make Point C of the recommendation Point 3:**

***3. The City of Albany requests representation on the DAMA working group.***

**CARRIED 10-0  
ABSOLUTE MAJORITY**

**Councillor Reason:**

This amendment does not make City of Albany representation on the DAMA Working Group a condition of our support for the development of the DAMA.

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

Separating out part 2 (c) of the Committee Recommendation to a new part 3 provides greater clarity and confirms the City's participation is not conditional on being included in the working group.

[Councillor Terry then moved an Amendment to the Committee Recommendation.](#)

**CCS477: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR TERRY**

**THAT Council:**

1. SUPPORT the development of a Great Southern Designated Area Migration Agreement (DAMA); and
2. REQUEST the Chief Executive Officer to advise the DAMA Working Group, established at the West Australian Local Government Great Southern Country Zone Meeting on 26 August 2022, of the City of Albany's intent to participate, subject to:
  - a. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative,
  - b. A contribution of up to \$25,000 is confirmed as the City of Albany's contribution; and;
  - c. The City of Albany requests representation on the DAMA working group.

**CCS477: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR THOMSON)**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SMITH**

**THAT Council:**

1. SUPPORT the development of a Great Southern Designated Area Migration Agreement (DAMA); and
2. REQUEST the Chief Executive Officer to advise the DAMA Working Group, established at the West Australian Local Government Great Southern Country Zone Meeting on 26 August 2022, of the City of Albany's intent to participate, subject to:
  - a. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative,
  - b. A contribution of up to \$25,000 is confirmed as the City of Albany's contribution; and;
  - c. The City of Albany requests representation on the DAMA working group.

**CARRIED 9-0**

**CCS477: AMENDMENT BY COUNCILLOR THOMSON**

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be AMENDED to REMOVE part c of the Authorising Officer Recommendation.

CARRIED 9-0

**CCS477: AMENDMENT BY COUNCILLOR THOMSON**

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be AMENDED to include Point d:

d. The City of Albany requests representation on the DAMA working group.

CARRIED 9-0

**CCS477: AUTHORISING OFFICER RECOMMENDATION**

THAT Council:

1. SUPPORT the development of a Great Southern Designated Area Migration Agreement (DAMA); and
2. REQUEST the Chief Executive Officer to advise the DAMA Working Group, established at the West Australian Local Government Great Southern Country Zone Meeting on 26 August 2022, of the City of Albany's intent to participate, subject to:
  - a. Regional Development Australia Great Southern undertaking the role of the Designated Area Representative,
  - b. A contribution of up to \$25,000 is confirmed as the City of Albany's contribution; and
  - c. Subject to (b) above, should a funding gap arise following final project costings, the City would be prepared to consider an additional contribution which would be the subject of a further report to Council.

**BACKGROUND**

2. A regional DAMA is a formal agreement between the Australian Government and a regional, state or territory authority.
3. Operating under an agreement-based framework, a DAMA provides access to more overseas workers than standard skilled migration programs (subclass 482 Temporary Skills Shortage (TSS), subclass 494 Skilled Employer Sponsored Regional (Provisional) and subclass 186 Employer Nominated Scheme (ENS) visas) by providing an increase to the list of standard occupations and concessions (reductions) in the eligibility requirements.
4. The visa concessions provided under a DAMA are a significant benefit and may be applied to all or specific occupations listed under the DAMA. Examples of negotiated concessions include an extension of the age criteria, relaxation of English skills requirements or modification to the skills and experiences required. The result is flexibility for regions to respond to their unique economic and labour market conditions.
5. Establishing a DAMA in the region requires the support of various stakeholder groups as well as an in-depth analysis of relevant employment markets with verified evidence to support the application. Once established, a DAMA is reviewed annually and may be varied yearly.
6. At the Western Australian Local Government Association (WALGA) Great Southern Country Zone meeting held on 24 June, the Shire of Kojonup presented a proposal for the development of a Great Southern Designated Area Migration Agreement (DAMA).

7. A funding model was included as part of this proposal as detailed under the Financial Implications section of this report.
8. The WALGA Great Southern Country Zone has asked all eleven Local Government members to seek formal endorsement and a commitment to a financial contribution to the development of a business case for a Great Southern DAMA from their respective Elected Members.
9. At the subsequent WALGA Great Southern Country Zone meeting held on 26 August 2022, a DAMA Working Group was established to drive development of the business case. The three local governments that volunteered to form the working group were the Shires of Kojonup, Katanning and Plantagenet.
10. The City of Albany now seeks a commitment from Council following clarification of the City's contribution under the funding model.

## **DISCUSSION**

11. A DAMA is a two-tier framework covering a defined regional area. The framework is:
  - a. First tier – an overarching five-year head agreement with the region's representative (e.g. Regional Development Australia Great Southern). A region representative is called the Designated Area Representative (DAR).
  - b. Second tier – DAMA labour agreements with businesses/employers under the head agreement for the region.
12. Under the framework the DAR forms the first tier and negotiates a DAMA on behalf of businesses/employers within its region.
13. The framework's second tier formalises the individual DAMA labour agreement. A business/employer applies for a DAMA Labour Agreement to the DAR. The business/employer must first demonstrate via Labour Market Testing (LMT) that it cannot employ suitable Australian employees. A LMT is a business case presented to a DAR and the Department of Immigration that provides solid evidence and includes advertising on the Australian Government's Jobactive website and other search methods.
14. If an application satisfies the DAMA's terms and conditions, and is supported, the DAR provides endorsement of the application through an approval letter.
15. Once endorsed, applications are then subject to assessment by the Department of Home Affairs and Minister of Immigration, Citizenship and Multicultural Affairs.
16. If an occupation is unavailable under the standard visa programme, or the DAMA program, a business may negotiate its own Labour Agreement with the Minister, separate from a regional DAMA.
17. Negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.
18. It is noted most regional businesses do not have the capacity to individually negotiate a Labour Agreement due to lack of capacity, expense and time constraints. A regional DAMA would provide a more attractive option to support business owners in the Great Southern.

### **Benefits of a DAMA**

19. The visa subclasses available under a DAMA may be used as pathways to permanent residency and therefore could provide a community with economic benefits through population growth and increased output.
20. The key value opportunity is that immigrant workers must remain within the region of their DAMA but can move between businesses within that area. Effectively migrant workers are secured to the region.
21. Another benefit of a DAMA is that the semi-skilled occupations, that are in shortage in the particular region, could be available under a DAMA, while they are not available under the standard visa program. Some examples of such occupations are truck drivers, wait staff, bar attendants, drillers, driller assistants, earthmoving/mobile plant operators and horticultural workers such as process and field workers.

### **DAMA Concessions**

#### English Language Concession:

22. The English language test scores required under a DAMA can be lower than under the standard visa program making it easier for the applicant's visa to be processed. This is especially the case where a person is generally a good English communicator but perhaps not able to meet the requirements of a stringent English test for a visa.

#### Temporary Skilled Migration Income Threshold (TSMIT) Concession:

23. The TSMIT value is set by legislation to ensure that migrant workers can financially support themselves in Australia and acknowledges the additional costs temporary residents incur, such as health care and education costs. The current value of the TSMIT is \$53,900, excluding superannuation.
24. When calculating whether the salary paid by an employer meets the TSMIT, annual earnings may consist of the base salary plus guaranteed earnings such as housing, company car, and guaranteed overtime where this is an industry standard. If an employer intends to include these guaranteed earnings to meet TSMIT requirements, they must be valued and written into the agreed employment contract.
25. The use of concessions must not undermine relevant industrial awards, nor market salary rates for an equivalent Australian employee in the same location.

#### Skills Concession:

26. Every occupation requires an assessment of education, qualifications and employment experience to determine comparability against the assessment standards of a DAMA.

### **Permanent Residency**

27. Upon an approval of the subclass visa, there may be a pathway to permanent residency, subject to satisfying the criteria and availability.

## DAMA Requirements

28. Advice from the office of Rick Wilson, Federal Member for O'Connor, states that a request for a DAMA must contain, as a minimum, the following:
- Letter of endorsement from the relevant stakeholders;
  - Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement;
  - Business case if any additional concessions are being requested to the minimum requirements outlined for a company specific labour agreement; and
  - Explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example - provision of information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer);
  - Supporting documentation, which may include:
    - a. profit and loss statements;
    - b. other applicable financial statements; and
    - c. relevant supporting information.
29. An example of a region in Western Australia currently covered by a DAMA, since 21 March 2019, is the Goldfields region. The City of Kalgoorlie-Boulder is the DAR and represents other regional and nearby shires.
30. The Goldfields region aimed to secure permanent labour so as to avoid constantly retraining employees, such as backpackers. The Pilbara region had also applied for a DAMA before the Goldfields was secured, however they were unsuccessful in their application due to not being able demonstrate eligibility. The Pilbara has since successfully been granted a DAMA after utilising the services of a consultant to develop their business case.
31. The Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semi-skilled workers under visa subclasses 482, 494, and 186. This is the same model proposed by the Great Southern region.
32. The process of becoming a DAMA took the City of Kalgoorlie-Boulder 12 months following the application submission to the Federal Government (Department of Home Affairs). A financial consultancy business was engaged to undertake their business case, which can take between 3 and 6 months to establish.
33. From a human resource perspective, the City of Kalgoorlie-Boulder provided a 0.5 FTE (full time equivalent) staff member to liaise with the consultant throughout the formation of the business case.
34. In addition, the following on-going human resource tasks, required as the DAR, include:
- Dealing with applications from businesses. A charge of \$250 is levied for each nomination for endorsement. This includes Statutory Declarations and ensures businesses are financially viable and stable;
  - Answering queries from prospective businesses, which can be very time consuming;
  - Seeking guidance from a team within the Department of Home Affairs;
  - Undertaking of an Annual Report for the Department and Minister;
  - Negotiation of ongoing Terms and Conditions for the DAMA;
  - Surveys and analysis of the regional labour market; and
  - Monthly meetings with a Department of Home Affairs representative to discuss the DAMA programme. Note: The Department also liaises with businesses directly.

35. Other points of note, gained through research with external organisations, include:
- Subclass 491 visa, for highly skilled and desired occupations, requires nomination by the State Government, or an eligible family member and doesn't require a sponsor. This type of visa cannot be included in a DAMA;
  - The more local government authorities involved, the better the chance of securing a DAMA;
  - Larger organisations, such as a Regional Development Authority is best positioned to take on the role of regional representative (DAR) and offers the application a stronger opportunity for success, indicating collaboration between communities; and
  - The South West DAMA covers 12 local governments from the City of Bunbury to the Shire of Augusta Margaret River. The Shire of Dardanup is the DAR for the South West DAMA which has a cap of 200 endorsements per year.
36. Creating a DAMA is an extensive process, particularly for the lead organisation (DAR) involved in the application and consultancy phase. Furthermore, there are significant resources required to manage ongoing applications which require liaison with the Department of Home Affairs for the five-year term.
37. This type of project requires the support of many stakeholders including regional Local Governments, Chambers of Commerce, Regional Development Australia (RDA), Development Commissions, and members of parliament. All stakeholders must endorse the organisation that is capable and willing to accept the responsibility of being a Designated Area Representative.
38. Regional Development Australia (RDA) Great Southern have offered to act as the Designated Area Representative (DAR) which will meet this requirement.

### **Alternative Visa Options to DAMA**

#### Pacific Labour Mobility Scheme

39. This Scheme enables citizens of partner countries to take up low-skilled and semi-skilled work opportunities in all sectors in rural and regional Australia for up to 3 years. Partner countries include: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

#### Seasonal worker Program (Agriculture and Accommodation)

40. This Scheme enables citizens of partner countries to take up unskilled and low-skilled work opportunities in the Australian agriculture and accommodation sectors in selected rural and regional locations of Australia for up to 9 months. Partner Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

#### Industry Labour Agreement

41. Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available.
42. Industry labour agreements are for a specific industry with fixed terms and conditions. The industry is required to show ongoing labour shortage and extensive consultation within the industry. Various approved industry labour agreements include dairy, aquaculture, fishing, meat and livestock, advertising, hospitality, labour-hire and religion.

#### Standard Business Sponsorship – 482 Visa (For Highly Skilled Occupations)

43. This temporary visa lets an employer sponsor a suitably skilled worker to fill a position for which they are unable to find a suitably skilled Australian. Based on the occupation, this visa is generally granted for 2-4 years.

**GOVERNMENT & PUBLIC CONSULTATION**

44. Consultation with industry is a requirement for the development of the DAMA business case.

**STATUTORY IMPLICATIONS**

- 45. Statutory Dependency Migration Act 1958.
- 46. Voting requirement for this item: **Absolute Majority.**

**POLICY IMPLICATIONS**

47. Nil

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Business Operation, Reputation &amp; Financial.</b>  <b>Risk:</b> There is a risk the cost of participation does not generate a regional DAMA.</p>	Unlikely	Moderate	Medium	If the proposed policy is not endorsed, staff will review and address areas of concern.
<p><b>Opportunity:</b> The DAMA may result in increased availability of skilled and semi-skilled labour to assist in addressing labour shortages.</p>				

**FINANCIAL IMPLICATIONS**

- 49. At the Western Australian Local Government Association (WALGA) Great Southern Country Zone meeting held on 24 June, the Shire of Kojonup presented a proposal for the development of a Great Southern Designated Area Migration Agreement (DAMA) which included the proposed funding model shown in Table 1 Proposed Funding Model.
- 50. The proposed funding model utilises population to calculate the contribution of each member local government to the development of the DAMA business case.
- 51. The City acknowledges population as a common method of calculating contributions however, had the City been consulted prior to finalisation of the proposed funding model, it would have likely suggested additional mechanisms were also considered such as contributions from industry and state government agencies based locally.
- 52. The proposal presented at the WALGA Great Southern Country Zone meeting for the DAMA business case stated the anticipated cost of up to \$100,000 for the development of a successful business case.
- 53. This estimate includes the cost of a consultant to conduct a survey of regional employers, research and provide statistics, and to identify any occupations that may fit the criteria for inclusion in a DAMA application. The direct costs of the consultant are estimated to be circa \$60,000 to \$70,000, with the balance required for project contingencies, although details of the contingencies were not provided.
- 54. At this point, given the uncertainty of up to 40% of the total project costs, the Responsible Officer recommends a contribution of up to \$25,000. This contribution, combined with the contributions of the other 10 local governments, will provide \$65,000 and therefore enable the engagement of a consultant to complete the business case.
- 55. If supported, the financial contribution will require a budget amendment which will be undertaken as part of the next budget amendment process.

56. It is noted that a designated resource is required to liaise with the consultant. In the case of Kalgoorlie-Boulder, it was estimated that a staff member to the value of 0.5 FTE basis was required for the purpose of establishing their DAMA.
57. The City understands the DAMA Working Group, established at the WALGA Great Southern Country Zone meeting held on the 26 August 2022, and RDA Great Southern will liaise with the consultant. RDA Great Southern are currently recruiting a 0.6FTE Research Officer position whose role includes liaison with the consultant.
58. Following a successful DAMA application a further 0.5 FTE investment with ongoing tasks will likely be required.
59. RDA Great Southern have indicated they are prepared to fund the ongoing 0.5 FTE employee costs relating to the DAR for the proposed five year period. However, this salary has not been qualified to date and will require further analysis by RDA Great Southern.

Table 1. Proposed Funding Model

		Estimated Population	Contribution Based on Population	Adjusted Contribution
	<b>Total Funds</b>		<b>\$111,803</b>	<b>\$100,000</b>
	<b>Organisation</b>			
1	GSDC		\$10,000	\$10,000
2	RDA		\$10,000	\$10,000
			<b>\$20,000</b>	<b>\$20,000</b>
	<b>LGA's</b>	<b>\$1.50 per head of population</b>		
3	City of Albany	38,000	\$57,000	\$40,000
4	Shire of Denmark	6,422	\$9,633	\$8,000
5	Shire of Plantagenet	5,079	\$7,619	\$8,000
6	Shire of Katanning	4,200	\$6,300	\$7,000
7	Shire of Kojonup	1,985	\$2,978	\$5,000
8	Shire of Gnowangerup	1,215	\$1,823	\$2,500
9	Shire of Broomehill-Tambellup	1,144	\$1,716	\$2,500
10	Shire of Jerramungup	1,109	\$1,664	\$2,500
11	Shire of Cranbrook	1,089	\$1,634	\$2,500
12	Shire of Kent	550	\$825	\$1,000
13	Shire of Woodanilling	409	\$614	\$1,000
		<b>61,202</b>	<b>\$91,803</b>	<b>\$80,000</b>

#### LEGAL IMPLICATIONS

60. There are no known significant legal implications relating to the report or officer recommendation.

#### ENVIRONMENTAL CONSIDERATIONS

61. There are no known significant environmental implications relating to the report or officer recommendation.



## ALTERNATE OPTIONS

62. Council may:
- Support the development of a DAMA business case and commit to the full contribution as requested at the WALGA Great Southern Country Zone meeting on 24 June (\$40,000);
  - Support a DAMA 'in-principle', but do not provide any funds for the development of a business case; or
  - Decline to support a DAMA for the Great Southern region.
63. Should Council decline to support a DAMA or only provide 'in-principle' support, and a DAMA business case is successful, the City of Albany may be excluded and therefore Albany employers will be unable to access the benefits of skilled and semi-skilled migration visas and the associated concessions available under the DAMA.

## CONCLUSION

64. The level of unemployment in Albany has remained relatively low since prior to the COVID pandemic.
65. The low unemployment rate indicates the available pool of employees for Albany businesses is very low and is leading to business disruption. A number employers within the hospitality and tourism sectors have reduced operating hours in order to cope with lower than desired staffing levels.
66. On the basis of the current employment conditions the author believes the development of a Great Southern regional DAMA offers part of a solution for those businesses who are currently experiencing under-employment. While it is unlikely a regional DAMA will be the panacea for all businesses it could provide an avenue to assist larger businesses with the capacity to invest in the program.
67. While a DAMA could produce potential employees it must also be understood that housing considerations must be taken into account. While housing availability is easing, it is still a significant consideration, and is likely to continue for another 12-24 months. Employers will need to address this consideration in the development of their DAMA applications.
68. Whilst it is acknowledged the proposed maximum contribution of \$40,000 is significant, the potential to provide Albany businesses with increased access to new labour markets has the potential to provide equally significant economic benefit to the Albany community.
69. It is therefore recommended the City participate in the development of the DAMA for the Great Southern region.

<b>Consulted References</b>	:	Great Southern Zone DAMA Presentation
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	N/A

**8.11pm:** Councillor Benson-Lidholm returned to the Chamber. Councillor Benson-Lidholm was not present during the discussion and vote for this item.

**CCS466: FINANCIAL ACTIVITY STATEMENT – JULY 2022**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

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

**RECOMMENDATION**

**CCS466: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**CARRIED 11-0**

**CCS466: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SMITH**

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

**CARRIED 10-0**

**CCS466: AUTHORISING OFFICER RECOMMENDATION**

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

## DISCUSSION

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

## STATUTORY IMPLICATIONS

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

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

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

### LEGAL IMPLICATIONS

- 12. Nil

### ENVIRONMENTAL CONSIDERATIONS

- 13. Nil

### ALTERNATE OPTIONS

- 14. Nil

### CONCLUSION

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

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

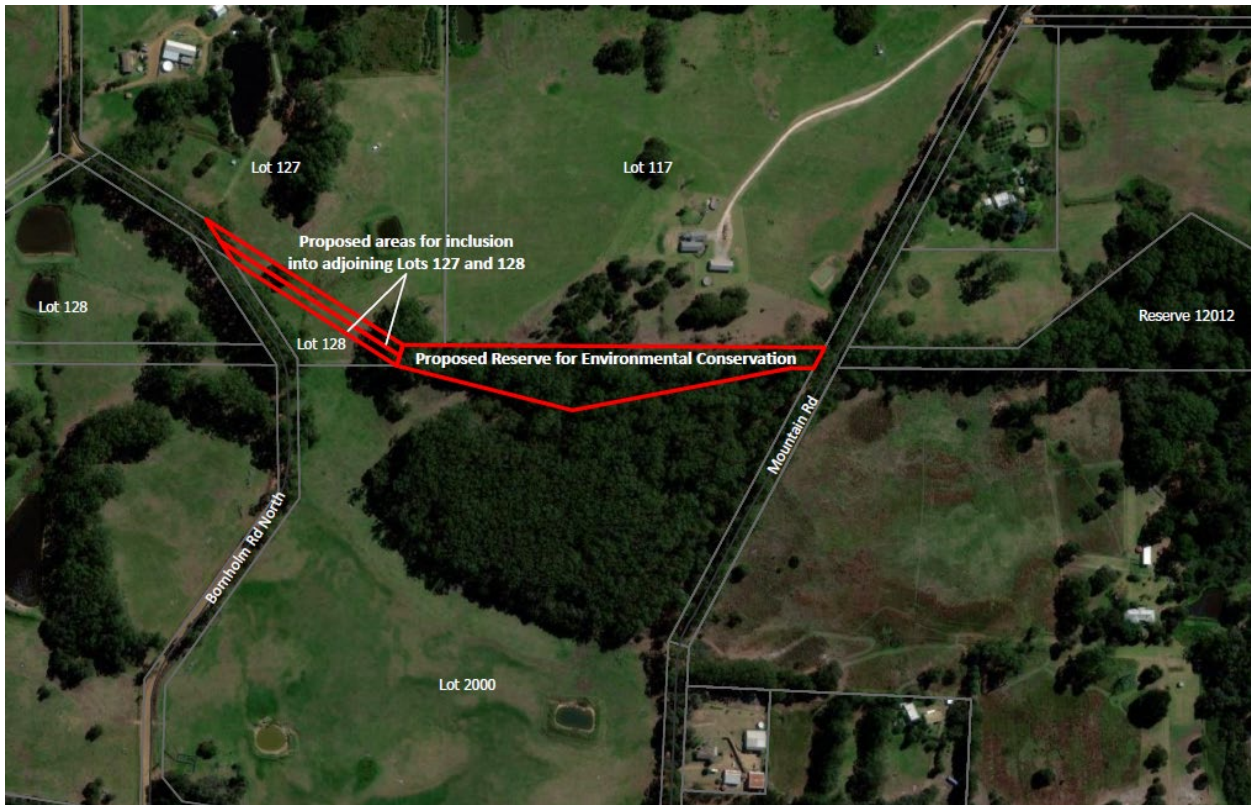
## DIS314: PROPOSED CLOSURE OF UNCONSTRUCTED UNNAMED ROAD RESERVE, BORNHOLM

<b>Land Description</b>	:	An unconstructed, unnamed road reserve, Bornholm
<b>Proponent / Owner</b>	:	Road reserve: City of Albany (responsible authority) Lot 127: R MacDonald Lot 128: C & B Smedley Reserve 12012: City of Albany (managed)
<b>Attachments</b>	:	Map of proposed road closure
<b>Report Prepared By</b>	:	Lands Officer (A.Veld)
<b>Authorising Officer:</b>	:	Executive Director Infrastructure, Development and Environment (P.Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Place
  - **Outcomes:** A safe, sustainable and efficient transport network.
  - **Pillar:** Planet
  - **Outcome.** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment

### Maps and Diagrams:



**In Brief:**

- The City has received a request from adjoining landowners to purchase portions of land that currently form part of an unconstructed road reserve in Bornholm.
- A road needs to be permanently closed in order for adjoining landowners to purchase land that is currently part of a road reserve.
- Staff have investigated the request and recommend that the unconstructed unnamed road reserve be closed, as there is no strategic benefit to the City for the land to remain as a road reserve. Further background and detail in the City's consideration of this request is outlined in the report below.
- Council's resolution is required to formally commence these land actions, in accordance with the relevant legislation.
- Council are recommended to support the officer's recommendation, as the road closure will:
- Allow the adjoining landowners to resolve a boundary issue by purchasing relevant portions of the road reserve, with the outcome a better reflection of the current use of these portions of the land; and
- Provide the City with the opportunity to retain an area of identified remnant native vegetation, to preserve and protect its environmental values, and also ensure ongoing management through its incorporation into existing Reserve 12012 and subsequent amendment of the existing reserve's purpose from Parkland and Recreation to Environmental Conservation.

**RECOMMENDATION**

**DIS314: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BENSON-LIDHOLM**  
**SECONDED: COUNCILLOR BROUGH**

**THAT Council:**

- 1) **RESOLVE** to permanently close the subject unnamed and unconstructed road reserve in Bornholm;
- 2) **REQUEST** the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that the:
  - a) Western portions of the closed road reserve as shown on the attached plan, are amalgamated with adjoining Lots 127 & 128 Bornholm Road North, pursuant to s. 58 of the *Land Administration Act 1997* and r. 9 of the *Land Administration Regulations 1998*.
  - b) The eastern portion of the closed road reserve as shown on the attached plan, is incorporated into Reserve 12012, with the vested purpose of Reserve 12012 changed from Parkland and Recreation to Environmental Conservation, pursuant to s. 41 and s. 51 of the *Land Administration Act 1997*.

**CARRIED 11-0**

**DIS314: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 11-0**

DIS314: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- 1) RESOLVE to permanently close the subject unnamed and unconstructed road reserve in Bornholm;
- 2) REQUEST the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that the:
  - a) Western portions of the closed road reserve as shown on the attached plan, are amalgamated with adjoining Lots 127 & 128 Bornholm Road North, pursuant to s. 58 of the *Land Administration Act 1997* and r. 9 of the *Land Administration Regulations 1998*.
  - b) The eastern portion of the closed road reserve as shown on the attached plan, is incorporated into Reserve 12012, with the vested purpose of Reserve 12012 changed from Parkland and Recreation to Environmental Conservation, pursuant to s. 41 and s. 51 of the *Land Administration Act 1997*.

**BACKGROUND**

2. Landowners adjacent to existing road reserves may request the purchase of land that is considered underutilised or unnecessary. When the City agrees that the land is no longer needed for its intended purpose, a number of land actions must be carried out, including a formal road reserve closure process. The City of Albany, as the local government, has the authority to carry out this action.
3. In accordance with the *Land Administration Act 1997 and Land Administration Regulations 1998*, a Council resolution is required to formally commence land actions to undergo a formal road closure process.
4. The landowners of No. 91 (Lot 128) Bornholm Road erected a fence between them and the adjoining landowners of No. 96 (Lot 127) Bornholm Road.
5. The Landowners realised that the fence may have been constructed within City managed land. To address this matter, both parties approached the City of Albany seeking assistance in identifying a way forward.
6. Following receipt of the request, the City of Albany subsequently commenced investigations into relevant the land matters and identified the following:
  - The fence line had been built within an unconstructed portion of an unnamed road reserve that extends between Bornholm Road North and Mountain Road.
  - That historic landowners of Lots 127 and 128 had been using the land as part of their properties, most likely since the formal construction of Bornholm Road North.
  - Although the date of formal construction of Bornholm Road North was unable to be determined, it was likely that it occurred during the earlier part of last century. A requirement for a formal connection between Bornholm Road North and Mountain Road in this location has never been identified, and the unconstructed portion of road reserve remains predominantly unchanged, with the western portion primarily cleared and used for rural purposes by the adjoining landowners.
  - The eastern section of the subject road reserve remains predominantly uncleared and identified as containing a pocket of remnant native vegetation, described in the Albany Regional Vegetation Survey 2010 as 'Tall Karri Open Forest'.
  - The remnant vegetation directly adjoins 6.5ha of the same vegetation on private property to the south, and is adjacent to City managed Reserve 12012 located to the east directly across Mountain Road.

7. The outcomes of the City's investigations into the land matters and subsequent recommended actions, including outcomes of associated public advertising and internal consultation, are discussed in detail below.

### **DISCUSSION**

8. Based on the City's investigations into the land matters of the subject site, it was found that there was no benefit to the local government or broader community in retaining the subject land as a road reserve, as it was unlikely to be required to support or provide access for future development of the area.
9. The outcomes of the City's investigations resulted in the following recommendations:
- Commence formal proceedings to implement the closure of the unnamed unconstructed road reserve; and
  - Upon closure of the road reserve, liaise with relevant government departments to:
    - Arrange for divesting of the portions of the western section of the subject land and subsequent amalgamation of these portions with adjoining Lots 127 and 128
    - Incorporate the eastern portion of the portion of the subject land containing the remnant native vegetation, with Reserve 12012
    - The current vested purpose of Reserve 12012 be changed from 'Parkland and Recreation' to 'Environmental Conservation'

#### Amalgamation of portions to Lots 127 and 128

10. The City notified the landowners of the outcomes from the investigations into the land matters of the subject site, with the City receiving a formal request from the landowners of Lots 127 and 128, Bornholm Road North, in March 2021, to purchase portions of an unconstructed road reserve located between their two properties.
11. The areas of the unconstructed unnamed road reserve that are sought to be amalgamated into the adjoining Lots 127 and 128 are predominantly cleared land used for rural purposes.
12. Amalgamation of these portions of the unnamed unconstructed road reserve into the adjoining lots will have no detrimental impact on the amenity of adjoining properties, nor will the disposal of the subject portions of land result in any disadvantage to the City or broader community.
13. Public advertising was undertaken on the proposed land actions between July and August 2022, during which time, no submissions were received.
14. Following the above, City officers support the landowners' request to purchase portions of this land for amalgamation into their respective properties and recommend that Council resolve to formally commence the associated land actions required to implement the request.

#### Incorporation into Reserve 12012

15. The area of remnant native vegetation within the eastern portion of the unnamed unconstructed road reserve is adjacent to City managed Reserve 12012, located to the east directly across Mountain Road.
16. The pocket of remnant native vegetation (including the subject land, the adjoining 6.5ha on private land to the south and Reserve 12012) is likely to be potential habitat for the three threatened species of black cockatoo, and the critically endangered Western Ringtail possum.
17. Reserve 12012 is currently reserved for the purpose of Parkland and Recreation. The City's onsite investigations in relation to the subject land matters found that the existing reserve and eastern portion of the subject road reserve land are both densely vegetated with limited access.



18. Following the above and internal consultation with the City’s Reserves team:
- There are no proposed actions or works proposed for Reserve 12012 relating to its current purpose. Discussions found that the current purpose therefore may not be the most appropriate purpose for the land.
  - It was requested that the City commence proceedings for the portion of the subject land incorporating the remnant native vegetation be vested as a reserve, incorporated with adjoining Reserve 12012;
  - The overarching purpose of Reserve 12012 be changed from Parkland and Recreation to Environmental Conservation;
  - The vesting of this portion of the land to reserve and the overarching purpose of the reserve being changed to Environmental Conservation, will add to the existing wildlife corridor to the east and better reflect the current use of Reserve 12012.
19. City officers recommend that Council resolve to close the road reserve so that relevant land action requests can be forwarded to the Department of Planning, Lands, and Heritage to finalise the land disposal and Reserve 12012 amendments.

**GOVERNMENT & PUBLIC CONSULTATION**

20. 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.
21. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letter to adjoining landowners		2	Yes
Consult	Public notice	8 July – 12 August 2022		Yes
Consult	Community Newsletter	8 July – 12 August 2022		Yes
Consult	Public Comments page City of Albany website	8 July – 12 August 2022		Yes

22. Letters were sent to the other landowners adjoining the unconstructed road reserve. Both were supportive of the proposal.
23. Public advertising of the proposal was initiated on 8 July and was open for public comment for 35 days until 12 August 2022. No submissions were received.

**STATUTORY IMPLICATIONS**

24. Section 58 of the *Land Administration Act 1997* gives authority to a local government to request the Minister for Lands to close a road.
25. 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.
26. Section 41 of the *Land Administration Act 1997* gives power to the Minister for Lands to reserve Crown land for the public interest
27. Section 51 of the *Land Administration Act 1997* gives power to the Minister for Lands to add lots to and change the purpose of a reserve.
28. Delegation 035 authorises the City of Albany for request the Minister for Lands to action Reserve requests, including adding land to or changing the purpose of an existing Reserve.

**POLICY IMPLICATIONS**

29. Refer to Environmental Considerations below in relation to potential implications to the City’s Environmental Policy.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: There is a risk of the loss of protection of environmental values on public land if the closure of the road reserve results in all land being disposed and amalgamated with adjoining private land.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Retaining portion of land incorporating environmental values with existing Reserve and changing purpose to Environmental Conservation.</i>
<i>Opportunity: To further to add natural reserves and protect environmental values</i>				

**FINANCIAL IMPLICATIONS**

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

Regulatory Cost Implications:

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

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

34. The vegetation on the eastern portion of road reserve proposed for addition to Reserve 12012 is identified as Karri Tall Open Forest as described in the Albany Regional Vegetation Survey 2010. This complements the vegetation found within Reserve 12012 and on surrounding adjacent private properties.
35. The City’s Reserves team has expressed an interest in having this portion of road reserve vested as a Reserve for Environmental Conservation to preserve the vegetation on site and create a wildlife corridor with the adjoining Reserve 12012.
36. The proposal to add portion of the road reserve to adjoining Reserve 12012 and change the purpose from Parkland and Recreation to Environmental Conservation compliments the City’s Strategic Community Plan, Environmental Policy, Climate Change Action Declaration and Local Planning Strategy, and other associated strategic documents and policies, in relation to conserving and enhancing the region’s natural reserves and protecting environmental values.

**ALTERNATE OPTIONS**

37. Council may alternatively resolve to:
- Refuse the proposed road closure; or
  - Support the proposed road closure with modifications.

**CONCLUSION**

38. By supporting the officer’s recommendation, the road closure will:
- Allow the adjoining landowners to resolve a boundary issue by purchasing relevant portions of the road reserve, with the outcome a better reflection of the current use of these portions of the land; and
  - Provide the City with the opportunity to retain an area of identified remnant native vegetation, to preserve and protect its environmental values, and also ensure ongoing management through its incorporation into existing Reserve 12012 and subsequent amendment of the existing reserve’s purpose from Parkland and Recreation to Environmental Conservation.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i> <i>Albany Regional Vegetation Survey 2010</i> <i>City of Albany Environmental Policy</i> <i>Natural Reserves Strategy and Action Plan 2017-2021</i> <i>State Planning Policy No. 3.7: Planning in Bushfire Prone Areas</i> <i>Environmental Protection Act 1986</i>
<b>File Number (Name of Ward)</b>	:	RD.RDC.2 West Ward
<b>Previous Reference</b>	:	n/a

## DIS315: 12-MONTH COMMERCIAL TRIAL OF HIREABLE ELECTRIC SCOOTERS

<b>Land Description</b>	:	City of Albany
<b>Proponent</b>	:	Beam Mobility Australia Pty Ltd (ACN 629 999 533) Bird Rides Australia Pty Ltd (ACN 628 452 399)
<b>Business Entity Names</b>	:	As above
<b>Attachments</b>	:	1. Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011 2. WALGA Electric Scooter Shared Services Discussion Paper 3. Confidential Attachments Under Separate Cover
<b>Supplementary Information &amp; Councillor Workstation</b>	:	<ul style="list-style-type: none"><li>• Copy of Application (Bird)</li><li>• Copy of Application (Beam Mobility)</li><li>• Elected Member Briefing Note</li><li>• Beam Briefing Note</li><li>• A Little About Beam</li><li>• Beam Rider Research on Modal Transport</li><li>• Bird Additional Information</li><li>• Bird Local Government FAQ</li><li>• Western Australian Police (Albany) Comment</li></ul>
<b>Report Prepared By</b>	:	Planning Officer (D Ashboth)
<b>Authorising Officer:</b>	:	Executive Director Infrastructure, Development & Environment (P Camins)

8.19pm: Councillor Baesjou left the meeting and did not return.

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** People
  - **Outcome:** A happy, healthy and resilient community
  - **Objective:** Improve access to sport, recreation and fitness facilities and programs
  - **Pillar:** Planet
  - **Outcome:** Shared responsibility for climate action.
  - **Objective:** Work towards net zero greenhouse gas emissions.
  - **Pillar:** Place
  - **Outcome:** A safe, sustainable and efficient transport network.
  - **Objective:** Encourage more people to use active transport.
3. The item relates to the following strategic objectives of the City of Albany Local Planning Strategy 2019 (the Planning Strategy).
  - Improve public transport, walking and cycling opportunities.

**In Brief:**

- The City has been separately approached by Beam Mobility and Bird Rides to undertake a 12-month commercial trial of hireable, shared electric scooters (e-scooters) within the City of Albany.
- The intent of committing for a one year trial ensures that the outcomes and impacts of operations can be evaluated before a decision is made around longer-term operations.
- Prior to deployment of e-scooters, the Permit Holder/s will deliver a public co-design and education session, in partnership with the City of Albany staff.
- City officers will have the ability to amend the e-scooter program throughout the operating period.
- It is recommended that Council resolve to ISSUE a notice of determination granting Bird Rides and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters under the *Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011 (ATPPTLL & LGPLL)*, subject to the conditions.

**RECOMMENDATION**

**DIS315: RESOLUTION (AMENDMENT BY COUNCILLOR BROUGH)  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR STOCKS**

**THAT the Committee Recommendation be ADOPTED with the following amendments:**

**Condition 7 to read:**

- 1. Prior to deployment of e-scooters, an e-scooter program shall be submitted to the City of Albany for approval. Thereafter the e-scooter program shall be maintained and updated, to the satisfaction of the City of Albany.**

**Advice:**

- ***Permit Holders shall submit matching e-scooter programs.***
- ***The e-scooter program shall indicate:***
  - ***Operating areas***
  - ***Slow zones***
  - ***Incentivised parking areas and no parking zones***
  - ***No ride zones***
- ***The e-scooter program should address feedback from community members received during the co-design/education session.***
- ***The e-scooter program shall demonstrate compliance with the ATPPTLL & LGPLL.***
- ***The e-scooter program shall ensure e-scooters are only capable of operating on public land.***
- ***The approved e-scooter program shall be distributed to the Albany Police prior to deployment of e-scooters.***

**Condition 14 to read:**

- 14. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.**

**Advice:**

- ***The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).***
- ***Driveways, walkways and carparks shall not to be obstructed.***
- ***It is permissible that unused e-scooters within the operating area (excluding no-park areas) may be flexibly left in their resting location rather than be***

*redistributed to a designated parking area, notwithstanding the specifications enshrined in point 11.*

- *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*

CARRIED 10-0  
ABSOLUTE MAJORITY

DIS315: AMENDMENT BY COUNCILLOR BROUGH  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR STOCKS

THAT the Committee Recommendation be ADOPTED with the following amendments:

Condition 7 to read:

2. Prior to deployment of e-scooters, an e-scooter program shall be submitted to the City of Albany for approval. Thereafter the e-scooter program shall be maintained and updated, to the satisfaction of the City of Albany.

Advice:

- *Permit Holders shall submit matching e-scooter programs.*
- *The e-scooter program shall indicate:*
  - *Operating areas*
  - *Slow zones*
  - *Incentivised parking areas and no parking zones*
  - *No ride zones*
- *The e-scooter program should address feedback from community members received during the co-design/education session.*
- *The e-scooter program shall demonstrate compliance with the ATPPTLL & LGPLL.*
- *The e-scooter program shall ensure e-scooters are only capable of operating on public land.*
- *The approved e-scooter program shall be distributed to the Albany Police prior to deployment of e-scooters.*

Condition 14 to read:

15. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.

Advice:

- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
- *Driveways, walkways and carparks shall not to be obstructed.*
- *It is permissible that unused e-scooters within the operating area (excluding no-park areas) may be flexibly left in their resting location rather than be redistributed to a designated parking area, notwithstanding the specifications enshrined in point 11.*
- *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*

CARRIED 10-0  
ABSOLUTE MAJORITY

**Councillor Reason:**

The purpose of this amendment is to provide further clarity on the matter of flexible parking arrangements for e-Scooters. During the DIS committee meeting, both Beam and Bird expressed a preference for flexible parking, articulating that such a model enhanced the amenity of the service for consumers, without apparent downsides (e.g. clutter etc.) in overall amenity for the engaged municipalities.

An amended motion was passed at committee level to achieve a flexible parking model, as is used in Esperance. I have gratefully received feedback that, although the motion passed at committee level captured this intent, there was scope to clarify said intent more explicitly.

Regarding the amendment: in point 7, by stipulating that there are incentivised parking areas and no-parking areas, it makes it clear that there are desirable parking locations, and areas where parking is explicitly prohibited. This sets up an opportunity for permissible parking in other areas within the operating area.

In point 14, by further clarifying the matter of unused e-scooters outside of preferred parking areas, the amendment makes it more clear that e-scooters may be left in situ, provided they are not inappropriately parked (as defined in point 11). This will promote further utilisation of the e-scooters due to enhanced access opportunities.

The concerns regarding e-scooters polluting the CBD and suburbia are valid and important. Reports have been positive regarding the power of financial incentives to encourage return of e-scooters to favourable/preferred parking locations. Both Beam and Bird have indicated a strong desire to adopt a collaborative approach with the City to ensure that the scheme works for the city; if there are municipality amenity problems (e.g. e-scooters left all over the shop), this amended motion retains the necessary control mechanisms for the City to modify the scheme over the duration of the trial.

In summary, this amendment affords the scheme an enhanced consumer experience, with appropriate safeguards in place to rectify any unforeseen parking/amenity problems that may arise during the trial.

Many thanks to the Councillors who expressed concerns with the amended DIS recommendation and encouraged me to redraft the recommendation for better clarity whilst retaining the original intent.

**Officer Comment (Executive Director Infrastructure, Development and Environment):**

As the overarching intent of the recommendation is retained, officers have no concern with the proposed amendment.

Councillor Brough then moved an Amendment to the Committee Recommendation.

DIS315: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR STOCKS

THAT Council resolves to AGREE to delegate to the CEO to issue permits to Beam Mobility and Bird Rides to operate a 12-month Commercial Trial of Hireable Electric Scooters under the Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011, subject to the following conditions:

Conditions:

1. Following the expiry of this permit all e-scooters and associated infrastructure shall be removed from public roads and any other public lands, unless otherwise agreed to in writing by the City of Albany.

Advice:

- *This permit is valid for a period of 12-months from the date of approval.*
3. The Permit Holder shall ensure no more than 200 hireable e-scooters per permit holder are operational within the City of Albany at all times.
  4. Prior to deployment of e-scooters, the Permit Holder shall submit a complaints handling procedure to the City of Albany for approval. Following approval, the complaints management procedure shall be complied with to the satisfaction of the City of Albany.

The complaints handling procedure shall:

- *Identify how the Permit Holder will respond to complaints and queries;*
  - *Identify appropriate communication channels for complaints and queries and advise how this information will be made available to the public;*
  - *Identify measures to limit complaints being directed to the City of Albany where the City is not the responsible authority; and*
  - *Provide the City with directions for re-directing complaints to the Permit Holder, where appropriate.*
5. The Permit Holder shall provide users with terms and conditions of use which promote responsible and legal use, public safety and good behaviour. The Permit Holder shall have systems in place to penalise user non-compliance with the terms and conditions.
  6. Prior to deployment of e-scooters, the Permit Holder/s shall deliver a public co-design and education session, in partnership with the City of Albany staff. The co-design and education session shall:
    - i. Provide an on-ground community training session on safe e-scooter use;
    - ii. Capture community feedback on geofenced areas; and
    - iii. Inform a final e-scooter program

Advice:

- *Notice of co-design and education session shall be placed in the Albany Advertiser at least 3 days prior to the date of the session.*
  - *The session shall be attended and developed by all Permit Holders, in consultation with the City of Albany staff.*
7. The Permit Holder shall work in collaboration with the City of Albany to undertake ongoing community training sessions.
  8. Prior to deployment of e-scooters, an e-scooter program shall be submitted to the City of Albany for approval. Thereafter the e-scooter program shall be maintained and updated, to the satisfaction of the City of Albany.

Advice:

- *Permit Holders shall submit matching e-scooter programs.*
- *The e-scooter program shall indicate:*
  - *Operating areas*
  - *Slow zones*
  - *Parking and no parking zones*



- *No ride zones*
  - *The e-scooter program should address feedback from community members received during the co-design/education session.*
  - *The e-scooter program shall demonstrate compliance with the ATPPTLL & LGPLL.*
  - *The e-scooter program shall ensure e-scooters are only capable of operating on public land.*
  - *The approved e-scooter program shall be distributed to the Albany Police prior to deployment of e-scooters.*
9. The Permit Holder shall maintain geofencing to ensure operations are consistent with the e-scooter program at all times.
10. Permit Holders must adhere to any directives from the City of Albany to amend the e-scooter program and associated geofences. General modifications shall occur within 2 hours (120 minutes) of the initial request by the City of Albany, during business hours. Modifications required due to health and safety concerns shall occur within 30 minutes of the initial request by the City of Albany, during business hours.
11. The Permit Holder shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any event, market, parade, thoroughfare works or amendments to the e-scooter program
12. The Permit Holder shall have systems in place to incentivise good e-scooter parking behaviour and penalise non-compliance. The Permit Holder will monitor for and ensure that e-scooters that have not been parked in an upright position or are leaning or resting on other street furniture, buildings or infrastructure, are promptly reparked and/or relocated.
13. The Permit Holder shall ensure all e-scooters are equipped with GPS trackers to enable e-scooters to be located at all times.
14. The Permit Holder shall monitor the locations of all e-scooters at all times to avoid nuisance, clutter or congestion being caused by e-scooters.
15. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.
- Advice:
- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
  - *Driveways, walkways and carparks shall not to be obstructed.*
  - *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*
- Advice:
- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
  - *Driveways, walkways and carparks shall not to be obstructed.*
  - *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*
16. The Permit Holder shall make it an operational priority to ensure a minimum 1800mm clearway for pedestrians is maintained on public walkways and thoroughfares, unobstructed by parked e-scooters at all times
17. The Permit Holder shall provide City of Albany staff and their representatives with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact the Permit Holder.
18. The City of Albany reserves the right to cancel the permit without compensation for reasons including, but not limited to:
- *Non-compliance with Activities on Thoroughfares and Public Places and Trading Local Law 2011;*
  - *Non-compliance with the conditions of this permit; or*
  - *Non-compliance with the approved Operational Plan.*
19. The Permit Holder must ensure all e-scooters are legal and safe to operate under Australia laws and regulations.

*Advice:*

- *The Permit Holder must immediately disable faulty or damaged scooters when reported.*
20. Hireable electric scooters shall not be equipped with user operable audible alarms or air horn percussive signalling instruments.
  21. The Permit Holder must ensure hireable e-scooters are not able to exceed the maximum speed limits prescribed under Western Australia Australian laws and regulations.
  22. A public liability insurance policy of a minimum of \$20,000,000 is to be maintained at all times. The policy must cover any claim which arises as a result of the negligent act or omission of the permit holder.
  23. Personal accident insurance coverage for each trip that the customers of the Permit Holders undertake shall be maintained at all times.
  24. The Permit Holder shall indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holders business by the Permit Holder or any of the Permit Holders Agents, including:
    - *Any claim made by any person for injury, direct and indirect loss or damage arising in any manner*
    - *Any direct or indirect loss or damage to any property belonging to the permit holder or other persons located in the vicinity of the Permitted Location caused by the Permit Holder or the Permit Holders Agents.*
    - *Any direct and indirect loss, damage, injury or illness of any type sustained by any person in relation to or as a result of the Permitted Activity.*
  25. Permit holders shall make good any damage caused and/or reimburse Council for any maintenance/repair costs that are caused by or in connection with Permit Holder's (or its agents) activity pursuant to the e-scooter scheme.
  26. The Permit Holder shall grant the City of Albany with access to data through a custom dashboard or equivalent reporting methodology. The data shall include key metrics as agreed between the Permit Holder and the City.
  27. The Permit Holder must provide a monthly report on the statistics of their operations. The report must be provided electronically by the 15<sup>th</sup> of every month and provide statistics of the preceding month. The report must include, but is not limited to:
    - A summary of trips undertaken in the reporting month including trip duration, trip distance, trip start and end point, trip start and end times and dates.
    - The number of customer feedback received and categorised. The report shall include, to the best of the permit operators ability the number and type of complaints reported by users, non-users, Government Agencies or any other sources. The report should include the average time taken to resolve complaints and by type.
    - Statistics on known incidents, collisions, near misses and injuries including information about date, time, contributing factors and severity. This data should be categorised by property damage only, minor injury, serious injury and fatality and a summary of the change to policy, requirements or procedures as a result of the above safety incidents.
  28. The Permit Holder shall undertake rider surveys at appropriate intervals throughout the term of the permit to capture user feedback and demographic information.
  29. The Permit Holder shall notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Albany.
  30. No advertising other than the logo or name of the Permit Holder, is permitted on the e-scooters, helmets or any associated infrastructure.
  31. The Permit Holder shall provide, maintain and install signage, decals or similar identifiers to clearly indicate e-scooter parking areas, as directed by the City of Albany. Following conclusion of the trial, these should be removed at full cost of the Permit Holder, unless otherwise agreed to in writing by the City of Albany.
  32. Prior to the commencement of operations, the Permit Holder must pay a permit fee of \$2500 for the administration of the Permit.

DIS315: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR BROUGH)

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED with the following amendment:

THAT the 12-month commercial trial of hireable electric scooters point 14 be AMENDED to read as:

14. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.

Advice:

- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
- *Driveways, walkways and carparks shall not to be obstructed.*
- *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*

CARRIED 11-0

DIS315: AMENDMENT BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR STOCKS

THAT the 12-month commercial trial of hireable electric scooters point 14 be AMENDED to read as:

The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.

Advice:

- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
- *Driveways, walkways and carparks shall not to be obstructed.*
- *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*

CARRIED 7-4

**Record of Vote:**

Against the Vote: Mayor Wellington, Councillors Smith, Terry and Thomson.

DIS315: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to AGREE to delegate to the CEO to issue permits to Beam Mobility and Bird Rides to operate a 12-month Commercial Trial of Hireable Electric Scooters under the Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011, subject to the following conditions:

Conditions:

1. Following the expiry of this permit all e-scooters and associated infrastructure shall be removed from public roads and any other public lands, unless otherwise agreed to in writing by the City of Albany.

Advice:

- *This permit is valid for a period of 12-months from the date of approval.*
2. The Permit Holder shall ensure no more than 200 hireable e-scooters per permit holder are operational within the City of Albany at all times.
  3. Prior to deployment of e-scooters, the Permit Holder shall submit a complaints handling procedure to the City of Albany for approval. Following approval, the complaints management procedure shall be complied with to the satisfaction of the City of Albany.
  4. The complaints handling procedure shall:
    - Identify how the Permit Holder will respond to complaints and queries;
    - Identify appropriate communication channels for complaints and queries and advise how this information will be made available to the public;
    - Identify measures to limit complaints being directed to the City of Albany where the City is not the responsible authority; and
    - Provide the City with directions for re-directing complaints to the Permit Holder, where appropriate.
  5. The Permit Holder shall provide users with terms and conditions of use which promote responsible and legal use, public safety and good behaviour. The Permit Holder shall have systems in place to penalise user non-compliance with the terms and conditions.
  6. Prior to deployment of e-scooters, the Permit Holder/s shall deliver a public co-design and education session, in partnership with the City of Albany staff. The co-design and education session shall:
    - i. Provide an on-ground community training session on safe e-scooter use;
    - ii. Capture community feedback on geofenced areas; and
    - iii. Inform a final e-scooter program

Advice:

- *Notice of co-design and education session shall be placed in the Albany Advertiser at least 3 days prior to the date of the session.*
  - *The session shall be attended and developed by all Permit Holders, in consultation with the City of Albany staff.*
7. The Permit Holder shall work in collaboration with the City of Albany to undertake ongoing community training sessions.
  8. Prior to deployment of e-scooters, an e-scooter program shall be submitted to the City of Albany for approval. Thereafter the e-scooter program shall be maintained and updated, to the satisfaction of the City of Albany.

Advice:

- *Permit Holders shall submit matching e-scooter programs.*
- *The e-scooter program shall indicate:*
  - *Operating areas*
  - *Slow zones*
  - *Parking and no parking zones*
  - *No ride zones*
- *The e-scooter program should address feedback from community members received during the co-design/education session.*
- *The e-scooter program shall demonstrate compliance with the ATPPTLL & LGPLL.*

- *The e-scooter program shall ensure e-scooters are only capable of operating on public land.*
  - *The approved e-scooter program shall be distributed to the Albany Police prior to deployment of e-scooters.*
9. The Permit Holder shall maintain geofencing to ensure operations are consistent with the e-scooter program at all times.
10. Permit Holders must adhere to any directives from the City of Albany to amend the e-scooter program and associated geofences. General modifications shall occur within 2 hours (120 minutes) of the initial request by the City of Albany, during business hours. Modifications required due to health and safety concerns shall occur within 30 minutes of the initial request by the City of Albany, during business hours.
11. The Permit Holder shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any event, market, parade, thoroughfare works or amendments to the e-scooter program
12. The Permit Holder shall have systems in place to incentivise good e-scooter parking behaviour and penalise non-compliance. The Permit Holder will monitor for and ensure that e-scooters that have not been parked in an upright position or are leaning or resting on other street furniture, buildings or infrastructure, are promptly reparked and/or relocated.
13. The Permit Holder shall ensure all e-scooters are equipped with GPS trackers to enable e-scooters to be located at all times.
14. The Permit Holder shall monitor the locations of all e-scooters at all times to avoid nuisance, clutter or congestion being caused by e-scooters.
15. The Permit Holder shall ensure unused e-scooters left in no-parking areas are returned to the approved parking areas indicated within the e-scooter program.
- Advice:
- *The Permit Holders will use all reasonable endeavours to ensure e-scooters left in no-parking areas are collected and redistributed to approved parking areas within 1 hour (60 minutes).*
  - *Driveways, walkways and carparks shall not to be obstructed.*
  - *A rider incentive scheme may be employed to encourage return of e-scooters to designated parking areas.*
16. The Permit Holder shall make it an operational priority to ensure a minimum 1800mm clearway for pedestrians is maintained on public walkways and thoroughfares, unobstructed by parked e-scooters at all times
17. The Permit Holder shall provide City of Albany staff and their representatives with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact the Permit Holder.
18. The City of Albany reserves the right to cancel the permit without compensation for reasons including, but not limited to:
- *Non-compliance with Activities on Thoroughfares and Public Places and Trading Local Law 2011;*
  - *Non-compliance with the conditions of this permit; or*
  - *Non-compliance with the approved Operational Plan.*
19. The Permit Holder must ensure all e-scooters are legal and safe to operate under Australia laws and regulations.
- Advice:
- *The Permit Holder must immediately disable faulty or damaged scooters when reported.*
20. Hireable electric scooters shall not be equipped with user operable audible alarms or air horn percussive signalling instruments.
21. The Permit Holder must ensure hireable e-scooters are not able to exceed the maximum speed limits prescribed under Western Australia Australian laws and regulations.
22. A public liability insurance policy of a minimum of \$20,000,000 is to be maintained at all times. The policy must cover any claim which arises as a result of the negligent act or omission of the permit holder.
23. Personal accident insurance coverage for each trip that the customers of the Permit Holders undertake shall be maintained at all times.

24. The Permit Holder shall indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holders business by the Permit Holder or any of the Permit Holders Agents, including:
  - Any claim made by any person for injury, direct and indirect loss or damage arising in any manner
  - Any direct or indirect loss or damage to any property belonging to the permit holder or other persons located in the vicinity of the Permitted Location caused by the Permit Holder or the Permit Holders Agents.
  - Any direct and indirect loss, damage, injury or illness of any type sustained by any person in relation to or as a result of the Permitted Activity.
25. Permit holders shall make good any damage caused and/or reimburse Council for any maintenance/repair costs that are caused by or in connection with Permit Holder's (or its agents) activity pursuant to the e-scooter scheme.
26. The Permit Holder shall grant the City of Albany with access to data through a custom dashboard or equivalent reporting methodology. The data shall include key metrics as agreed between the Permit Holder and the City.
27. The Permit Holder must provide a monthly report on the statistics of their operations. The report must be provided electronically by the 15<sup>th</sup> of every month and provide statistics of the preceding month. The report must include, but is not limited to:
  - A summary of trips undertaken in the reporting month including trip duration, trip distance, trip start and end point, trip start and end times and dates.
  - The number of customer feedback received and categorised. The report shall include, to the best of the permit operators ability the number and type of complaints reported by users, non-users, Government Agencies or any other sources. The report should include the average time taken to resolve complaints and by type.
28. Statistics on known incidents, collisions, near misses and injuries including information about date, time, contributing factors and severity. This data should be categorised by property damage only, minor injury, serious injury and fatality and a summary of the change to policy, requirements or procedures as a result of the above safety incidents.
29. The Permit Holder shall undertake rider surveys at appropriate intervals throughout the term of the permit to capture user feedback and demographic information.
30. The Permit Holder shall notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Albany.
31. No advertising other than the logo or name of the Permit Holder, is permitted on the e-scooters, helmets or any associated infrastructure.
32. The Permit Holder shall provide, maintain and install signage, decals or similar identifiers to clearly indicate e-scooter parking areas, as directed by the City of Albany. Following conclusion of the trial, these should be removed at full cost of the Permit Holder, unless otherwise agreed to in writing by the City of Albany.
33. Prior to the commencement of operations, the Permit Holder must pay a permit fee of \$2500 for the administration of the Permit.

## BACKGROUND

4. Over the past few years, micro mobility programs that mainly include e-scooters, have rapidly expanded within Australia and across the world. Within Western Australia, other local government's trialling these programs include the City of Stirling, City of Perth, City of Rockingham, City of Bunbury and the Shire of Esperance.
5. The City of Albany has been approached by two micromobility companies Bird Ride and Beam Mobility with a request to undertake a 12-month commercial trial of hireable, shared e-scooters within the City of Albany.
6. Bird Ride (Bird) is a micromobility company based in Santa Monica, California and predominately services the United States and European markets. Within Australia, Bird has e-scooters located in Hervey Bay, Bunbury and Sydney.

7. Beam Mobility (Beam) is based in Singapore and claims to be the largest provider of micromobility in the Asia Pacific Region. Beam currently operate in 18 Australian locations, including in Esperance, Bunbury and Rockingham.
8. E-scooters are deployed as part of these programs and made available for hire within a predetermined area, developed in consultation with the local government.
9. Micromobility companies use GPS and GSM technology referred to as Geofencing to delineate virtual boundaries and manage the behaviour of the e-scooters e.g. operational area, speed limits and parking /docking areas.
10. Users of e-scooter programmes locate, register, pay, unlock and lock e-scooters through a mobile phone app.
11. At the end of the journey, users do not need to physically lock the device with a conventional chain or return it to a designated station or rack. E-scooters are designed to be dockless, meaning the user can choose where to end their journey, provided the area is approved for e-scooter parking.
12. Operators of e-scooter shared services remotely monitor the battery life of the devices and employ people to collect the devices for recharging and redistribution.
13. Throughout the day, local employees are also responsible for relocating misplaced scooters and retrieving damaged scooters for repairs.
14. The daily operations cycle of e-scooters can be summarised as follows:
  - E-scooters are made available for riding at docking points. Once the e-scooters reach a low charge, a GPS signal automatically flags the scooter for charging.
  - Throughout the day, e-scooters with a low charge are collected by a local employee and relocated to a fleet charging and maintenance facility. E-scooters generally take 6-12 hours to fully charge. During charging e-scooters are cleaned and maintained.
  - Once the e-scooter has finished charging, the local employee redeploys scooters to deployment location to be made available for riding.
15. While initially designed for short trips, providing options for the 'last mile' and links to public transport, data suggests e-scooters deployed in regional areas are frequently used for longer trips, with average trips in comparable regional areas being approximately 3.5kms.
16. Within Western Australia, operators require permission from the relevant Local Government to operate an e-scooter shared service. Within the City of Albany, a permit is required under the Activities on Thoroughfares and Public Places and Trading Local Law 2011 and Local Government Property Local Law 2011 (ATPPTLL & LGPLL).

## **DISCUSSION**

17. A 12-month trial has been proposed in order to enable both the operators and the City of Albany to evaluate operations before deciding on a longer term commitment.
18. The City of Albany must determine the applications from both Bird and Beam Mobility to operate a 12-month commercial trial of a hireable e-scooter scheme under the *ATPPTLL & LGPLL*.
19. The City may have recourse to limit the number of e-scooter operators to one within a 12-month trial period should this be identified as the best way to proceed. However it would be difficult to separate the two operators as both have almost identical technologies, and both are willing to work with the City in determining appropriate parking and geo-fencing.
20. It is therefore recommended that the City approve the applications of both Bird and Beam Mobility to operate a 12-month commercial trial of a hireable e-scooter scheme under the *ATPPTLL & LGPLL*.

21. If the 12-month trial is a success, council can revisit the number of operators permitted within the City of Albany and make any necessary changes.
22. Operators have advised they have the ability to deploy e-scooters and commence operations in the City of Albany within 3 weeks of the date of approval.

#### Benefits to the City of Albany

23. E-scooters offer a modern, convenient mode of transport and provide an alternative mobility choice to users. They are readily accepted, easy to use and are valued for being able to transport people to destinations quicker than walking.
24. E-scooters also appeal to the local tourist market, providing a quick and convenient option for tourists to explore a particular area. They will also provide linkages between strategic locations, where walking may otherwise be impractical, such as between the foreshore and the CBD.
25. The use of e-scooters may also contribute to less pollution and greenhouse gas emissions, which is a key consideration given the importance assigned to sustainability and climate action within the City of Albany Strategic Community Plan 2032 and Climate Change Action Declaration.
26. In addition, e-scooters particularly appeal to office workers because they do not require movement of the body and the user stands upright preventing perspiration and wrinkling of clothing. They are also useful for women wearing skirts and dresses, which can be an issue on bicycles.

#### E-Scooter Program

27. Both operators have the capability to implement 'geo-fencing' before commencing their service. Geo-fencing refers to the use of GPS to create virtual designated areas to support a wider e-scooter program. These areas are shown on a map in the operator's mobile phone app.
28. Both Beam Mobility and Bird have offered to co-design the e-scooter programs in consultation with the City of Albany. This consultation will involve working collaboratively to establish:
  - Operating Areas – If riders try to leave the area, their scooter will cut out.
  - Slow Zones – vehicles speed will automatically be limited to a predetermined speed.
  - No Parking Zones – riders attempting to end their trip here will be unable to end their trip and instead, directed to the closest parking spot in the mobile application.
  - No Ride Zones – vehicles will temporarily stop working if they enter this area. Riders will be notified and can unlock the vehicle to ride out of the area. If they remain in the area, the vehicle will continue to lock.
  - Slow & No Parking Zones – combines both slow and no parking elements.
  - Parking Areas – either fixed parking areas or areas where riders are incentivised to leave vehicle through reward credits.
29. In order to ensure the City is satisfied with the e-scooter program, a condition requiring the program to be approved by the City of Albany prior to the commencement of operations is recommended.
30. This will allow the City of Albany to ensure WA Police and community feedback following co-design sessions have been sufficiently incorporated into the programs.
31. To ensure both operators deliver a service that meets community needs and aligns with Council objectives, it is recommended that the e-scooter program be the same for both operators.



32. The agreed e-scooter program will be monitored on an ongoing basis with amendments to the program required to be made within 2 hours (120 minutes) following request by the City. However, it is recommended that modifications required due to health and safety concerns occur within 30 minutes of the initial request by the City of Albany.
33. This will allow responsiveness to both opportunities that are identified during the period (including one-off changes for festivals and events) as well as enabling community concerns to be resolved quickly should they arise.

#### Hardware

34. Specifications of the proposed e-scooters to be used by the operators, the Bird Three and the Beam Saturn X, are provided within the Councillor Workstation.
35. To ensure the safety of users, the permit holder must ensure all e-scooters are legal and safe to operate under Australia laws and regulations at all times. Faulty or damaged scooters must be disabled immediately.

#### Density Requirements

36. Both potential operators have requested a fleet of approximately 250 battery operated e-scooters within the City of Albany. However, this was on the basis of being the sole e-scooter operator.
37. Should council resolve to proceed with both operators, it is expected the number of permitted e-scooters per operator would be reduced to avoid clutter and congestion. In this case, it is recommended that operators be limited to 200 e-scooters each.
38. Both potential operators have confirmed this number would be both acceptable and commercially viable.

#### Speed

39. Within Western Australia, the speed of e-scooters is governed under State Government eRideables legislation, which established the following speed limits:
  - Footpaths: 10km/h or less
  - Bicycle paths and shared paths: 25km/h or less
  - Local roads with a speed limit of 50km/h or less: 25km/h or less
  - E-scooters not permitted on roads with a speed limit exceeding 50km/h.
40. Operators must ensure e-scooters are not able to exceed the maximum speed limits prescribed under eRideables legislation.
41. In addition to the requirements of the eRideables legislation, both potential operators have advised they are willing to work with the City of Albany to establish additional speed limits in key areas however; a balanced approach is required to identify speed limits that are both safe and practical.
42. Speed limits will be established within the e-scooter program, developed in consultation with the City of Albany, following the co-design session. Given the higher aged population within the City of Albany, consideration will be given to additional to the implementation of additional 'Slow Zones' in areas where there is a high mix of users.

#### Age limit of e-scooter user

43. Users must be at least 16 years of age to ride an e-scooter under State Government eRideables legislation
44. Beam have advised they will not hire scooters to anyone younger than 16 years of age, whilst Bird have advised they will not hire to anyone younger than 18 years of age.
45. Age restrictions will be implemented through age verification when signing up to the app.

Safety

46. As the number of e-scooter share services grow, the number of reported users sustaining injuries is increasing. There is limited reliable information regarding the number of injuries, however anecdotal feedback from other local governments indicates an increase in hospital visits due to e-scooter incidents.
47. Both operators have a number of measures in place to mitigate dangerous behaviour on e-scooters including:
  - Moving e-scooter deployment location away from pubs and clubs during evening hours;
  - Cognitive tests to ensure intoxicated people are unable to ride scooters (effectiveness unknown);
  - Ability to general public to report dangerous use of e-scooter;
  - Rider training and coaching initiatives (at the City of Albany request)
  - Ability to detect dangerous driving (such as hard braking, fast turning jumps etc.) through vehicles sensor technology and fine or suspend unsafe drivers following a third strike.
48. Where e-scooters are allowed to operate is an important consideration i.e. on footpaths, shared paths, on-road cycle lanes, local roads, shared spaces, and malls. As more people choose e-scooters as a preferred mode of transport, there may be increased risks to pedestrians. The City of Albany will need to work with e-scooter operators to identify conditions for an e-scooter shared service e.g. prohibition of use in particular areas/places i.e. exclusion zones.
49. Operators will be required to demonstrate they have adequate insurance cover for any injuries or damage that may result from the use of e-scooters.
50. A condition is recommended requiring permit holders to notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time to the City of Albany.

Insurance

51. In accordance with the *ATPPTLL & LGPLL* operators will be required to maintain public liability insurance. The sum required within the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* is \$10,000,000, however given the high-risk nature of the proposed activity, this sum is recommended to be increase to Twenty Million Dollars (\$20,000,000).
52. A condition is also proposed that requires the permit holder to maintain personal accident insurance coverage for each trip that the customers of the Permit Holders e-scooters undertake.
53. Operators have confirmed they have, or are willing to obtain, the above mentioned insurances.
54. Given the number of serious e-scooter injuries recently reported in Western Australia, it is considered appropriate to require the Permit Holder to indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holders business by the Permit Holder or any of the Permit Holders Agents.

### Helmets

55. Regulation 209A (2) of the *Road Traffic Code 2000* states: A person shall not travel on a motorised scooter on a road or any path unless that person is wearing a protective helmet securely fastened on his or her head. Regulation 244 (2) of the *Road Traffic Code 2000* states: A person shall not drive a motor cycle unless — (a) that person is wearing securely on his or her head a protective helmet. There are no exemption from helmet legislation for e-scooter shared services.
56. Every e-scooter will have a helmet attached, and operators have different ways of ensuring helmet use, including requiring a 'helmet selfie' or ensuring helmet are removed from the smart-lock system before the scooter will operate. However, helmet use will ultimately be the responsibility of the individual as measures to ensure use are not foolproof.
57. The risk of helmets being inappropriately disposed of, and therefore e-scooters being available for hire without helmets being provided is mitigated by the requirement for riders to re-attach the helmet to the lock prior to the trip ending, i.e. riders will still get charged by the minute if they do not have the helmet lock reattached.

### Damage and Vandalism

58. E-scooter vandalism is a commonly raised as a concern prior to e-scooter trials and risks can include defacing of e-scooters and e-scooters being thrown in inappropriate locations such as rubbish bins, water bodies and into trees. Despite operators enabling other users to report cases of vandalism to them given they have the ability to ban people from their platform; damage and vandalism of e-scooters will likely increase work for the local police.
59. Despite these immediate concerns, this issue did not seem to be frequently raised through consultation with other local government's trailing e-scooter programs. Despite vandalism being the primary issue during earlier trials, operator have now implemented a number of measures to mitigate this issue, including no-ride zones around waterbodies to prevent e-scooters being thrown in the water.
60. In addition, e-scooters are all fitted with GPS tracking which enables local employees to identify damaged or inappropriately located e-scooters for retrieval, repair (if necessary) and relocation back to parking areas. As a safeguard, e-scooters are immobilised in these instances (locked) and are temporarily rendered unusable. Operators may also be able to identify the person responsible for vandalism through a combination of GPS tracking and the mobile app.
61. In order to mitigate the dangers or unsightliness of e-scooter vandalism, a condition is recommended requiring the Permit Holder to monitor the locations of all e-scooters at all times to avoid nuisance, clutter or congestion caused by e-scooters.
62. It is also recommended that the Permit Holder provides City of Albany staff and their representatives with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact the Permit Holder. In addition to dangerously located e-scooters, this condition would also allow relocation for works and maintenance of City assets.

### Parking

63. Parking areas are able to be controlled by the operator through geo-fencing. For example, when a user arrives in a designated parking area, the GPS software triggers a response notifying the user via the app they are at an appropriate parking location. If users fail to park their e-scooter inside the designated parking area, a notification will be received alerting the user to park in the designated zone or be penalised.

64. A key consideration for the City of Albany is whether to limit e-scooter parking to a number of specified docking areas, or allow more freedom for e-scooters to be docked at any location (excluding roads, carparks and private property) within the operating area.
65. Although allowing parking at any location would provide much more flexibility for the user, this may also increase the potential for clutter and the docking of scooters at inappropriate locations such as the middle of parks or across car parking bays.
66. A number of local governments have advised of issues with e-scooters being left across paths, however the operators offer a discounted fee for the next ride if e-scooters are returned to designated parking areas as an incentive.
67. The City of Rockingham has decided on fixed docking locations only, with trips unable to be ended outside of specified locations including the Rockingham Visitor Centre, Rockingham Arts Centre, CBD, Safety Bay, Palm Beach Jetty and Rockingham Aquatic Centre. This approach may discourage the use of e-scooters for purposes other than tourism and recreation; however, it would minimise clutter and instances of e-scooters being placed in inappropriate locations.
68. Permit holders will be required to obtain approval for designated e-scooter parking areas in accordance with the conditions of a permit. It is expected that the parking areas identified within the e-scooter program be informed by feedback from community members received during the co-design/education session and requirements of the *ATPPTLL & LGPLL*.
69. In order to ensure unobstructed pedestrian access through thoroughfares and verges, it is recommended that fixed parking locations are enforced during the initial 12-month trial period. The City can re-evaluate this position should an e-scooter program continue following the trial.
70. The City may request that the permit holder provide, maintain and install signage, decals or similar identifiers to clearly indicate approved e-scooter parking areas. Following conclusion of the trial, these should be removed at full cost of the Permit Holder, unless otherwise agreed to in writing by the City of Albany.
71. A condition is recommended requiring permit holders to use all reasonable endeavours to ensure e-scooters that are not returned to approved parking areas are collected and redistributed to approved parking areas within 1 hour.
72. The City has the ability to fine Permit Holders for any breaches of this requirements under the City's *ATPPTLL & LGPLL*, should non-compliance become a consistent issue.

#### Data

73. The City of Albany will be granted access to a centralised data point (dashboard) from each operator. This will include information on:
  - Trip origin and destination
  - Rider frequency
  - Total rides
  - Total hours riding
  - Kilometres travelled
  - Co2 emissions avoided
  - Average ride minuted
  - Average ride distance.
74. In addition to this dashboard access, it is recommended the City request a monthly report from each operator summarising trip data, customer feedback and complaints and statistics on incidents/accidents. This will help the City of Albany interpret the dashboard data and identify any issues that need immediately addressing.

Public Advertising

75. Both potential operators have advised of a willingness to co-design e-scooter programs with the City of Albany and the community to ensure the program aligns with community needs and Council objectives.
76. The requirement to deliver a community co-design and education session is recommended as a condition of planning consent. The session shall be attended and developed by all Permit Holders, in consultation with the City of Albany staff.
77. The co-design and education session will capture community feedback on geofencing and inform a final e-scooter program. It is recommended that City staff attend co-design sessions, with particular emphasis on working to ensure community feedback is accurately captured.
78. The co-design and education session will also provide an on-ground community training session on safe e-scooter use.
79. Notice of co-design and education session shall be placed in the Albany Advertiser at least 3 days prior to the date of the session. Officers are also working to develop a potential media release to announce the e-scooter trial and co-design and education sessions (if required).

WA Police (Albany)

80. The Albany branch of WA Police were invited to comment on the applications and any potential e-scooter program area.
81. WA Police have advised they have no comment to make on any potential e-scooter program area given their role would be to will be to enforce the law relating to the use of the scooters. They indicated that as long as there is compliance with the law Police should have little say on where e-scooters are used.
82. WA Police also noted the trail period, and the ability to address any issues with the program during this period.
83. The onus will be on the operators to ensure all e-scooters are legal and safe to operate and unable to exceed the maximum speed limits prescribed under Australian laws and regulations.

Cancellation of permit

84. To ensure permit holders operate in an appropriate manner throughout the duration of the trial, it is recommended that the City of Albany reserves the right to cancel the permit for any reason, including but not limited to:
  - Non-compliance with *ATPPTLL & LGPLL*;
  - Non-compliance with conditions of permit;
  - No compliance with e-scooter program.

Permit costs

85. Despite there being no direct costs, the administration of the e-scooter program is expected to require staff to spend time on the scheme through things such as attendance at co-design and check in sessions, work in developing and amending geofencing and the e-scooter program, reviewing reports and responding to public enquires about the scheme.
86. In order to help re-coup some of the indirect cost of the e-scooter program to the City, a permit fee of \$2,500 per operator is recommended to be implemented as a condition of approval.
87. The ability to charge a permit fee is provided for under 7.3(a) of the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and under 3.4 of *Local Government Property Local Law 2011*. This amount is consistent with the about set by Council within the budget process.

**GOVERNMENT & PUBLIC CONSULTATION**

- 88. Approval is sought to proceed with a 12-month commercial trial of hireable e-scooters under the *ATPPTLL & LGPLL*.
- 89. If the Council resolves to support the 12-month commercial trial of hireable e-scooters, the permit holders will proceed with a community co-design and education session. This session will be designed to capture community feedback on geofencing and the e-scooter program.
- 90. A notice of the a community co-design and education session will be placed in a newspaper circulating the City of Albany at least 3 days prior to the date of the session.
- 91. Potential operators have provided a hardware trial and a briefing to Council and Executive Staff prior to this item being written.

**STATUTORY IMPLICATIONS**

- 92. The City may permit trading in accordance with the *Activities on Thoroughfares and Public Places and Trading Local Law 2011 and the Local Government Property Local Law 2011*.
- 93. The operation and use of e-scooters must comply with WA Government eRideables legislation.
- 94. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

- 95. There are no policy implications relating to granting permits to Bird Rides and Beam Mobility to operate a 12-month commercial trial of a hireable shared e-scooter program.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community</b> <i>Community members may be concerned that consultation did not occur prior to approval of a 12-month trial.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Community members will be involved in co-designing e-scooter program and determining appropriate geofencing.</i>
<b>People Health and Safety</b> <i>E-scooters have the potential to cause injury to users and pedestrians.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Permit holders will be required to hold appropriate public liability and personal accident insurance. The Permit holder will also be required to indemnify and release Council from all liability arising from or in connection with the e-scooter scheme.</i>
<b>Operational</b> <i>E-scooters may cause inconvenience through docking at inappropriate locations such as across carparks or access ways. Docked e-scooters may impact the amenity of public places through visual clutter.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Appropriate geofencing to be determined in consultation with the City and local community. Permit holders must implement amendments to geofencing within 30 minutes. The City has the ability to fine Permit Holders for any breaches of the ATPPTLL &amp; LGPLL.</i>
<b>Property</b> <i>Damage to council property could occur as a result of e-scooter accidents or vandalism.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Permit holders will be required to make good any damage caused and/or reimburse Council for any maintenance/repair costs that are caused by or in connection with the e-scooter scheme.</i>
<b>Opportunity:</b> <i>Provides an environmentally friendly, active travel alternative to passenger vehicles with benefits to the local community and tourism industry.</i>				

**FINANCIAL IMPLICATIONS**

- 97. All costs associated with the e-scooter program will be borne by the operator.
- 98. It is anticipated that costs associated with staff time spent on the administration aspects when considering an e-scooter program would be recouped through permit fees.

**LEGAL IMPLICATIONS**

- 99. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal.
- 100. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

**ENVIRONMENTAL CONSIDERATIONS**

- 101. Growth in microbility and the use of e-ridables potentially leads to the overall reduction in the use carbon emitting vehicles for short trips.

**ALTERNATE OPTIONS**

- 102. Council has the following alternate options in relation to this item, which are:
  - To resolve to refuse both permit applications subject to reasons;
  - To resolve to refuse one permit application subject to reasons; and
  - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

**CONCLUSION**

- 103. The City has been separately approached by Beam Mobility and Bird to undertake a 12-month commercial trial of hireable, shared e-scooters within the City of Albany under the *ATPPTLL & LGPLL*.
- 104. The proposed e-scooter trial is seen as a positive offering to the City of Albany with the potential to benefit both the local community and the tourism industry.
- 105. The intent of committing for a one year trial ensures that the outcomes and impacts of operations can be evaluated before a decision is made around longer-term operations.
- 106. City officers will have the ability to amend the e-scooter program throughout the operating period.
- 107. It is recommended that Council resolve to ISSUE a notice of determination granting both Bird and Beam Mobility approval to operate a 12-month Commercial Trial of Hireable Electric Scooters under the *ATPPTLL & LGPLL*, subject to the conditions.

<b>Consulted References</b>	:	1. <i>Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> 2. Local Government Property Local Law 2011 3. WALGA – Electric Scooter Shared Services Discussion Paper 4. <a href="#">Road Traffic Code 2000</a> 5. <a href="#">Road Safety Commission – eRideables rules</a>
<b>File Number (Name of Ward)</b>	:	Various
<b>Previous Reference</b>	:	Elected member briefing note (July 2022)

**DIS317: RUFUS STREET RECONSTRUCTION**

<b>Land Description</b>	: Rufus Street, Milpara, Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: <b>Commercial in Confidence - Confidential Briefing Note</b>
<b>Report Prepared By</b>	: Civil Infrastructure Contract Manager (A Henderson)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcomes:** 10: A safe, sustainable and efficient transport network.
  - **Objective:** 10.1: Improve road safety, connectivity and traffic flow.

**In Brief:**

- Tender award for the reconstruction of Rufus Street (SLK 0.00 – 0.62) from Albany Highway to Havoc Road and path construction from Albany Hwy to Adelaide Street.
- Two (2) complying tenders were received, with Tenderer A being the recommended contractor.
- Construction is expected to commence in October 2022 with completion in late March 2023.

**RECOMMENDATION**

**DIS317: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council AWARD Contract C22013 – RUFUS STREET RECONSTRUCTION SLK 0.00 – 0.62 to MC Civil Contractors as recommended by the evaluation panel.**

**CARRIED 10-0**

**DIS317: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 11-0**

**DIS317: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council AWARD Contract C22013 – RUFUS STREET RECONSTRUCTION SLK 0.00 – 0.62 to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.**



## BACKGROUND

2. Rufus Street is a local distributor road providing one of many links between Albany Highway and Chester Pass Road, as well as direct access to many residential properties.
3. The proposed work involves the upgrading of existing open drains to new piped drainage, road surface reconstruction from Albany Highway to Havoc Road and the installation of new kerb and footpath from Albany Highway to Adelaide Street. A major upgrade of the culvert servicing Willyung Creek will also be undertaken which will involve the renewal and realignment of the existing culvert to improve water flows during flood events.
4. Design and specification documentation was prepared by the City of Albany to the stage of 'Issued for Tender'.
5. The tender was open from 27<sup>th</sup> July 2022 to 23<sup>rd</sup> August 2022.

## DISCUSSION

6. A total of twelve (12) tender documents were issued by City of Albany.
7. Two (2) complete tender documents were submitted on or before the stipulated closing date and time.
8. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	25%
Relevant Experience	20%
Key Personnel Skills and Experience	20%
Demonstrated Understanding	20%
Tenderers Resources	10%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

9. The following table summarises the tenderers and their weighted scores:

Tenderer	Weighted Score
MC Civil Contractors	650.06
Tenderer B	538.27

## GOVERNMENT & PUBLIC CONSULTATION

10. All relevant Government departments including DWER, Main Roads and Water Corporation have been consulted on the project.
11. A request for tenders was published in the West Australian on Wednesday 27<sup>th</sup> July 2022 and the Albany Advertiser on Thursday 28<sup>th</sup> July 2022.

**STATUTORY IMPLICATIONS**

12. 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.
13. Regulation 18 of the Regulations outlines 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.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

**POLICY IMPLICATIONS**

15. Council's Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health and Safety</b> <i>A pedestrian accident occurs due to poor geometry, road condition and lack of dedicated pathway.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Upgrade road and install dedicated pathway as funding is available.</i>
<b>Finance</b> <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>

**FINANCIAL IMPLICATIONS**

17. The value of this tender is in excess of \$500,000 and therefore approval is referred to Council for consideration.
18. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.
19. Funding for this project has been received from Road Projects Grants, Western Australian Bicycle Network Funds, Roads to Recovery, Developer Contributions and municipal funds allocated in the 2022-2023 budget.

**LEGAL IMPLICATIONS**

20. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

21. The City has submitted a Bed & Banks Permit application and a clearing permit application with the Department of Water and Environmental Regulation. We are expecting these permits to be issued to the City prior to works commencing.
22. Clearing of any vegetation is expected to be minimal with any disturbed vegetation being offset by native riparian vegetation to the creek line or by the planting of street trees.
23. Existing trees and vegetation lining the verge will remain, where possible, as these create a natural buffer to nearby residents.

**ALTERNATE OPTIONS**

24. The options are:
- a. Council may elect to accept the recommended tender; or
  - b. Not approve any tender.

**CONCLUSION**

25. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to MC Civil Contractors.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Local Government (Functions and General) Regulations 1995</li><li>• Council Policy – Purchasing</li><li>• Council Policy – Buy Local (Regional Price Preference)</li></ul>
<b>File Number (Name of Ward)</b>	C22013 (West Ward)
<b>Previous Reference</b>	N/A

**DIS318: PLANNING AND BUILDING REPORTS AUGUST 2022**

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

**RECOMMENDATION**

**DIS318: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT the Planning and Building Reports for August 2022 be NOTED.**

**CARRIED 10-0**

**DIS319: COMMUNITY WASTE RESOURCE STRATEGY PROGRESS  
REPORT UPDATE – QUARTER 4 2021-2022**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 4 – April to June 2022)
<b>Report Prepared By</b>	: Manager Engineering & Sustainability (R March)
<b>Authorising Officer:</b>	: Executive Director Development, Infrastructure and Environment (P Camins)

**RECOMMENDATION**

**DIS319: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT the Community Waste Resource Strategy 2019-2026 Progress Report (Quarter 4 – April to June 2022) be NOTED.**

**CARRIED 10-0**

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

There being no further business the Mayor declared the meeting closed at **8.25PM**



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Dennis W Wellington  
**MAYOR**

**TABLED ADDRESS BY MR MICHAEL TUGWELL**



**ALBANY ANZAC BRIEF FOR COA COUNCILLORS**

The purpose of this brief (document) is to ensure all councillors and interested parties receive the same information and to assist with understanding of the current and pending Anzac financial issues.

It is requested this document is tabled to become part of the COA meeting minutes.

Brief intent is to discuss Anzac, funding & moving toward Bi Centenary of 2026.

Anzac period has two elements; being the Commemorative aspect **where Albany is recognised worldwide as the Australian Home of Anzac**, this should never change. The other is the commercial side which brings tourists & visitors to Albany. Anzac 2022 was again very successful & viewed internationally ( as shown by letters to the Advertiser) in late April and early May.

**Anzac 2022:**

Over all costs to run the Anzac period - \$105,000

**Funding Sources :**

Lotteries West ( LW) - \$55,000;

COA \$ - 14,000 cash ; and

RSL (Donations) - \$36,000 ( sourced over six months).

**Notes - Lottery West:**

1. LW funds decline each year & formal advice is they will continue to do so.
2. The funds declined by \$15,000 from 2021 to 2022 ( \$70,000 > \$55,000 )
3. LW peak funding was \$120,000 for a year( & \$30,000 from COA) mid 2014 -2018.

**Notes- In Kind Support (IKS):**

1. COA provide \$15,000 IKS (at my suggestion this now include Anzac staff wages to total COA IKS of \$50,000 per year).
2. RSL IKS is about \$80,000 per year.

Summary is this makes Anzac about a \$235,000 per year event to run , noting that IKS isn't paid as such in cash it is only support. Moving forward with the decline of LW funding & rising commercial costs, to maintain Anzac Day period at the current standard, access up to \$50,000 cash per year is needed in addition to the LW funding.

This leads to the query Is Albany Anzac commercially worth the outlay of regional (Local Govt) funds, like other Iconic event staged in & around Albany? Simply put yes!

Great Southern Development Commission ( GSDC) modelling shows that even at the lowest level ie 4,000 visitors for one day( night stay) will generate close to \$2,000,000. Higher visitor rates & for longer periods ie two or three days model out to regional revenue of several million dollars annually. This regional money then allows business expansion in different areas & a direct return to COA by rates etc.

Note: this modelling is based on those "visiting the region" spending money not just actual attendance at the various services, as these are free & don't capture all visitors!

**TABLED ADDRESS BY MR MICHAEL TUGWELL**

As well as raising donations the RSL isn't idle, our unseen Anzac 2202 input includes:

1. Negotiations to keep contractor costs at 2019 level (note however this isn't sustainable moving forward for 2023>).
2. The Albany Entertainment Centre (AEC) costs are now about \$7,500 per Anzac period v the costs prior to 2019 of around \$14- \$15,000.
3. The Audio-Visual (AV) costs are about to lower by \$10,000 or more for Anzac 23 depending on securing smaller mobile screens v the single large screen used at the services; and
4. Securing four grants for Anzac 2022 (captured inside the \$36,000 provide by RSL).

As Albany is an International & National Anzac Icon many are of the firm view is that COA should push the issue of Federal & State support financially. If there are any doubts on what those who elect you & pay rates want, engage with them, their comments to RSL are very similar to ours & straight forward.

**Summary:**

- ❖ The current situation of RSL spending six months yearly raising donations to meet Anzac costs ( A public event) is unreasonable & unsustainable
- ❖ Moving forward to the Bi Centenary there are big opportunities to enhance Albany (i.e. **come to Amazing Albany's** Anzac Week & Lower Forts development actions!)
- ❖ To sustain the Anzac period at current level, RSL need access of up to \$50,000 yearly
- ❖ IKS is fine currently but will be insufficient as we ramp up for 2026
- ❖ Pressure should be applied to Federal & State Govt to assist with The Home of Anzac, Anzac costs
- ❖ If COA budgetary underspends become available for Anzac 23, they are needed by the RSL to meet rising costs & lower grants from Lotteries West.
- ❖ This overall situation needs scrutiny in the COA Dec run of budget discussions
- ❖ Without additional funding from COA there are no guarantees with Anzac 23
- ❖ Nationally Anzac Day is run under the Banner of RSL, **note run not Funded**

Queries or discussion are welcome at any time.

**Duty First**



**Michael Tugwell**  
**Special Functions Chairman /Service Director**  
**RSL ALBANY Sub Branch**  
**Ph: (08) 98 443 797/mobile: 0421 647 301**  
**Email: [metco03@outlook.com](mailto:metco03@outlook.com)**

27th September 2022



**TABLED ADDRESS BY MR MAL PARKER**

**My name is Mal Parker and I live on Sydney St in Yakamia.**

On behalf of the Friends of Yakamia Forest and petitioners, I am addressing Point 1 of the petition which requests the re-zoning of Lot 4743 from '*Future Urban Residential*' to '***Environmental Conservation Reserve***'.

Members of our group meet with the Mayor and City executive officers on the 5<sup>th</sup> of September to discuss the petition.

We were informed that the draft Local Planning Scheme No 2 will be advertised for public comment later this year.

We were also informed that the City is working with the Department of Planning, Lands and Heritage on a new draft North Albany Structure Plan which will consolidate all existing structure plans in the area including the Yakamia / Lange Structure Plan.

We were advised that these would be the appropriate avenues to seek the rezoning of the sections of Lot 4743 which are earmarked for housing development.

The Friends of Yakamia Forest and the petitioners intend to make written submissions on both the LPS No 2 and the North Albany Structure Plan.

At this time, we will give an undertaking not to press the City to make a rezoning amendment to the existing Yakamia / Lange Structure Plan, provided that the City gives an undertaking not to sell or develop any part of Lot 4743 for housing until such time as the LPS2 and the North Albany Structure Plan are finalised.

In relation to the current proposed route of Range Road, the Friends of Yakamia Forest seek further dialogue with the City and Councillors about a proposal for the road to cross Lot 4743 further to the south.

We would encourage the City to procure independent and detailed fauna and flora surveys to better inform the road route to minimise the destruction of the better quality old growth forest in the northern section of Lot 4743 in favour of directing the road through the poorer quality, weed infested section to the south of the lot.

As previously advised, the recent State of the Environment Report said that pressures including habitat destruction are becoming worse and will continue to drive wildlife to extinction if we don't stop biodiversity destruction.

The critically-endangered Western Ringtail Possum was upgraded to the highest threatened level in 2018, and the Albany population is seen as an important stronghold for the species. The accumulative loss of urban bush remnants that are preferred habitat for ringtails will have a detrimental impact on this population.

Furthermore, Birdlife Australia says all three endangered species of Black Cockatoo occur in Albany and habitat is critical to their survival.

We look forward to continued open and accountable communication with the Mayor, Councillors and executive officers on the future of Lot 4743.

Thank you.

**TABLED ADDRESS BY ANNABEL PAULLEY**

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

I would like to address councillors on the Yakamia Forest petition point 2 regarding a rescission motion relating to CCS438 – Proposed Road Reserve.

The attachments to the May council meeting agenda show the subdivision plan for the developer's Lot 420 as having 28 lots with an average lot size of 595 square metres. The Yakamia / Lange Structure Plan has Lot 420 and Lot 4743 coded as R25 with average lots sizes of 350 square metres. So the developer's current proposed lot sizes are closer to double what they should be.

Also, the Figure 6 map in the May attachments shows the roads to the south and east of Lot 420 as internal roads which only need to be 6 metres wide, not 20 metres wide as previously advised.

This is clear evidence that the subdivision plan for Lot 420 needs to be re-designed to average 350 square metre lots. The Friends of Yakamia Forest see this as an opportune time for the developer to include the 6-metre internal roads and bushfire requirements entirely within Lot 420. We believe there would still be enough room to include a larger number of smaller-sized lots than currently proposed for the site, hence providing more affordable lot sizes.

In October 2021, the developer bought Lot 420 without the permission of Council to clear its forest to help him meet his internal road and bushfire requirements. He bought the lot at his own risk and he should develop it within his own boundaries.

Since Council passed the CCS438 motion in June, the 1,520-signature petition clearly shows that there is huge community support for a rescission motion to be passed so that the proposed 17-metre-wide section of the City-managed forest

Enough of this forest will be bulldozed to make way for Range Road and still more could be lost if the subdivision on Lot 420 is approved. It is critical that the rest of Lot 4743 should be preserved including the 17-metre-wide section. can be preserved and re-zoned to Environmental Conservation Reserve, along with the other sections of Lot 4743 which are currently earmarked for housing.

**Mayor and Councillors - now is the time to rescind !**

If the developer takes legal action, this will be a small price to pay for saving critical habitat for endangered wildlife and a valued passive recreation site for Albany residents.

As the developer is also the City's FOGO contractor and has been publicly announced as a potential future waste contractor when the Hanrahan Road rubbish tip closes, it would seem undesirable for the developer to bite the hand that feeds it by taking legal action.

We call on the City of Albany Mayor and Councillors to present a notice of rescission to the CEO, and to vote in favour of a rescission motion so that the 17-metre-wide section of the forest on Lot 4743 is preserved.

The bottom line is that 1,520 community members, including 438 Yakamia residents, are passionate about saving this remnant forest and endangered wildlife habitat.

Councillors – you are elected to represent the wishes of community members and you are strongly urged to support a rescission motion.

Thank you.

**TABLED ADDRESS BY MR JON DOUST**

Yakamia Boodja

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

I would like us all to think big ... Big picture that is.

But first, have you walked through that area?

Some of it is owned by the city ... some by private parties.

If you haven't ... please do ... there are some lovely stretches ... and for those  
of us who grew up in bush ... some stretches will bring memoires.

Sometimes you know ... it seems like all is lost ... that there is nothing you  
can do .... no hope .. nothing to be done ... and then .. that's when you have  
to do something.

It seems now we are facing another senseless destruction of priceless  
habitat ... while there is plenty of open country beyond where new abodes  
can be built ...

But are we? ... It's with you people .... you can decide ... on our behalf ...  
about that bit of country that holds some pieces close to what once was.

We ... the city ... we own some ... and the rest ... we can buy ... you can buy ...  
on our behalf.

Just think ... what a wonderful gift for 2026 ... and a way to honour the  
Noongar Menang who were here when Lockyer arrived ... a slice of bushland  
... close to the koort of the city ... close to the hearts of many.

Bushland with birds ... mammals ... insects ... reptiles ... all long gone from  
suburban back and front yards .... I have never walked through there and  
not met other mammals.

A Kings Park in Kincinnup Kinjarling ...

You could call it ... King Charles the Third Park ...

Or Kincinnup Park ... Mount Mokare ... Nakineh Nook ... Menang Menagerie.  
King Charles Kincinnup Park.

In consultation of course ... with local elders ... present and emerging ...

And if you knock it all over ... all it's stored carbon will be released into the  
atmosphere ... Left as it is ... the carbon stays ... forever.

Not only a gift to those who follow us ... a statement of our respect for  
Noongar Menang Boodja ... the bonus! ... great for the climate.

It's time for a big dose of courage, Councillors. ... You can do it .. Can you?

By the way ... many countries have clauses in their constitutions to protect  
the environment ... even the Iranian constitution ....

We don't have such a clause in ours.

Does this mean that we are better off? No.

Think about.

I don't have to tell you ... but let us remind ourselves why we live in a  
biodiversity hotspot.

Not here ... this is cold.

Over there is a bit warm.

And up the back there ... there are hot spots.

We have it the way it is ... because of Mokare ... Nakineh ..... Gallypert ...

Munjat ... Mullet ... the way they lived in this country ... for thousands and  
thousands of years .. this Boodja ... this blessed Boodja ... Kwobadark Boodja  
... beautiful country

Time for a big dose of courage, Councillors! ... Time to step up ... 2026. Will it  
just be a few one act plays? ... or something lasting ... meaningful ... .. you  
can do it!

**TABLED ADDRESS BY MS SONIA EMERY**

**My name is Sonia Emery and I live at 11 Finlay St Mt Clarence.**

I support the previous speakers' presentations about Yakamia Forest petition. I would like to address councillors on the Yakamia Forest petition Point 3 which requests that the City of Albany abides by the intent, objectives and actions outlined in the adopted City of Albany Local Planning Strategy 2019.

The Albany Local Planning Strategy was lodged in 2019 with the WAPPC, after considerable time and resources by City Staff and input from consultants and community. All local councils are required to have one and it commits them to the actions and tenets described in the document. The City's Local Planning Strategy was formulated at great expense to ratepayers, based on considerable input provided in good faith by ratepayers, residents and other stakeholders.

The Albany Local Planning Strategy recognises that

- the local environment is a biodiverse hotspot that needs protection.
- The natural environment attracts residents and visitors alike
- 65% of Albany's natural vegetation has been cleared already and remnant vegetation should be preserved

There is a presumption against clearing native vegetation for development.

Clearly it places a heavy emphasis on the need for conservation of native vegetation when addressing land use matters within the City of Albany.

There is no doubt to Yakamia residents and users of Lot 4347 that this is a rich biodiverse area of remnant forest vegetation. With scientific documentation by the Friends of Yakamia Forest and Torbay Catchment Group, there is clear evidence that Lot 4347 is a critical piece of biodiversity, that needs to be protected to save the flora and fauna species from , and for the enjoyment and wellbeing of the local residents. In keeping with Local Planning Strategy, rezoning of Lot 4347 to a conservation area would offer the protection that it requires.

However, The City of Albany Council's decision at the June Meeting is a direct contradiction, and in breach of the objectives of the Albany Local Planning Strategy. The approval to cede the 17 metre strip of land from Lot 4743 to assist the developer of Lot 420, undermines its potential as a conservation reserve and it opens the door for the clearing of this precious biodiverse environment.

Were the Councillors briefed by staff of the overall objective to '*Protect the City's pristine natural and coastal environments*' of the Albany Local Planning Strategy, and the requirement to commit to actions to achieve this? Or was it dismissed in the context of a "development at all cost" guiding principle.

It is time, not only for the City of Albany to abide by its own Planning Strategy, but also heed the dire warnings of IPCC about the South-west's vulnerability to catastrophic ecological collapse, due to climate change. Councillors, as lawmakers, I urge you to do everything within your power to avert this catastrophe. As a starting point, Lot 4347 must be rezoned as a conservation reserve.

I, along with the Friends of Yakamia Forest, and 1520 local residents call on the City of Albany Mayor and Councillors to present a notice of rescission to the CEO, and to vote in favour of a rescission motion so that the 17-metre-wide section of the forest is preserved, and that you support the rezoning of Lot 4347 to conservation reserve.

Thankyou, Sonia Emery --- 0424284654

**TABLED ADDRESS BYMR ADAM WOLFE**

**Notes for presentation to Albany City Councillors, Mayor and Council Officers Tuesday 27th September 2022 @ Albany City Office Meeting Rooms**

Part 1

- In the 1980s I worked as Royal Australian Naval Reserve officer on the Royal Australian Navy Fleet Relocation Plan to relocate facilities from Sydney Harbour to Jervis Bay on the south coast of New South Wales, and also on the redevelopment of facilities at HMAS *Stirling* on Garden Island, in Cockburn Sound.
- As a diving officer I worked alongside CSIRO scientists and the Chief Defence Department environmental consultant to plan and implement seagrass and seabed surveys in effected waters.
- As an Australian Defence Department (Navy) cultural heritage consultant I conducted underwater heritage and historic shipwreck surveys in the same waters.
- In 1990s I worked as one of the editors of, and contributors to, the Albany Waterways Resources Book (Hart, J., Seal, C., Wolfe, A., Albany waterways resource book: information about the Albany Waterways, Albany Waterways Management Authority, Albany, Western Australia), and also with Greenskills to fence and protect creek lines and riverine reserves in the Kalgan and Hay River catchments.

Part 2

- The above work has provided me with a good understanding of integrated water catchment management and the detrimental environmental affects that land clearing, unsustainable farming practices and urban and industrial development can have on estuaries and embayments. In Western Australia this has been most visible in embayments and enclosed waterways such as:
- Cockburn Sound where 80 % of seagrass beds were lost to onshore industrial and urban development in the 1960s, 70s and 80s. (Fraser, W.F., Kendric, G.A., Zavala-Perez, A., (October 2015,(Revised January 2016), Drivers of seagrass decline in Cockburn and Warner Sound, University of Western Australia, [https://der.wa.gov.au/images/documents/about/committees/CSMC/2016\\_Drivers\\_of\\_Seagrass\\_Decline\\_UWA.pdf](https://der.wa.gov.au/images/documents/about/committees/CSMC/2016_Drivers_of_Seagrass_Decline_UWA.pdf); accessed 26 SEPT 22; Brearly, A., (2005), Ernest Hodgkin's Swanland: Estuaries and Coastal Lagoons of South Western Australia, University of Western Australia Press, Perth, Western Australia).
- Oyster Harbour where in the 1970s and 1980s 45% of seagrass beds were lost to '...by increased nutrient loading...' from contaminated run off from the surrounding catchment (Bastyan, G., Hillman, K., Lukatelich, R.J., and McComb, A.J., 1989, Water quality and seagrass biomass, productivity and epiphyte load in Princess Royal Harbour, Oyster Harbour and King George Sound, Centre for Water Research, Murdoch University and University of Western Australia, Perth, Western Australia, P 1.), and resulting winter rain causing nutrient rich outflows into King Georges Sound seaward of Emu Point, which have contributed to the decline, and even in places, the extinction of immediate offshore seagrass beds. This in turn has allowed an increase in water velocities, especially during winter storms, in turn increasing coastal erosion. It is noted that seagrass beds absorb wave energy and act as a natural, underwater 'breakwater' to dissipate damaging wave motion.



- As a consequence, and over time, the Albany City Council, underwritten by local rate payers, has spent considerable monies on trying to unsuccessfully stop ongoing erosion at Emu Point.

### Part 3

- The Yakamia Creek is part of the Oyster Harbour water catchment. Its head waters rise in the Mt Melville and Mt Clarence catchments and in the undulating country to the north west and discharges into the south west corner of Oyster Harbour. After the Kalgan and King Rivers it can be considered the third most important inflow to the harbour.
- The Yakamia Forest lies partially along, and below, the ridge adjacent to the north west side of the Yakamia Creek and provides a natural and effective filter of rain and other run off into the creek.
- In its current state Yakima Creek is degraded and contaminated by run off from its primary urban and industrial developed catchment area.
- The clearing of up to 40% of the Yakamia First area and its replacement with roads and urban development, will increase water run off from hard surfaces, with an associated increase in nutrient loads, chemicals, plastics and other non-degradable detritus entering the waterway. In turn this will enter Oyster Harbour and King Georges Sound increasing the risk of further environmental stress and degradation.
- The Yakamia/Lange structure plan-Water Management Strategy plan acknowledged that in 2015 there was limited monitoring information available about base load nutrients entering Yakamia Creek, and although nutrient run off from urban areas can be less than that from cultivated agricultural land, nutrient loads would still be present (Essential Environment, (February 2014), Yakamia -Lange structure plan: Water management strategy (Appendices), Albany City Council, P. 16).
- In consequence the clearing of the forest and resulting increased overall nutrient runoff may endanger, or limit efforts to stabilise and possibly rehabilitate the Yakamia Creek.

### Part 4

- In 2005 Robert Fenn, the then Albany City Council town planner recognised that only 23% of the original natural vegetation that existed in the City's boundaries prior to the arrival of non Aboriginal people at King Georges Sound, later known as Albany, survives, and that conservation of Albany's natural heritage biodiversity was a priority (Fenn, R., (2005), Climate Change City of Albany Perspective, Albany City Council).
- The proposed urban development and clearing of parts of the Yakamia Forest will not only increase run off and nutrient loads entering the waterway, Oyster Harbour and King Georges Sound, but will also diminish the amount, and quality of natural bush surviving within the City of Albany, and further diminish, and threaten local and regional biodiversity. All this at a time when rapid and exponential global climate change, ongoing dislocation of inter-regional natural environmental systems, and increasing reductions in species numbers and increasing rates of extinction of plants, insects and animals, threaten to undermine the core fabric of current human existence.
- In such circumstances, where is the vision and leadership in the City of Albany to stand up, openly acknowledge and act to stop this decline?

Adam Wolfe (BBus; P/Dip MarArch; P/Grad SocWk; MA (History)) 31 Hill Street Albany 6330  
Western Australia

TABLED ADDRESS BY SANDRA SWAIN

**My name is Sandra Swain and I live in Leslie Street, Yakamia.**

I am the Chief Petitioner for the petition which is being received by Council tonight regarding the request to preserve important native forest and wildlife habitat on Lot 4743 in Yakamia.

I would first like to thank the Mayor and Ceo Andrew Sharpe and their team for taking time to talk with us. As Mal has reported we gained a better understanding of the city's views.

I would also like to say, on behalf of the petitioners and the Friends of Yakamia Forest, that I agree with all the points raised in the addresses given by Mal Parker and Annabel Paulley.

I am particularly concerned tonight that council move to rescind the CCS438 motion so that NONE of the forest on Lot 4743 is destroyed. This motion should be rescinded because it would appear that it was passed on the basis of a subdivision plan which does not comply with the R code in the Yakamia / Lange Structure Plan. The block sizes are both inconsistent with the zoning of the block and with councils objectives of affordable housing and increased housing density.

Both Lot 420 and the upper section of Lot 4743 are clearly shown as R25 which should have an average lot size of 350 square metres, not 595 square metres as shown in the developer's subdivision plan.

Now that the petition has shown that a significant number of the Yakamia residents and the wider Albany community want to see the northern section of Lot 4743 rezoned to Environmental Conservation Reserve, there is no need for 20-metre-wide external access roads. Only 6-metre-wide internal access roads would be required on the east and south sides of Lot 420.

All of this raises important questions including:-

Why did councillors not pick up these points when they read the information in the attachments for item CCS438 prior to the May council meeting and prior to passing the motion at the June meeting?

Did City planning staff and executives have any discussions with the developer of Lot 420 about the size of his subdivision lots and the road widths? If so, why did City officers recommend approving the much larger lot sizes and wider roads?

If the City is truly concerned about helping the housing crisis, preventing urban sprawl and making more affordable housing available, why did it not advise the developer to make his lot sizes smaller?

The developer and the City need to go back to the drawing board on this matter and start with a clean slate.

On behalf of the 1,520 Albany community members who signed the petition, I strongly urge councillors to immediately start the process to rescind motion CCS438.

Thank you.