



AGENDA

Ordinary Meeting of Council

Tuesday 25 June 2024

6.00pm

Council Chambers



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 25 June 2024 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

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ORDINARY COUNCIL MEETING AGENDA
25/06/2024

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

G Stocks

Councillors:

Councillor

P Terry (Deputy Mayor)

Councillor

L MacLaren

Councillor

A Cruse

Councillor

C McKinley

Councillor

T Brough

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Lionetti

Councillor

M Traill

Councillor

D Baesjou

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Gilfellon

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Governance and Risk

S Jamieson

Senior Team Leader

J Williamson

Meeting Secretary

C Crane

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Terry	DIS398	Financial. The nature of the interest being that Councillor Terry is the Trustee of a Self-Managed Superannuation Fund which holds shares in the parent company of the client of the proponent, being Telstra Corporation Ltd, in excess of the value stipulated in the Act.
Mayor and Councillors	CCS637 CCS638	Impartiality. All Members will disclose an Impartiality Interest.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

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

Clause 4 (6) The total time allowed for public question time will be no more than 30 minutes.

Any extension to the time period defined by the City of Albany Standing Orders Local Law 2014 (as amended) will be at the discretion of the Presiding Member.

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

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

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

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 28 May 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS629: MONTHLY FINANCIAL REPORT – APRIL 2024

Proponent / Owner : City of Albany
Attachments : Monthly Financial Report – April 2024
Report Prepared By : Manager Finance (S van Nierop)
Authorising Officer: : Executive Director Corporate & Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany’s Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 30 April 2024 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 Monthly Financial Report for the period ended 30 April 2024 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS629: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Monthly Financial Report for the period ending 30 April 2024 be RECEIVED.

CCS629: AUTHORISING OFFICER RECOMMENDATION

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR MACLAREN**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS629: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 30 April 2024 be RECEIVED.

DISCUSSION

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
 - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
 - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
 - (c) Basis of Preparation
 - (d) Explanation of material variances to year-to-date budget;
 - (e) Net Current Asset & Funding Position;
 - (f) Investment Portfolio Snapshot;
 - (g) Receivables; and
 - (h) Capital Acquisitions.
3. 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 CCS545, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. 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

6. The Local Government (Financial Management) Regulations 1996 stipulate that each month Local Governments are required to prepare and report a Financial Activity Statement (reg 34) and a Financial Position Statement (reg 35).
7. Each of these statements are to be presented at an ordinary meeting of the council within 2 months after the end of the relevant month, as well as recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2023/24 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 April 2024 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number	:	FM.FIR.7

CCS630: LIST OF ACCOUNTS FOR PAYMENT – MAY 2024

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

STRATEGIC IMPLICATIONS

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

IN BRIEF

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

RECOMMENDATION

CCS630: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2024 totalling \$8,497,961.66 be RECEIVED.

CCS630: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Lionetti

CCS630: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 May 2024 totalling \$8,497,961.66 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the City’s Municipal and Trust funds for the period ending 15 May 2024. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)
Municipal	Electronic Funds Transfer	\$6,463,936.87
Municipal	Payroll	\$2,014,633.55
Municipal	Credit Cards	\$19,391.24
Municipal	Cheques	\$0.00
Trust	N/A	\$0.00
TOTAL		\$8,497,961.66

3. Included within the Electronic Funds Transfers from the City’s Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$9,028.23.
4. The table below summarises the total outstanding creditors as at 15 May 2024.

Aged Creditors	Amount (\$)
Current	\$1,038,610.02
30 Days	\$1,451,159.68
60 Days	\$7,026.82
90 Days	\$50,670.92
TOTAL	\$2,547,467.44

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.
8. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, requires Local Governments to report on payments by employees via purchasing cards.

POLICY IMPLICATIONS

9. Expenditure for the period to 15 May 2024 has been incurred in accordance with the 2023/2024 budget parameters.

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 15 May 2024 has been incurred in accordance with the 2023/2024 budget parameters.

LEGAL IMPLICATIONS

11. Nil

ENVIRONMENTAL CONSIDERATIONS

12. Nil

ALTERNATE OPTIONS

13. Nil

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number	:	FM.FIR.2

CCS631: DELEGATED AUTHORITY REPORTS – 16 APRIL 2024 to 15 MAY 2024

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

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS631: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Delegated Authority Reports 16 April 2024 to 15 May 2024 be RECEIVED.

CCS631: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MACLAREN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS631: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 April 2024 to 15 May 2024 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)

**CCS632 RATES SUBSIDY: SPORTING & COMMUNITY ORGANISATION
RECIPIENT LIST FOR 2023/24**

Business Entity Name : City of Albany
Attachments : Rating Subsidy: Sporting & Community Organisations
Recipient List for 2023/24 financial year.
Report Prepared By : Manager Finance (S van Nierop)
Authorising Officers: : Executive Director Corporate & Commercial Services
(M Gilfellow)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS632: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations
Recipient List for 2023/24.**

CCS632: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS632: AUTHORISING OFFICER RECOMMENDATION

THAT Council RECEIVE the Rating Subsidy: Sporting and Community Organisations Recipient List
for 2023/24.

**CCS633: COMMUNICATIONS AND ENGAGEMENT STRATEGY AND
COMMUNITY ENGAGEMENT POLICY**

Proponent / Owner	: City of Albany
Attachments	: 2024-2027 Communications & Engagement Strategy 2024-2027 Communications & Engagement Strategy Action Plan Community Engagement Policy
Report Prepared By	: Community Development Coordinator (T Flett) & Communications Coordinator (L Condon)
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:** Leadership
 - **Outcome:** A well-informed and engaged community.

In Brief:

- Adopt the revised City of Albany Communications & Engagement Strategy and updated Community Engagement Policy.

RECOMMENDATION

**CCS633: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **ADOPT the City of Albany Communications & Engagement Strategy 2024-2027; and**
2. **ADOPT the revised Community Engagement Policy to align with the Strategy.**

CCS633: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS633: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the City of Albany Communications & Engagement Strategy 2024-2027; and
2. ADOPT the revised Community Engagement Policy to align with the Strategy.

BACKGROUND

2. Council adopted the first Communications & Engagement Strategy at the May 2019 OCM. The Strategy set a clear direction for communication and engagement activities by the City and was underpinned by an Action Plan.
3. The Strategy and action plan implementation was overseen by a Communications and Engagement Advisory Group comprising community representatives, Elected Members and City officers. The Advisory Group met quarterly to review and endorse the progress report.
4. Staff have worked closely with the Communications and Engagement Advisory Group to review and update the Communications and Engagement Strategy and Action Plan.
5. The revised draft Strategy and Action Plan was independently reviewed by Aha! Consulting and workshopped with Councillors, with feedback informing the final document.

DISCUSSION

6. The Communications & Engagement Strategy aimed to guide the City's engagement practice and build on the City's existing strengths in mass communication, using multiple channels to reach the community.
7. The Strategy was underpinned by an Action Plan reported on quarterly to the Communications & Engagement Advisory Group and Council.
8. The Action Plan had 65 actions, 45 which have been completed, 16 remaining ongoing or underway, and 4 were on hold or did not progress for various reasons.
9. Five years after the development of the Strategy, it is a timely opportunity to review the City's achievements and consider areas for improvement, as well as what we can accomplish and implement over the next three years.
10. The Strategy has utilised the feedback that the community provided us through consultation during the development of the Strategic Community Plan 2032, 2023 Community Scorecard, Age Friendly Albany Plan, Youth Friendly Plan, and Access and Inclusion Plan.
11. The revised strategy aligns with the IAP2 Quality Assurance Standard for Community & Stakeholder Engagement which is considered best practice for community engagement across Australia.
12. The inclusion of the "Deciding/Doing" continuum better reflects the breadth of engagement that the City and Council undertakes across multiple projects.
13. The way the City communicates with its diverse community is underpinned by important guiding principles that have developed since 2019 and allows the City to ensure its public image, reputation and brand are positive and long lasting.
14. The communication principles are designed to complement the City's communication tools, enabling it to effectively adapt to the diverse and changing needs of the Albany community over time.
15. By integrating these guiding principles with our various tools and platforms, we can continuously refine our approach, address emerging challenges, and embrace new opportunities.
16. This dynamic and flexible framework allows us to better engage with residents, stakeholders, and partners, ensuring that our messaging is clear, consistent, and impactful as we strive to meet the community's needs and expectations.
17. The Community Engagement Policy has also undergone a comprehensive update to align with the objectives and priorities outlined in the revised Strategy and is also presented with this report for adoption.

18. The revised strategy will be supported by an annual Action Plan, which will allow City officers to report on the progress of relevant and timely projects. This Action Plan will be reviewed annually.
19. The Advisory Group's role has shifted to better reflect the community by increasing community representation and reducing staff participation.

GOVERNMENT & PUBLIC CONSULTATION

20. Extensive feedback in relation to Community Engagement and Communications was collected as part of the consultation for the development of the Strategic Community Plan 2032, 2023 Community Scorecard, Age Friendly Albany Plan, Youth Friendly Plan and Access and Inclusion Plan, and used to inform the review of this Strategy.
21. The Strategy was provided for public comment from 20 to 31 May 2024. The feedback did not require any amendment to the revised strategy.
22. The following engagement was also undertaken with the Advisory Group and Council.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Collaborate	Advisory Group	14 December 2023	10	N/A
		3 August 2023	9	
		30 March 2023	8	
		30 November 2022	9	
Consult	Council Strategic Workshop	19 March 2024	11 elected members	N/A

STATUTORY IMPLICATIONS

23. Nil.

POLICY IMPLICATIONS

24. The Community Engagement Policy has been updated to reflect the new Strategy and is also included with this report and recommended for adoption.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational Risk: Community engagement expectations are not met due to budget, funding conditions, safety, legislative requirements, or other constraints.	Possible	Moderate	Medium	Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.
Reputational Risk: Communications or engagement activity is ad-hoc, untimely, inaccurate, or untargeted.	Unlikely	Major	Low	Adopt the Communications & Engagement Strategy to provide a clear framework for communication and engagement activities. Revise the City's community engagement toolkit to align with the new strategy. Review the membership and terms of reference of the Communications & Engagement Advisory Group to take a more pro-active advisory role to the City.
Operational Risk: Some aspirations of the Strategy and Actions may not be fully realised or achieved due to budget or resource constraints.	Possible	Moderate	Low	Align budget and resource allocations with Council priorities and explore all reasonable options to achieve objectives.
Opportunity: To provide a clear framework and direction for the City of Albany to engage and communicate with its community.				

FINANCIAL IMPLICATIONS

- 26. Delivery of the Strategy and Action Plan will be mostly be achieved through existing budget allocations.
- 27. Where additional budget is required to deliver an objective or action, this will be considered through Council’s annual budgeting process.

LEGAL IMPLICATIONS

- 28. Nil

ENVIRONMENTAL CONSIDERATIONS

- 29. Nil

ALTERNATE OPTIONS

- 30. Council can choose not to adopt this Strategy. This is not recommended as feedback from community is that the City needs to be accountable and transparent in this space.
- 31. Council can choose not to adopt the revised Policy. This is not recommended as the Policy has been amended to align with the updated Strategy.
- 32. Council can opt to modify the Strategy, Action Plan, or Policy.

CONCLUSION

- 33. The adoption of the new Communications & Engagement Strategy and the Community Engagement Policy will provide a framework for improving how the City engages and communicates with community members and stakeholders.

Consulted References	:	IAP2 Quality Assurance Standard for Community & Stakeholder Engagement Deciding Doing Continuum The Engagement Triangle, Understanding the Purpose of Your Engagement Strathbogie Shire Community Engagement Strategy 2019-2022 City of Bayswater Community Engagement Strategy 2021-2025 Scenic Rim Communication Strategy 2020-2023 Mount Alexander Shire Council Communications Strategy July 2018
File Number	:	CR.MEL.2
Previous Reference	:	OCM 28/5/2019 CCS154

CCS634: PERTH GLORY EVENT PROPOSAL

Proponent / Owner : City of Albany
Attachments : Perth Glory Event Proposal (Confidential)
Report Prepared By : Manager Recreation Services (M Green)
Authorising Officer: : Executive Director Community Services (N Watson)

CONFIDENTIAL REPORT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

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
 - **Outcome:** A happy, healthy, and resilient community and a safe community.

In Brief:

- To seek Council's consideration of an event proposal and funding request from Perth Glory to host a pre-season men's fixture in Albany in 2024.

RECOMMENDATION

**CCS634 COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a financial and in-kind contribution as recommended in the confidential report.

Record of Vote

Against the Motion: Councillors MacLaren and Brough.

CCS634 COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation in the confidential report be ADOPTED.

CARRIED 8-2

7.23PM

RESOLUTION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR CRUSE

THAT the meeting be RE-OPENED.

CARRIED 10-0

6.51PM

RESOLUTION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT in accordance with section 4.1 of the City of Albany Standing Orders Local Lay, the meeting be CLOSED to the public to allow discussion.

CARRIED 10-0

CCS634 AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a financial and in-kind contribution as recommended in the confidential report.

CCS635: CIVIC AFFILIATIONS POLICY

Proponent / Owner	: City of Albany
Attachments	: Draft Civic Affiliations Policy
Report Prepared By	: Senior Team Leader (J Williamson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** 3. Place.
 - **Outcome:** 3.3. Local history, heritage and character is valued and preserved.
 - **Pillar:** 4. Prosperity.
 - **Outcome:** A strong, diverse and resilient economy with work opportunities for everyone.
 - **Outcome:** 4.1.2. Facilitate access to quality education, training and work opportunities.
 - **Outcome:** 4.2. A highly sought after tourist destination.
 - **Pillar:** 5. Leadership.
 - **Outcome:** 5.1. Proactive, visionary leaders who are aligned with community needs and values.
 - **Outcome:** 5.3. A well informed and engaged community.

In Brief:

- Council is requested to adopt the reviewed Civic Affiliations Policy.
- Following the adoption of the Policy, Council may then undertake a review of existing Civic Affiliations.

RECOMMENDATION

**CCS635: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT:

1. **The reviewed Civic Affiliations Policy be ADOPTED with an amendment to paragraph 29 “with preference being given to the Mayor then Deputy Mayor and remaining councillors as per paragraph 31.”**
2. **Existing Civic Affiliations be REVIEWED by Council at a Strategic Workshop no later than August 2024.**
3. **A report be presented to Council no later than September 2024 detailing the outcome of the review of existing Civic Affiliations.**

CCS635: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: DEPUTY MAYOR TERRY

THAT:

1. The reviewed Civic Affiliations Policy be ADOPTED with an amendment to paragraph 29 “with preference being given to the Mayor then Deputy Mayor and remaining councillors as per paragraph 31.”
2. Existing Civic Affiliations be REVIEWED by Council at a Strategic Workshop no later than August 2024.
3. A report be presented to Council no later than September 2024 detailing the outcome of the review of existing Civic Affiliations.

CARRIED 8-2

Record of Vote

Against the Motion: Councillors Grimmer and Lionetti.

CCS635: AMENDMENT BY COUNCILLOR TRAILL

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MACLAREN

THAT the reviewed Civic Affiliations Policy be ADOPTED with an amendment to paragraph 29 to include the wording “with preference being given to the Mayor then Deputy Mayor and remaining councillors as per paragraph 31.”

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Grimmer

Councillor Trill then moved an Amendment to the Authorising Officer Recommendation.

CCS635: AMENDMENT BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT the reviewed Civic Affiliations Policy be ADOPTED subject to the removal of paragraph 31.

LOST 1-9

Record of Vote

For the Motion: Councillor Terry

Councillor Terry then moved an Amendment to the Authorising Officer Recommendation.

CCS635: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR MACLAREN

SECONDED: COUNCILLOR TERRY

THAT:

1. The reviewed Civic Affiliations Policy be ADOPTED.
2. Existing Civic Affiliations be REVIEWED by Council at a Strategic Workshop no later than August 2024.
3. A report be presented to Council no later than September 2024 detailing the outcome of the review of existing Civic Affiliations.

BACKGROUND

2. At the Ordinary Council Meeting held on 25 July 2023, Council resolved:

THAT:

1. *Council requests the Chief Executive Officer to review the Civic Affiliations Policy and workshop that review at a Strategic Briefing with Council by 07 February 2024 with aims including:*
 - a) *Criteria under which Council could determine to discontinue a Civic Affiliation.*
 - b) *Reviewing the qualified requirement of one visit per affiliation agreement per Mayoral term.*
 - c) *Reviewing the requirement for accommodation to be provided for visiting delegates.*
2. *Following that workshop a report to be presented to Council by the February 2024 Ordinary Council Meeting that includes the reviewed Civic Affiliations Policy and recommendations to continue or discontinue the five existing Civic Affiliations.*
3. In response to this request, a Review of Civic Affiliations Discussion Paper was prepared to facilitate the review of the current Civic Affiliation Policy.
4. The Discussion Paper was considered by Council at the Elected Member Strategic Workshop held on Tuesday 20th February 2024 where feedback was provided to staff by Elected Members.
5. Council reviewed the Policy at the Elected Member Strategic Workshop held on Tuesday 21 May 2024.

DISCUSSION

6. The review of the Civic Affiliation Policy is intended to:
 - Facilitate the development and maintenance of effective international relations that promote and enhance Albany's reputation as the best place to live, visit and do business.
 - Outline the rationale and criteria for entering into and maintaining Civic Affiliations.
 - Provide Council with criteria for initiating and accepting requests to engage in new Civic Affiliations;
 - Provide Council with criteria for reviewing and evaluating existing Civic Affiliations; and concluding affiliations which no longer fall within the criteria of a mutually beneficial arrangement.
7. Civic Affiliations may include Sister City Relationships, Friendship Arrangements or Synergetic Relationships.

Foreign Arrangements Scheme

8. The Foreign Arrangements Scheme, established by *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*, commenced on 10 December 2020.
9. The purpose of the Scheme is to ensure that arrangements between state or territory governments (and their entities) do not adversely affect Australia's foreign relations and are not inconsistent with Australia's foreign policy.
10. The City of Albany had existing Civic Affiliations with several foreign entities when the Scheme was introduced.
11. The City notified the Minister for Foreign Affairs of those existing arrangements, which are now registered with the Foreign Arrangements Scheme.
12. The Minister for Foreign Affairs has the power to vary or cancel a foreign arrangement if the arrangement would adversely affect, or by likely to affect, Australia's foreign relations or would be inconsistent, or would likely to be inconsistent, with Australia's foreign policy.

Objectives of the Civic Affiliation Policy

13. The objective of the Civic Affiliation Policy is to facilitate the development and maintenance of effective international relations that promote and enhance Albany's reputation, and to outline the rationale and criteria for entering into, maintaining, monitoring and concluding affiliations.
14. The Policy will provide guidelines for initiating and accepting requests to engage in new affiliations and concluding relationships which no longer fulfill the criteria detailed in the Policy.

Criteria and Evaluation for Entering into a Civic Affiliation

15. Entering into a Civic Affiliation with a foreign country is a complex decision which requires careful consideration to ensure that the relationship is well founded and mutually beneficial, is sustainable in the long term and can contribute positively to both partners.
16. The Policy proposes that the following criteria should form part of the evaluation process of any proposed Affiliation:

Economic

- Business partnerships and opportunities;
- Trade, investment and/or export opportunities for local and regional industry;
- Industry attraction and/or expansion;
- Introduction of new technologies or processes; or
- Tourism promotion opportunities.

Education

- Enhanced education and training opportunities;
- Attraction of new adult training or tertiary institutions and students;
- University partnerships; or
- Local government knowledge sharing and information exchange.

Environmental

- Ecosystem and biodiversity research and conservation partnerships;
- Environmental and climate change adaptation information exchange;
- Environmental technology and innovation exchange; or
- Waste management innovation.

Social/Cultural

- Cultural enhancement;
- Preserving and commemorating the Anzac legacy, including memorial services, joint historical research and education related to military history;
- Attraction of sporting competitions and events; or
- Performing and visual arts.

Shared Values and Principles

17. Civic affiliates should share similar core values and principles regarding democracy and human rights. This includes the cultural compatibility between affiliates as shared cultural values and understanding result in an effective and beneficial arrangement.

Mutual Interests

18. Consideration should be given to identifying common interests such as social and/or cultural enhancement including alignment with preserving and commemorating the Anzac legacy and promoting multiculturalism through cultural exchange.

Political Stability

19. Verification of political stability of a future or existing civic affiliate should be undertaken to determine any current or potential impact on the affiliation.

Capacity

20. An affiliate should demonstrate capacity for collaboration, including long term sustainability of an affiliation.

Review of Arrangements

21. It is recommended that Civic Affiliations be reviewed by full Council.

GOVERNMENT & PUBLIC CONSULTATION

22. No public consultation has been undertaken.

STATUTORY IMPLICATIONS

23. Civic Affiliations should comply with the requirements of the *Australia’s Foreign Relations (State and Territory Arrangements) Act 2000*.

POLICY IMPLICATIONS

24. Civic Affiliations should contribute to the achievement of at least one of the objectives of the City of Albany Strategic Community Plan 2032.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation <i>Risk: Not establishing clear guidelines for entering into, maintaining or concluding civic affiliations risks reputational damage with foreign entities, external stakeholders and the community.</i></p>	Likely	Moderate	High	<p><i>If the proposed policy is not adopted, staff will review and address areas of concern prior to re-presenting to Council for adoption.</i></p>
<p>Opportunity: <i>To enter into, maintain or respectfully conclude civic affiliations in accord with a defined criteria and rationale which provides openness and transparency for the City, foreign entities, external stakeholders and the community.</i></p>				

FINANCIAL IMPLICATIONS

26. There may be financial implications should Council choose to allocate funding for travel and accommodation related to reciprocal visits with civic affiliates.

LEGAL IMPLICATIONS

27. N/A

ENVIRONMENTAL CONSIDERATIONS

28. N/A

ALTERNATE OPTIONS

29. Council may choose to undertake a further review of this policy prior to adopting it.

CONCLUSION

30. That the reviewed Civic Affiliations Policy be adopted.

Consulted References	:	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2000.</i>
File Number	:	ED.INR.5
Previous Reference	:	OCM 25 July 2023-15.1: Notice of Motion Elected Member Strategic Workshop 21 May 2024

CCS636: EXTENDED TRADING HOURS

Attachment	:	Temporary and Short Term Extended Trading Hours Policy
Report Prepared By	:	Executive Director Corporate and Commercial Services (M Gilfellon)
Authorising Officer:	:	Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** 4. Prosperity. A thriving city with an abundance of opportunities.
 - **Outcomes:** 4.1.1 Attract, retain and support a diverse range of businesses and industries to grow the economy and create more local jobs.
4.2.1 Create a competitive and sustainable tourism offer.

In Brief:

- This report has been prepared for Council to consider year round extended trading hours for General Retail Shops.
- Results of a survey of the community, youth, businesses and tourism businesses indicate that there is majority support for year round extended trading hours.

RECOMMENDATION

CCS636: AUTHORISING OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. Instruct the Chief Executive Officer to make application to the Minister for Commerce for year round extended trading hours for General Retail Shops; and
2. Support for General Retail Shops within the City of Albany Local Government District the following extended trading hours to apply year round:
 - a. 8:00am - 9:00pm Monday, Tuesday, Wednesday, Thursday, Friday
 - b. 8:00am – 5:00pm Saturday
 - c. 10:00am – 5:00pm Sunday
 - d. 10:00am – 5:00pm Public Holidays
 - e. 12:00pm – 5:00pm ANZAC Day
 - f. Closed – Christmas Day and Good Friday

BACKGROUND

2. General retail trading hours in Albany are governed by the *Retail Trading Hours Act 1987 (WA)* (the Act) in conjunction with the Council's Temporary/Short Term Extended Trading Hours policy adopted April 2014.
3. The Act defines four categories of retail shops: General Retail, Small Retail, Special Retail, and Filling Stations. All shops are regarded as General Retail shops unless they fall under any one of the other categories.
4. The trading hours of restaurants, cafes and takeaway food shops are not covered by the Act.
5. In May 2005, in conjunction with the Ordinary Local Government Election, the City of Albany conducted a referendum asking "do you support optional 7 day trading for all retailers within the City of Albany?".
6. 58.76% of the 22,310 electors voted in that referendum, with 53.66% of those voters voting against deregulation, and 46.44% voting in support. No changes to trading hours were implemented following the referendum.
7. In January 2012 the Albany Chamber of Commerce and Industry adopted a policy supporting the deregulation of trading hours in the City of Albany and requested that Council consider supporting that deregulation.
8. In February 2012, Council resolved:
"THAT Council adopt a policy of Deregulated Trading throughout the City of Albany in place of all previous regulations dealing with restrictions concerning opening hours and days."
9. The City of Albany subsequently commissioned Asset Research to undertake the community consultation required by the Department of Commerce and prepared a report for consideration by Council.
10. At the Ordinary Council Meeting held on 18 December 2012, Council resolved:
"That Council consider the issue of deregulated trading hours as part of its strategic planning when developing the Corporate Strategic Plan and the City of Albany's Economic Development Strategy as part of the Integrated Strategic Planning Process required to be completed by June 30 2013.
Should the strategic planning process demonstrate the need to consider alternate trading hours to meet its objectives, then further research and consultation will be considered by Council."
11. At the February 2024 Ordinary Meeting of Council, the Chief Executive Officer was instructed to:
 - a. *consult the community to determine the level of support for and against the permanent extension of trading hours for General Retail Shops;*
 - b. *provide a financial contribution to the Albany Chamber of Commerce and Industry to undertake consultation of the business community within the City of Albany; and*
 - c. *provide a report to Council on the outcomes of the consultation.*

DISCUSSION

12. Consultation was undertaken from the period from 06 May 2024 to 31 May 2024.
13. Consultation consisted of the following surveys:
 - a. A closed link survey to the community with contacts from the rates database, dog and cat registration database and city mailing list being used to distribute the survey.
 - b. An open link survey to the community that was advertised through various methods both online and in hard copy.
 - c. An open link survey to 15-18 year olds that was advertised both online, through hard copy and through participating schools.
 - d. A closed link survey to local businesses, conducted by the Albany Chamber of Commerce and Industry, with contacts coming from various contact lists. Businesses were invited to participate via emails, texts and phone calls. This survey requested the type of business so that it could be used as a basis for both general business feedback and tourism sector feedback.
 - e. A survey to Community and Sporting Groups with contacts from community and sporting group contact lists.
14. With the exception of the Community and Sporting Group survey, the survey had two primary questions. The first question was in regard to Sunday Trading. The second question was in regard to Weeknight Trading.
15. The Community and Sporting Groups survey asked if the impact on their group would be negative, positive or neutral. This was asked separately in relation to Sunday Trading and Weeknight Trading.
16. With the web-based Community Survey being open to the public at large, there were several controls put in place to ensure the validity of the results. These were:
 - a. Cookies placed on devices that limited those devices to one response.
 - b. The IP Address of each device was recorded. Responses on devices that recorded more than four responses that were not in line with community sentiment were removed.
 - c. A closed link survey which limited each link to one response only. Due to the large number of responses on the closed link, the comparison of this survey's results to the open survey's results provided an extremely reliable comparison.
 - d. Results of the community survey were also weighted against age and sex demographics. This allowed any demographics that may have been under or over represented to be normalised, and the results compared to the unweighted results.
17. Respondents were able to access assistance to complete the online survey or hard copy at the City of Albany Administration Office and City of Albany Library.
18. Ultimately the largest safeguard was the number of responses. This large response, with the above controls in place, meant that the ability for an individual to unduly influence the survey was minimised as any impact would be too small to affect the overall result.

19. The response to the surveys is detailed below:

Survey	Invites	Responses	Precision @ 95% confidence interval
'Closed' Community	11,255	2,943	+/- 1.5%
'Open' Community	N/A	8,076	+/- 1%
Youth	N/A	346	+/- 4%
Business	1,490	505	+/- 3%
Community Group	83	15	+/- 20%

Survey Results – Sunday Trading

20. The responses to the question “Do you support allowing general retail shops to trade on Sundays all year round?” is detailed below:

Survey	Yes	No
'Closed' Community - Unweighted	75%	25%
'Closed' Community - Weighted	73%	27%
'Open' Community - Unweighted	80%	20%
'Open' Community - Weighted	80%	20%
Youth	86%	14%
Business	75%	25%
Food, Beverage and Accommodation (Tourism)	85%	15%

21. The response to the question “Do you support allowing general retail shops to trade on Sunday all year round?” was as follows:

22. For Community and Sporting Groups, the response to the question “What, if any, will be the overall impact on your group will allowing General Retail Shops to trade on Sundays?” was 33% Negative, 27% Positive and 40% no difference.

Survey Results – Weeknight Trading

23. The responses to the question “Do you support allowing general retail shops to trade on weeknights all year round?” was as follows:

Survey	Yes	No
'Closed' Community - Unweighted	75%	25%
'Closed' Community - Weighted	73%	27%
'Open' Community - Unweighted	80%	20%
'Open' Community - Weighted	80%	20%
Youth	86%	14%
Business	75%	25%
Food, Beverage and Accommodation (Tourism)	85%	15%

24. For Community and Sporting Groups, the response to the question “What, if any, will be the overall impact on your group from allowing General Retail Shops to trade on weeknights?” was 20% Negative, 33% Positive and 47% No Difference.

Other Information

25. Officers conducted an analysis of spending data from both residents and visitors across the six months from November 2023 to April 2024 to determine the effect, if any, of extended trading hours.
26. This included two periods of extended trading hours, being December 2023 and January 2024 and the Easter Long Weekend.
27. Analysis of the spending data found no particularly discernible changes in spending patterns as a result of Extended Trading Hours.

GOVERNMENT & PUBLIC CONSULTATION

28. The Department of Energy, Mines, Industry Regulation and Safety (Consumer Protection), has been contacted regularly for advice and to provide updates on the process.
29. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult – Closed Community Survey	Electronic Survey	6 May 2024 to 31 May 2024	2,943	Yes
Consult – Open Community Survey	Electronic Survey	6 May 2024 to 31 May 2024	8,076	Yes
Consult – Youth Survey	Electronic Survey	6 May 2024 to 31 May 2024	346	No
Consult – Business Survey	Electronic Survey	6 May 2024 to 31 May 2024	505	Yes
Consult – Tourism Survey	Electronic Survey	6 May 2024 to 31 May 2024	60	Yes
Consult – Sporting and Community Group Survey	Electronic Survey	6 May 2024 to 31 May 2024	15	No

STATUTORY IMPLICATIONS

30. Non-metropolitan Local Governments may apply to the Department of Energy, Mines, Industry Regulation and Safety (Consumer Protection) to extend the trading hours for local general retail shops beyond those stipulated in the *Retail Trading Hours Act 1987*.

POLICY IMPLICATIONS

31. The Temporary and Short-Term Trading Hours Policy establishes guidelines as to when and where temporary/short term adjustments to extended trading hours under the *Retail Trading Hours Act 1987*.
32. The provisions of that policy do not apply to consideration of permanent extended or deregulated trading hours.
33. Should the Minister approve permanent extended or deregulated trading hours for the City of Albany, the Temporary and Short-Term Trading Hours Policy may be amended or abolished, whichever is applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: The application to the Minister to permanently extend trading hours for retail shops is refused..</i>	Rare	Insignificant	Low	Inform the community of the Minister’s decision.
Opportunity: <i>There is an opportunity to demonstrate responsiveness to community feedback.</i>				

FINANCIAL IMPLICATIONS

35. Nil.

LEGAL IMPLICATIONS

36. Nil.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

38. Council may choose to amend the Authorising Officer’s Recommendation to increase or decrease the proposed Extended Trading Hours and/or the days on which Extended Trading Hours apply.
39. Council may decide not to approve the Authorising Officer Recommendation. The Temporary and Short-Term Trading Hours Policy will remain in place.
40. Council may also choose to:
 - Remove Extended Trading Hours; or
 - Recommend Deregulated Trading Hours.

CONCLUSION

41. The longer-term impact of a year-round extension of retail trading hours for General Retail Shops within the City of Albany is unknown.
42. Other regional local governments with deregulated/extended trading hours for General Retail Shops have reported ongoing community, business and tourism support for the year-round extension of trading hours.
43. It is recommended that the Authorising Officer Recommendation be ADOPTED and an application to the Minister for Commerce be made.

Consulted References	:	<i>Temporary and Short-Term Trading Hours Policy Retail Trading Hours Act 1987</i>
File Number	:	CR.COC.87
Previous Reference	:	OCM 28/02/2024 Report CCS605

CCS637: BEHAVIOURAL COMPLAINT – ASSESSMENT AND PROPOSED RESOLUTION – MATTER ONE

- Attachments** : *Strictly Private & Confidential* - Complaints Assessment, Determination and Recommendations Under Local Government (Model Code of Conduct) Regulations 2021 for Complaints Against Councillors (Independent Assessors Report).
- Elected Member Portal** : *Strictly Private & Confidential* – Copy of Submitted Complaints & Responses.
- Declaration of Interest** : *Impartiality: All Elected Members present.*
**Refer to the legal section of the report.*
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
- Authorising Officer:** : Chief Executive Officer (A Sharpe)

CONFIDENTIAL

This matter is considered confidential in accordance with section 5.23(2) of the Local Government Act 1995, specifically: (b) The personal affairs of any person; and (d) Legal advice obtained, or which may be obtained by the local government.

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.
 - Outcomes:** Strong workplace culture and performance.

In Brief:

- Council must review the independent assessment of the alleged behavioural complaints and consider the findings and recommendations in the Independent Assessor's Report.
- Following** this review, the Council is required to make a determination.

RECOMMENDATION

**CCS637 AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT:

- The findings of the Alleged Behavioural Complaints against the respondent be **NOTED**.
- That the action plan, detailed in paragraph 23 of this report, be **ADOPTED**.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021 Department of Local Government, Sport and Cultural Industries (DLGSCI) Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, dated March 2021.
File Number	:	GO.CLS.6
Previous Reference	:	Council Briefing – 9 April 2024.

CCS638: BEHAVIOURAL COMPLAINT – ASSESSMENT AND PROPOSED RESOLUTION – MATTER TWO

- Attachments** : *Strictly Private & Confidential* - Complaints Assessment, Determination and Recommendations Under Local Government (Model Code of Conduct) Regulations 2021 for Complaints Against Councillors (Independent Assessors Report).
- Elected Member Portal** : *Strictly Private & Confidential* – Copy of Submitted Complaints & Responses.
- Declaration of Interest** : *Impartiality: All Elected Members present.*
**Refer to the legal section of the report.*
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
- Authorising Officer:** : Chief Executive Officer (A Sharpe)

CONFIDENTIAL

This matter is considered confidential in accordance with section 5.23(2) of the Local Government Act 1995, specifically: (b) The personal affairs of any person; and (d) Legal advice obtained, or which may be obtained by the local government.

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.
 - Outcomes:** Strong workplace culture and performance.

In Brief:

- Council must review the independent assessment of the alleged behavioural complaints and consider the findings and recommendations in the Independent Assessor's Report.
- Following this review, the Council is required to make a determination.

RECOMMENDATION

CCS638: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT:

(1) The findings of the Alleged Behavioural Complaints against the respondent be NOTED.
(2) That the action plan, detailed in paragraph 23 of this report, be ADOPTED.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021 Department of Local Government, Sport and Cultural Industries (DLGSC) Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, dated March 2021.
File Number	:	GO.CLS.6
Previous Reference	:	Council Briefing – 9 April 2024.

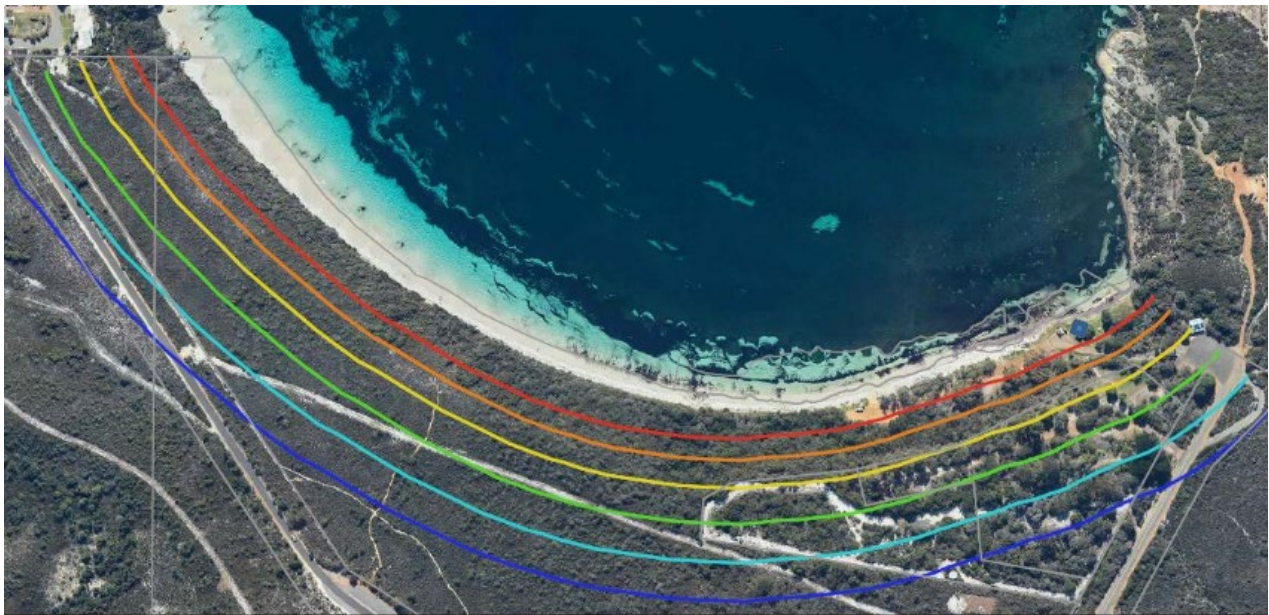
DIS397: WHALERS BEACH (FRENCHMAN BAY) COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN (CHRMAP)

Land Description	: Landgate Reserve 21337
Proponent / Owner	: City of Albany (Vested Crown Land)
Attachments	: 1. Whalers Beach Coastal Hazard Risk Management and Adaptation Plan
Supplementary Information & Councillor Workstation	: 1. Copies of submissions 2. Schedule of Submissions and Officer Response 3. State Planning Policy 2.6 – Coastal Planning
Report Prepared By	: Senior Planning Officer (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Planet
 - **Outcomes:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
 - **Outcomes:** A resilient community that can withstand, adapt to, and recover from natural disasters.

Maps and Diagrams: Whalers Beach, Frenchman Bay



In Brief:

- The City of Albany engaged MP Rogers & Associates to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public assets at Whalers Beach.
- The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion.
- The CHRMAP is considered the first step in the long-term planning of the foreshore reserve, which has been significantly impacted by coastal erosion in recent times.
- It is recommended Council resolve to adopt the Whalers Beach Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with *State Planning Policy 2.6 – State Coastal Planning Policy*.

RECOMMENDATION

**DIS397: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ADOPT the draft Whalers Beach (Frenchman Bay) Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with State Planning Policy 2.6 – State Coastal Planning Policy.

DIS397: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS397: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to ADOPT the draft Whalers Beach (Frenchman Bay) Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with State Planning Policy 2.6 – State Coastal Planning Policy.

BACKGROUND

2. The City of Albany (The City) has engaged MP Rogers & Associates to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public assets at Whalers Beach. Although colloquially used to reference the shoreline subject to this CHRMAP, the term Frenchman Bay officially refer to a wider locality that extends eastward to the end of Whaling Station Road (refer image below). The foreshore that is subject to this CHRMAP is correctly known as Whalers Beach. The CHRMAP has been updated following advertising to reflect the correct naming convention.



3. The draft CHRMAP has been prepared in accordance with State Planning Policy No. 2.6 State Coastal Planning Policy (SPP 2.6) which requires the responsible management authority to prepare a CHRMAP where existing or proposed assets or infrastructure may be at risk from coastal hazards over the planning timeframe.
4. The purpose of a CHRMAP is to define areas of coastline which could be vulnerable to coastal hazards and outline the preferred approach to monitoring and management of these hazards.
5. The need to undertake a detailed CHRMAP for the site was identified following receipt of Coastal Hazard Assessment and CHRMAP to support consideration of an LDP application for lots 1 & 2 Frenchman Bay Road which identified the existing foreshore reserve at Whalers Beach to be imminently at risk of coastal hazard impacts.
6. The requirement for the assessment of coastal hazard risk is even more profound given that the shoreline fronting the main coastal node has experienced noticeable erosion over the past few years.
7. Extensive coastal erosion has forced the closure of the lower carpark and picnic area by the City of Albany in the winter of 2022. The erosion undermined the carpark, signage, fencing and bollards. The picnic area has also become unstable with high tides and wave action from recent storms. Boat users have been told to launch their craft at alternative locations.
8. In response, coir logs have been installed in the lower-lying areas to protect trees from falling into the ocean, with further plans in place for remediation at the picnic area including terracing, coir logs and planting of native fringing vegetation. This was identified as a short-term solution until a Foreshore Management Plan has been prepared for the area.
9. The CHRMAP is considered the first step in the long-term planning for the foreshore reserve at Whalers Beach and is likely to inform the preparation of a Foreshore Management Plan (FMP) in the 2024/2025 financial year.

DISCUSSION

10. The CHRMAP identifies the vulnerability and associated risk management requirements for City assets within the Whalers Beach foreshore reserve.
11. The report deems the risks of coastal inundation impacts to public assets to be minor however, indicates a number of assets to be imminently at risk of coastal erosion.
12. The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion, an adaptation measure that would allow for high levels of public access to the area for the largest timeframe.
13. The report recommends the retreat of assets is triggered by an individual assessment relating to the risk each asset poses to public safety and City management, with specific triggers for individual assets outlined within the report.
14. Identified coastal hazard risks will be used to guide future site management in the context of coastal hazards and inform Foreshore Management activities at Whalers Beach.

Response to submissions

15. The draft CHRMAP was advertised for public comment throughout February 2024 via direct mail out to nearby residents and community associations and was also published on the City of Albany website.
16. Through this process, four (4) submissions on the draft CHRMAP report were received.
17. A number of submissions raised concerns with the naming conventions used in the report, specifically the use of the term 'Frenchman Bay' to refer to the project area.
18. The submissions correctly state that the term 'Frenchman Bay' refers to a wider area, approximately encompassing the area from Limestone Point to Mistaken Island (a distance of approximately 7kms).
19. The area the CHRMAP has been prepared for is correctly known as 'Whalers Beach'.
20. In response to these submissions the draft CHRMAP was updated to ensure the correct naming convention is used throughout the document.
21. A submission also suggested a geotechnical investigation of the slope/embankment may assist in refining managed retreat predictions.
22. A study was previously undertaken on Lots 1 and 2 which determined there was a deep layer of sand underlain by siltier material with no rock present. It was therefore anticipated that these conditions would extend over the full extent of Whalers Beach.
23. Given the drillholes on lots 1 and 2 were located in very close proximity to the escarpment, a sandy coastline classification has been used.
24. Although likely accurate, this classification also represents the 'worst case scenario' in regard to coastal erosion therefore further geotechnical studies are only capable of indicating an increased timeframe for coastal erosion behind the escarpment.
25. Noting the majority of public assets are located seaward of the escarpment, it is considered this study would be of more relevance to any private development on lots 1 and 2 rather than City assets.
26. Furthermore, the provision of a geological assessment for the escarpment would not be expected to impact the long-term management of the foreshore, being events based managed retreat.

GOVERNMENT & PUBLIC CONSULTATION

27. The draft CHRMAP was advertised for public comment in accordance with the following:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail Out	12/02/2024 – 01/03/2024	Four submissions received	Yes
Consult	Public comment – City website	23/01/2024 – 20/02/2024		Yes

28. Following the close of advertising four (4) public submissions were received, the content of the submissions is summarised above and within the Schedule of Submissions (refer attached).

STATUTORY IMPLICATIONS

- 29. Future strategic and statutory proposals located within the CHRMAP area will be required to be considered against this document.
- 30. The voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

31. The CHRMAP was prepared in accordance with *State Planning Policy 2.6 – Coastal Planning*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational: <i>The CHRMAP is not adopted which may impact future planning for the foreshore reserve.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>City officers will address concerns and present the reviewed CHRMAP for adoption.</i>
Opportunity: <i>Facilitate long-term planning for the foreshore reserve which has been impacted by coastal erosion processes and is subject to a number of short-term protection measures.</i>				

FINANCIAL IMPLICATIONS

33. There are no financial implications relating to the adoption the draft CHRMAP.

LEGAL IMPLICATIONS

34. There are no legal implications relating to adopting the revised policy.

ENVIRONMENTAL CONSIDERATIONS

35. There are no environmental implications relating to adopting revised policy.

ALTERNATE OPTIONS

36. Council may choose not to support the adoption of the CHRMAP for reasons.

CONCLUSION

- 37. The City of Albany engaged MP Rogers & Associates to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for public assets at Whalers Beach.
- 38. The draft CHRMAP recommends the public assets are retreated as they become actively impacted by coastal erosion.

39. The CHRMAP is considered the first step in the long-term planning of the foreshore reserve, which has been significantly impacted by coastal erosion in recent times.
40. It is recommended Council resolve to adopt the Whalers Beach Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), in accordance with State Planning Policy 2.6 – State Coastal Planning Policy.

Consulted References	:	1. <i>Local Government Act 1995</i> 2. <i>Planning and Development Act 2005</i> 3. <i>State Planning Policy 2.6 – Coastal Planning</i>
File Number	:	A234493
Previous Reference	:	Nil

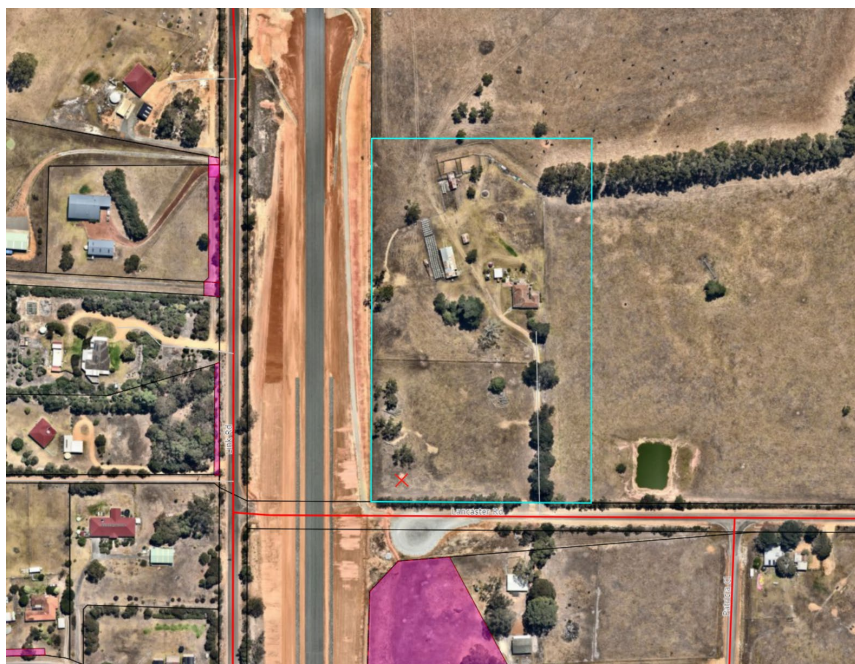
DIS398: TELECOMMUNICATIONS INFRASTRUCTURE

Land Description	: Lot 200, 322 Lancaster Road, McKail WA 6330
Owner	: B.J Panizza
Business Entity Name	: BMM Group Pty Ltd Directors: Stanley McDonnell, Benjamin Bruce, Robert Guy, Secretary Stanley McDonnell.
Attachments	: 1. Plans and applicant report 2. Setback variation justification 3. Summary of submissions and Applicant response
Supplementary Information & Councillor Workstation	: 1. Copies of Submissions 2. Schedule of submissions
Report Prepared By	: Planning Officer (J Dallimore)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relate to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal
4. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany *Local Planning Strategy 2019* (the Planning Strategy).
5. The proposal is consistent with the objectives identified in the Planning Strategy, specifically: *Meet the service infrastructure requirements for settlement growth*.

Maps and Diagrams: 322 (Lot 200) Lancaster Road, McKail



In Brief:

- Council is asked to consider a Development Application for Telecommunications Infrastructure at 322 (lot 200) Lancaster Road, McKail. The land use is considered a 'D' use within the 'Rural' zone in accordance with the City of Albany *Local Planning Scheme No. 2* (LPS2).
- The application was advertised for public comment via direct mail out to surrounding landowners within 500m radius. Seven submissions were received during advertising, all of which raised concerns in relation to the proposal.
- The application in its current form, has been assessed on its merit against the applicable statutory framework including the LPS2 zone objectives and applicable provisions, applicable state legislation and guidelines such as *State Planning Policy 5.2 – Telecommunications Infrastructure* (SPP 5.2). Advice from state agencies, relevant matters raised during the advertising period, and further response from the applicant addressing matters have been considered as part of the City's assessment.
- Due to the number of concerns raised, the application is referred to Council for determination.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area, and the use is consistent with the relevant objectives of the zone. Staff therefore recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

**DIS398: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

DEFER the item until an answer has been received from the proponent in regards to the possible options for relocation of the tower within the subject lot in order to create greater separation to the dwelling to the south.

Procedural Motion

MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR TRAILL

DEFER the item until an answer has been received from the proponent in regards to the possible options for relocation of the tower within the subject lot in order to create greater separation to the dwelling to the south.

CARRIED 10-0

DIS398: AUTHORISING OFFICER RECOMMENDATION

MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR TRAILL

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Telecommunications Infrastructure at Lot 200, 322 Lancaster Road, McKail.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2240018, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.
4. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.

Advice:

The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.

BACKGROUND

6. The City of Albany has received a development application for Telecommunications Infrastructure at 322 (Lot 200) Lancaster Road, McKail.

Local Planning Scheme	City of Albany Local Planning Scheme No. 2
Zone	Rural
LPS 2 Class & Permissibility (Table 3)	Telecommunications Infrastructure – D
Lot size	41,713m ²
Existing Land Use	Single House and other incidental structures
Bushfire Prone Area	Yes
Local Planning Policies	N/A

7. The subject site is approximately 7.5km from the Albany CBD adjacent to the new ring road. The site is also within 150m of the 'Rural Residential' zone to the west which is separated from the development site by the ring road.
8. The development site does not have any heritage significance, nor does it contain any significant vegetation marked for protection.

DISCUSSION

9. The proposed Telecommunications Infrastructure involves the following:

<p>Area of Use</p>	<ul style="list-style-type: none"> • Development lot is approximately 4.17ha • Telecommunications infrastructure will be located on a 120m² lease area
<p>Summary of proposed operations</p>	<p><u>Proposal</u></p> <ul style="list-style-type: none"> • The applicants report states that the tower is being proposed to accommodate the immediate and future coverage and capacity requirements of Telstra’s network and improve coverage in the locality. • The proposed development involves the installation of the following telecommunications infrastructure at the subject site: <ul style="list-style-type: none"> ○ Establishment of a 120m² fenced lease area; ○ Excavation of the footing for the monopole; ○ The installation of a new 40m monopole with a triangular headframe; ○ The installation of six (6) new Telstra panel and six (6) AIR antennas for the provision of 4G and 5G technologies to be mounted on the headframe at a maximum height of 41.3m elevation; ○ The installation of an equipment shelter to accommodate internal Telstra equipment; and ○ The installation of ancillary equipment including transceivers, remote radio units, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitters, couplers, jumpers, filters, electrical equipment, signage, and other associated equipment. • The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. It is also proposed to leave the infrastructure unpainted in a grey colour which is the preferred finish for telecommunication infrastructure as it blends as far as practical against lighter background such as the sky. <p><u>Location</u></p> <ul style="list-style-type: none"> • The existing development on site will remain. • The location of the tower is approximately 170m from the existing single house on the site, 110m from the closest neighbouring building, and 178m from the closest neighbouring single house. • The subject site is not identified as being within an area of high landscape protection, nor does it contain any places of heritage significance. • The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation. • The proposal has been assessed against LPS 2 and SPP 5.2 • As outlined under SPP 5.2, when determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure. • The acceptable boundary setbacks for Rural land are listed under Table 12 – Additional requirements that apply to specific zones in Scheme area require a primary street setback of 15m and side and rear setbacks of 10m.

	<ul style="list-style-type: none"> • The proposed tower and associated infrastructure are proposed to be located in the south west corner of the lot, with the key setbacks being: <ul style="list-style-type: none"> ○ Primary – Lancaster Road (south): 9m ○ Side – Rind Road (west): 7.5m
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10. In assessing the merits of the proposal, Council are to consider the overall public benefit of the proposal on balance with the potential impacts on the amenity from the proposed development.
11. The proposed development has been assessed against the applicable statutory framework including SPP 5.2 and LPS 2.
12. The applicant has provided the following justification for the reduced setback of the telecommunications tower and supporting infrastructure, with the complete justification, including images of the proposed site, included as attachment 2.
 - The facility has been sited and designed to maximise visual integration in the locality and ensure that the amenity of the locality is not substantially impacted.
 - The setbacks of the facility ensure that road users and adjacent property owners will view the proposed structure in the context of other vertical elements associated with the Ring Road construction, including power lines and light poles.
 - The location maximises the screening of the facility at ground level by being sited directly adjacent to existing mature vegetation and separated from properties to the west by the newly constructed Ring Road.
13. Based on the above justification the proposed reduction in the street setbacks is considered to not have an adverse impact on the amenity of the area in the context of the overall proposal.
14. Furthermore, the applicant has also provided a detailed justification for the proposed location as a part of the planning report included as attachment 1 to this report. The following matters were taken into consideration in selection of the proposed location.
 - Maximising the setback of the facility from residential areas and any sensitive land uses.
 - Ability for the tower to visually integrate into the locality and ensure that existing and future amenity of the locality is not compromised.
 - The choice of construction (being a monopole design) to reduce the impact of visual amenity.
 - The ability for the tower to provide a clear line of site to devices using the network as is required by the technology.
 - The ability to co-locate with other existing infrastructure.
15. Following this process, the proposed site was considered suitable by the applicant for the following reasons:
 - The proposal is technically feasible in this location achieving Telstra’s network objectives for the area, resulting in significantly improved telecommunications services benefitting the McKail community.
 - The site has been located in an area where there is no public access and on a land parcel that will not interfere with current or future lawful activities of the side and adjoining parcels of land.
 - There are no specific sensitive uses, such as schools, childcare centres or aged care facilities close to the proposed facility.

Public Consultation

16. It is not required to be advertised under LPS2 as the use is a 'D' use, the application was advertised to adjoining landowners within 500m for 27 days. During the consultation period a total of seven submissions were received, all objecting to the proposal and raising concerns as outlined below and within the attached summary of submissions.
- Health concerns
 - The visual impact of the proposal on the amenity of the area.
 - Environmental concerns.
 - Impact on property values.
 - Quality of the supporting planning report submitted with the application.
17. The main concerns raised during the submission period will be broadly addressed under the headings below.

Health Concerns

18. Through public consultation concerns were raised in relation to the potential for detrimental health effects from the proposed tower, particularly in relation to 5G technology.
19. Concerns were specifically raised that there are a number of households within the immediate vicinity of the proposed tower.
20. The subject site is zoned as rural which is typically associated with lower density types of development. However, it is noted that to the west of the subject site is a rural residential zoned area that increases the intensity of neighbouring properties.
21. The applicant has provided the following response in relation to the comments received regarding potential health impacts. A full copy of the applicant's response to the concerns raised during the consultation period has been provided as an attachment to this report.

“Over 50 years of scientific research has already been conducted into the possible health effects of the radio signals used for mobile phones, base stations and other wireless services, including the frequency bands now being redeployed for 5G.

We agree that it is important that scientists perform long term studies on possible adverse effects of mobile-phone type exposure. There are a number of studies underway (e.g. COSMOS, see <http://www.thecosmosproject.org/>) and it is important to monitor the outcomes of these.

The ARPANSA website describes that Electromagnetic hypersensitivity (EHS) is a wide range of non-specific health problems that are attributed to low-level exposure of electromagnetic fields (EMF) and “... EHS has no clear diagnostic criteria and the science so far has not provided evidence that EMF exposure is the cause.”

ARPANSA advises:

On the basis of current scientific information, there is no established evidence that EHS is caused by EMF at levels below exposure guidelines. ARPANSA acknowledges that the health symptoms experienced by the affected individuals are real and can be a disabling problem, and advise those affected to seek medical advice from a qualified medical specialist.

ARPANSA remains actively engaged with the EHS community, researchers and medical specialists in this area. ARPANSA will continue to review the research into potential health effects of exposure to EMF in order to provide accurate and up-to-date advice.”

22. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Protection and Nuclear Safety Agency (ARPANSA) enforce the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz*. The EME report submitted by the applicant states that the maximum EME level from the site will be 1.97% of the maximum public exposure level.

Visual Impact

23. A number of concerns were received in relation to the impact on visual amenity of the area from the proposed development, including the visual impact from nearby residents.
24. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area, and secondly, within the wider locality.
25. The existing amenity in this area of Lancaster Road can be characterised as being a largely rural and rural residential landscape defined by large lot sizes and high separation between neighbouring development.
26. It is also worth noting that the Albany Ring Road has now been constructed which separates the rural residential area from the subject site. While the ring road does not specifically screen the telecommunications tower from view, it does add another dimension to the existing amenity, introducing a higher level of development into the area.
27. It is also common for development such as that proposed to be grouped with a main road due to the consistent visuals and the need to maintain coverage over high traffic routes.
28. SPP 5.2 outlines a number of considerations in the assessment of the visual impact of telecommunications infrastructure proposals.
29. Considerations include that visual impact assessment should be made on a case by case basis, that proposal should be sited and designed to minimise visual impact, that proposals should not be located on sites that may compromise site of cultural, environmental, social or visual landscape value and the proposal should display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
30. In line with the above, the proposed site is not located in a prominent topographical location (such as on a ridge line). The applicant has also proposed to use a monopole design in a grey tone to assist in reducing the visual impact of the proposed development.
31. It is acknowledged that while the proposal will be visible when viewed from a number of properties within the area, it is necessary to consider that although the development will be partially visible, this aspect does not in itself mean that proposed development will have a negative impact on the visual amenity of the locality.
32. The subject land is not identified as being located within an area of high landscape protection, nor does it contain any places of heritage significance.
33. As outlined above, the proposal demonstrates compliance with the policy objectives and measures set out under SPP 5.2. A full assessment of the policy is outlined under the Policy Implications section below.

Environmental Concerns

34. During public consultation concerns were raised on the risk of EMF's on native wildlife, specifically:
 - The submission mentions that bees are affected by EMF's which cause them to get disorientated and lose their way causing Colony Collapse Disorder.
 - The subsequent potential loss of bees will have negative impacts on the fruit trees and other vegetation in the area.
35. The applicant has provided the following comments in response to the above:

With respect to possible effects of RF EME on flora and fauna, in 2019 Telstra asked ARPANSA for their response on the issue of possible effects on flora and fauna. They replied, *"There is no established evidence that EME exposure from wireless telecommunications sources is harmful to flora or fauna. It should be remembered that many of the studies investigating human health are performed in the laboratory on animals and plant cells."*

36. As noted within the applicants report Electromagnetic Fields (EMF) are often referred to as Electromagnetic Radiation (EMR) or Electromagnetic Energy (EME). When referenced above these terms are referred to interchangeably.
37. As above, the City is not the regulatory body for health concerns whether that be human or environmental.

Property Values

38. The potential decrease in property values was raised during the consultation process.
39. Property values are not within the matters to be considered under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015; and therefore are not a valid planning consideration.

Quality of the supporting planning report

40. The report included by the applicant has been prepared to address all relevant planning matters.
41. As a part of the consultation period concerns were specifically raised over the quality of the references used as a part of the report when referencing the impact of the technologies on the proposed tower on the area.
42. The applicant has provided the following response to the concerns raised which can be found in detail in attachment 3:

EME levels, which are based on safety guidelines recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and regulated by the Federal Government's, Australian Communications and Media Authority (ACMA).

The ACMA's regulatory arrangements require base stations to comply with the exposure limits set in the relevant Australian safety standard; the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021), known as RPS S-1 or the ARPANSA Standard. The RPS S-1 series was adopted in 2021 and includes 4G and 5G frequency fields. The new standard was introduced to align with updated ICNIRP guidelines published in 2020.

All Telstra mobile base stations are designed to comply with the relevant Australian safety standard. The EME report provided with the application provides a calculation of the maximum EME associated with the proposed facility measured in accordance with the ARPANSA methodology.

43. As previously noted the City is not the regulatory body for this component of the development and therefore facts and figures presented regarding EME do not influence this decision.
44. It is noted that while concerns were raised on the potential amenity impacts of the proposal as discussed above, no comments were received regarding the quality of the visual amenity assessment by the applicant which carries more weight within this assessment.

GOVERNMENT & PUBLIC CONSULTATION

45. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to landowners within approximately 500m	1 March 2024 – 29 March 2024	7 submissions received	No statutory consultation

STATUTORY IMPLICATIONS

46. Telecommunications infrastructure is classified as a “D” use within the ‘Rural’ zone under LPS 2 Zoning table, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
47. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

48. The proposal has been assessed against SPP 5.2 which provides guiding principles for the location, siting and design of telecommunications infrastructure.
49. It is important to note that SPP 5.2 provides the direction that telecommunication infrastructure should not be prohibited in any zone, hence why it is discretionary within all zones throughout the City of Albany.
50. Furthermore, buffer zones and/or setback distances are not to be included in local planning schemes or policies.
51. There is a clear direction in SPP 5.2 to facilitate the roll out of an efficient telecommunications network, unless the location and siting unreasonably affects places of cultural or environmental significance, or the visual impact on balance has not been mitigated to outweigh the community benefit of the service it will provide.
52. Comment in reference to the key guiding principles for the location, siting and design of telecommunications infrastructure from SPP 5.2 are as follows:
“Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
 - a) Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
 - b) Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
 - c) Not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
 - d) Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;”
53. As outlined within the discussion above, the applicant has provided justification (attachment 1) outlining the design measures undertaken to minimise the perceived visual amenity impacts of the tower.
54. The development site has not been identified as being within an area of high landscape protection, nor does it contain any places of heritage significance.
55. The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.
56. The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. A recessive colour (either concrete or steel grey) has also been proposed by the applicant in order to blend the infrastructure into the sky to reduce the overall dominance of the structure.
57. The site has been chosen to address the existing coverage issues in the McKail and surrounding areas.
58. There are no existing facilities which would allow co-location to occur while meeting the operational requirements for the infrastructure.
59. The proposal demonstrates compliance with the policy objectives of SPP 5.2

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: The perception that the approval may generate unacceptable impacts on the amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The application has been assessed against the relevant statutory framework and sited to minimise any impacts on the amenity of the area.</i>
<i>Opportunity: Responds to the community for improving mobile telecommunications in the municipality.</i>				

FINANCIAL IMPLICATIONS

61. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

62. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval, conferred by the *Planning and Development Act 2005*. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

63. The proposed development is required to comply with parameters set out under the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz. The federally established Australian Protection and Nuclear Safety Agency (ARPANSA) enforce these standards.

ALTERNATE OPTIONS

64. Council has the following alternate options in relation to this item, which are:
- To resolve to refuse the proposal subject to reasons; and
 - To resolve to approve the proposal subject to additional or modified conditions.

CONCLUSION

65. The proposal has been assessed against LPS 2 and SPP 5.2 relating to telecommunications infrastructure.
66. In determining the application, it is necessary to consider any potential impacts on amenity against the long term benefit of improved telecommunication services and coverage.
67. It is recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	1. <i>Local Planning Scheme No. 2</i> 2. <i>Strategic Community Plan 2032</i> 3. <i>State Planning Policy 5.2 – Telecommunications Infrastructure</i> 4. <i>Visual Landscape Planning in Western Australia – a manual for assessment, siting and design.</i> 5. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number	:	A27175
Previous Reference	:	N/A

DIS399: C24010 PANEL OF SUPPLIERS – MAINTENANCE SUPPORT SERVICES – ENVIRONMENTAL WORKS

Proponent / Owner : City of Albany
Attachments : Confidential Briefing Note
Report Prepared By : Manager City Reserves (J Freeman)
Authorising Officer: : Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

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

In Brief:

- A Tender to appoint preferred contractors to the provision of Maintenance Support Services – Environmental Works for various projects and works.
- This contract will be valid for two (2) years from 01 July 2024 or date of award (whichever occurs latest).

RECOMMENDATION

DIS399: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the tendered rates for Contract C24010 - Panel of Suppliers – Maintenance Support Services – Environmental Works to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

DIS399: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

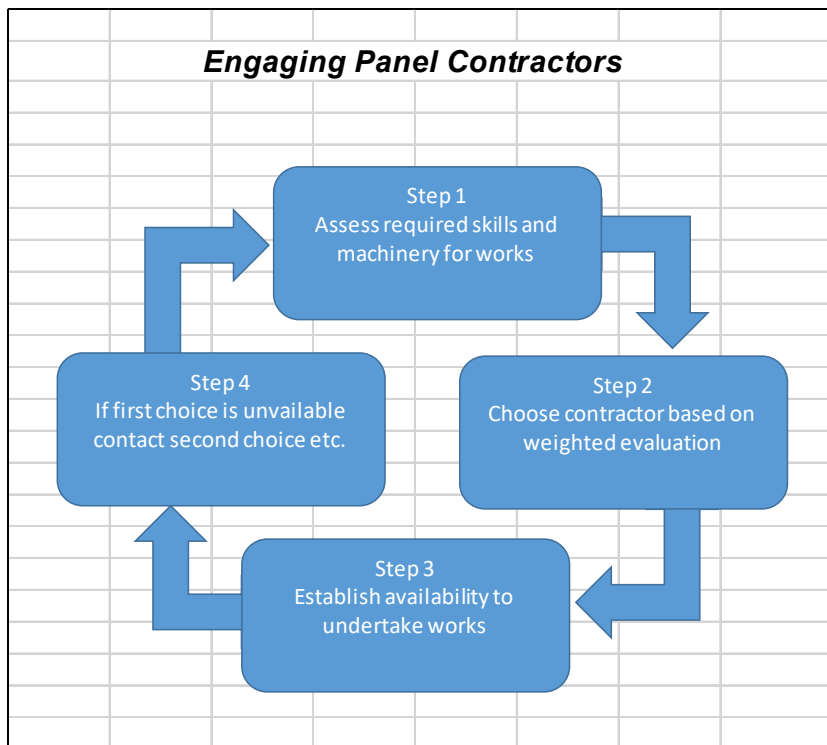
CARRIED 11-0

DIS399: AUTHORISING OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for Contract C24010 - Panel of Suppliers – Maintenance Support Services – Environmental Works to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. The City of Albany (“Principal”) is seeking to establish a Panel of Suppliers for the provision of Maintenance Support Services – Environmental Works for various projects and works within various Reserves as required.
3. The City of Albany (CoA) is responsible for many natural reserves covering over 12,500ha, which require ongoing maintenance to ensure the long-term protection, conservation and restoration of the City’s reserves, whilst providing recreational opportunities.
4. Maintenance Support Services include:
 - Weed control – manual and chemical (backpack)
 - Verge/drainage spraying – vehicle mounted
 - Woody weed removal
 - Trails and dirt bike track maintenance including:
 - Brush cutting and pruning (pole saw and chainsaw)
 - Surface maintenance
 - Fire access tracks
 - Maintenance inspections
 - Signage replacement
 - Infrastructure construction, installation and maintenance including:
 - Bollards, stairs, boardwalks, post and rails
 - Fencing including minor retaining walls
 - Signage installation and removal
 - Litter collection
 - Revegetation
 - Erosion control
5. Contractors on the Panel will be selected as per the below Process Map:



6. The City requires flexibility in this panel to ensure that resources are available for ensuring well managed recreational spaces and community safety.

DISCUSSION

7. A total of 18 Tender Documents were issued.
8. Tenderers were asked to provide hourly rates for general staff and supervisors for the various services.
9. Should there be a requirement for additional services or the Panel Suppliers are not available, then the normal procedure for quoting of these services will apply.
10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	30
Relevant Experience	20
Key Personnel Skills and Experience	15
Tenderer’s Resources	10
Demonstrated Understanding	20
Corporate Social Responsibility	5
Total	100

11. Three (3) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City’s intention was to appoint up to four (4) Contractors to the Panel of Suppliers however only three (3) Contractors have been appointed to the Panel of Suppliers.
12. The following table summarises the recommended tenderers and overall evaluation scores. The cost scoring was evaluated based on the delivered rates to Mercer Road Depot. The rates for supply have not been included in the table as these are “commercial in confidence” and will not be made publicly available.

Tenderer	Weighted Score
Tenderer A	682.84
Tenderer B	530.98
Tenderer C	522.85

GOVERNMENT & PUBLIC CONSULTATION

13. A request for tenders was published in the West Australian on Wednesday 24 April 2024 and the Albany Extra on Friday 26 April 2024.

STATUTORY IMPLICATIONS

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the Contract is, or is expected to be, more, or worth more, than \$250,000.00.
15. Regulation 18 of the Regulations outlines several requirements related to the selection of tenders. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

17. The City of Albany Purchasing Policy and Buy Local Policy (Regional Price Preference) are applicable to this item.
18. The value of this tender is expected to exceed \$500,000.00 and therefore Council approval is required as this exceeds CEO’s delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment: Delays to works may impact Natural Reserves.	Unlikely	Moderate	Medium	Address any concerns in relation to the contract and re-present to Council for award.
Legal & Compliance. Non-compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Organisation’s Operations: Delays in delivering capital works and maintenance.	Unlikely	Moderate	Medium	Address any concerns in relation to the contract and re-present to Council for award.
Reputation & Financial Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Moderate	Medium	Not having a panel of suppliers may reduce capacity to undertake maintenance and Capital Works.
Reputation. The community’s expectation for the protection and enhancement of the natural environment is not met.	Unlikely	Moderate	High	Award the contract to enable capital works and maintenance of Natural Reserves.
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

20. The estimated value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
21. Tenderers were required to provide an hourly rate for the services. The supply of these services is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

22. Nil

ENVIRONMENTAL CONSIDERATIONS

23. All works completed as per the Environmental Land Management Guidelines.
24. Environmental approvals gained as required.

ALTERNATE OPTIONS

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

CONCLUSION

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

Consulted References	:	<ul style="list-style-type: none"> • Council Policy – Purchasing (Tenders & Quotes) • Council Policy – Buy Local (Regional Price Preference)
File Number	:	C24010
Previous Reference	:	C22010

**DIS400: DEVELOPED MANAGED SPACE - PARKS & GARDENS
POLICY**

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: Developed Managed Space – Parks and Gardens Policy
Report Prepared By	: Manager City Reserves (J Freeman) Reserves Officer (K O’Flaherty)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

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

In Brief:

- The City receives many requests from the community regarding infrastructure for their local parks, especially large items such as toilets, shelters, BBQ’s and playgrounds.
- This Policy will assist in managing community expectations and provide a consistent approach.
- This policy focuses exclusively on parks, aiming to:
- Establish a consistent level of service across all parks, appropriate to their size and location.
- Integrate development and upgrades within a comprehensive, City-wide network.
- Optimize City resources to effectively meet the needs of both the city and the community.
- Clearly communicate the roles and provisions of parks to the community.
- Guarantee equitable recreational opportunities for all residents, regardless of their location.

RECOMMENDATION

**DIS400: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Developed Managed Space Policy be ADOPTED.

DIS400: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS400: AUTHORISING OFFICER RECOMMENDATION

THAT the Developed Managed Space Policy be ADOPTED.

BACKGROUND

2. The City manages over 160 ha of Parks and Gardens (parks) in the urban area.
3. There is considerable pressure from the community to provide an increasing level of infrastructure in many of the City's parks.
4. This policy provides direction and guidance for provision of infrastructure and maintenance operations at each of the City's parks based on an associated Level of Service (LOS).
5. Allocation of staff resources and operational budgets are to be guided by consistent criteria across our parks and gardens.

DISCUSSION

6. Parks form one of the vital components of Albany's POS network. This POS network is an integral part of the City's environment – providing access to nature, community meeting places, and recreational opportunities.
7. Parks generally go hand in hand with a variety of built infrastructure such as lighting, playgrounds, shelter, paths, signage, fencing, bins, barbeques, public toilets, and skate parks.
8. There is considerable pressure from the community to provide an increasing level of infrastructure in many of the City's parks, however, this is not sustainable.
9. Infrastructure needs to be distributed equitably across Albany, with equal consideration given to the cost of implementing and maintaining that infrastructure in the long term. This is critical to ensure parks remain high quality, valuable public assets.
10. Adopting Development and Operational Levels of Service will ensure infrastructure provision and upkeep is sustainable, and residents' opportunities for recreation are equitable.
11. This policy does not address creation of new parks, rather the allocation and provision of infrastructure and maintenance resources to existing parks.

GOVERNMENT & PUBLIC CONSULTATION

12. There is no consultation, the City will inform the public as required.

STATUTORY IMPLICATIONS

13. There are no statutory implications.

POLICY IMPLICATIONS

14. The proposed policy aims to provide a consistent approach to the provision of infrastructure, upgrades, and ongoing maintenance across all City parks.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community Risk: Under provision of infrastructure in some areas resulting in inequitable opportunities.	Possible	Moderate	Medium	Levels of Service tables within the policy provide guidance to avoid over/under provision.
Environment & Operations Risk: Parks may not be maintained to the appropriate level.	Unlikely	Moderate	Medium	Levels of Service tables provide minimum maintenance standards to be met.
Financial Risk: Escalation in budgets due to no application of consistent standards	Possible	Major	High	Budget ranges are included in policy according to a parks Level of Service and category.
Reputation Risk: Community expectations may not be met.	Unlikely	Moderate	Medium	Decision framework and Levels of Service tables included to guide decision making and explain process to community.
Opportunity: Provision of a consistent approach to park upgrades, infrastructure provision and maintenance operations				

FINANCIAL IMPLICATIONS

16. If consistent Levels of Service are not applied to guide decisions, there is potential for an increase in capital and operational budgets required to meet community expectations.

LEGAL IMPLICATIONS

17. Nil

ENVIRONMENTAL CONSIDERATIONS

18. Unsustainable level of infrastructure provided resulting in insufficient staff resources available to maintain natural assets within parks.

ALTERNATE OPTIONS

19. Council could choose not to adopt this policy.

CONCLUSION

20. This policy will provide consistent guidance on Development and Operational Levels of Service for City parks, ensuring staff have clear direction on appropriate infrastructure provision and maintenance standards.

Consulted References	:	<ul style="list-style-type: none"> Public Parkland Policy, City of Albany Strategic Asset Management Plan 2017, City of Albany Classification Framework for Public Open Space, Department of Local Government, Sport and Cultural Industries
File Number	:	LP.POL.2
Previous Reference	:	Strategic Workshop - May 2024

DIS401: PLANNING AND BUILDING REPORTS MAY 2024

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports May 2024
Report Prepared By : Technical Support Officer (P Ruggera)
Authorising Officer: : Manager Development Services
(J van der Mescht)

RECOMMENDATION

DIS401: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for May 2024 be NOTED.

**DIS402: BUDGET AMENDMENT REQUEST – ROADS AND DRAINAGE
SUB PROGRAM AND ELLEN COVE SWIMMING ENCLOSURE**

Proponent / Owner : City of Albany
Attachments : **Commercial in Confidence - Confidential Briefing Note**
Report Prepared By : Manager Engineering and Sustainability (R March)
Authorising Officer: : Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place
 - **Outcome:** Interesting, vibrant and welcoming places
 - **Objective:** Create vibrant, attractive and welcoming towns and activity centres.

In Brief:

- This is an additional budget review outside the normal budget review process.
- The review covers budget reallocation to cover an overspend on the Ellen Cove Swimming Enclosure Capital works.

RECOMMENDATION

**DIS402: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council approve the following budget reallocation:

1. **REDUCE** budget for 32442 (Ellen Cove Beach Swimming Enclosure Maintenance) from \$75,000 to \$55,740.
2. **REDUCE** budget for Job Number 3927 (Burt Street Asphalt Overlay, kerbing) from \$132,990 to \$88,000.
3. **REDUCE** budget for Job Number 3040 (Hunter Street SLK 0.0 – 0.23 Asphalt Overlay) from \$165,000 to \$142,600.
4. **INCREASE** budget for 1162540 (Ellen Cove Swimming Enclosure) Capital works from \$80,000 to \$170,000.

BACKGROUND

2. City of Albany officers have received quotes for works to be undertaken, and some have come in under budget, and some will have potential overspends.
3. A review has been undertaken and reallocation of budgets within sub-programs is being sought.
4. Report DIS393: Budget Amendment Request – Roads and Drainage Sub Program and Ellen Cove Swimming Enclosure Maintenance was considered by Council at the May 2024 Ordinary Council Meeting.
5. The budget request component related to the Ellen Cove Swimming Enclosure was not supported at this meeting, as Council required further detail on this expenditure item, which has now been included in the confidential briefing note.

DISCUSSION

Roads

Burt Street

6. Burt Street Asphalt Overlay, kerbing (Job No 3927) had an original budget of \$132,990.
7. These works are now completed with a saving of \$44,990. It is proposed that these savings be used to cover the budget shortfall on the Ellen Cove Swimming Enclosure maintenance works.

Hunter Street

8. Hunter Street SLK 0.0 – 0.23 Asphalt Overlay (Job No 3040) had an original budget of \$165,000.
9. These works are now completed with a saving of \$55,000. It is proposed to use a portion of these savings to cover the shortfall to the budget on the Ellen Cove Swimming Enclosure maintenance works.

Ellen Cove Swimming Enclosure Capital Works

10. In August 2023, Global Marine Enclosures provided a quotation for modifications to the chain wall and 120m of the beach end to the Gen 3 specification.
11. In the December 2023 maintenance report significant damage was reported in the Surf Zone due to the accumulation of sediment which also buried the Chain in places.
12. It was also reported that the Back Wall of the Barrier had also come apart in the short term and the Barrier could not be relied upon.
13. On 27 December 2023 warning signs were erected to let residents and users know and works were planned for either the February or March 2024 inspection times.
14. In January 2024 a temporary fix was able to be undertaken and further works were planned for the Extraordinary Service planned for February/March 2024.
15. The works undertaken in February 2024 involved removing the barrier onto the beach and undertake some of the repairs.
16. In March 2024 the 120m of Gen 3 Surf Zone was delivered to site and assembled, a new section of Chain Wall was assembled, and both were connected to the repaired Gen 2 back wall.
17. All sections were then re-installed including replacement of sections of ground chain plus the installation of two more 50kg Stingray anchors.
18. These works are now finalised, and the shortfall is proposed to be funded through savings from the road program.

Ellen Cove Beach Swimming Enclosure Maintenance

19. During the emergency capital works, the swimming enclosure was removed, which eliminated some costs associated with monthly inspections.

Project Name in Approved Work Schedule	Current Budget 2023	Allocation	Updated Budget 2023
Ellen Cove Beach Swimming Enclosure Maintenance (32442)	\$75,000	-\$19,260	\$55,740
Burt Street Asphalt Overlay, kerbing (Job No 3927)	\$132,990	-\$44,990	\$88,000
Hunter Street SLK 0.0 – 0.23 Asphalt Overlay (Job No 3040)	\$165,000	-\$22,400	\$142,600
Ellen Cove Swimming Enclosure (Capital - 1162540)	\$80,000	\$90,000	\$170,000
TOTAL	\$452,990	\$3,350	\$456,340

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. <i>Risk: Community perception that savings realised should be used for other purposes</i>	Possible	Moderate	Medium	<i>Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.</i>
<i>Risk: Should Council not support the approval of payment for the works, the contractor may be unable to continue to support the product</i>	Possible	Major	High	<i>Consider other options if the existing enclosure was to be removed.</i>
Opportunity: <i>To complete projects already in Capital Works Program</i>				

FINANCIAL IMPLICATIONS

26. Road and drainage works require reallocations within current funding allocations.
27. Ellen Cove Swimming Enclosure Maintenance Works require reallocation from cost savings within current funding allocations.

LEGAL IMPLICATIONS

28. Nil.

ENVIRONMENTAL CONSIDERATIONS

29. Nil.

ALTERNATE OPTIONS

30. Council may:

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

CONCLUSION

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

Consulted References	:	Adopted Budget 2023/2024 Local Government Act 1995
Previous Reference	:	DIS393: Budget Amendment Request – Roads and Drainage Sub Program and Ellen Cove Swimming Enclosure Maintenance - May 2024

AR151: INTERNAL AUDIT – APPOINTMENT OF INTERNAL AUDITOR

Business Entity Name : City of Albany
Proponent : AMD Audit & Assurance t/as AMD Chartered Accountants.
Directors: Maria Cavallo and Tim Partridge
Report Prepared By : Manager Finance (S van Nierop)
Authorising Officer: : Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

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

IN BRIEF:

- In December 2023, Council resolved for the CEO to seek quotations from suitably qualified auditors to provide internal audit and assurance services to the City for the following modules at a minimum:
 - Financial Management Review;
 - Regulation 17 Review; and
 - Other modules as decided by Council.
- The Auditor will be appointed by resolution of Council.

RECOMMENDATION

**AR151: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT:**

THAT the quote from AMD Chartered Accountants be ACCEPTED and P24001: Provision of Internal Audit Services be AWARDED to AMD Chartered Accountants for a period of three (3) years.

AR151: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 6-0

AR151: COMMITTEE RECOMMENDATION

THAT the quote from AMD Chartered Accountants be ACCEPTED and P24001: Provision of Internal Audit Services be AWARDED to AMD Chartered Accountants for a period of three (3) years.

BACKGROUND

2. Internal auditing stands as a crucial component within our governance structure, providing the Council and the Executive Management Team with independent assurance of a robust internal control framework. This ensures that our operations are functioning effectively, efficiently, and in compliance with the law.
3. The City of Albany concluded a comprehensive three-year internal audit program spanning the financial years 2019/20, 2020/21, and 2021/22.
4. This internal audit initiative encompassed twelve (12) modules, distributed as follows:
 - a. FY19/20: (1) Project, Tender & Contract Management; (2) Insurance Management; (3) Financial Management Systems Review; (4) General Financial Controls;
 - b. FY20/21: (5) Risk Management; (6) Policy and Procedure Maintenance; (7) Fraud and Corruption Control; (8) Information Technology Systems;
 - c. FY21/22: (9) Regulation 17 Review and Compliance; (10) Access to Account Functions; (11) Asset Management and Capital Commitments; (12) Human Resources.
5. In the subsequent financial year 2022/23, the City conducted an additional Financial Management Systems Review, in compliance with the mandated triennial assessment outlined in Regulation 5(2) of the Local Government (Financial Management) Regulations 1996.
6. It is noted the City is subject to other audits, such as:
 - a. the mandatory financial year audit (conducted by contracted auditors KPMG engaged by the Office of the Auditor General (OAG)),
 - b. specific performance audits when selected by the OAG (e.g. management of Purchasing Cards), and
 - c. other reviews instigated by the City on an ad-hoc basis.
7. Under AR141 in December 2023, it was resolved that:
 - a. The CEO be requested to seek quotations from suitably qualified auditors to provide internal audit and assurance services to the City for the following modules at a minimum:
 - i. Financial Management Review;
 - ii. Regulation 17 Review; and
 - iii. Other modules as decided by Council.
 - b. The Auditor will be appointed by resolution of Council.

DISCUSSION

8. Quotes were requested from eleven (11) consultants, through the WALGA eQuotes portal.
9. Seven (7) completed quotation documents and were submitted on or before the stipulated closing date and time.
10. The submissions 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 quotation. The criteria are tabled below.

Criteria	% Weighting
Cost	30%
Demonstrated Local Government Experience	30%
Key Personnel Skills and Experience	20%
Technical Compliance and Audit Methodology	15%
Corporate Social Responsibility	5%
Total	100%

11. The following table summarises the top consultants and their weighted scores:

Consultant	Weighted Score
Consultant A	697.84
Consultant B - AMD Chartered Accountants	774.26
Consultant C	723.50
Consultant D	690.14
Consultant E	450.26
Consultant F	743.44
Consultant G	450.00

12. The internal audit complements the Audit & Risk Committee’s responsibilities prescribed under Regulation 17 of the Local Government (Audit) Regulations 1996.
13. It is considered good governance to appoint an internal auditor as an additional control and oversight on City operations.
14. The recommendation is to enter into a contract for three years to allow the appointed internal auditor to gain a good understanding of the City operational environment.

GOVERNMENT & PUBLIC CONSULTATION

15. No government or public consultation was conducted in preparing this report.

STATUTORY IMPLICATIONS

16. The *Local Government (Audit) Regulations 1996* states, in part:

<p>Regulation 16. Functions of the audit committee: An audit committee has the following functions –</p> <ul style="list-style-type: none"> (a) to guide and assist the local government in carrying out – <ul style="list-style-type: none"> (i) its functions under Part 6 of the Act; and (ii) its functions relating to other audits and other matters related to financial management. <p>Regulation 17. CEO to review certain systems and procedures:</p> <ul style="list-style-type: none"> (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to – <ul style="list-style-type: none"> (a) risk management; and (b) internal control; and (c) legislative compliance. (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years. (3) The CEO is to report to the audit committee the results of that review.
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17. The *Local Government (Financial Management) Regulations 1996* states, in part:

<p>Regulation 5. CEO’s duties as to financial management</p> <ul style="list-style-type: none"> (1) Efficient systems and procedures are to be established by the CEO of a local government – <ul style="list-style-type: none"> (a) for the proper collection of all money owing to the local government; and (b) for the safe custody and security of all money collected or held by the local government; and (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and (d) to ensure proper accounting for municipal or trust – <ul style="list-style-type: none"> (i) revenue received or receivable; and (ii) expenses paid or payable; and (iii) assets and liabilities; and (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and (f) for the maintenance of payroll, stock control and costing records; and (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations. (2) The CEO is to –

- (a) ensure that the resources of the local government are effectively and efficiently managed; and
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

POLICY IMPLICATIONS

18. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial & Business Interruption. <i>Identified risks are not appropriately addressed resulting in the impairment of service delivery.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Ongoing: Risk management is integrated into the day to day decision making. Review of current process based on findings of probity audits from across the sector.</i>

FINANCIAL IMPLICATIONS

20. The draft 2024/25 Annual Budget has an allocation of funds for internal audit services of \$25,000.

LEGAL IMPLICATIONS & ENVIRONMENTAL CONSIDERATIONS

21. Nil

ALTERNATE OPTIONS

22. The Committee may resolve to
- a. award the contract to a different consultant; or
 - b. not award the contract at all.

CONCLUSION

23. That the Authorising Officer Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Audit) Regulations 1996 • Local Government (Financial Management) Regulations 1996 • Auditor General Act 2006
File Number	:	FM.MEE.3
Previous References	:	<ul style="list-style-type: none"> • Audit & Risk Committee – 07/05/2019 - Report AR059 • Audit & Risk Committee – 04/12/2023 - Report AR141

AR152: REVIEW OF DELEGATIONS & COUNCIL POLICY REGISTERS

Proponent	: City of Albany
Attachments	: <ul style="list-style-type: none">• Delegations & Authorisations Register 2024 (Proposed)• Delegation Register – Proposed NEW and amendment list.• Council Policy Register (Extract)
Report Prepared by	: Manager Governance & Risk (S Jamieson)
Authorising Officers	: Executive Director Corporate & Commercial Services (M Gilfellow) Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Leadership.
 - **Outcomes:** Strong workplace culture and performance.

In Brief:

- Council review and approve the Register of Delegations & Authorisations.
- Council review and re-adopt the listed Council Policies.

RECOMMENDATION

**AR152: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT:

1. **The reviewed and amended Register of Delegations & Authorisations be ADOPTED.**
2. **The list of Council Policies as per the Council Position Register be ADOPTED.**

AR152: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 6-0

AR152: AUTHORISING OFFICER RECOMMENDATION

THAT:

1. The reviewed and amended Register of Delegations & Authorisations be ADOPTED.
2. The list of Council Policies as per the Council Position Register be ADOPTED.

BACKGROUND

2. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.
3. Without delegated authority, most decisions of the City would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allows day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.
4. The Act requires local government to keep a register of its delegations and review this register once every financial year.
5. The last review was adopted by Council on 28 March 2023 and a review is now due.

DISCUSSION

6. Since the last review the register has been completely reviewed and aligned to the WALGA-preferred template.
7. Previous references are detailed in brackets next to the new reference number.
8. Council Policies are referenced in the Delegations Register.
9. Council may choose to identify and prioritise specific:
 - Delegations; and/or
 - Council Policy Positions for a separate review.

GOVERNMENT & PUBLIC CONSULTATION

10. The Executive Management Team and relevant staff have been provided with an opportunity to review their respective delegations.

STATUTORY IMPLICATIONS

Legislative powers for delegations in local government

11. The Local Government Act 1995 (the Act) has been framed in a way that determines whether powers and duties can be delegated or not. If the term ‘council’ is used, then it is the council itself which must carry out that function.
12. If the term ‘local government’ is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using ‘acting through’ where it may be a better way of carrying out the power or duty.
13. It is a requirement of section 5.18 of the Act, that Council review the delegations at least once every financial year.
14. Voting requirement: **Absolute Majority.**

POLICY IMPLICATIONS

15. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance. Non-compliance with the City’s statutory requirement to review the delegations every financial year.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 30 June 2024.</i>

FINANCIAL IMPLICATIONS

17. Nil.

LEGAL IMPLICATIONS

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

SUMMARY CONCLUSION

19. That the reviewed registers be received for review and adoption.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• Local Government Operational Guidelines
File Number	:	PE.AUT.1
Previous Reference	:	OCM 28 March 2023 Resolution AR131.

AR154: RECEIVE THE MINUTES OF THE AUDIT AND RISK COMMITTEE MEETINGS HELD 29 FEBRUARY 2024

Proponent / Owner : City of Albany
Attachments : **Confirmed Minutes of Audit and Risk Committee Meeting held 29 February 2024 - CONFIDENTIAL**
Report Prepared By : Senior Team Leader (J Williamson)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Provide strong, accountable leadership.

RECOMMENDATION

**AR154: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 29 February 2024 be RECEIVED.

BACKGROUND

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

Consulted References	: <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Number	: FM.MEE.3
Previous Reference	: OCM 23/08/2022 Resolution AR123 OCM 28/03/2023 Resolution AR133 OCM 27/06/2023 Resolution AR137

- 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
- 15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.**

15.1: NOTICE OF MOTION BY COUNCILLOR SUTTON AND COUNCILLOR MCKINLEY

THAT the City of Albany write to the Minister for Agriculture, Fisheries and Forestry requesting the Federal Government to reconsider its position on the phasing out of live sheep export, and to engage with industry stakeholders to develop sustainable solutions that ensure both the welfare of livestock and the continued and long-term viability of the agricultural and livestock transport sector.

Councillor's Reasons:

- (1) The recent decision by the Federal Government to phase out live sheep exports poses profound adverse consequences for farming families and businesses within the City of Albany.
- (2) The ban on live sheep exports overlooks the extensive efforts made by the industry to improve animal welfare standards and implement stringent regulations to ensure the humane treatment of animals during transportation. Our standards are the highest in the world.
- (3) Live sheep exports are a crucial aspect of the agricultural industry, supporting numerous livelihoods and fostering trade relationships with various countries. The export trade provides an economically powerful alternative to domestic processing.
- (4) The total cost of the ban on live sheep export from Australia could be as much as \$1.7 billion in lost GDP, and the loss of around 12,000 jobs. The ban will result in substantial financial losses for Australian farmers and businesses such as the livestock transport industry, reliant on the live export trade, threatening the viability of many rural communities in the face of an Australia-wide cost of living crisis.
- (5) The ban on live sheep export from Australia will likely result in current trade partners seeking to import live sheep from other countries rather than processed sheep meat.
- (6) Beyond the direct economic impact, there is a strong sense of community identity tied to industries like live sheep exports. The ban on live export has the potential to cause significant negative impacts on regional areas and the often isolated but close-knit communities of the agricultural sector.

- 16. REPORTS OF CITY OFFICERS Nil.**

- 17. MEETING CLOSED TO PUBLIC**

CCS637: BEHAVIOURAL COMPLAINT-ASSESSMENT AND PROPOSED SOLUTION-
MATTER ONE-CONFIDENTIAL

CCS638: BEHAVIOURAL COMPLAINT-ASSESSMENT AND PROPOSED SOLUTION-
MATTER TWO-CONFIDENTIAL

- 18. CLOSURE**