



MINUTES

Ordinary Meeting of Council

Tuesday 27 February 2024

6.00pm

Council Chambers

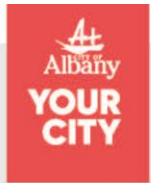


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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00 pm.

*Councillor Baesjou moved the motion to accept Councillor MacLaren to join the meeting virtually by zoom.
Seconded by Councillor Sutton*

PROCEDURAL MOTION

MOVED: COUNCILLOR BAESJOU

SECONDED: COUNCILLOR SUTTON

Councillor MacLaren be approved to join the meeting virtually by Zoom.

CARRIED 10-0

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 (Virtual)

Councillor

A Cruse

Councillor

C McKinley

Councillor

T Brough

Councillor

R Sutton

Councillor

M Lionetti

Councillor

M Traill

Councillor

D Baesjou

Councillor

S Grimmer

Staff:

Chief Executive Officer

A Sharpe (Virtual)

Executive Director Corporate & Commercial Services

M Gilfellow

Executive Director Infrastructure, Development

& Environment

P Camins

Coordinator Planning Services

J Wardell-Johnson

Meeting Secretary

H Bell

Apologies:

Executive Director Community Services

N Watson

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Traill	CCS605	Impartiality. The nature of the interest being that Councillor Traill has been employed on a casual basis by the Western Australian Electoral Commission since 2001. Councillor Traill remained in the chamber and participated in the discussion and vote.
Councillor Lionetti	CCS605	Impartiality. The nature of the interest being that Councillor Lionetti owns a retail trading business. Councillor Lionetti remained in the chamber and participated in the discussion and vote.

5. REPORTS OF MEMBERS

6.02 pm Councillor Cruse

- Attended the Albany Pride Festival launch at the Albany Entertainment Centre on February 9th.
- Represented Aurora Magazine among festival sponsors.
- Positive to see Elise Van Gorp, our Manager of Community Relations, also representing the City.
- The festival, one of Australia’s largest regional pride festivals, attracts award-winning artists and a significant audience, benefiting our local economy.
- Conversations with the local queer community highlight significant improvements in LGBTQIA+ inclusivity in Albany over the years.
- Sponsorship from Lotterywest and the City of Albany was instrumental in this positive change.

6.04 pm Deputy Mayor Terry

- Investigated gravel roads during summer.
- Attended the Australia Day Binalup festival and praised award winners.
- JDAP – Middleton Beach Hotel panel approved development, pending tasks before construction starts.
- Participated in the Community Cabinet meeting in Albany.
- Attended the opening of Louise Kingston’s office.
- Acknowledged the City’s efforts in managing bushfires.
- Congratulated award winners at the Sportsperson of the Year Award.
- Represented the Mayor at the RSL ADP Remembrance Service.
- Joined discussions at the WALGA Zone meeting.
- Noted the Dale Panorama showcased at the Library.

6.08 pm Councillor McKinley

- Raised concerns about a rabbit plague at Emu Pt; City’s active response.
- Inspected beaches and surveyed gravel roads in dry weather.
- Commended the works crew for diligent maintenance during Australia Day celebrations.

6.10 pm Councillor Brough

- Actively involved on the fire grounds.
- Special recognition to the Warriup homestead for providing food and drinks to those on the fire ground.
- Participated in the RSL ADF remembrance service, proudly wearing medals during the parade.
- Commented on the coalition of the LGBTQIA + acronym and provided his view on the + symbol.

6.14 pm Councillor Grimmer

- Actively engaged with residents, addressing concerns about rural roads and potential petition submissions.
- Discussions centred around housing and homelessness issues.
- Dedicated to advancing the City's Biodiversity Strategy and receiving positive feedback.
- Actively participating in Communication Engagement Advisory meetings.

6:16 pm Councillor Traill

- Dale Panorama, an iconic art piece displayed in the library, represents our community.
- Congratulations to all award winners at the Binalup Festival, with special recognition given to Terry Eaton for his role as MC for the day.
- Active in the arts community, attending art exhibition openings such as the Alternative Archive on February 2nd at the Town Hall and the Welcome to Country exhibition.
- Participated in the Sundowner event at the Museum of the Great Southern for their Pillar and Guru Exhibition.
- Expressed heartfelt thanks to all volunteers who assisted during the Green Range Fire, and to those who attended the "Blaze back community function" last Friday night, with approximately 200 individuals joining the sundowner to show their appreciation.

6.19 pm Councillor Sutton

- Expressed gratitude to Jude Want and the organizing team for their exceptional coordination of the Sportsperson of the Year award ceremony.
- The Pump track event held on Sandford Rd during the summer season attracted a significant turnout, indicating its growing popularity among attendees.
- However, the ongoing issue of rabbits at Emu Pt remains a concern that needs to be addressed.

6.21 pm Councillor MacLaren

- Expressed happiness and appreciation for the successful Albany Pride Festival, highlighting the importance of understanding its history.
- Acknowledgment given to the staff for their assistance in addressing vandalism in the Reserves over the summer, particularly on trails.
- Met the filmmaker of "We Bury the Dead" during the Albany Chamber of Commerce & Industry sundowner.
- Currently, efforts are underway to finalize the City's Communications Strategy, with anticipation for its imminent release.
- Actively engaged in the National Regional Housing Summit, exploring viable solutions for social housing.
- Raised the issue of Cat Management Laws at the Community Cabinet meeting.
- Attendance at the JDAP meeting and associated training sessions provided valuable insights into the history of Norman House.
- Gratitude extended to all who attended the Binalup festival, with special acknowledgment of the hard work of the recognized volunteers.

6.24 pm Mayor Greg Stocks

- Extended a heartfelt thank you to both the Councillors and staff for their dedication to attending meetings during the January recess.
- Their unwavering commitment to their roles and the community is truly commendable.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

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

Clause 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.*

6.25 pm Ms. Krysten Pryz-Brown, CEO of ACCI at 106 Stirling Terrace, Albany

Summary of key points:

Ms. Krysten Pryz-Brown discussed CCS605 - Retail Trading Hours with the Council. The Chamber is mentioned in the item as partnering with the City to provide an independent and unbiased voice. Additionally, they are assisting a data collection organisation in conducting a survey on Retail Trading Hours.

6.30 pm Ms. Diane Evers of 58 Bindaree Rd, Cuthbert

Summary of key points

Ms. Diane Evers discussed DIS382 - Woolstores Precinct Structure Plan with the Council. She requested the Council to defer the item for additional discussion and clarification from developers.

6.34 pm Ms. Samantha Stevens of 37 Rowney Rd, Robinson

Summary of key points

Ms. Stevens represented the Friends of Stidwell Bridle Trail regarding item 15.1, Motion for Off-Road Vehicle Area. Her detailed address is available in Appendix A of these minutes.

6.36 pm Ms. Liz Adamson of 194 Grey St West Albany

Summary of key points

Ms. Adamson spoke on behalf of the Friends of Stidwell Bridle Trail regarding item 15.1, Motion for Off-Road Vehicle Area. Her detailed address can be found in Appendix A of these minutes.

6.41 pm Ms. Jen Viol of 48 Regent St Gledhow

Summary of key points

Ms. Viol discussed DIS382 - Woolstores Precinct Structure Plan. Her detailed address can be found in Appendix A of these minutes.

6.44 pm Mr. Michael Pemberton of 9A Shorts Place, Mira Mar

Summary of key points

Mr. Pemberton addressed CCS605 - Retail Trading Hours, questioning the rationale behind considering deregulated trading and its potential impact on small businesses. Additionally, he questioned the low attendance at the committee meeting.

Questions Taken on Notice:

- *How much is the City of Albany paying the Chamber to conduct the Survey?*
- *How much will the referendum cost the City?*

6.50 pm Ms. Diane Bailey of 3 O'Keefe Parade, McKail

Summary of key points

Ms. Diane Bailey brought attention to the Council regarding the condition of Lowanna Drive, specifically from Charles St to the Ring Road.

Ms. Bailey highlighted the ongoing damage to this stretch of road, which includes a 600-meter gravel section.

6.54 pm Mr. Rowan Holgate of 269 Grey St West Albany

Summary of key points

Mr. Holgate discussed DIS382 - Woolstores Precinct Structure Plan, expressing apprehension about increased traffic on Grey St and the surrounding area if the Woolstores development proceeds. He suggested reducing the speed limit to 50km/hr on Carlisle St and Grey St West. Additionally, he requested the Council to consider maintaining the cycle path in the area for pedestrians instead of diverting it around the Ring Rd. Mr. Holgate also proposed the establishment of a pedestrian/cycle path along the waterfront.

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH

SECONDED: DEPUTY MAYOR TERRY

Mayor Greg Stocks addressed the Council to propose extending public question time by 15 minutes as per the City of Albany Standing Orders Local Law 2014

CARRIED 11-0

6.59 pm Mr. Rod Sawyer of 27 Target Rd Yakamia

Summary of key points

Mr. Sawyer discussed the temperatures recorded on February 10, 2024, noting that temperatures under the canopy were significantly lower compared to those measured on the footpath in Yakamia. He emphasised the importance of preserving the forest and expressed gratitude for the recent planting of a verge tree on his property.

7.02 pm Ms. Diana Caley of 12 Franklin Court Bayonet Head

Summary of key points

Ms. Caley presented a book to Mayor Greg Stock's for the City, titled "On a Wing and a Prayer – The Story of a Carnaby's Cockatoo Family," which can be donated to the Library.

She encouraged Councillors to attend a guided tour of the Yakamia forest on March 5th, led by a Menang educator, local botanist, and wildflower enthusiast.

Question Taken on Notice:

Ms. Caley requested the Council to consider:

- Installation of a roundabout at the Ulster/Troode St intersection.
- Installation of a roundabout at the Lower King/Bayonet Rd intersection.
- Expansion to two lanes at the roundabout at the Menang Rd/Lower King Rd intersection.

7.06 pm Ms Gloria Bartell 75A Sydney Street Yakamia

Summary of key points

Ms Bartell addressed the Council on behalf of the Friends of Yakamia Forest and encouraged Councillors to attend the guided tour of the Yakamia forest on 5th March and listen to the independent persons and learn about the ecosystem.

There being no further speakers the Mayor declared Public Question Time closed at 7.09 pm.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: DEPUTY MAYOR TERRY

SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Ordinary Council Meeting held on 19 December 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS595: MONTHLY FINANCIAL REPORT – DECEMBER 2023

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

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity that is presented to Council.
- Under changes to the Regulations in June 2023, a local government is now required to also prepare monthly a 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 31 December 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City’s Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 December 2023 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS595: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL**

THAT the Monthly Financial Report for the period ending 31 December 2023 be RECEIVED.

CARRIED 11-0

CCS595: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS595: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 31 December 2023 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 were amended (SL2023/106) and published on 30 June 2023. The changes, effective from 1 July 2023, have an impact on the reporting of the financial activity statement required each month (Section 34). The below outlines the new reporting requirement under Section 34:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for the previous month (the "relevant month") in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the relevant month; and
 - (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.
 - 34(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).
 - 34(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

- 34(2) Each statement of financial activity is to be accompanied by documents containing-
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- 34(3) The information in a statement of financial activity may be shown according to nature classification.
- 34(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.
7. An amendment to the *Local Government (Financial Management) Regulations 1996*, effective from 1 August 2023, is the addition of Regulation 35, with Local Governments now required to report a financial position statement each month. The additional Regulation 35 is as follows:
- 35(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —
- (a) the financial position of the local government as at the last day of the previous financial year; or
 - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- 35(2) A statement of financial position must be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
 - (b) 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 31 December 2023 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

CCS596: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2023

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

STRATEGIC IMPLICATIONS

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

**CCS596: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR BROUGH**

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2023 totalling \$10,648,852.39 be RECEIVED.

CARRIED 11-0

CCS596: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS596: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2023 totalling \$10,648,852.39 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the City’s Municipal and Trust funds for the period ending 15 December 2023. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)
Municipal	Credit Cards	\$33,228.75
Municipal	Payroll	\$2,578,018.49
Municipal	Cheques	\$1,288.99
Municipal	Electronic Funds Transfer	\$8,036,316.16
Trust	N/A	\$0.00
TOTAL		<u>\$10,648,852.39</u>

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: \$24,012.07.
4. The table below summarises the total outstanding creditors as at 15 December 2023.

Aged Creditors	Amount (\$)
Current	\$771,943.87
30 Days	\$1,049,268.73
60 Days	\$11,602.91
90 Days	-\$3,443.07
TOTAL	<u>\$1,829,372.44</u>
Cancelled Cheques	Nil

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, is required, as follows:

13A. Payments by employees via purchasing cards

- 1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared*
- a) the payee's name;*
 - b) the amount of the payment;*
 - c) the date of the payment;*
 - d) sufficient information to identify the payment.*

- 2) *A list prepared under subregulation (1) must be*
- a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - b) *recorded in the minutes of that meeting.*

9. Regulation 13(A) comes into operation from 1 September 2023.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

12. Nil

ENVIRONMENTAL CONSIDERATIONS

13. Nil

ALTERNATE OPTIONS

14. Nil

CONCLUSION

15. That the list of accounts have been authorised for payment under delegated authority.
16. 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

CCS597: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 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

CCS597: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2024 totalling \$6,945,701.19 be RECEIVED.

CARRIED 11-0

CCS597: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS597: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2024 totalling \$6,945,701.19 be RECEIVED.

DISCUSSION

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

Fund	Transaction Type	Amount (\$)
Municipal	Credit Cards	\$16,213.84
Municipal	Payroll	\$1,844,720.10
Municipal	Cheques	\$0.00
Municipal	Electronic Funds Transfer	\$5,084,767.25
Trust	N/A	\$0.00
TOTAL		\$6,945,701.19

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: \$1,713.14.
4. The table below summarises the total outstanding creditors as at 15 January 2024.

Aged Creditors	Amount (\$)
Current	\$450,375.02
30 Days	\$770,173.24
60 Days	\$20,948.50
90 Days	-\$2,700.63
TOTAL	\$1,238,796.13
Cancelled Cheques	Nil

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, is required, as follows:

13A. Payments by employees via purchasing cards

- 1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared*
- a) the payee's name;*
 - b) the amount of the payment;*
 - c) the date of the payment;*
 - d) sufficient information to identify the payment.*

- 2) *A list prepared under subregulation (1) must be*
- a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - b) *recorded in the minutes of that meeting.*

9. Regulation 13(A) came into operation on 1 September 2023.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

12. Nil

ENVIRONMENTAL CONSIDERATIONS

13. Nil

ALTERNATE OPTIONS

14. Nil

CONCLUSION

15. That the list of accounts have been authorised for payment under delegated authority.
16. 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

**CCS598: DELEGATED AUTHORITY REPORTS – 16 NOVEMBER 2023 to
15 JANUARY 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

**CCS598: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BAESJOU**

**THAT the Delegated Authority Reports 16 November 2023 to 15 January 2024 be
RECEIVED.**

CARRIED 11-0

CCS598: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR SUTTON**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS598: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 November 2023 to 15 January 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)

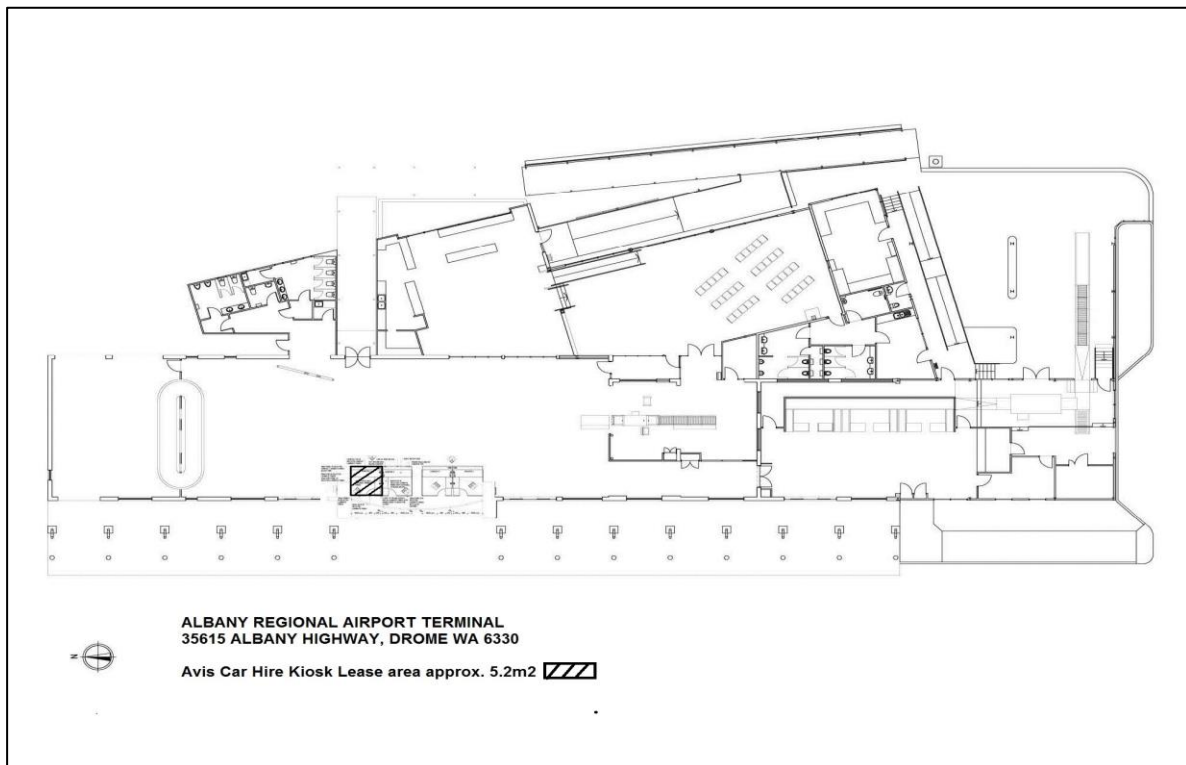
CCS599: PROPOSED NEW LEASE – WARREN PORTER (AVIS ALBANY) – ALBANY REGIONAL AIRPORT – TERMINAL KIOSK

Land Description	: Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome.
Proponent	: Warren Neil Porter
Business Name	: Avis Albany (ABN 44 661 782 583)
Owner	: City of Albany
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
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 2032:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease with Warren Neil Porter (Avis Albany) to continue the car hire kiosk service at the Airport terminal.
- The lease includes the use of four parking bays within the overflow car park.
- The existing lease expired on 20 November 2023 and the tenant remains in occupation under holding over provisions.
- It is recommended that the proposed new lease be approved.

RECOMMENDATION

**CCS599: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH
SECONDED: DEPUTY MAYOR TERRY**

THAT Council APPROVES a new lease to Warren Neil Porter (Avis Albany) located at the Albany Regional Airport Terminal subject to the terms and conditions outlined in section 10 in this report.

CARRIED 11-0

CCS599: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS599: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVES a new lease to Warren Neil Porter (Avis Albany) located at the Albany Regional Airport Terminal subject to the terms and conditions outlined in section 10 in this report.

BACKGROUND

2. Car hire operations have formally operated from the Airport under lease agreements since 2001. Currently Avis and Budget Car Rental operate from the Airport.
3. The current lease for the terminal kiosk expired on 20 November 2023, and the tenant currently continues to occupy under holding over provisions.
4. The lease area for car hire services includes a kiosk space with a customer service desk, covering an area of approximately 5.2m² within the terminal, along with four parking bays in the overflow carpark.
5. Previously the City has informally permitted the use of additional parking area exceeding the four designated bays in the kiosk lease. City staff are proposing to formalise the use of the additional parking area under a separate commercial lease arrangement, subject to Council approval.

DISCUSSION

6. The Albany Airport serves as a major regional hub for visitors travelling to Albany and the Great Southern region, encompassing both business and tourism. Due to its distance from Albany's central area, transportation services like taxis and car rental companies are essential for accessibility.
7. The ongoing presence of car hire companies at the Airport allows airline passengers to readily hire vehicles upon arrival and return them conveniently before their departure flight.
8. Mr Porter has formally requested a new lease for the terminal kiosk and the associated four parking bays to continue providing car hire services to both travellers and the local Albany community.
9. A recent market valuation provided by a licensed valuer has determined that the market rent for the lease be \$6,500.00 plus GST per annum.

10. The table below summarises the key terms of the proposed lease.

Item	Details
Tenant	Warren Neil Porter
Business Name	Avis Albany
Land Description	Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome.
Lease Area	Approx. 5.2m ²
Land Ownership	City of Albany
Permitted Use	Car Hire Operation
Term of Lease	5 + 5 years
Rent	\$6,500.00 plus GST per annum and reviewable annually in accordance with the lease
Outgoings	Tenant responsible for all outgoings & utilities, including insurance
Special Conditions	Use of four parking bays in the overflow parking

11. The City's Airport Team has been consulted and they are in support of a new lease.
12. Mr Porter has agreed in principle to the above terms, subject to Council approval.

Formalising commercial use of Airport land

13. City officers have been in discussion with Mr Porter regarding formalising the commercial use of Airport land for car hire businesses, specifically Avis and Budget Rent a Car. This includes considering additional parking, a dedicated wash-down area and office facilities.
14. Any proposal regarding tenure for this purpose will be presented as a separate agenda item to Council for consideration and decision.

GOVERNMENT & PUBLIC CONSULTATION

15. Section 3.58 of the *Local Government Act 1995* (Act) outlines the processes by which the City can dispose of property. For the purposes of this section, a lease is considered to be a disposal. The Act requires the following:
- A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - Any submissions are to be considered by Council and their decisions are to be recorded on the minutes.
 - A local government can then proceed with the lease.
16. The proposed lease will be advertised to comply with the requirements of the Act.
17. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise the proposed lease in local newspapers and the City's website inviting submissions from the public.	Two weeks following Council endorsement of the agenda item.	Open	Section 3.58 of the <i>Local Government Act 1995</i> .

18. The City owns the land being disposed of in freehold title and therefore no approval from the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

19. Section 3.58 of the *Local Government Act 1995* (Act) allows for the disposal of property, including leased/licensed land and buildings, including advertising requirements.
20. The lease proposal aligns with the requirements governing the disposal of property.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>New lease not approved – limited car hire services for Airport users and visitors.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
Financial: <i>New lease not approved – no rental income.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
Opportunity: <i>The lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to create a competitive and sustainable tourism offering.</i>				

FINANCIAL IMPLICATIONS

24. All costs associated with the development of the lease documentation will be met by the tenant.

LEGAL IMPLICATIONS

25. The lease will be prepared by the City’s lawyers with enforceable terms and conditions to ensure any risk to the City is appropriately mitigated.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

27. Council may:
 - a. Approve the new lease;
 - b. Support some parts of the new lease although not in its entirety; or
 - c. Not agree to the new lease request.
28. Should Council not support the new lease the Avis car hire service will be required to vacate the Airport terminal and find an alternate location should they seek to continue offering car hire services to airline passengers. This relocation may inconvenience travellers.

CONCLUSION

29. Warren Neil Porter (Avis Albany) is requesting a new lease for the terminal kiosk and associated four parking bays to continue providing car hire services at the Airport.
30. The previous lease expired on 20 November 2023, and Avis Albany continues to occupy the space under holding over provisions.
31. The presence of car hire services at the Airport significantly benefits tourism and businesses. It offers convenient services for both airline passengers and the local Albany community, complementing the Airport's facilities.
32. It is recommended the proposed new lease be approved.

Consulted References	:	Property Management (Leases and Licences) Policy <i>Local Government Act 1995</i>
File Number	:	PRO184, A210239
Previous Reference	:	OCM 20.11 2007 Item 13.5.30 OCM 19.12.2017 Item CCS018

**CCS600: PROPOSED NEW GROUND LEASE FINAL APPROVAL –
LMS ENERGY PTY LTD – HANRAHAN ROAD WASTE FACILITY**

Land Description	: Crown Reserve 52474, Lot 1135 on Deposited Plan 208775, the subject of Certificate of Title LR3167 Folio 459, Mt Melville
Proponent	: LMS Energy Pty Ltd (ACN 059 428 474) Chairman: John Falzon Director: Greg Pritchard
Owner	: Crown (City of Albany under Management Order)
Attachments	: Schedule of Submission
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
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 2032:
 - **Pillar:** Planet.
 - **Outcomes:** Shared responsibility for climate action.

Maps and Diagrams



In Brief:

- Council, at its meeting on 28 November 2023 supported a new ground lease proposal to LMS Energy Pty Ltd (LMS) for the establishment of a gas utilisation facility at Hanrahan Road Waste Facility site.
- The proposed lease was advertised for public comment for three weeks closing on 5 January 2024. Only one submission was received.
- Council is requested to consider the submission before determining whether to grant final approval of the lease to LMS.

RECOMMENDATION

CCS600: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MCKINLEY
SECONDED: DEPUTY MAYOR TERRY

THAT Council GRANTS the final approval for the new ground lease to LMS Energy Pty Ltd over portion of Crown Reserve 52474, located at the Hanrahan Road Waste Facility, in line with the previous resolution of 28 November 2023, and as detailed in section 7 of this report. This decision considers the submission received during the advertising period.

CARRIED 11-0

CCS600: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS600: AUTHORISING OFFICER RECOMMENDATION

THAT Council GRANTS the final approval for the new ground lease to LMS Energy Pty Ltd over portion of Crown Reserve 52474, located at the Hanrahan Road Waste Facility, in line with the previous resolution of 28 November 2023, and as detailed in section 7 of this report. This decision considers the submission received during the advertising period.

BACKGROUND

2. Crown Reserve 52474 is under Management Order issued to the City for the purpose of 'Waste Management Facility' with power to lease for a term not exceeding 21 years, subject to the prior approval of the Minister for Lands.
3. A closure plan for the landfill at the Hanrahan Road Waste Facility has been developed to manage environmental compliance at the site. The plan includes the provisions of an effective landfill gas management system.
4. LMS successfully secured the City's quotation process for implementing landfill biogas capture and abatement services at the site.
5. Following Council's endorsement at its meeting on 28 November 2023, the proposed lease to LMS was advertised for public comment for three weeks inviting submissions, closing on 5 January 2024. Only one submission was received.

A summary of the submission received during the public consultation period is provided in the Schedule of Submission (refer Attachment 1).

6. The table below summarises the key terms of the proposed ground lease:

Item	Details
Tenant	LMS Energy Pty Ltd
Land Description	Crown Reserve 52474, Lot 1135 on Deposited Plan 208775 being the whole of the land described in Certificate of Title LR3167 Folio 459
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Approx. 114m ² , subject to survey
Permitted Use	'Gas utilisation facility site' as specified in the Contract, in accordance with and limited by the Management Order over the land
Fee	\$10 + GST per annum
Term	To align with the Contract - the earlier of: a) 20 years and 364 days after the commencement date; or b) Six (6) months after the expiry or earlier termination of the Contract.
Outgoings & Utilities	Tenant responsible for all outgoings & utilities, including insurance
Maintenance	LMS will be responsible for installing, maintaining and operating the biogas buildings and infrastructure
Special Conditions	<ul style="list-style-type: none"> Construction, ownership and liability for biogas buildings and infrastructure remains with the Tenant throughout the lease. All biogas buildings and infrastructure below the landfill surface will become the property of the Landlord upon expiry or early termination. If the Contract is terminated early, the lease term will expire 6 months thereafter (allowing LMS time to perform their contracted decommissioning activities). The lease is subject to Development Approval.

7. LMS has agreed in-principle with the above terms, subject to Council and Minister for Lands approval.

DISCUSSION

8. The Hanrahan Road Waste Facility's landfill site has an estimated further lifespan of around 10 years. The City will continue to manage the site for considerable years to meet environmental standards.
9. Provisions have been included in the City's closure plan for the landfill site for the establishment of an effective landfill gas management system, ensuring compliance with environmental regulations.
10. If the City were to undertake the gas extraction itself, it is projected the City would require investment of over \$1.3 million for gas extraction equipment, piping, along with additional costs for monitoring infrastructure.
11. If LMS, the successful contractor chosen through City's quotation process, is granted a lease approval, all costs associated with the supply and installation of the biogas buildings and infrastructure (including utility costs) will be the responsibility of LMS, without any financial burden on the City.
12. Notwithstanding the received comment and submission, it is recommended, based on the above factors, to proceed with granting final approval for the lease to LMS.

GOVERNMENT & PUBLIC CONSULTATION

13. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests in Crown land without the prior written approval of the Minister for Lands.
14. The Department of Planning, Lands and Heritage has been consulted and has provided in-principle consent to a lease with the tenant, subject to final approval from the Minister for Lands as per Section 18 of the *Land Administration Act 1997*.
15. The provisions of Section 3.58 of the *Local Government Act 1995* (Act) require that public advertising be undertaken for the disposal of property. For the purposes of this section, a lease is considered to be a disposal.
16. The proposed lease was advertised for three weeks inviting submissions closing on 5 January 2024.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertising of proposed lease in local newspaper and City's website inviting submissions from the public	A three-week period of advertising closed on 5 January 2024	One submission was received as a result of advertising	Section 3.58 of the <i>Local Government Act 1995</i>

17. One submission was received. It has been acknowledged, indicating that a further item will be presented to the February Council meeting.

STATUTORY IMPLICATIONS

18. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property such as leased/licenced land and buildings and associated advertising requirements.
19. Section 18 of the *Land Administration Act 1997* provides that individuals cannot assign, sell, transfer or otherwise deal with interests in Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
20. The lease proposal aligns with the requirements governing the disposal of property and interests in Crown land.

POLICY IMPLICATIONS

21. The Property Management (Leases and Licences) Policy aims to support fair access and the effective management of City owned and managed properties in line with statutory procedures.
22. Under this policy, commercial lease rent should be determined by market valuation provided by a licensed Valuer.
23. LMS had proposed a peppercorn rent, supported by Council at the 28 November 2023 meeting, considering LMS's substantial investment in project construction.
24. Council is requested to support this proposal once more.
25. All other terms of the lease agreement will be in line with the policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: New lease not approved – perceived lack of support for the environment.	Unlikely	Moderate	Medium	Key terms of the lease have been agreed by both parties. Seek to negotiate terms to Council satisfaction.
Business Operation: New lease not approved – delay in meeting EPA compliance.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Business Operation: New lease not approved – potential loss of royalty earnings.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Opportunity: This lease supports the City’s Strategic Community Plan 2032 objective to work towards net zero greenhouse gas emissions.				
Opportunity: This lease helps the City in fulfilling environmental responsibilities including EPA compliance for the landfill site.				
Opportunity: It aligns with the State Government’s commitment to transition to net zero emissions and actively manage climate risks.				

FINANCIAL IMPLICATIONS

- 27. All costs associated with the supply and installation of the biogas buildings and infrastructure including utility costs will be the responsibility of LMS.
- 28. All costs associated with the development and finalisation of the new ground lease documentation will be met by the City to support environmental requirements.

LEGAL IMPLICATIONS

- 29. The lease documentation will be prepared by City’s lawyers with enforceable terms and conditions.
- 30. Additionally, LMS Energy will enter into a separate contract with the City as the chosen contractor for capturing and reducing landfill biogas. The contract will provide the terms and conditions governing the extraction and use of biogas from the landfill site.

ENVIRONMENTAL CONSIDERATIONS

- 31. There are no specific environmental obligations related to the lease, but there are obligations associated with the overall project.
- 32. The closure plan for the Hanrahan Road landfill site requires the establishment of a reliable gas management system. LMS is required to comply with all the relevant environmental conditions as part of their responsibilities.

ALTERNATE OPTIONS

- 33. Council may:
 - a. Approve the lease to LMS; or
 - b. Support certain elements of the new lease although not in its entirety; or
 - c. Decline the lease request.
- 34. Should Council decline the lease, the City could initiate a new competitive process to identify other qualified contractors.
- 35. Alternatively, the City may choose to undertake the gas extraction itself to meet EPA requirements. This undertaking is estimated to require investment exceeding \$1.3 million for gas extraction equipment and piping, along with additional costs for monitoring infrastructure.

CONCLUSION

36. A closure plan for the landfill at the Hanrahan Road Waste Facility incorporates the implementation of an effective landfill gas management system as a measure to ensure environmental compliance at the site.
37. The proposed lease with LMS presents an opportunity to fulfill the responsibilities of landfill management.
38. Council previously supported a new ground lease with LMS Energy Pty Ltd at its meeting on 28 November 2023.
39. During the advertising period for public comment, a single submission was received, objecting to the LMS lease proposal.
40. After thorough consideration of the submission, it is recommended that Council grants final approval for the new ground lease to LMS Energy Pty Ltd.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Lease and Licences) Policy • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number	:	PRO475, A111037
Previous Reference	:	OCM 28 November 2023 Item CCS580

**CCS601: CORPORATE SCORECARD - OCTOBER TO DECEMBER 2023
QUARTER**

Attachments : Action Performance and Timeframe Report: Q2 2023-24
Report Prepared By : Business Planning and Performance Coordinator
(A Olszewski)
Authorising Officer: : Manager Finance (S Van Nierop)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany’s Strategic Community Plan 2032 or Corporate Business Plan 2023-2027 informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2023-2027 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council’s priority commitments to the community.
- This update represents the first iteration of the CAMMS-based Corporate Scorecard, the ‘Action Performance and Timeframe Report’ (the Report).

RECOMMENDATION

**CCS601: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR MCKINLEY**

THAT the ‘Action Performance and Timeframe Report: Q2 2023-24’ for the October to December 2023 quarter be NOTED.

CARRIED 11-0

CCS601: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR MCKINLEY
SECONDED: COUNCILLOR BAESJOU**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS601: AUTHORISING OFFICER RECOMMENDATION

THAT the ‘Action Performance and Timeframe Report: Q2 2023-24’ for the October to December 2023 quarter be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. Delivery of these actions are monitored through Business Unit Plans, which define the associated project milestones and enable reporting against them.
4. The first iteration of this Corporate Scorecard was presented to Council at the November 2021 Community & Corporate Services Committee meeting for feedback, and subsequently endorsed at the December 2021 Ordinary Council Meeting.
5. The Corporate Scorecard has been subject to ongoing improvement since its inception, with the transition to CAMMS (newly acquired reporting software) this past quarter being the most significant enhancement.

DISCUSSION

6. The new Report (attached) provides an update on the status of CBP actions for the October to December 2023 quarter.
7. In previous Corporate Scorecards, commentary was provided by exception for all 'at-risk' actions, which were those assigned with a 'traffic light' status of either:
 - Red (a service *not meeting* its service level, or a project *not on track*), or
 - Orange (a service *under strain*, or a project that has *stalled*).
8. This Report retains the general traffic-light model, but with the following threshold specifications:
 - 'Off Track' (red) actions are less than 70% complete relative to the established project milestone.
 - 'Monitor' (amber) actions are more than 70% but less than 90% complete relative to the established project milestone.
 - 'On Track' (green) actions are 90% or more complete relative to the established project milestone.
 - 'No Target Set' actions are yet to commence.
 - Completed actions are subsumed within the 'On Track' actions.
9. In keeping with the effort to develop a report with a more 'strategic' focus (per the Council Strategic Workshop of 12 December 2023), all actions have been reframed wherever possible as 'projects'; that is, discretionary actions with limited temporal scope designed to improve or expand upon City services.
10. 'Services' and corresponding 'service levels' will be subordinated to a separate, operational-level report provided to the Executive Management Team.
11. CAMMS is planning a major upgrade of their strategy module over the next several months and has invited the City to advise on this process. This provides a unique opportunity for the City to continue to develop the Report to accommodate its requirements going forward.

GOVERNMENT & PUBLIC CONSULTATION

12. N/A.

STATUTORY IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

14. N/A.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

16. N/A.

LEGAL IMPLICATIONS

17. N/A.

ENVIRONMENTAL CONSIDERATIONS

18. N/A.

ALTERNATE OPTIONS

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

CONCLUSION

20. It is recommended the 'Action Performance and Timeframe Report: Q2 2023-24' be noted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995, s5.56</i>• <i>Local Government (Administration) Regulations 1996, Reg. 19D</i>• <i>IPR Framework and Guidelines 2019</i>
File Number	:	CM.RVW.9
Previous Reference	:	<ul style="list-style-type: none">• OCM 26/04/2023 - Report Item CCS540

CCS602: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO DECEMBER 2023

Proponent	: City of Albany
Attachments	: Quarterly Report – Tenders Awarded – October to December 2023
Report Prepared by	: Manager Finance (S van Nierop)
Authorising Officer	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS602: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT the Quarterly Report – Tenders Awarded – October to December 2023 be RECEIVED.

CARRIED 11-0

CCS602: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS602: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – October to December 2023 be RECEIVED.

CCS603: SUNDRY DEBTOR WRITE OFF

Business Entity Name : Virgin Australia Regional Airlines Pty Ltd
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:

- This report outlines a write-off of debt owed to the City of Albany (“the City”) from Virgin Australia Regional Airlines Pty Ltd (“VARA”).
- VARA, part of the Virgin Australia Group, went into voluntary administration in 2020, with amounts owing to the City totalling \$66,571.56.
- Dividends have been paid out to creditors, with \$4,174.03 paid to the City of Albany, the equivalent of 6.27 cents in the dollar. \$62,397.53 remains outstanding.
- Under the City’s Delegation Register, amounts for write-off greater than \$10,000 are required to go to Council for approval.

RECOMMENDATION

CCS603: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR BROUGH

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

CARRIED 10-1

Record of Vote

Against the Motion: Councillor Sutton

CCS603: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor Sutton

CCS603: AUTHORISING OFFICER RECOMMENDATION

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

BACKGROUND

2. On 20 April 2020, several partners from accounting firm Deloitte were appointed as Joint and Several Administrators (“Voluntary Administrators”) to Virgin Australia Holdings Ltd and subsidiary entities (collectively, “the Virgin Group”, or “Virgin”).
3. The appointment of Voluntary Administrators was due to the financial position of Virgin (at the time, carrying \$5.3 billion in debt) and its ability to operate profitably. Virgin had faced financial challenges due to high debts, competition, and the COVID pandemic severely impacted global aviation, leading to a sharp decline in air travel demand.
4. The purpose of the appointment was to allow for the Voluntary Administrators to take control of and investigate the affairs of Virgin, and preferably, secure the future of Virgin by finding a suitable buyer or investor.
5. Several parties, including private equity firms and airlines, expressed an interest in acquiring Virgin Australia Group. Bain Capital emerged as the preferred bidder in June 2020, and was subsequently approved by the creditors to acquire Virgin.
6. Bain completed the purchase of Virgin by a Deed of Company Arrangement structure, allowing for the continued operations of the Virgin Group. As part of the purchase, a Creditor’s Trust was set up to deal with the claims of and pay a distribution to the Virgin Group creditors.
7. At the time of Virgin going into voluntary administration, the City of Albany was owed \$66,571.56 by one of Virgin’s subsidiary entities, Virgin Australia Regional Airlines Pty Ltd.
8. The fees owing to the City relate to airport landing fees, part of an agreement with Rio Tinto for weekly return flights from Albany to Newman. The fees were for landing fees incurred in February 2020, March 2020, and the period 1st to 20th April 2020.
9. Total admitted outstanding debt claims to the Virgin Group for the interim dividend totalled \$6.01 billion.
10. An interim dividend was paid by Virgin to the City on 15 September 2022 totalling \$3,541.27 (5.32% rate of return), reducing the amount outstanding to the City to \$63,030.29.
11. On 19 October 2023, an update to creditors was circulated stating the trustees of the Creditor’s Trust were able to declare and pay a final dividend on 14 December 2023.
12. Total funds available for the final dividend totalled \$57.8m, and based on total claims of \$6.085 billion, a dividend rate of return payable of 0.9% was made.
13. A final dividend of \$632.76 was paid to the City on 14 December 2023.
14. In total \$4,174.03 was paid to the City (out of a total claim of \$66,571.56), equating to 6.27 cents in the dollar.

DISCUSSION

15. The residual amount owing to the City of Albany from VARA, that is the subject of this write-off approval request, totals \$62,397.53.

GOVERNMENT & PUBLIC CONSULTATION

16. Nil

STATUTORY IMPLICATIONS

17. The Local Government Act 1995 gives Council the power to write off any amount of money owing to the City;
 - 6.12. *Power to defer, grant discounts, waive or write off debts.*
 - (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *wave or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

18. The Local Government Act 1995 gives Council the power to write off any amount of money owing to the City.
19. Voting requirement for this item is **Absolute Majority**.

POLICY IMPLICATIONS

20. The City of Albany Register of Delegation and Authorisation provides the CEO and the Executive Director of Corporate & Commercial Services (sub delegated to the Manager Finance) authority to write off individual sundry debts up to \$10,000. All sundry debts in excess of \$10,000 are to be written off by Council resolution.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance & Reputation Risk: Non-compliance with delegated authority.	Rare	Moderate	Low	Compliance with Councils delegated authority condition that amounts above \$10,000 are to be approved by Council.
Financial Future risk of losing funds from Virgin in a similar manner (payments made in arrears)	Possible	Minor	Medium	Continued pursuance of outstanding amounts from debtors. No mitigating measures put in place with payments still made in arrears from Virgin (a risk of doing business). Currently one month in arrears. Unlikely to cease flight arrangements with Virgin if landing fees are not paid on time.

FINANCIAL IMPLICATIONS

22. The amount proposed to be written off is \$62,397.53.
23. The City has allowed for the impairment of receivables on its balance sheet. As at the date of this report, the balance for the impairment of receivables was \$88,687.33. The impairment balance for the City has been estimated considering the known write-off of debt owed by VARA.
24. The practice of regularly reporting such matters and obtaining Council approval for debt write off enables sound corporate governance.

LEGAL IMPLICATIONS

25. Nil

ENVIRONMENTAL CONSIDERATIONS

26. Nil

ALTERNATE OPTIONS

27. Nil

CONCLUSION

28. It is recommended that Council approve the Authorising Officer’s recommendation.

Consulted References	:	Local Government Act 1995, Section 6.12(1)(c)
File Number	:	FM.DEB.11
Previous Reference	:	Not applicable.

CCS604: NATIONAL ANZAC CENTRE – Q2 2023-24 REPORT

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2023/24 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
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 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.
 - **Objective:** Create a competitive and sustainable tourism offer.

In Brief:

- To provide Council with an update on Q2 2023/24 performance of the NAC.

RECOMMENDATION

**CCS604: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR MCKINLEY**

THAT the NAC Operational Report for Q2 2023/24 be RECEIVED.

CARRIED 11-0

CCS604: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS604: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q2 2023/24 be RECEIVED.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.

5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for May 2024.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Visitation in Q2 of 2023/24 took overall total visitation to the NAC to 557,411 since opening in November 2014. This equates to an average annual visitation of 61,368 visitors per year.
10. NAC visitation of 12,989 for Q2 is a decrease of 1,927 compared with the same period in 2022/23 which recorded 14,916.
11. October NAC visitation numbers of 5,372 were lower performing figures compared with the same period in 2022/23 but a slight increase of 57 on 2021/22.
12. Overall Q2 visitation was an increase of 1,775 from the previous period of Q1 2023/24.
13. December NAC visitation numbers of 3,945 were slightly lower performing figures compared with same period in 2022/23 which recorded 4,086.
14. The visitation in Q2 for 2023/24 from the Great Southern region totalled 553 people, equating to 8.7% of Western Australia's overall visitation of 6,355 (a decrease of 2.1% on the previous quarter).
15. The total visitation in Q2 2023/24 originated from Western Australia (49%), interstate (40%) and international (8%) and code not recorded (3%).
16. Visitors from other States and Territories consisted of 33% from NSW, 26% from VIC, 24% from QLD, 10% from SA, followed by ACT, TAS and NT all on 1-3%.
17. Interstate visitation of 5,219 (45% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
18. Revenue generated in Q2 of 2023/24 by the NAC was \$19,524 less compared to the same quarter in 2022/23, however YTD revenue remains only marginally behind budget.
19. The Forts Store revenue of \$103,011 was \$28,094 less than the same period in 2022/23 but is offset by savings in stock purchase.
20. As at the end of Q2 2023/24, 9,636 households hold memberships to the NAC League of Local Legends program, an increase of 393 from the previous quarter.
21. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

GOVERNMENT & PUBLIC CONSULTATION

22. Not Applicable.

STATUTORY IMPLICATIONS

23. Not Applicable.

POLICY IMPLICATIONS

24. Not Applicable.

RISK IDENTIFICATION & MITIGATION

25. Nil.

FINANCIAL IMPLICATIONS

26. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as of December 31, 2023.

27. Full year operating expenditure budget includes:

- a. \$209,627 of costs from accounts that are “shared” across the AHP. A total of \$812,907 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$812,907 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs, marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2023/24 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$410,934	\$410,180	(754)
Operating Expenditure	\$(575,829)	\$(246,293)	\$(254,792)	(8,499)
Net Operating Income/(Expense) before Indirect Costs	\$274,171	\$164,641	\$155,388	(9,253)
Shared Costs of the Precinct	\$(209,627)	\$(92,895)	\$(91,115)	\$1,780
Internal Service Delivery	\$(31,651)	\$(15,827)	\$(15,827)	\$0
Net Operating Income/(Expense)	\$32,893	\$(55,919)	\$48,447	(7,473)
Capital Expense	\$(176,383)	\$(88,158)	\$(0)	\$88,158
Total	\$(143,490)	\$(32,239)	\$48,447	\$80,685

28. The \$176,383 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh.

29. The balance of the drawdown as of 30 June 2023 being \$176,383 has been carried forward to the 2023-2024 Budget to continue the refresh program as previously discussed with Council.

LEGAL IMPLICATIONS

30. Nil.

ENVIRONMENTAL CONSIDERATIONS

31. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

33. Overall, Q2 2023/24 has shown slightly lower visitation to the NAC compared to the same time in 2022/23.
34. Q2 has continued a positive trend of the return of international visitors, with 1,047 visitors representing 8% of visitation for the quarter, 4% more than the previous quarter.
35. Great Southern visitation to the NAC was 8.7% of overall WA visitation during the October – December period in Q2 2023/24.
36. This is 2.1% lower than the previous quarter (Q1 of 2022/23) but remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
37. Interest in the Princess Royal Fortress and exhibitions continues with 1015 people taking part in 112 Princess Royal Fortress Tours.
38. Overall Q2 generated slightly lower visitation figures compared to Q2 in 2022/23 and 2021/22 (but only marginally). This demonstrates a trend of steady visitation.
39. NAC revenue of \$220,966 for Q2 2023/24 was a decrease of \$19,524 compared to the same quarter in 2022/23, but an increase of \$31,753 from Q1 2023/24.
40. Fort Store revenue of \$103,011 for Q2 2023/24 was a decrease of \$28,094 compared to the same quarter in 2022/23, but an increase of \$7,145 from Q1 2023/24.

Consulted References	:	Nil.
File Number	:	RC.SPV.8
Previous Reference	:	OCM 28/11/2023 – Report Item CCS581

CCS605: RETAIL TRADING HOURS

Proponent / Owner	: City of Albany
Attachments	: Briefing Note - Confidential .
Report Prepared By	: Personal Assistant to Executive Director Corporate & Commercial Services (H Bell) Executive Director Corporate & Commercial Services (M Gilfellon)
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.
 - **Outcomes:** A well-informed and engaged community.

In Brief:

- The community and media regularly display interest in trading hours for General Retail Shops in Albany.
- The Retail Trading Hours Act 1987 sets out the trading hours and rules covering various categories of retail outlets and allows Regional Local Governments to apply to Consumer Protection to extend the trading hours for General Retail Shops however consultation is required.
- This item is presented to allow Council to decide if they wish to commence a consultation process on extended trading hours for General Retail Shops.

RECOMMENDATION

CCS605: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR MAYOR TERRY
SECONDED: COUNCILLOR BROUGH

THAT Council:

1. Instruct the Chief Executive Officer 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;
2. Give preference to a local market research company conducting broad community consultation
3. Authorise budget expenditure for the survey(s), financial contribution and advertising.

CARRIED 11-0

CCS605: AMENDMENT BY COUNCILLOR BROUGH
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT Point 2 of the Committee Recommendation be AMENDED to read:

Give preference to a local market research company conducting broad community consultation.

CARRIED 11-0

Councillor Reasons:

The council has a fiscal duty to the community to achieve consultation objectives on retail trading hours at the lowest achievable cost.

The consultation objectives are to achieve:

- a. data transparency;
- b. data quality; and
- c. data volume.

All these objectives can be achieved using a local market research company, with a substantial cost saving compared to using the WAEC.

Using a local market research company will provide a significant saving and provide an opportunity for the money to be reinvested locally rather than disappearing into general revenue in Perth.

Arguments in favour of using the costly WAEC method miss three important details.

1. The huge cost differential between consultation methods is a highly significant issue for ratepayers

The WAEC method is more than 500% more expensive than the local business alternative. This cost differential must not be discounted, Council has a fiduciary duty to get the best value for ratepayers. **We do not need a gold plated survey.**

Since this matter came to Council at the February CCS, as of Wednesday 21st February I have privately verbally polled 79 ratepayers, asking them whether they would want Council to spend an extra \$86,920 on a shopping hours mail-in survey in order to get a bigger sample size of respondents, as compared with an online survey. Not a single ratepayer thought it was a good idea. Not one. Everyone thought consultation was a good idea, but price had to be factored in to achieve a common-sense balance.

2. Using the WAEC consultation method will not shield Council from potential criticism that the process was “unfair”.

A fair and due process has never got in the way of aggrieved people complaining about a result they didn't like. e.g. *“I never got the letter in the mail...”* This consultation process is not a plebiscite or referendum - it is about getting data to help inform Council in its decision making. Knowledge of the opinion of every elector is not required to make the decision. Council has been elected to make decisions through leadership. As a good governance principle, decision-making should not be driven by opinion polling.

3. Compared to the WAEC, the local market research company will achieve sufficient volume of data, and with better quality of demographic information

In the “Community Survey Proposal”, it was clear that sufficient data volume could be collected using the local research company in order to ensure Council has sufficient information on community sentiment to aid in deliberations.

Furthermore, the local research company proposal demonstrated that the quality of data would be far superior to the data gathered by the WAEC in terms of detailed demographic information. City officers will be able to work with the local research company to decide which demographic information is prioritised for collection. The WAEC method offers less flexibility in this regard.

Officer Comment

Ultimately Council must make a decision which will be based on, but not limited to, their analysis of risk and value for money. No matter the direction that Council takes, officers will be able to support the decision through advertising to try and push participation.

Based on the election undertaken in October 2023, a mail out to the electors roll will reach around 29,107 people. The response rate for last election was 38.81%, a total of 11,237 responses. Even with a low response rate of just over 30%, based on some wards in the 2017 election, it would still be expected to have a minimum 8,732 responses received.

The response rates to electronic surveys conducted for the City have traditionally been much lower. The alternative option will have at least 11,794 email addresses which, combined with advertising, they would expect to result in at least 3,000 responses.

Councillor Brough moved an Amendment to the Committee's Recommendation.

**CCS605: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR BROUGH**

THAT Council:

- 1. Instruct the Chief Executive Officer 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;**
- 2. Give preference to the Western Australian Electoral Commission undertaking the survey.**
- 3. Authorise budget expenditure for the survey(s), financial contribution and advertising.**

CCS605: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS
SECONDED: DEPUTY MAYOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

The Substantive Committee Recommendation was then voted on.

CCS605: AMENDMENT BY COUNCILLOR TRAILL

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be AMENDED to read as follows:

That Council:

1. Instruct the Chief Executive Officer 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;
2. Authorise budget expenditure for the survey(s), financial contribution and advertising.

LOST 2-8

Record of Vote

For the Motion: Councillors Traill and Grimmer

Councillor Traill moved an amendment to the Authorising Officer Recommendation.

CCS605: COMMITTEE RECOMMENDATION
MOVED: MAYOR STOCKS
SECONDED: DEPUTY MAYOR TERRY
THAT the Authorising Officer Recommendation be ADOPTED.

CCS605: AUTHORISING OFFICER RECOMMENDATION

That Council:

1. Instruct the Chief Executive Officer 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;
 - c. provide a report to Council on the outcomes of the consultation;
2. Give preference to the Western Australian Electoral Commission undertaking the survey.
3. Authorise budget expenditure for the survey(s), financial contribution and advertising.

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 (current policy detailed at attachment 2)
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. Small Retail, Specialty Retail and Filling Station businesses have their own respective trading hour provisions and definitions.
 - A Small Retail shop has no restrictions on trading hours and may be open at any time. It is defined as owned by up to six people who operate no more than four retail shops, in which up to 25 people work at any one time. They may sell any goods other than motor vehicles. Traders must apply to the Department for a certificate to trade as a small retail shop. Shops in this category can trade 24 hours per day, every day of the year.
 - A Specialty Retail shop is considered necessary for emergency, convenience or recreation goods and include pharmacies, garden nurseries, hardware, newsagencies, bookshops, video, souvenir, boating, and motor vehicle spare parts shops. Traders must apply to the Department for a certificate to trade as a Special Retail shop. Trading hours are 6am – 11.30pm every day of the year.
 - A Filling Station is defined as any business that sells motor fuel and has no restrictions on trading hours and may be open at any time.

6. Small Retail and Specialty Shops must apply for certification from the Department of Energy, Mines, Industry Regulation and Safety (the Department) in relation to that place in accordance with the regulations. Compliance is enforced by the Department and not the City of Albany.
7. Regional/Non-Metropolitan Local Governments, such as the City of Albany 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 Act.
8. The community have previously been consulted in regards to the permanent extension of trading hours for General Retail Shops in 2005 and 2012.
9. Council approved a Temporary and Short Term Extended Trading Hours Policy in April 2014 and updated the policy in 2016. The policy clearly defines Peak Visitor times and Special Circumstances periods where Temp/Short Term applications can be made. In the absence of permanent extended trading the City is required to apply for temp/short term adjustments on an ongoing basis.

DISCUSSION

10. For the Department of Energy, Mines, Industry Regulation and Safety to approve an application for extended trading hours across the City of Albany, the Department will need to be assured that various consultation steps have been taken.
11. Essentially, the City has to satisfy the Department that it has undertaken “appropriate consultation” with “local trader organisations” (not defined), “tourism interests” (not defined) and local members of State Parliament, and that there has been opportunity for local community consultation.
12. The proposed consultation timeline for the consultation is:
 - March 2024 – Organise the consultation;
 - April/May 2024 – Undertake the consultation;
 - June 2024 – Analyse consultation results, brief Council and prepare agenda report;
 - July 2024 – Council to make decision.

GOVERNMENT & PUBLIC CONSULTATION

13. The City of Albany has consulted with the Western Australian Government’s Department of Energy, Mines, Industry Regulation and Safety on necessary requirements for extended trading hours.
14. The Albany Chamber of Commerce and Industry have been consulted in regards to undertaking consultation of the business community.

STATUTORY IMPLICATIONS

15. Non-metropolitan Local Government 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

16. There is no policy implication for this decision as the recommendation is to only proceed with consultation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>The community may not have full confidence in the consultation process.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Ensure that the consultation methods chosen reach all sectors of the community.</i>
Opportunity: <i>Comprehensive consultation with all members of the community will provide an opportunity for Council to understand the community’s viewpoint on the extension of Retail Trading Hours.</i>				

FINANCIAL IMPLICATIONS

18. The costs of conducting a referendum and additional consultation will be funded from existing budget lines.

LEGAL IMPLICATIONS

19. The consultation of the survey must be undertaken in a manner that will be considered sufficient to meet the requirements of the Act.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

21. Council can agree to proceed with undertaking the consultation but may have an alternate preference to which organisation undertakes the survey.
22. Council may choose to not undertake any consultation.

CONCLUSION

23. Should Council wish to consider extended trading hours within the municipality, it is strongly recommended that consultation occur to ascertain the level of support from various sections of the community.
24. Adoption of the Authorising Officer Recommendation will facilitate the process of consulting with the community.

Consulted References	:	<i>Retail Trading Act 1987</i>
File Number	:	ED.PRM.12
Previous Reference	:	OCM19/03/2002 Report Item 12.7.2 OCM 20/08/2002 Report Item 12.2.1 Audit and Finance Committee 26/03/2012 Report Item 5.8 OCM October 2012 Report Item 1.1 OCM 18/12/2012 Report Item 1.1

CCS606: ANNUAL REPORT 2022 - 2023

Proponent / Owner	: City of Albany
Attachments	: City of Albany Annual Report 2022-2023
Report Prepared By	: Communications Coordinator (L Condon)
Responsible Officers:	: Executive Director Community Services (N Watson) Manager Community Relations (E van Gorp)

STRATEGIC IMPLICATIONS

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

In Brief:

- Council is requested to accept the City of Albany Annual Report 2022-2023 and approve the proposed date of the Annual Electors Meeting.

RECOMMENDATION

CCS606: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR MCKINLEY

THAT Council:

- (1) In accordance with the requirements of section 5.54 of the *Local Government Act 1995* **ACCEPT** the City of Albany Annual Report 2022-2023 (which includes the Auditors Report for the period ending 30 June 2023).
- (2) In accordance with section 5.27 of the Act, the Annual Electors Meeting for the purpose of receiving the City of Albany Annual Report 2022-2023 and other General Business will be held at 6:30pm on Wednesday 20 March 2024 at the City of Albany Council Chambers, 102 North Road, Albany.

CARRIED 11-0

BACKGROUND

2. The City of Albany is required to prepare annual financial reports in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.
3. There are also statutory annual reporting requirements under the Local Government (Administration) Regulations, such as the disclosure of the number of employees within certain salary bands.
4. In meeting these legal requirements, the City of Albany also takes the opportunity to provide the community with a broad report profiling its activities and achievements for the financial year.

DISCUSSION

Annual Financial Report for year ended 30 June 2023

5. The *Local Government Act 1995* (the Act) and various Local Government regulations require that an Annual Financial Report is compiled and subsequently audited.
6. The complete Financial Annual Report was presented to Council on Tuesday, 19 December 2023, with a signature from the Auditor General on the Memorandum confirming that the City's audit was complete and satisfactory.

Annual Report for the year ended 30 June 2023

7. In accordance with Section 5.27 of the Act, an Annual Electors Meeting must be held no later than 56 days after the local government has accepted its Annual Report, and that 14 days public notice of the meeting must be given.
8. The Annual Electors Meeting will be scheduled for 20 March 2024 at the City of Albany Council Chambers, 102 North Road, Albany. Staff will ensure that local public notice is given 14 days in advance of the Annual Electors Meeting in accordance with Section 5.27 of the Act.
9. In accordance with the Act, in addition to the Annual Financial Report, the Annual Report must contain:
 - a. A report from the Mayor and CEO;
 - b. An overview of the plan for the future of the district made in accordance with section 5.56 of the Act, including major initiatives that are proposed to commence or to continue in the next financial year; and
10. The following prescribed matters, must be included in the Annual Report:
 - a. Payments made to employees;
 - b. Disabilities Services Act 1993 – Report made under sections 29(2);
 - c. Number of Complaints recorded in the Register of Complaints.
11. The 2022-2023 City of Albany Annual Report has been restructured in both format and look and feel with the aim to include more City departments and information from across the organisation.
12. City departments have been organised into 13 distinct categories, with notable accomplishments emphasised within each category. This format is designed to better celebrate the breadth of the City's initiatives throughout the year and the work of the City's teams.
13. Highlights featured in the 2022-2023 Annual Report include the Maritime Festival, Inclusivity Logo, Bicentenary Strategic Plan, First Lights: Binalup, Albany Motorsport Park, and Landmarks & Laneways.
14. The 2022-2023 Annual Report links into the Strategic Community Plan by reporting against outcomes under the key themes of People, Planet, Place, Prosperity and Leadership via the Corporate Business Plan Reporting framework.
15. This is the framework that has been used to update Council across the year on the progress of key projects and initiatives set out in the Corporate Business Plan and has been used in the Annual Report for reporting consistency.

GOVERNMENT & PUBLIC CONSULTATION

16. Section 5.27 of the Act, requires that a Meeting of the electors of a district be held once every financial year, not more than 56 days after the local government accepts the Annual Report for the previous financial year, and any other nominated general business.
17. The CEO is required to give at least 14 days local public notice of an electors meeting.
18. The CEO is to ensure the Annual Report is published on the local government's official website within 14 days after the report has been accepted by the local government.

STATUTORY IMPLICATIONS

- 19. In accordance with section 7.9 of the Act, an audit is required to examine the accounts and Annual Financial Report prepared for the Mayor, the CEO and the Minister.
- 20. Under the Audit and Risk Committee – Terms of Reference, the committee is to review the audit report and make appropriate recommendations to Council.
- 21. Section 5.54 of the Act, states in part: The Annual Report (which includes auditor’s report) is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.
- 22. Section 5.27 of the Act, requires that a Meeting of the Electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year, and any other nominated general business.
- 23. The CEO is required to give at least 14 days local public notice of an electors meeting.
- 24. The voting requirement for this item is **Absolute Majority**.

POLICY IMPLICATIONS

- 25. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Statutory Non-Compliance. The 2022-23 Annual Report is not accepted.	Unlikely	Minor	Low	City officers will work with Council to come to a position of acceptance. Council set an alternate date to ensure compliance with the prescribed time period in accordance with the Act.
Reputation. Lack of community engagement.	Possible	Insignificant	Low	Notice of Annual Electors Meeting published in accordance with the Act, including newspapers circulating throughout the district, on the City’s website and notices placed on community notice boards.

FINANCIAL IMPLICATIONS

- 27. There are no financial implications related to this report.

LEGAL IMPLICATIONS

- 28. The City has received an unqualified auditor’s report, therefore there are no legal implications related to this report.
- 29. In accordance with section 29(2) of the *Disability Services Act 1993*, a local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Act, a report about the implementation of the plan.

ENVIRONMENTAL CONSIDERATIONS

- 30. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

31. The Council may accept as presented, accept with modification, or reject the Annual Report.

SUMMARY CONCLUSION

32. As no matters of concern have been noted in the auditor’s report, it is recommended that the Responsible Officer’s Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i> ;• <i>Local Government (Administration) Regulations 1996</i>
File Number	:	<ul style="list-style-type: none">• IM.PUB.24• FM.MEE.3
Previous Reference	:	<ul style="list-style-type: none">• OCM: AR140 19/12/2023• Annual Meeting of Electors: 27/03/2023

DIS382: WOOLSTORES PRECINCT STRUCTURE PLAN

- Land Description** : No. 12-26 (Lots 1156 & 1157), No. 23 (Lot 141), No. 34 (Lots 895, 1104 & 1209), Lots 111 & 142 Woolstores Place / Unallocated Crown Land PINs 583843, 12299290 & 12299292 / CoA managed reserve R37011 & CoA managed Local Road reserves (various) associated with Woolstores Place
- Proponent / Owner** : Proponent - Rowe Group
Owner: Rural Logistics (WA) Pty Ltd (formerly Mainbeam Pty Ltd)
- Lot 1209 on Plan 173935
 - Lot 1104 on Plan 165964
 - Lot 895 on Plan 161301
 - Lot 141 on Plan 027076
 - Lot 142 on Plan 416233
 - Lots 1156 & 1157 on Plan 171141
- Main Roads WA - Lot 111 on Plan 416232
- Business Entity Name/s** :
 - Rowe Group
Directors being Callum Alexander Rowe and Keegan John Rowe
 - Rural Logistics (WA) Pty Ltd (formerly Mainbeam Pty Ltd)
Director being Mark Terence Dyson
- Attachments** : 1a Albany Woolstores Structure Plan Map (Extract)
1b Albany Woolstores Precinct Structure Plan Report
1. Schedule of Submissions
 2. Consultation – Key Themes
 3. Schedule of Modifications
 4. Engineering Servicing Report
 5. Woolstores Place Needs Analysis
 6. Woolstores Coastal Hazard Risk Management and Adaptation Plan
 7. Bushfire Management Plan
 8. Transport Noise Assessment
 9. Woolstores Detailed Environmental Studies
 10. Preliminary Site Investigation
 11. Local Water Management Strategy
 12. Transport Impact Assessment
 13. Visual Impact Assessment Figures
 14. Visual Landscape Analysis and Visual Impact Assessment
 15. Woolstores Sections
 16. Landscape Master Plan
- Report Prepared By** : Senior Strategic Planner (A Nicoll)
- 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 its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (ALPS) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - **Pillar:** Prosperity
 - **Outcomes:**
 - A strong, diverse and resilient economy with work opportunities for everyone; and
 - A highly sought-after tourist destination.

In Brief:

- The preparation of the Woolstores Precinct Structure Plan is a key strategic action identified under ALPS. The draft structure plan aims to facilitate the delivery of high quality built form and public realm outcomes for the landmark site, balanced with managing and mitigating associated environmental considerations.
- The draft structure plan was prepared to guide future subdivision and redevelopment coordination across the Woolstores site, that includes proposed hotel, commercial, retail, permanent residential and short term tourist accommodation uses, in conjunction with the delivery of public open space and associated infrastructure.
- The draft structure plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations). Agency and public submissions were received during the comment period. Matters raised in the submissions received have been considered, with modifications to the draft structure plan recommended to address these.
- Staff recommend Council resolve to forward the draft structure plan to the Western Australian Planning Commission (WAPC), with a recommendation for final approval subject to modifications.

RECOMMENDATION

DIS382: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR TRAILL

SECONDED: COUNCILLOR CRUSE

THAT Council:

- 1. ENDORSE the comments made in this report, the Schedule of Submissions and the Schedule of Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.**
- 2. RESOLVE pursuant to Schedule 2, cl. 20. of the Planning and Development (Local Planning Schemes) Regulations 2015 to:**
 - a. Forward the Woolstores Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Modifications) to the Western Australian Planning Commission.**
 - b. Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended - Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height.**

Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures) attached to this report.

- 3. NOTE that City officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Submissions and Modifications.**
- 4. NOTIFY the proponent, landowners and submitters of its decision and at the time of the Western Australian Planning Commission's final decision on the Precinct Structure Plan.**

CARRIED 10-1

Record of Vote

Against the Motion: Councillor Lionetti,

PROCEDURAL MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MACLAREN

THAT this report be DEFERRED and be re-presented for consideration by Council in one months time.

MOTION LAPSED DUE TO WANT OF A SECONDER

**DIS382: AMENDMENT BY COUNCILLOR TRAILL
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR CRUSE

THAT Point 2 (b) of the Committee Recommendation be AMENDED to remove the wording in red below:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended - Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height. Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures ~~Change modifications 1 and 14.1 in relation to Coastal setback~~), attached to this report.

CARRIED 7-4

Record of Vote

Against the Motion: Councillors Brough, Lionetti, Sutton and McKinley

Councillor Trill then moved an amendment to the Committee Recommendation.

**DIS382: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR TERRY

THAT Council:

1. ENDORSE the comments made in this report, the Schedule of Submissions and the Schedule of Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.
2. RESOLVE pursuant to Schedule 2, cl. 20. of *the Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Forward the Woolstores Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Modifications) to the Western Australian Planning Commission.
 - b. Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended - Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height. Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures. Change modifications 1 and 14.1 in relation to Coastal setback), attached to this report.
3. NOTE that City officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Submissions and Modifications.
4. NOTIFY the proponent, landowners and submitters of its decision and at the time of the Western Australian Planning Commission's final decision on the Precinct Structure Plan.

DIS382: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT Council:

1. ENDORSE the comments made in this report, the Schedule of Submissions and the Schedule of Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.
2. RESOLVE pursuant to Schedule 2, cl. 20. of *the Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Forward the Woolstores Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Modifications) to the Western Australian Planning Commission.
 - b. Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications *(as amended - Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height. Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures. Change modifications 1 and 14.1 in relation to Coastal setback)*, attached to this report.
3. NOTE that City officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Submissions and Modifications.
4. NOTIFY the proponent, landowners and submitters of its decision and at the time of the Western Australian Planning Commission's final decision on the Precinct Structure Plan.

CARRIED 10-0

DIS382: AMENDMENT 3 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation Point 2 b be AMENDED to read as follows:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended – Change modifications 1 and 14.1 in relation to Coastal setback), attached to this report.

CARRIED 6-4

Record of Vote

Against the Vote: Mayor Stocks, Councillor Cruse, Councillor Baesjou and Councillor Terry

Councillor Brough then moved a third amendment to the Authorising Officer Recommendation.

DIS382: AMENDMENT 2 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation 2 b be AMENDED to read:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (as amended – Delete modifications 10b, 10c and modify 15 in relation to Coastal protection measures), attached to this report.

CARRIED 10-0

Councillor Brough then moved a second amendment to the Authorising Officer Recommendation.

DIS382: AMENDMENT 1 BY COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation point 2 b be AMENDED to read:

Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications (*as amended – Delete modifications 5, 12, 18 (in part) and 19 and in relation to building height*), attached to this report.

CARRIED 10-0

Councillor Brough then moved an amendment to the Authorising Officer Recommendation.

DIS382: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

DIS382: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. ENDORSE the comments made in this report, the Schedule of Submissions and the Schedule of Modifications, both attached to this report, in response to the preparation, advertising and agency referral of the Precinct Structure Plan.
2. RESOLVE pursuant to Schedule 2, cl. 20. of *the Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Forward the Woolstores Precinct Structure Plan, this report and attachments (including Schedule of Submissions and Schedule of Modifications) to the Western Australian Planning Commission.
 - b. Recommend that the Western Australian Planning Commission approve the proposed Woolstores Precinct Structure Plan, subject to the modifications identified within the Schedule of Modifications, attached to this report.
3. NOTE that City officers will continue to liaise with the Western Australian Planning Commission and other agencies to resolve any matters raised by the Schedules of Submissions and Modifications.
4. NOTIFY the proponent, landowners and submitters of its decision and at the time of the Western Australian Planning Commission's final decision on the Precinct Structure Plan.

BACKGROUND

- The subject site is located at the northern western end of Princess Royal Harbour and approximately 2km west of Albany city centre (refer Figure 1).

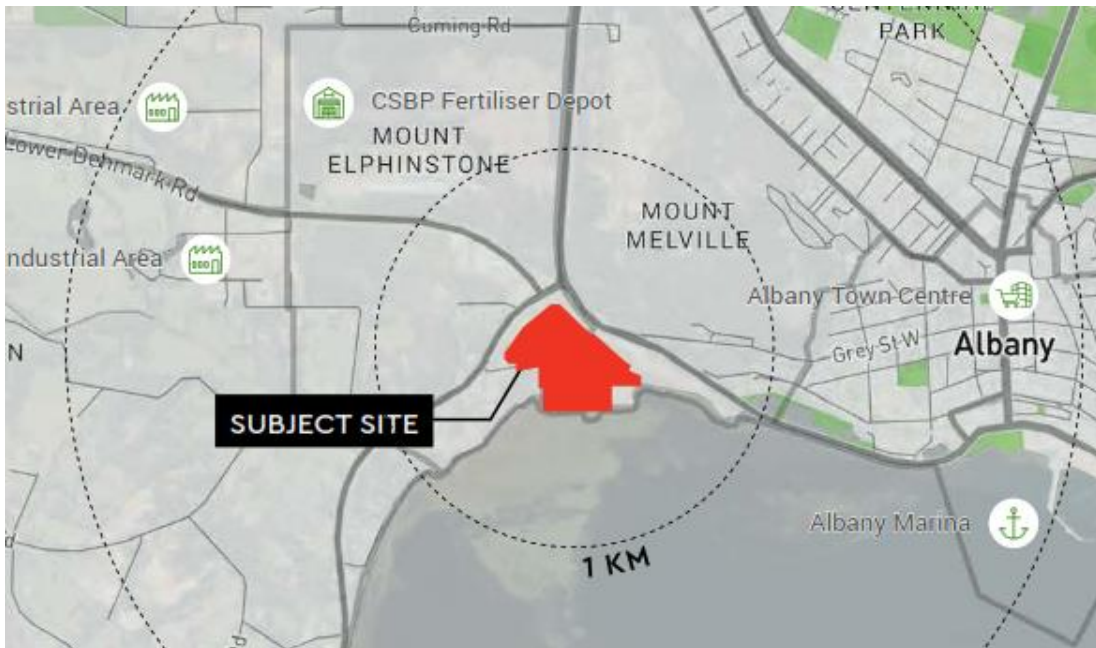


Figure 1: Site context

- Site details:

Total Area:	163.8ha
Current Land Use Zone	Lots 1156, 1157, 895, 1104, 1209, Woolstores Place – General Industry & Restricted Use (LPS1), Light Industry & Restricted Use (LPS2) Lots 111, 141 & 142 Woolstores Place / Unallocated Crown Land PINs 583843 & 11786504 - Rural Small Holdings (LPS1 & LPS2) Unallocated Crown Land PINs 12299290, 11786504 & 12299292, Environmental Conservation (LPS2) R 37011 – Parks and Recreation (LPS1), Drainage / Waterway Reserve (LPS2)

- The Woolstores Precinct Structure Plan pertaining to land associated with Woolstores Place, Mount Elphinstone (referred to in this report as the subject site) was formally lodged and accepted by the WAPC on 21 August 2023.
- The Woolstores site is known for the former large warehouse bulk storage operation at the site, associated with the wool industry. Commencing in the mid-1950s, the operation was of a significant scale, reaching a storage capacity approximately 350,000 tonnes including expansion of the facilities south to its current position, from its original location directly south of Woolstores Place, including onto reclaimed land within the harbour.
- The site operated as a bulk wool storage facility until the 1990s and following cessation of wool industry related activities at the site, some sections of the facility were later utilised for storage of other bulk materials until 2022, when the buildings were vacated and demolition and removal of the structures commenced.



Figure 2: Subject site

9. The area of the subject site north of Woolstores Place has primarily remained vacant and incorporates land under various tenures including unallocated Crown Land, with some recent changes to the northernmost boundaries associated with the implementation of the Albany Ring Road project.
10. The draft structure plan and associated supporting documentation and management plans (attached to this report) were prepared in accordance with State Planning Policy 7.2 and associated guidelines.
11. Future redevelopment of the site for infill development is a key strategic direction identified under ALPS. The strategic action for the subject site under ALPS (referenced as Investigation Area 2 – Wool Stores) recommends the facilitation of a structure plan that demonstrates how the site can be redeveloped, addressing various site-specific considerations and achieve desired infill development outcomes.
12. To inform the outcomes and recommendations of the draft structure plan, the proponent undertook preliminary engagement with agencies such as the Water Corporation, prior to formal submission of the draft structure plan for consideration.
13. The public consultation period commenced in late August for a period of 21 days, concluding 6 October 2023. Public consultation involved letter mail out to adjoining landowners and occupiers, advertisement in the newspaper and the draft structure plan and supporting documentation made available to view on the City's website. The draft structure plan was also referred to relevant state agencies and internal City of Albany departments for comment.
14. Public and agency submissions were received during the advertising period, primarily submitted through the online submission form that was made available on the City's consultation page. Further detailed discussion on the matters raised during public consultation is outlined below.

DISCUSSION

Proposal

15. The draft Structure Plan Map (refer Figure 3 below and Attachment 1a to this report) outlines the land use zones and key elements proposed for the subject site, including a dedicated commercial precinct (neighbourhood centre), a mixed-use precinct entailing permanent residential and tourist accommodation, including a hotel development located in the prominent southwestern corner of the site.
16. The draft Map also outlines street block and road layout and accessibility across the site as well as areas to be set aside for provision of public open space.
17. Key elements of the proposal include:

<p>Commercial Precinct</p>	<p>Proposed Land Use Zones: Neighbourhood Centre Land use permissibility as per LPS2 Built form: Sites 1 & 2 – max 11m height As per draft structure plan height and setbacks plan - active frontages to Woolstores Place Public open space provided west of Site 1</p>
<p>Woolstores Precinct</p>	<p>Proposed Land Use Zones: Mixed Use Land use permissibility as per LPS2 Density and built form (as per R-Codes and draft structure plan height and setbacks plan): Site 3 - R50 max 3 storeys Site 4 - R80 max 4 storeys Sites 5 & 6 - R100 max 4 storeys Site 7 - R160 (minimum) max 6 storeys Sites 8 & 9 – R160 (minimum) max 8 storeys (subject to additional criteria) Public open space provision - west, south (foreshore) and eastern ends of structure plan area</p>



Figure 3: Structure Plan Map

18. Key themes identified during public consultation relate to:
- Servicing provision
 - Environmental matters
 - Coastal processes
 - Noise and vibration
 - Public open space
 - Commercial viability
 - Built form
 - Accessibility
19. As required under the Planning Regulations, the City has prepared a Schedule of Submissions (refer Attachment 2) and a Schedule of Modifications (refer Attachment 4).
20. The Schedule of Submissions summarises the submissions received during public consultation, with the Schedule of Modifications identifying recommended modifications by the local government based on its assessment of the proposal against local and state planning frameworks, and submissions and agency comments received during consultation, to inform the WAPC's consideration and determination of the draft structure plan.
21. The matters raised during advertising and recommended modifications to the draft structure plan to address these matters are discussed in below.
- Servicing provision
22. Concerns were raised about servicing standards for the subject site.
23. The Servicing Report included with the supporting documentation outlined preliminary investigations undertaken in relation to current availability of required service connections to the site, including communication, power, sewerage and potable water.
24. Confirmation was provided in the report that service connections for communication, power and potable water available to the site, however connection to the Water Corporation sewer network was not currently available.
25. To address the requirement for the site to be connected to the reticulated sewer network, the structure plan identifies the requirement for the implementation of a Wastewater Pumping Station and Pressure Main to suitably service the site, based on preliminary comment from the Water Corporation to the proponent.
26. The works would be undertaken at the subdivision stage of the development process.
27. Following this, the structure plan appropriately addresses requirements for servicing, with servicing is to be provided to the subject site, including reticulated water and sewer, subject to applicable standards and to the satisfaction of relevant agencies.
- Environmental considerations
28. The following matters were raised during public consultation and identified by State agency and internal departments, in relation to environmental aspects of the draft structure plan:
- Acid sulfate soils
 - Site contamination
 - Impact to flora and fauna
 - Surface water management (living streams)
 - Impact to natural elements (foreshore) associated with the Princess Royal Harbour
29. In relation to the potential impacts identified above in relation to the harbour foreshore, this aspect is discussed further under the Coastal Processes section below.

30. In regards to the other matters raised during Detailed Environmental Studies (refer Attachment 10) were undertaken to consider various matters including:
- Desktop and preliminary site walk overs to identify the potential presence of threatened flora and fauna species on site
 - Desktop and preliminary site investigations to determine potential contamination and other environmental factors required to be addressed or mitigated as part of future planning stages.
31. Findings from the desktop and preliminary onsite investigations include confirmation of the presence of asbestos soil contamination, acid sulfate soils and groundwater contamination from up-gradient properties.
32. Based on the preliminary findings, the draft structure plan recommends further additional investigations and studies are undertaken as part of future planning stages (refer Section 5.2 of Attachment 1b draft structure plan report). Additional studies and investigations relate to:
- An ecological survey to confirm the presence of any threatened species
 - Further detailed investigation and analysis of the identified areas of environmental concern, especially in relation to the potential of uncontrolled fill, asbestos contamination and potential contaminated groundwater from up-gradient properties. Investigations and analysis would include preparation of a Sample and Analysis Quality Plan, to guide a future Intrusive Detailed Site Investigation of the subject site.
 - An acid sulfate soils investigation undertaken, in accordance with Department of Water and Environmental Regulation requirements, and preparation of supporting management plan.
33. The Local Water Management Strategy (LWMS) (refer Attachment 12) prepared for the draft structure plan confirmed that the site generally has a low clearance to groundwater and is also subject to upstream catchments, including the Albany Ring Road drainage managed by Main Roads.
34. Due to identified onsite and offsite water management constraints, the draft structure plan and supporting documentation recommend the following ahead of future planning processes:
- Development of the site should provide suitable clearance to groundwater and free flowing outfall to the coast during major rainfall events. Both these aspects are subject to projected sea level rise.
 - A geotechnical assessment should be undertaken to inform site preparation for development.
 - The quality of stormwater outflowing to the coastal ecosystems, should be managed appropriately. Given the magnitude of upstream flows, it was proposed that stormwater is managed via a piped system, configured to redirect flows directly to the coast, with a gross pollutant trap fitted at the piped discharge point. It's also proposed that post development monitoring be conducted for a period of up to 3 years (to check quality).
 - From a flood management perspective, given the size of receiving water, it is proposed that no attenuation of flows occur (apart from 15mm treatment storage). Road reserves are to provide the nearest available flood routes to the coast.
 - The refinement of this information to occur via preparation of an Urban Water Management Plan for the site.

35. The Department of Biodiversity, Conservation and Attractions (DBCAs) South Coast Region branch provided comment on the draft structure plan and recommendations identified in the supporting documentation (refer detailed comments Attachment 2 - Schedule of Submissions). In relation to environmental considerations, the following matters were identified:
- Whilst predominantly cleared of native vegetation, the Woolstores site is adjacent to sensitive ecological values that require consideration in the design, future subdivision and development of the structure plan area.
 - The proposal may lead to degradation of locally significant waterbird habitat identified adjacent to the structure plan area.
 - The proposal to convert open drainage to piped drains resulting in the subsequent drying out of the wetland adjacent to the southwest corner of the project area, and therefore likely to have a negative impact on habitat of identified Priority 4 fauna species.
 - Further investigation should be undertaken to verify the presence and extent of the Subtropical and Temperate Coastal Saltmarsh Threatened Ecological Community (TEC) identified adjacent to the site and potential impacts of future development fully assessed prior to implementation of future planning processes.
36. Further to the additional requirements identified under the draft structure plan, and informed by submissions received during public consultation, as well as state agency and internal department comments, the City recommends modifications to the draft structure plan to specifically address:
- Adoption of living streams approach to assist water management across the site
 - Improvements and expansion of provision of public open space for passive recreation across the site
 - Implementation of a larger foreshore area to what is currently proposed.
37. The associated modifications include:
- Increase the width of the foreshore area to improve amenity and to allow for coastal management and public recreation.
 - Re-allocate POS, considerate of natural features and to allow for Better Urban Water Management (Living Streams).
 - Extend the Structure Plan boundary to include adjacent foreshore areas.
 - Make a requirement for contamination reporting at a later stage in the planning process.
 - Make a requirement for pre development and post development assessment of groundwater.
 - Refining the design of the proposed coastal management measures (refer further discussion under Coastal Processes section below).

Coastal Processes

38. Key matters raised during public and agency consultation on the draft structure plan in relation to coastal processes primarily related to:
- The appropriateness of the proposed management and mitigation measures to address coastal processes;
 - The potential impacts on adjoining foreshore areas should the recommended protection measures be implemented; and
 - Lack of detail identification of funding sources and governance to facilitate implementation and maintenance of the recommended measures.

39. The Coastal Hazard Risk Management Adaptation Plan (CHRMAP) prepared in support of the draft structure plan (refer Attachment 7) acknowledged that the continued use of the site and the operation of the adjacent rail and road network would require ongoing protection from coastal erosion.
40. Outcomes recommended by the CHRMAP to address coastal processes for the structure plan area include:
- The adaptation pathway recommended for the structure plan area was protect, in the form of a rock-seawall, that would need to extend the length of the Woolstores site fronting the harbour, and along the foreshore to the east, outside of the structure plan area.
 - The construction and ongoing maintenance of the seawall to be undertaken by the developer of the site, with cost contributions towards the implementation and ongoing maintenance of the coastal protection method required to be provided from other landowners and/or managing agencies who have a direct benefit from the implementation of seawall - even if the benefiting land (infrastructure) was located outside of the structure plan area - e.g. Public Transport Authority, ARC Infrastructure and Main Roads Western Australia.
 - Additional fill to be undertaken on the site, to an elevation of at least 2.5m AHD to increase finished floor levels of proposed development.
 - Details for implementation of the protection and fill methods to be determined at future planning stages.
41. In addition to the submissions received during public consultation and agency referral, the City's consideration of the recommended outcomes of the CHRMAP for the draft structure plan is also informed by the following:
- The draft Princess Royal Harbour CHRMAP is currently being developed by the City, in conjunction with the State Government and Southern Ports. The Princess Royal Harbour CHRMAP includes the foreshore associated with the draft structure plan – located within Management Unit 2.
 - To date, key milestones reached by the draft Princess Royal Harbour CHRMAP include:
 - Establishing key community values of the Princess Royal Harbour area to inform preparation and recommended outcomes of the CHRMAP
 - Identification of key assets and risk from coastal processes (erosion and/or inundation) associated with the project area
 - Vulnerability analysis and evaluation of risk of identified key assets, to inform potential adaptation measures to be implemented to mitigate and/or manage identified risk from coastal processes across each management unit of the CHRMAP project area.
 - The proponent has accepted and incorporated the potential coastal hazards impacts identified through the preparation of the broader Princess Royal Harbour CHRMAP and incorporated this baseline information into the CHRMAP prepared for the draft structure plan area.
 - In regards to Management Unit 2, nature based soft protection (sand nourishment and levee bank) is currently identified under the draft Princess Royal Harbour CHRMAP as the recommended means to deal with coastal processes and the potential impact to assets and environmental attributes.

- Cost and benefit distribution analysis is identified as next steps to inform potential avenues for funding to enable the implementation and maintenance of the adaptation pathways and/or mitigation measures identified.
 - Community consultation on the draft Princess Royal Harbour CHRMAP that includes an implementation plan, monitoring plan and associated cost and benefit distribution analysis to support implementation and monitoring is expected to be undertaken in the second half of 2024.
42. As outlined above, the recommended adaptation pathway currently identified under the draft structure plan (hard protection method using a rock-seawall structure) conflicts with the recommended pathway currently identified under the draft Princess Royal Harbour CHRMAP for Management Unit 2 (nature based soft protection using sand nourishment and levee bank).
43. The Department of Planning, Lands and Heritage (DPLH) Coastal branch provided officer comment on the draft structure plan and supporting CHRMAP (refer detailed comments Attachment 2 - Schedule of Submissions).
44. Whilst DPLH Coastal branch acknowledged that it was appropriate for a CHRMAP to be prepared for the site in accordance with applicable state planning policy, various matters remained outstanding that were required to be addressed in order for the CHRMAP and draft structure plan to be supported.
45. Key outstanding matters identified by DPLH Coastal branch relate to:
- Addressing the conflicting recommended coastal adaptation pathways currently identified under each CHRMAP.
 - Requirement to demonstrate that the coastal protection works as proposed will have no significant impact on the adjacent environment and that the works are in the public interest ensuring it maintains a coastal foreshore reserve for public access, amenity and safety, as well as protecting property and infrastructure.
 - Confirmation that identified funding arrangements for construction and recurrent costs to be put in place are appropriate, detailing specific governance mechanisms to be implemented and how they are enforceable in the planning framework, for the local government to implement to ensure this is achievable.
46. The Department of Biodiversity, Conservation and Attractions (DBCA) South Coast Region branch provided comment on the draft structure plan and recommendations identified in the supporting documentation (refer detailed comments Attachment 2 - Schedule of Submissions). In relation to the proposed measures to manage coastal processes, the following was identified:
- The creation of a seawall outside of the project area to the east and west may result in the degradation of the adjacent saltmarsh TEC, as this is influenced by tides and highly water dependent. Changes to tidal influences may result in negative impacts to the species that define the TEC.
47. In addition to the modification for widening of the foreshore, reconsideration of the coastal protection measure would also align with the recommendations for Management Unit 2 under the draft Princess Royal Harbour CHRMAP and further address outstanding matters outlined above, specifically mitigating impacts on environmental habitat and improve amenity and public access to the foreshore.
48. In response to the concerns raised, the proponent submitted additional supporting information to provide further clarification and rationale for the coastal protection measures as recommended in the CHRMAP and draft structure plan.
49. Additional information also outlined potential hybrid approach (soft protection using levee bank and/or sand nourishment along with rocks placed underneath the soft protection measures) for consideration, versus implementation of a rock seawall.

50. The additional information is noted, however further detailed consideration and discussion is required, in consultation with state agencies, noting that the rock seawall hard protection measure in its current form is not supported as outlined under the CHRMAP and draft structure plan.
51. Based on the above, modifications to the CHRMAP and draft structure plan (refer Attachment 4 Schedule of Modifications) recommend refinement of the proposed coastal management measures, specifically to change the measure from hard protection rock seawall to implementation of either nature based soft protection – such as a levee and/or sand nourishment only in alignment with the current draft PRH CHRMAP, or adoption of a hybrid approach, addressing the various matters raised in relation to foreshore and public open space provision, environmental considerations and water management.

Built Form

52. A Visual Landscape Analysis and Visual Impact Assessment were prepared in support of the draft structure plan (refer Attachment 15).
53. The Visual Landscape Analysis acknowledges that a proposed 6-8 storey building height adjacent to the foreshore area would be of a larger scale, compared to the existing built form. The analysis acknowledged that the visual impact would need to be managed carefully for this scale in this location.
54. The draft structure plan recommends the following:
- Design should consider view-sheds from Mt Melville lookout, Rushy Point and Princess Royal Harbour.
 - Any development above 6 storeys should be limited to a floor plate maximum representing 35% of site area.
 - Colour and material palette should tie into the surrounding landscape of Mt Melville towards the north (neutral tones, greys and greens).
 - Use of a variety of textures such as cladding, perforated materials and etched finishes to soften hard built structures. Limit the use of bright or reflective materials to prevent glare from vantage points outside the subject site.
 - Incorporate substantial landscaping in public open space areas to soften built form, and to provide natural shade and shelter.
55. Submissions received during public consultation raised concern regarding the potential visual impact due to the proposed 8 storey development and potential amenity impact of dense and high buildings fronting a predominantly natural landscape.
56. The City's position is that 8 storeys is inappropriate as it is too high in this instance, and therefore inappropriate in the context of the subject site and surrounding landscape.
57. In this instance, eight storey development would be incongruous and visually intrusive to its context, located on a promontory fronting a scenic harbour, surrounded by visually sensitive areas in most directions.
58. Based on this, the City recommends the draft structure plan be modified to limit the height of development to a maximum of 6 storeys, similar to that the current Waterfront Structure Plan.

Noise and Vibration

59. A Transport Noise Assessment (TNA) undertaken for the site has confirmed that noise mitigation must be considered onsite, due the exceedance of road and rail noise targets.
60. The TNA concluded that using barriers is not practical for noise mitigation, due to the adjacent road and rail being higher than the Woolstores site.
61. The structure plan has recommended that noise mitigation would generally be controlled through the building design process.

62. Furthermore, it was identified for potential vibration impact to buildings as a result of the adjacent rail network.
63. Comments received during public consultation and from state agencies and authorities raised concerns that road and rail freight noise levels would exceed the noise targets for most of the area within the proposed development site.
64. Noise complaints were therefore expected to be attributed from permanent residential implemented within the structure plan area, based on unachievable outdoor noise target levels in such developments.
65. The City has recommended that the following modifications to the structure plan to address and/or mitigate noise and vibration concerns:
 - Implementation of a 15m buffer between the rail and future development.
 - Include within the structure plan, a requirement for notification on title of the potential impacts of noise and vibration. This is to ensure that future landowners / residents are aware of noise and vibration impacts.
 - Inclusion of the requirement for a detailed vibration assessment relating to the adjacent rail network, to be undertaken at subdivision stage.

Public Open Space

66. It was commented that the amount of public open space (POS) proposed within the Structure Plan area was under provided for an area that will significantly increase recreation pressure on the harbour.
67. The City identified that re-evaluation of the POS was required, to address matters raised in submissions and internal responses from City of Albany departments and state agencies, specifically in regards to management of surface water flows, improvements to amenity and areas for passive recreation, enhance adjacent natural attributes and mitigate conflict and impacts on ecological communities.
68. Modifications proposed to the draft structure plan in relation to the allocation and function of POS therefore aim to address various matters including noise issues, water management, foreshore provision and management, coastal process management and improve amenity and public recreational opportunities.

Albany's Commercial Viability

69. Concerns were raised in submissions received during public consultation regarding the potential impact on the commercial viability of Albany's central business district.
70. A Demand/Supply Analysis prepared for the draft structure plan indicated the following:
 - Positive site characteristics include - large vacant lots, harbour frontage, accessible via the Albany Ring Road and a population catchment limited by its location at the southwestern edge of Albany (Little Grove and Robinson).
 - The site was one of the limited opportunities in Albany for mixed use waterfront development at a reasonable scale.
 - There was also an opportunity to provide multi-storey accommodation and additional commercial/retail floorspace by 2027, with Albany in need of shopping to service Albany's southwestern suburbs, along with 2 bedroom multi-storey units, to reflect a high number of 1-2 persons living in 3-4 bedroom houses.
71. The structure plan echoes the demand/supply scenario by recommending the development of commercial and multistorey housing development.
72. The outcomes of the demand/supply analysis and the draft structure plan are supported in regard to the proposed provision of commercial, higher density permanent residential and tourist accommodation for the site. No modifications are proposed in relation to this aspect of the draft structure plan.

Accessibility

73. In regards to accessibility, concerns were raised in relation to:

- The proposed grid/corridor road layout pedestrian access to the city centre;
- The need for cycle lanes; and
- Ensuring users of the Bibbulmun and Munda Biddi trails are provided with safe, suitable and constant access to the route via dedicated pathways during and after the completion of any construction works.

74. The structure plan states:

Further, due to the Bibbulmun and Munda Biddi trails intersecting the Structure Plan Area, trail walkers / recreational users, will travel through the Structure Plan Area and interact with and activate the land now and into the future when development occurs. While the location of each trail is set to be redirected to the Albany Ring Road, the western extent of the Structure Plan Area will still be accessed by these users.

MRWA commented in their submission that:

Main Roads is currently constructing the ARR (Frenchmans Bay Rd) bridge which provides for the pedestrian and cycle needs (Bibbulmun track and Munda Biddi trail) over the Rail Line and Princess Royal Drive, providing safer routes between the Little Grove/Frenchman's Bay precincts via Grey Street West and the CBD.

75. As stated in a Transport Impact Assessment, all of the proposed neighbourhood connectors and integrator B roads shown on the below figure would have paths on both sides in accordance with *Liveable Neighbourhoods* guidelines, including a shared path on one side.

76. The outcomes proposed in relation to accessibility, road layout and function are supported with no modifications proposed in relation to this aspect of the draft structure plan.

GOVERNMENT & PUBLIC CONSULTATION

77. The Woolstores Precinct Structure Plan was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

78. Submissions were received from government agencies and members of the public. Submissions have been provided to the Councillors in an attached Schedule of Submissions.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Statutory Consultation.	Mail out to agencies and adjoining landowners / occupiers and advertised in newspaper and on website.	24 August 2023 – 6 October 2023	31 Submissions	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Part 4, cl.18.</i>

STATUTORY IMPLICATIONS

79. Voting requirement for this item is **Simple Majority**.

80. The strategic direction outlined under City's Local Planning Strategy in relation to Urban Consolidation and Infill Development identifies the subject site as Investigation Area 2 – Wool Stores.

81. The strategic action for the subject site recommends the facilitation of a structure plan that shows how the site can be redeveloped, addressing various site specific matters and desired infill development outcomes.

82. The *Albany Local Planning Strategy 2019* recommends that a structure plan is developed for the site to show:
- The capacity for mixed-use development, with a focus on tourism;
 - Capability for sewer management;
 - Coastal planning considerations;
 - Land contamination considerations;
 - Visual/landscape protection;
 - The interface with the future Albany Ring Road;
 - Potential impacts of noise and vibration from the railway line and associated environmental buffer requirements; and
 - Any other requirements that may be determined by the City of Albany or State government agencies.
83. A Bushfire Management Plan (BMP) was prepared in accordance with SPP3.5 that:
- Identified, on completion of development that all habitable development will be located on land with a moderate or low bushfire hazard level, subject to associated implementation works.
 - The potential for a secondary escape route via the rail reserve.
84. The findings and recommendations contained under the BMP are noted. Refer detailed discussion in the report.
85. Preparation of Local Structure Plans are undertaken in accordance with the requirements set out under Schedule 2, Part 4 of the Planning Regulations, including obtaining initial approval from the WAPC, local government advertising and referral requirements, consideration of submissions received, and referral to WAPC by local government for final approval with or without modification.
86. A Precinct Structure Plan is defined in the Planning Regulations as “a plan for the coordination of future subdivision, zoning and development of an area of land”.
87. The Western Australian Planning Commission are the responsible authority to approve Local Structure Plans in accordance with the Planning Regulations.
88. In accordance with the state and local planning framework, approved Local Structure Plans are given same statutory weight as the local planning scheme, with normalisation of the zoning and development requirements of an approved Plan normalised in to the local planning scheme via a future amendment.

POLICY IMPLICATIONS

89. In developed areas, a precinct structure plan is considered to have achieved its purpose when measures have been implemented and the area has been developed in accordance with the applicable development controls.
90. The following applicable policies have been considered for the assessment of the structure plan:
- State Planning Policy 2.6 – Coastal Planning
 - State Planning Policy 3.0 – Urban Growth and Settlement
 - State Planning Policy 3.6 – Infrastructure Contributions
 - State Planning Policy 7.0 – Design of the Built Environment
 - State Planning Policy 5.4 – Road and Rail Noise
 - State Planning Policy 3.7 – Planning in Bushfire Prone Areas

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>The proposal may not be accepted by the Western Australian Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If the Structure Plan is not supported by the WAPC the City may be required to make modifications.</i>
Opportunity: <i>Increase opportunity for servicing, development and employment.</i>				

FINANCIAL IMPLICATIONS

- 92. If the local government does not provide a recommendation and report on the structure plan, to the Commission, the Commission may take reasonable steps to obtain the services or information on its own behalf.
- 93. All costs incurred by the Commission may, with the approval of the Minister, be recovered from the local government as a debt due to the Commission.

LEGAL IMPLICATIONS

94. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

- 95. A walk-over on the site by the environmental consultant, confirmed that no Threatened flora or fauna species were identified.
- 96. Due to the potential of flora and fauna species occurring in the general locality, the environmental assessment recommended a further ecological survey ahead of future planning processes in line with Government recommended methodologies (DBCA 2021; DSEWPaC 2013; EPA 2016; EPA2020), to confirm presence or absence of any ecological features.
- 97. The environmental assessment has identified the following additional environmental factors that will require further investigation as part of future planning phases:
 - a) Potential uncontrolled fill and asbestos contamination
 - b) Potentially contaminated groundwater from up-gradient properties
 - c) Acid Sulfate Soils investigation
 - d) Baseline water quality monitoring within the drainage lines/creeks
- 98. As required by an environmental assessment undertaken to support the structure plan and as stipulated by the structure plan at the clause 5.2, the following additional requirements are to be met at later stages:
 - a) Urban water management plan
 - b) Ecological survey
 - c) Acid sulfate soils assessment 3
 - d) Geotechnical report to confirm building suitability.
- 99. Rezoning of the subject site to reflect recommendations of the structure plan, requires assessment by the Environmental Protection Authority.

ALTERNATE OPTIONS

100. Council may consider alternate options in relation to the structure plan, including;
- a) Recommend, with justification, that the Western Australian Planning Commission not approve the proposed structure plan; or
 - b) Recommend that the Western Australian Planning Commission approve the proposed structure plan without modification; or
 - c) Recommend that the Western Australian Planning Commission approve the proposed structure plan subject to additional modifications.

CONCLUSION

101. Based on the above, it is recommended that Council resolve to forward the Woolstores Precinct Structure Plan to the WAPC with a recommendation for approval, subject to modifications, as discussed above and identified within the Schedule of Submissions and the Schedule of Modifications.

Consulted References	:	<ul style="list-style-type: none"> 1. Local Planning Scheme No.1 2. State Planning Policy 2.6 – Coastal Planning 3. State Planning Policy 3.0 – Urban Growth and Settlement 4. State Planning Policy 3.6 – Infrastructure Contributions 5. State Planning Policy 7.0 – Design of the Built Environment 6. State Planning Policy 5.4 Road and Rail Noise 7. State Planning Policy 3.7 Planning in Bushfire Prone Areas 8. Local Planning Policy – Significant Tourist Accommodation Sites 9. Local Planning Policy – Woolstores Redevelopment Site
File Number	:	LSP23
Previous Reference	:	Nil

DIS383: DRAFT LOCAL PLANNING POLICY 1.2: SHIPPING CONTAINERS – DRAFT LOCAL PLANNING SCHEME NO. 2

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Draft Local Planning Policy 1.2: Shipping Containers
Supplementary Information & Councillor Workstation	: Non-Habitable Structures Local Planning Policy
Report Prepared By	: Senior Planning Officer (D Ashboth)
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 its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcomes:**
 - Interesting, vibrant and welcoming places.
 - Responsible growth, development and urban renewal.
 - Local history, heritage and character is valued and preserved.

In Brief:

- To assist the implementation of LPS2, staff have identified specific provisions under draft LPS2 that may require further guidance through the preparation of a new local planning policy.
- Draft LPS2 outlines the requirement to obtain development approval from the local government for the temporary or permanent placement and/or development of a shipping container.
- Draft Local Planning Policy 1.2 Shipping Containers (LPP 1.2) has been prepared to guide the assessment of applications for the permanent or temporary placement of shipping containers in accordance with LPS2.
- Council is requested to endorse the draft LPP1.10 for advertising.

RECOMMENDATION

DIS383: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY

THAT this report item be DEFERRED and be re-presented to the June 2024 DIS Committee and OCM to facilitate discussion at an Elected Member workshop in the interim.

CARRIED 11-0

DIS383: COMMITTEE RECOMMENDATION

MOVED: MAYOR STOCKS
SECONDED: COUNCILLOR TRAILL

THAT this report item be DEFERRED and be re-presented to the June 2024 DIS Committee and OCM to facilitate discussion at an Elected Member workshop in the interim.

CARRIED 7-3

Record of Vote:

Against the Motion: Mayor Stocks, Councillor Cruse and Councillor Terry

DIS383: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse the Shipping Containers Local Planning Policy for the purpose of advertising.

BACKGROUND

4. The Western Australian Planning Commission has advised that draft Local Planning Scheme No. 2 (LPS2) is expected to be finalised for gazettal in early 2024. Draft LPS2 is therefore considered to be a seriously entertained document under the local planning framework, enabling the City to develop local planning policies prepared in alignment with the new draft scheme.
5. Draft LPS2 requires development approval from the local government for the temporary or permanent placement and/or development of a shipping container, irrespective of the permissibility of the land use and/or any existing approved use on site.
6. Prior to the preparation of LPS2, shipping containers were assessed against provisions applicable to the overarching land use (e.g storage) with no additional criteria specific to the assessment of the structure (shipping container).
7. One exception to this statement relates to shipping containers proposed for use as outbuildings under the City's Non-habitable Structures Local Planning Policy which required applications involving shipping containers to be advertised to adjoining landowners and redevelopment measures to be undertaken.
8. The content of the *Non-Habitable Structures Local Planning Policy*, minus the specific provisions relating to shipping containers, has been incorporated into draft LPS2 with the *Non-Habitable Structures Policy* set to be revoked following gazettal of LPS2.
9. It was considered the provisions relating to shipping containers should be broadened to include all land uses (not just outbuildings) and addressed through a Local Planning Policy.
10. In addition to development approval, a building permit is required for the permanent (and sometimes temporary) placement of shipping containers to ensure the structure is placed on appropriate foundations and tied down for safety.
11. There is, however, a common misconception within the community that no approvals are required for the placement of shipping containers.
12. This misconception has resulted in a significant compliance burden for City of Albany Compliance Officers and also has safety implications with a number of unapproved shipping containers being placed on uneven ground / foundations and/or constructed without tie downs.

DISCUSSION

13. It is considered that preparing a specific Local Planning Policy for shipping containers will provide clarity over the approval requirements and therefore work to reduce the compliance burden and safety concerns.
14. Given the number of shipping containers currently being erected on properties without the necessary approvals, it is common for the City to find them placed in inappropriate locations such across services/easements therefore hindering access to and/or the function of these services / easements.
15. It is also common for shipping containers to be placed across designated carparking bays or vehicle manoeuvring areas required under the development approval for the site. This therefore reduces the provision of car parking, adversely impacts vehicle manoeuvrability and sight lines (obstruction by shipping container) and can result in conflict with the conditions of development approval.
16. Shipping containers can also impact local amenity through placement in front setback areas, across required landscaping areas, in designated bin storage areas (forcing bins to relocate to inappropriate areas) and on sites where no approved building or dwelling exists.
17. Given the requirement for development approval to be obtained and the common issues with the siting of shipping containers identified above, it is considered appropriate that the draft LPP1.2 provides assessment criteria for the location of shipping containers on-site.
18. Additional safety concerns also arise from the use of shipping containers given they are unable to be opened from the inside. This has led to people being trapped inside shipping containers for long periods of time.
19. Consistent with the requirements of many other local governments, it is considered appropriate to require shipping containers to be modified to ensure they are also able to be opened from the inside. It is envisaged that this requirement will be applied as a condition of development approval.
20. Consistent with the requirements (previously) contained within the Non-Habitable Structures Local Planning Policy, draft LPP 1.2 contains provisions requiring redevelopment measures to be proposed in order to improve the appearance and minimise amenity impacts of the shipping container, given their industrial nature.
21. These redevelopment measures will only be required when the shipping container will be visible from adjoining properties and/or public areas and will need to be detailed with any application for development approval.
22. However, given the industrial nature of shipping containers, they are considered to be consistent with the expected amenity of industrial areas.
23. Therefore, the redevelopment measures referenced above may be waived by the City of Albany for the placement of shipping containers in industrial zones, unless the shipping container will be visible from adjoining properties or public spaces within non-industrial zones.
24. Also consistent with the (revoked) *Non-Habitable Structures Policy* (for outbuildings), LPP 1.2 states proposals involving the permanent placements of shipping containers in 'Residential' zones will be advertised, given concerns with amenity impacts and the compatibility of shipping containers with residential amenity.
25. Outside of Residential zones, proposals may be advertised at the discretion of the City of Albany, if it is expected the proposal may have an adverse impact on adjoining landowners.
26. There are some circumstances in which the LPP1.2 seeks to exempt shipping containers from the requirements to obtain development approval under *Planning and Development (Local Planning Schemes) Regulations 2015*.

27. This includes situations where a shipping container is proposed to be temporarily placed on-site during construction or if being used temporarily for the loading / unloading of goods.
28. Rather than requiring the submission of a development application, in these circumstances the City would accept a formal request for the temporary approval of a shipping container on site subject to confirmation regarding the temporary nature of the use and the legitimate need for the structure.
29. The City will also require the provision of a site plan demonstrating that the shipping container will meet required setbacks, will not impact on pedestrian or vehicle movement and will not impede sight line of vehicles.
30. The provision of the site plan will also ensure the shipping containers are located within property boundaries as it is common for temporary shipping containers to be placed on verges outside of lot boundaries (without approval) which impacts verge maintenance and mowing, obstructs footpaths and acts as a hazard to other users.
31. The draft LPP1.2 allows the City to consider waiving the requirement for the redevelopment measures for the temporary placement of shipping containers at the officer's discretion. It is anticipated redevelopment measures would only be required in his instance if the shipping container is located in a prominent location and will be (temporarily) required for a longer period of time.
32. It is recommended that Council resolves to endorse the draft Local Planning Policy 1.2 Shipping Containers for the purpose of advertising.

GOVERNMENT & PUBLIC CONSULTATION

33. Approval is sought to advertise the draft LPP2.1 in accordance with Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
34. If the Council resolves to support the draft LPP2.1 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
35. The policy will also be published on the City of Albany website for 21 days.
36. Both the newspaper and the website will give details of:
 - a) Where the draft Local Planning Policy can be inspected;
 - b) The subject and nature of the draft Local Planning Policy; and
 - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
37. A copy of the policy will also be made available for inspection at the City of Albany.
38. After expiry of the period within which submissions may be made, the Local Government is to:
 - a) Review the draft Local Planning Policy in light of any submissions made; and
 - b) Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

STATUTORY IMPLICATIONS

- 39. Voting requirement for this item is **Simple Majority**.
- 40. Consideration of draft new LPPs requires resolution of Council for endorsement to advertise and final adoption following advertising, with or without modifications, in accordance with the Planning Regulations.
- 41. As outlined above, draft LPS2 is considered to be a seriously entertained document under the local planning framework, therefore enabling the ability to prepare and undertake preliminary advertising of draft LPPs that are prepared in alignment with the new draft scheme.
- 42. Draft LPP2.1 was therefore prepared for Council's consideration and endorsement to undertake preliminary advertising and stakeholder consultation, prior to formal gazettal of LPS2.
- 43. Should Council resolve to adopt draft LPP2.1, with or without modification, a notice must be published as per 87 of the Planning Regulations. The notice will be published following formal gazettal of LPS2, with the policy coming into effect at that time.

POLICY IMPLICATIONS

- 44. There are no policy implications relating to endorsing the proposed LPP1.2 for advertising.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational <i>Not approving draft LPP1.2 for advertising could result in inconsistent advice, consideration and determination of applicable development proposals, leading to undesired outcomes.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Policy provisions are consistent with the scheme standards and requirements, to provide guidance and supporting information for the consideration of applicable proposals.</i>
Opportunity: <i>To ensure shipping containers do not detract from the amenity of the area in which they are situated, or effect the existing operation of the site.</i>				

FINANCIAL IMPLICATIONS

- 46. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

- 47. There are no legal implications relating to endorsing the proposed draft LPP1.2 for advertising.

ENVIRONMENTAL CONSIDERATIONS

- 48. There are no environmental implications relating to endorsing the proposed draft LPP1.2 for advertising.

ALTERNATE OPTIONS

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

CONCLUSION

50. Staff recommend Council resolve to advertise the draft LPP 1.2 Shipping Containers in preparation for the forthcoming gazettal of LPS2.
51. Upon agreement, a notice of the proposed policy will be placed in a newspaper and on the City's website for 21 days.
52. After expiry of the period within which submissions may be made, the Local Government is to:
 - a) Review the draft local planning policy considering any submissions made; and
 - b) Resolve to adopt policy positions with or without modification, or not to proceed.

Consulted References	:	<ol style="list-style-type: none"> 1. Draft <i>Local Planning Scheme No. 2</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>City of Albany Non-Habitable Structures Local Planning Policy.</i>
File Number	:	
Previous Reference	:	N/A

DIS384: PLANNING AND BUILDING REPORTS NOVEMBER 2023

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

RECOMMENDATION

DIS384: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR GRIMMER

THAT the Planning and Building Reports for December 2023 be NOTED.

CARRIED 11-0

DIS385: PLANNING AND BUILDING REPORTS JANUARY 2024

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

RECOMMENDATION

DIS385: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BAESJOU
SECONDED: COUNCILLOR CRUSE

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

CARRIED 11-0

**DIS386: BUDGET AMENDMENT REQUEST – ROADS AND PATHWAY
SUB PROGRAMS**

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

STRATEGIC IMPLICATIONS

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

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

In Brief:

- This is an additional review of grant funding allocation (budget) outside the normal budget review process.
- The review covers budget reallocation from Roads and Pathway sub-programs to cover underspends and overspends for projects this financial year (2023/2024).

RECOMMENDATION

**DIS386: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR SUTTON**

THAT Council APPROVE the following budget reallocation:

1. **INCREASE Expenditure budget for Stirling Terrace – Replace paving York St roundabout to west Job Number 0456 by \$100,000 from \$219,000 to \$319,000.**
2. **DECREASE budget for Lockyer Avenue/York Street Stage 1a Construct Road Only Job Number 0376 by \$100,000 from \$1,786,700 to \$1,686,700.**

CARRIED 11-0

BACKGROUND

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

DISCUSSION

Pathways

Stirling Terrace – York Street Roundabout to west

4. The paving on Stirling Terrace from the York Street roundabout to the west on Stirling Terrace are approaching 30 years old and are extensively cracked and uneven and need replacement.
5. The work was tendered as one of three separable portions and included the York Street/Proudlove Parade Black Spot works to capitalise on economies of scale and reduce the relative costs associated with elements such as mobilisation and traffic management.
6. Two tenders were received and both were over budget for this project. One tender was considerably cheaper than the other.
7. The lower price also included a cost reduction should all three packages of work be awarded together and this has been applied to this element of the works.
8. The cost of the work plus a 10% contingency (to cover unforeseen ground conditions) less the cost reduction leaves a shortfall of \$100,000.
9. A comparison between the original budget and the tenderer's submission reveals that the rates for traffic management and paving installation exhibit the most significant variance. Given that the budget for York Street/Proudlove Parade remains within the allocated funds, it suggests that the disparity lies within the initial budget allocation for the Stirling Terrace works.
10. It is proposed that the shortfall be funded through cost savings in the roads program of works.

Project Name in Approved Work Schedule	Budget July 2023	Allocation	Updated Budget 2023
0456 Stirling Terrace – Replace Paving York Street roundabout to West	\$219,000	\$100,000	\$319,000

Roads

Lockyer Avenue/York Street Stage 1a. Road reconstruction

11. The road has deteriorated and requires the road surface to be replaced outside normal working hours.
12. All works have been tendered and there are cost savings that are proposed to be used to cover shortfall in a pathway project (Job Number 0456)
13. It is proposed to reduce the current budget by \$100,000 as per the table below:

Project Name in Approved Work Schedule	Budget July 2023	Allocation	Updated Budget 2023
0376 Lockyer Avenue/York Street Stage 1a Construct Road Only	\$1,786,700	-\$100,000	\$1,686,700

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

16. 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:
- is incurred in a financial year before the adoption of the annual budget by the local government
 - is authorised in advance by a resolution (absolute majority required) or;
 - is authorised in advance by the Mayor in an emergency.
17. The voting requirement for this item is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial. Risk: Community perception that savings realised should be used for other purposes</p>	Possible	Moderate	High	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.
Opportunity: To complete projects already in Capital Works Program				

FINANCIAL IMPLICATIONS

20. It is proposed to fund the shortfall of \$100,000 in the Stirling Terrace – York Street Roundabout to west (Job Number 0456) works with the cost saving from Lockyer Avenue / York Street Stage 1a Construct Road Only (Job Number 0376).

LEGAL IMPLICATIONS

21. Nil.

ENVIRONMENTAL CONSIDERATIONS

22. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

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

Consulted References	:	Adopted Budget 2023/2024 Local Government Act 1995
File Number	:	
Previous Reference	:	N/A

DIS387: C24003 RACETRACK PRECINCT CIVIL CONSTRUCTION WORKS, ALBANY MOTORSPORT PARK

Land Description	: Lot 5780, 54 Down Road, Drome
Proponent / Owner	: City of Albany
Business Entity Name	: Great Southern Motorplex Group Incorporated.
Attachments	: Confidential Briefing Note
Report Prepared By	: Manager Major Projects (A McEwan) & Project Officer (M Randall)
Authorising Officer:	: Executive Director Infrastructure & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcome:** A diverse and inclusive community
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal; and Interesting, vibrant and welcoming places
 - **Pillar:** Prosperity
 - **Outcome:** A highly sought-after tourist destination

Maps and Diagrams:

Aerial photograph of Albany Motorsport Park



In Brief:

- Following a competitive tender process, Council approval is sought to support an award for Contract C24003 Racetrack Precinct Civil Construction Works, Albany Motorsport Park to Tenderer A.

RECOMMENDATION

**DIS387: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY**

THAT Council:

- 1. ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note.**
- 2. AWARD Contract C24003 – Racetrack Precinct Civil Construction Works, Albany Motorsport Park Option A & B (as identified in the Confidential Briefing Note) to Tenderer A, once approval and conditions are confirmed by funding agencies.**
- 3. NOTE that any additional funding received will be incorporated into the 2024/2025 Annual Budget.**
- 4. NOTE that a future item to Council will be required to award Option C.**

CARRIED 9-2

Record of Vote:

Against the Motion: Councillors Baesjou and Brough

8.51PM

**DIS387: PROCEDURAL MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR LIONETTI**

THAT the meeting be re-opened.

CARRIED 11-0

8.32pm

**DIS387: PROCEDURAL MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: DEPUTY MAYOR TERRY**

THAT in accordance with clause 4.1 of the City of Albany Standing Orders Local Law, the meeting be closed to members of the public to allow discussion.

CARRIED 11-0

BACKGROUND

2. Tenders were called for Construction of Racetrack Precinct Civil Construction Works, Albany Motorsport Park.
3. The Request for Tender was structured to help determine the best use of the remaining funds following the completion of Stage 1A scope (Motocross & 4WD Precincts)
4. The tender requires that the successful Tenderer carry out all works in accordance with every detail of the Request for Tender Documents for the completion of the Racetrack Precinct Civil Construction Works Separable Portion awarded for the Albany Motorsports Park.
5. It is preferable to commence construction at the earliest possible time in accordance with funding sponsor requirements, and prior to the winter season.

6. The City of Albany are project managing the delivery of this project on behalf of developer, the Great Southern Motorplex Group (GSMG).

DISCUSSION

7. The standard tender process as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations).
8. Tenders were advertised both state-wide and locally and closed on 14 February 2024.
9. Twenty-six (26) tender documents were downloaded from the City of Albany website, with the City receiving two (2) conforming tenders.

Evaluation of Tenders

10. The tender panel evaluated tenders using the weighted criteria methodology across four (4) key areas, shown in Table 1 – Evaluation Criteria

Criteria	% Weighting
Key Personnel Skills, Relevant Experience & Capacity	15%
Tenderers Resources	10%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Cost	50%

11. The following table summarises the tenderers and the overall evaluation scores applicable.

Table 2 – Submissions

Tenderer	Total Score	Rank
Separable Portion A – Northern Circuit		
Tenderer A	634.43	1
Tenderer B	556.92	2
Separable Portion B – Northern Circuit Supporting Infrastructure		
Tenderer A	684.36	1
Tenderer B	506.99	2

12. Both Tenderers claimed the maximum Buy Local Policy reduction of \$50,000.
13. Tenderer A ranked highest.
14. A clarification process was undertaken to confirm the submissions received.
15. From the evaluation scoring, clarification, interview, negotiation, and financial check processes, Tenderer A are the preferred tenderer and consequently it is recommended that their tender be accepted and a contract award be supported.
16. The developer, the Great Southern Motorplex Group are supportive of the recommendation to award the tender to Tenderer A.

GOVERNMENT & PUBLIC CONSULTATION

17. The award is for a reduced scope race track – northern circuit only (approx. 1km). This is a variation to the original funding agreement and requires endorsement by the external funding agencies.
18. Consultation with the external funding agency in relation to the received tenders and a potential reduced scope of works has commenced and pending a response. A response is anticipated by end of March 2024.
19. Council support for an award is sought, with a contract award subject to funding agency approval.

20. The development was approved through the JDAP process which included both government and public consultation.
21. All necessary approvals will be obtained prior to the commencement of construction.
22. The funding bodies will be notified with regard to the outcome of the award, timeframe for implementation and project expenditure through milestone reporting processes should an award be made.
23. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	Mail Out	16th November 2022: Letter regarding the commencement of Stage 1A and a community update flyer attachment with details.	Residents within 2km of the site	As per the requirements of the Development Approval
Inform	Mail Out	Date TBC (if award made): Letter regarding the commencement of Stage 1B and a community update flyer attachment with details.	Residents within 2km of the site	As per the requirements of the Development Approval
Inform	COA website	Date TBC (if award made): Community update with details of project status	Publicly available	Nil

STATUTORY IMPLICATIONS

24. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00
25. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
26. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
27. Voting Requirement: **Simple Majority.**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
City Operations and Financial Risk: Failure to deliver project within specified timeframe may jeopardize the funding agreement.	Possible	Major	High	Award tender as soon as possible to enable the construction to commence to satisfy funding conditions.
Business Interruption Risk: Appointment of the recommended tenderer is not supported.	Possible	Major	High	City staff to work with preferred tenderer to address any concerns prior to awarding the tender.
Opportunity: Project developed and delivered on time for the benefit of the club, community and its users.				

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
City Operations and Financial Risk: Tenders exceed available budget	Likely	Major	High	Separable portion tender. Scope reduced to suit available budget and Funding agency acceptance.
City Operations and Financial Risk: Funding Agencies are not supportive of reduced scope of works with the remaining funding. Funding money to be returned.	Possible	Major	High	City staff to work with funding agencies to address any concerns and request timeframe extension to continue funding advocacy for shortfall. City and Developer to continue to advocate for additional funding to complete northern circuit to an operable state.
City Reputational Risk: Insufficient funds for Option C, which is crucial for delivering a usable asset. This shortfall in funding for Option C poses a potential risk of negative reception from the community.	Possible	Major	High	City and developer to continue to advocate for funding and investment opportunities during the course of the contract.
Opportunity: Project developed for the benefit of the club, community and its users, with all available funding utilised to achieve the best possible outcome within our means, and to create impetus to attract further investment. .				

FINANCIAL IMPLICATIONS

31. The recommended tender is within overall project budget, if a reduced scope Separable Portion is awarded.
32. The budget shortfall was disclosed to tenderers during the tender period, with separable portions discussed to be awarded in whole or in part in accordance with the available budget.
33. An award is subject to approval of the respective Funding agencies.
34. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.

LEGAL IMPLICATIONS

35. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

ENVIRONMENTAL CONSIDERATIONS

36. Should the tender be awarded, the contractor will consider environmental responsibilities as they relate to the approved project development. This shall include the provision of an approved Site Specific Construction and Environmental Management Plan in accordance with the Development Approval conditions.
37. Any environmental permits required have or will be obtained prior to construction.

ALTERNATE OPTIONS

38. The options are:
 - a. Council may choose to accept the recommended tender, or
 - b. Not approve any tender.

CONCLUSION

39. The City has undergone a competitive process in line with the relevant legislation and established policies.
40. It is recommended, based on the evaluation scoring, clarification and financial check processes that a tender award to Tenderer A be supported with an award subject to funding agency approval and conditions.

Consulted References	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • Council Policy: Purchasing Policy (Tenders and Quotes) <ul style="list-style-type: none"> ○ Tender Procedure ○ Evaluation Procedure (Tenders and Quotations) <p>Council Policy: City of Albany Buy Local Policy (Regional Price Preference)</p>
File Number	: RC.PJT.2
Previous Reference	: <p>Briefing Note – 11 May 2021 Presentation to Council – 12 May 2021 Presentation to Council – 1 December 2021 Presentation to Council – 8 June 2022 Council Confidential Briefing Note DIS307 – 13 July 2022 Presentation to Council – 3 November 2022 Council Site Briefing – 25 May 2023 Council Briefing Note – September 2023</p>

LEMC034: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 21 SEPTEMBER 2023

Attachments : Confirmed Minutes of the LEMC Meeting held 21/09/2023
Report Prepared By : Personal Assistant to the ED Corporate & Commercial Services (H Bell)
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:** Leadership.
 - **Outcome:** A well informed and engaged community.

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 21st September 2023.

RECOMMENDATION

LEMC034: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR GRIMMER

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 21st September 2023 be RECEIVED.

CARRIED 11-0

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

As per the City of Albany Standing Orders Local Law 2014 (As amended), clause 3.6 states in part:

“3.6 Motions of which previous notice has been given. (1) A notice of motion under item 15 of clause 3.2 (1) is to be given no less than ten days before the Meeting at which the motion is moved...”

15.1: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TRAILL

THAT:

1. **Council request the Chief Executive Officer investigate the feasibility of providing or facilitating the provision of a non-registered off-road vehicle (motorbike, UTV, ATV and four-wheel drive) area and provide a report to Council on options including evaluation of Lot 20 Lake Warburton Road, Palmdale.**
2. **A report regarding this feasibility be provided to Council for discussion by July 2024.**

CARRIED 11-0

15.1 AMENDMENT BY COUNCILLOR SUTTON

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR MCKINLEY

THAT Point 1 and 2 of the Committee Recommendation be AMENDED to remove the wording in red below:

THAT:

1. Council request the Chief Executive Officer investigate the feasibility of providing or facilitating the provision of a non-registered off-road vehicle (motorbike, UTV, ATV **and four-wheel drive**) area and provide a report to Council on options including evaluation of Lot 20 Lake Warburton Road, Palmdale.
2. A report regarding this feasibility be provided to Council for discussion by **April** July 2024.

CARRIED 10-1

15.1: NOTICE OF MOTION BY COUNCILLOR SUTTON

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOOR SUTTON

SECONDED: COUNCILLOR TRAILL

THAT:

1. Council request the Chief Executive Officer investigate the feasibility of providing or facilitating the provision of a non-registered off-road vehicle (motorbike, UTV, ATV and four-wheel drive) area and provide a report to Council on options including evaluation of Lot 20 Lake Warburton Road, Palmdale.
2. A report regarding this feasibility be provided to Council for discussion by April 2024.

Councillor Reason:

Historically, the needs of trail bike riders and other off-road vehicle users have not been considered when planning trails. An emphasis on walking, bicycle and bridle trails has displaced off-road vehicle enthusiasts and created conflicts with other trail users.

With the closure of Miniup Park several years ago, off-road motorbike riders have struggled to find suitable areas in which to ride.

The recent Determination by Council to restrict sections of the Stidwell Bridle Trail to Horse and Authorised Vehicle Use Only with further reduce the options of recreational motorbike riders to access tracks on which to ride.

The Great Southern Motorsport Park is a long-awaited facility which will be home to the Albany Motorcycle Club and is primarily a competition track.

Whilst it is acknowledged that the Motorsport Park provides a permanent base for the AMC, there are many recreational motorbike riders who do not wish to ride competitively.

Recreational riders need access to safe, well-designed and managed trails and off-road vehicle areas. WA is the only state in Australia which allows unlicensed riders and non-registered motorbikes to ride in specifically designated, legal, off-road areas, of which there are only five.

Officer Comment:

Councillor Sutton's Notice of Motion was received on Tuesday 12 December, less than ten days before the Meeting, the NOM will be included and considered by the Council at the February 2024 OCM.

The proposal presented by Councillor Sutton to investigate the feasibility of establishing a non-registered off-road vehicle (ORV) area in Lot 20 Lake Warburton Road, Palmdale, is a timely response to the growing concerns of off-road vehicle enthusiasts in our community. The closure of Miniup Park and recent restrictions on the Stidwell Bridle Trail have limited recreational options for motorbike riders, creating a need for dedicated areas catering to off-road vehicle activities.

Whilst the proposal holds promise in meeting the recreational needs of off-road vehicle enthusiasts, careful consideration of potential impacts, environmental concerns, and community input is essential.

A balanced approach that addresses both the demand for recreational opportunities and the sustainable management of natural resources will contribute to the overall success of the proposed ORV area in Lot 20 Lake Warburton Road, Palmdale.

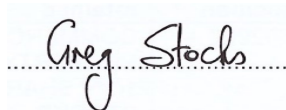
The City would be guided by the DLGSC Link: [Off-road Vehicles in Western Australia: Management of off-road vehicles \(dlgsc.wa.gov.au\)](https://www.dlgsc.wa.gov.au/management-of-off-road-vehicles)

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC Nil

18. CLOSURE

There being no further business the Mayor declared the meeting closed at 8.59 PM.



Gregory B Stocks
MAYOR

APPENDIX A – TABLED ADDRESS

Ms Samantha Stevens:

February 27, 2024
Samantha Stevens
37 Rowney Road Robinson
Chairperson Friends of the Stidwell Bridle Trail

Councillors, tonight I would like to talk in support of item 15.1 Motion for Off Road Vehicle Area.

Over the last 3 years, the Friends of the Stidwell Bridle Trail has enjoyed working in partnership with the City to create a safer environment for equestrians on our trail. The process required research and education for everyone. We learnt about land complexities, community safety, environmental damage, wildfires, and a greater awareness of the important ongoing work we still need to do to protect Albany's priority one drinking water source.

As a result of this process, suitable recreational facilities for off road vehicles including trail bikes was highlighted. Like any recreational activity these guys & girls also require a dedicated space to have fun in. To engage safely in their sport without causing harm to other recreational users, harm to the environment, or increasing the risk of wildfire or impacting on the quality of our drinking water.

By investigating an area for off road vehicles, Council will be better informed. And as a result, in a much stronger position to make the strategic decisions needed to conserve and enhance our regions natural reserves in line with the City's 2023 Strategic Community Plan.

Provision of a space for off road vehicles supports balancing conservation with sensible access and enjoyment. Once a safe suitable space is identified it then becomes acceptable and reasonable to reduce off road vehicle access to our other fragile unique essential natural reserves & beaches. We can then get about the business of protecting amenity, reducing excessive environmental damage, reducing risk of fire and contamination. We can reach a win-win for all parties here.

Yes, a new feasibility study will take time, money, and resources and the problem will not be fixed overnight but Cr Sutton's motion is that first courageous step of walking towards a problem.

By walking towards a problem.

- We set things in motion.
- We make an effort to make things better.
- We demonstrate our willingness to do what is right.

So, Well Done, I commend Cr Sutton's motion and effort to make things better and urge the Council tonight to vote in support of his motion. **Thank You.**

Ms Liz Adamson

Liz Adamson
Grey St West, Albany

Item 15.1, Motion for Off Road Vehicle area.

Thank you for the opportunity to speak tonight. For three years, the Friends of the Stidwell Bridle Trail worked collaboratively with the City to create a safer environment for equestrians on our Trail. The process required an enormous amount of research and education around the complexities of the different parcels of land, and the impacts on the environment, water, etc. The Bridle Trail has been established for almost twenty five years and it still took three years of working with the City, heaps of volunteer hours and stakeholder consultation, to change the Local Laws to protect the Trail.

As a result of this process, the issues around appropriate facilities for recreational vehicles were brought to the fore. On 25th November 2021, a petition from the Recreational Trailbike Riders' Association, signed by 1,100 people was tabled at Parliament concerning the provision of off-road trails on public lands. There is obviously a need for this sort of facility and Councillor Sutton's motion is the first step in meeting this need in our area. We have various dedicated trails, such as the Munda Biddi, Bibbulmun and now the Stidwell Bridle Trail and it seems logical to provide a suitable dedicated facility for recreational vehicle users.

At present, recreational vehicles, particularly trailbike users, are creating their own tracks through dense vegetation, including in the Sandpatch Reserve, which is our Primary Drinking Water Source Area and should be protected by DWER's Operational Policy 13. If a trailbike rider were to be seriously injured in an accident there, then a rescue helicopter would be their only way out. Add to this the risk of causing a fire that would threaten the rider, the flora and fauna, nearby residents and our main water and power resources, then a proper facility makes even more sense.

This will not be an overnight solution. Feasibility studies take time and financial resources. They involve consultation around impacts to the residents, environment, users, insurance, legalities, etc. but this doesn't mean it shouldn't be considered. It will require a lot of work and patience from the stakeholders. However, I can tell you from my experience with the Bridle Trail, that it's worth it to achieve a successful outcome.

As a kid on our farm, I started riding horses at 3 and motorbikes at 10. I remember the adrenaline rush of throttling over a contour bank in the paddock, each time trying to go faster to get a bit of "air". It's exhilarating and terrifying at the same time. I continued with the horses because I prefer the peace and quiet and wish to keep my hearing intact a little longer. I still

get an adrenaline fix riding my ex-racehorse who is sure every plastic bag is a predator that will tear out his throat! But I get it – it's great fun and as Councillor Sutton said at the December OCM, it's a great day out for families.

With the inevitable transition away from fossil fuels, some of the objections to recreational vehicles, being emissions and noise, will be reduced or removed, and this should assist in finding and maintaining a suitable location.

Yes, there will be a minority who are "rebels without a brain" who don't want to play by the rules, as there are in all walks of life. However, the majority are happy to play by the rules but may not be able to access private property or suitable facilities. They shouldn't be disadvantaged and need to be supported and this is where the City of Albany has a role to play – it's what you are here for.

I urge the Council to support this motion and if successful, for recreational vehicle users to work collaboratively with the City and stakeholders to find a suitable location and develop a wonderful family friendly off road vehicle facility to add to our region's amazing attractions, both natural and constructed.

Thank you.

NB I am tabling this with correspondence to the Recreational Trailbike Riders' Association from Ministers regarding Off Road Vehicle areas.



Hon John Carey MLA
Minister for Housing; Lands; Homelessness; Local Government

Our Ref: 78-05831

11 AUG 2022

Hon Don Punch MLA
Member for Bunbury

Email: bunbury@mp.wa.gov.au

Dear Hon Mr Punch

OFF-ROAD TRAIL PARKS

Thank you for your correspondence dated 23 March 2022 regarding the petition tabled in Parliament on 25 November 2021 concerning the provision of off-road trails on public lands.

I share your concerns and acknowledge the advocacy of the off-road vehicle (ORV) community. I am committed to delivering a range of reforms in this area, and the identification of suitable land for an ORV site south of Perth is a key priority for myself and the ORV Advisory Committee (the Committee) established under the *Control of Vehicles (Off-road Areas) Act 1978*.

On 25 November 2021, I informed Parliament that the establishment of new ORV sites crosses a number of portfolios. In my role as Minister for Lands, I am reviewing land that is excess to government needs and may be suitable for ORV use. And our government through the Department of Local Government, Sport and Cultural Industries in conjunction with the Department of Lands and DevelopmentWA is working on a feasibility study for a potential site in Perth's southern suburbs and looking at further suitable sites in the South-West.

In regard to convening a group of specified agencies to progress ORV initiatives, I can advise that there is an existing Off Road Vehicle Committee which meets monthly and has representation from the agencies and ~~XXXXX XXXXX~~ from the Recreational Trail Biker Riders Association. Further, DevelopmentWA has regularly consulted in the identification of potential areas. It is noted that Mr ~~XXXXX~~ and other prominent stakeholders in the space are regularly in contact with the Departments, the Minister's office and Local Member's offices and are consistently engaged with as part of the process of identifying new sites.

In response to a prospective ORV site at Picton, DevelopmentWA has advised that there are significant barriers to achieving this outcome. However, their assessment does not preclude sites in the vicinity from being considered by the Committee in the future.

If your constituent would like to discuss the progress of ORV areas, enquiries can be made to the Department of Local Government, Sport and Cultural Industries by telephone on (08) 6552 1530 or via email to orv@dlgsc.wa.gov.au.

Yours sincerely

HON JOHN CAREY MLA
MINISTER FOR LOCAL GOVERNMENT

Level 7, Dumas House, 2 Havelock Street, West Perth, WA, 6005
Telephone: +61 8 6552 6300 Facsimile: +61 8 6552 5301 Email: minister.carey@dpc.wa.gov.au



Minister for Ports; Local Government; Road Safety;
Minister Assisting the Minister for Transport

Our Ref: 83-00833



Thank you for your emails dated 15 and 27 July 2023, regarding the need for off-road vehicle (ORV) areas south of the river.

I am pleased to advise that work is underway to examine potential ORV areas in the south of Perth.

Further, the Ministerial advisory committee (ORV Committee) established under the *Control of Vehicles (Off-road Areas) Act 1978* has recently been appointed and will assist in furthering outcomes for the ORV community.

I encourage you to submit details on land that you think may be suitable to ORV@dlgsc.wa.gov.au for consideration by the ORV Committee.

Yours sincerely

HON DAVID MICHAEL MLA
MINISTER FOR LOCAL GOVERNMENT

14 AUG 2023

PROUDLY
BUNBURY

17th February 2023



ORV AREAS IN THE SOUTH WEST REGION

Thank you for your email dated 13th February 2023, I appreciate you taking the time to write to me. I support the community need for more accessible ORV trails in the South West.

My office provided you with a copy of the response we received from Minister Carey dated the 11th of August 2022. This letter outlines the best contact to discuss the progress of ORV areas is the Department of Local Government, Sport and Cultural Industries. They can be contacted on 08 6552 1530 or via email orv@dlgsc.wa.gov.au.

With best regards

Hon. Don Punch MLA
MEMBER FOR BUNBURY

Hon. Don Punch MLA
MEMBER FOR BUNBURY

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Ms Jen Viol

JV NOTES FOR COUNCIL MEETING 27.02.2024

Concentrate on 3 points that are still being debated?

TYPE OF SEAWALL

I am in full favour of a sea wall type that enhances the natural intertidal habitat, but by debating the sea wall type by using the terms either 'hard' or 'soft' may become troublesome. It is my understanding that no developer would build on land that is not protected by a hard sea wall. Therefore I assume the type needed is a hard sea wall/ or hard levee buried by buffering sand and vegetation (and therefore the terms 'hard' and 'soft' become confusing and arbitrary). The technology of this type of wall in an estuarine location is currently being developed and in flux, so qualified engineer needs to be consulted so that the right term is used in the council's proposed modifications to the structure plan. The reason why this is important now is because it needs to be understood how much of the buffering is to be seaward of the wall and how much is to be landward, the whole width maybe comprising at least 30m. This then affects these questions;

- location of the seawall and associated buffering
- is it comprised of POS or environmental conservation zone
- Which parties will be responsible for its creation and maintenance
- Then how does it relate to the set back for the development, which is my second point;

DEVELOPMENT SETBACK

- Should definitely be AT LEAST 30m from existing property boundary.

BUILDING HEIGHT

Building heights should be limited to 5 storeys.

Visual assessment in the Structure Plan is deliberately biased and misleading;

- pp 26, 27, 28, models 'Setback Development Standards' don't show the proposed 8 stories.
- pp 78,79 Perspective views from the harbour and Rushy Point, show only 5 and 6 storeys again, and the perspective view is taken from floating in the air 50m above SL so that the development is dwarfed in comparison, whereas in reality when viewed from across the harbour, it is never from more than 2m

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above SL. Mt Elphinstone, as comparison to the development, is called both 51m and 23m above sea level in two different documents.

-p 82 View pans are from too far away and development too tiny to see, especially when minimized on a printed page or small computer screen.

In attachment 9c 'Site Sections and Perspectives';

- same problems as before plus
- existing surrounding buildings are modeled as much larger than in reality, so that the development appears smaller in comparison.

These things make it very difficult to picture an 8 storey development and therefore difficult to make an informed decision. Elevations and sections should be from;

- Waterfont just to east and West of site.
- Grey st West
- Hanrahan Rd driving south, and always viewed from the ground.

New Visual Assessment needs to be done