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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 28 May 2024**

6.00pm

**Council Chambers**



**NOTICE OF AN ORDINARY COUNCIL MEETING**

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 28 May 2024 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe  
**CHIEF EXECUTIVE OFFICER**

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**1. DECLARATION OF OPENING**

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

**Councillors:**

Councillor	P Terry (Deputy Mayor)
Councillor	L MacLaren
Councillor	A Cruse
Councillor	C McKinley
Councillor	T Brough
Councillor	S Grimmer
Councillor	R Sutton
Councillor	M Lionetti
Councillor	M Traill
Councillor	D Baesjou

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	M Gilfellow
Executive Director Infrastructure, Development & Environment	P Camins
Executive Director Community Services	N Watson
Meeting Secretary	J Williamson

**Apologies:**

Mayor	G Stocks (Apology)
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**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Councillor Brough	DIS394	<b>Impartiality.</b> The nature of the interest being that Councillor Brough is a member of the Kalgan Volunteer Bush Fire Brigade.
Manager Development Services Mr Jan Van Der Mescht	DIS395	<b>Impartiality.</b> The nature of the interest being that Mr Van Der Mescht is an acquaintance of the applicant.

**5. REPORTS OF MEMBERS**

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

At the Ordinary Council Meeting on 23 April 2024, Dr Chris Thomson submitted the following questions which were taken on notice. The questions and responses are detailed below:

- 1) *“The standing orders state that “a member may object, by the way of point of order, only to a breach of any of this local law or any other law”. With regard to Councillor Terry’s objections against Councillor Brough last meeting, my first question is **Upon which purported breach, or breaches, were Councillor Terry’s points of order founded?**”*

***Response:** Councillor Terry did not cite a specific section of the standing orders, code of conduct or other applicable laws; rather, he objected to the content as being offensive. Councillor Terry’s point of order was not challenged by the Council, and thus deemed appropriate. However, consistent with the Standing Orders, the Presiding Member granted Councillor Brough additional time to conclude his address to the meeting.*

In regard to the structure arising at Councillor Lionetti’s property at 56058 Albany Highway:

- 1) **Has the structure been granted all required/building and/or planning approvals?**
- 2) **If so, were any of those approvals granted retrospectively?**
- 3) **Were any building and/or planning applications concerning the structure applied for and/or granted after Councillor Lionetti’s election in October 2023?**

***Response:** [The Local Government Act 1995, strikes a balance between transparency and the need for privacy](#) and there are valid reasons for confidentiality, especially when this involves personal affairs. Concerning 56058 Albany Highway, this is a private matter between the landowner and the City and further comment will not be provided. The City will however take the necessary steps to ensure that the development is compliant.*

At the Ordinary Council Meeting on 23 April 2024, Mr Michael Pemberton submitted the following questions which were taken on notice. The questions and responses are detailed below:

Regarding the cost of the survey / referendum on Deregulated Trading:

- 1) **Firstly, how much is the City Budgeting for the survey/consultation?**

***Response:** A sum of \$60,000 has been allocated in the City’s Budget.*

- 2) **Secondly, how much is the City paying the Chamber for their survey of their members?**

***Response:** The ACCI will be conducting a survey of all businesses, not just their members. The payment for this is \$12,000.*

**3) Is there any update on the numbers? Community Consultation and Survey are used to describe the process. Is it one or the other or is it a hybrid?**

*Response: City of Albany's extended trading survey could be regarded as a hybrid process that incorporates both survey-based data collection and community consultation to inform decision-making. The terminology used may vary, but the goal remains to involve the community and make informed choices based on their input.*

**4) How are we supporting residents, who aren't computer literate, to take part in the community consultation?**

*Response: Staff at the City's Library will assist residents who are not computer literate.*

**5) Furthermore, how are we assisting participation for residents who don't have access to a computer?**

*Response: Staff at the City of Albany North Road administration office and the Albany Public Library will assist residents.*

**7. PUBLIC QUESTION TIME**

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

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

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

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

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

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

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**9. PETITIONS AND DEPUTATIONS Nil**

**10. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 23 April 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.**

**CCS622: MONTHLY FINANCIAL REPORT – MARCH 2024**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany’s Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 31 March 2024 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City’s Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 March 2024 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS622: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Monthly Financial Report for the period ending 31 March 2024 be RECEIVED.**

CCS622: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GRIMMER  
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS622: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 31 March 2024 be RECEIVED.

## **DISCUSSION**

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
  - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
  - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
  - (c) Basis of Preparation;
  - (d) Explanation of material variances to year-to-date budget;
  - (e) Net Current Asset & Funding Position;
  - (f) Investment Portfolio Snapshot;
  - (g) Receivables; and
  - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS545, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

## **STATUTORY IMPLICATIONS**

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

10. Expenditure for the period ending 31 March 2024 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.



**LEGAL IMPLICATIONS**

12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil.

**ALTERNATE OPTIONS**

14. Nil.

**CONCLUSION**

15. The Authorising Officer 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.

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

**CCS623: LIST OF ACCOUNTS FOR PAYMENT – APRIL 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**

**CCS623: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2024 totalling \$7,621,415.01 be RECEIVED.**

CCS623: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR STOCKS

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS623: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2024 totalling \$7,621,415.01 be RECEIVED.

**DISCUSSION**

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

<b>Fund</b>	<b>Transaction Type</b>	<b>Amount (\$)</b>
Municipal	Electronic Funds Transfer	\$5,882,103.31
Municipal	Payroll	\$1,716,386.67
Municipal	Credit Cards	\$22,925.03
Municipal	Cheques	\$0.00
Trust	N/A	\$0.00
<b>TOTAL</b>		<b><u>\$7,621,415.01</u></b>

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: \$23,205.79.
4. The table below summaries the total outstanding creditors as at 15 April 2024.

<b>Aged Creditors</b>	<b>Amount (\$)</b>
Current	\$286,477.16
30 Days	\$945,653.03
60 Days	\$8,738.55
90 Days	\$3,194.28
<b>TOTAL</b>	<b><u>\$1,244,063.02</u></b>

**STATUTORY IMPLICATIONS**

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.
8. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, requires Local Governments to report on payments by employees via purchasing cards.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

11. Nil

**ENVIRONMENTAL CONSIDERATIONS**

12. Nil

**ALTERNATE OPTIONS**

13. Nil

**CONCLUSION**

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

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

**CCS624: DELEGATED AUTHORITY REPORTS – 16 MARCH 2024 to 15 APRIL 2024**

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

**STRATEGIC IMPLICATIONS**

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

**RECOMMENDATION**

**CCS624: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CCS624: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS624: AUTHORISING OFFICER RECOMMENDATION

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

**CCS625: NATIONAL ANZAC CENTRE – Q3 2023-24 REPORT**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 3 (Q3) 2023/24 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 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 Q3 2023/24 performance of the NAC.

**RECOMMENDATION**

**CCS625: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the NAC Operational Report for Q3 2023/24 be RECEIVED.**

CCS625: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS625: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q3 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 November 2024.
7. Council budgets an annual subsidy 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 Q3 of 2023/24 took overall total visitation to the NAC to 560,890 since opening in November 2014. This equates to an average annual visitation of 60,095 visitors per year.
10. NAC visitation of 14,693 for Q3 is a decrease of 894 compared with the same period in 2022/23 which recorded 15,587.
11. January NAC visitation numbers of 5,600 were lower performing figures compared with the same period in 2022/23 being 6,258.
12. February NAC visitation numbers of 3,663 were the highest performing figures since 2018/19 which recorded 5,006.
13. March NAC Visitation numbers of 5,430 were lower performing figures compared with the same period in 2022/23 being 5,741, but higher than same period in 2021/22 being 3,309.
14. Overall Q3 visitation was an increase of 1,704 from the previous period of Q2 2023/24.
15. The visitation in Q3 for 2023/24 from the Great Southern region totalled 666 people, equating to 7.8% of Western Australia's overall visitation of 9,243 (a decrease of 0.9% on the previous quarter).
16. The total visitation in Q3 2023/24 originated from Western Australia (59%), interstate (31%) and international (9%) and code not recorded (1%).
17. Visitors from other States and Territories consisted of 35% from NSW, 26% from VIC, 23% from QLD, 10% from SA, followed by ACT, TAS and NT all on 1-2%.
18. Interstate visitation of 4,594 (31% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
19. Revenue generated in Q3 of 2023/24 by the NAC was \$29,284 less compared to the same quarter in 2022/23, however YTD revenue remains only marginally behind budget.

20. The Forts Store revenue of \$125,283 was \$6,759 less than the same period in 2022/23 but is offset by savings in stock purchase.
21. As at the end of Q3 2023/24, 10,016 households hold memberships to the NAC League of Local Legends program, an increase of 380 from the previous quarter.
22. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

**GOVERNMENT & PUBLIC CONSULTATION**

23. Not Applicable.

**STATUTORY IMPLICATIONS**

24. Not Applicable.

**POLICY IMPLICATIONS**

25. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

26. Nil.

**FINANCIAL IMPLICATIONS**

27. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as of March 31, 2024.
28. 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	\$649,036	\$649,675	\$639
Operating Expenditure	\$(575,829)	\$(408,659)	\$(367,882)	\$40,777
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$274,171</b>	<b>\$240,377</b>	<b>\$281,793</b>	<b>\$41,416</b>
Shared Costs of the Precinct	\$(209,627)	\$(153,268)	\$(137,431)	\$15,837
Internal Service Delivery	\$(31,651)	\$(23,740)	\$(23,740)	\$0
<b>Net Operating Income/(Expense)</b>	<b>\$32,893</b>	<b>\$63,369</b>	<b>\$120,622</b>	<b>\$57,253</b>
Capital Expense	\$(176,383)	\$(132,237)	\$(0)	\$132,237
<b>Total</b>	<b>\$(143,490)</b>	<b>\$(68,868)</b>	<b>\$120,622</b>	<b>\$189,490</b>

29. The \$176,383 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh and was carried forward to the 2023-2024 Budget to continue the refresh program as previously discussed with Council.



- 30. Officers have sought to leverage this funding and have applied for several grants, with one unsuccessful and another awaiting an outcome.
- 31. It is likely that these capital expense funds will be recommended for carry forward again in 20204/2025 to continue attempts to leverage further funding to complete the refresh.

**LEGAL IMPLICATIONS**

- 32. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

- 33. Nil.

**ALTERNATE OPTIONS**

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

**CONCLUSION**

- 35. Overall, Q3 2023/24 has shown slightly lower visitation to the NAC compared to the same time in 2022/23 but generating slightly higher visitation figures compared to Q2 and Q1 in 2023/24. This demonstrates a trend of steady visitation.
- 36. Q3 has continued a positive trend of the return of international visitors, with 1,375 visitors representing 9.3% of visitation for the quarter, 1.3% more than the previous quarter.
- 37. Great Southern visitation to the NAC was 7.8% of overall WA visitation during the January - March period in Q3 2023/24.
- 38. This is 0.9% lower than the previous quarter (Q2 of 2023/24) but remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
- 39. Interest in the Princess Royal Fortress and exhibitions continues with 1164 people taking part in 118 Princess Royal Fortress Tours.
- 40. NAC revenue of \$239,495 for Q3 2023/24 was a decrease of \$29,284 compared to the same quarter in 2022/23, but an increase of \$50,282 from Q2 2023/24.
- 41. Fort Store revenue of \$125,283 for Q3 2023/24 was a decrease of \$6,759 compared to the same quarter in 2022/23, but an increase of \$29,417 from Q2 2023/24.

<b>Consulted References</b>	:	Nil.
<b>File Number</b>	:	CM.RPT.6
<b>Previous Reference</b>	:	OCM 27/02/2024 – Report Item CCS604

**CCS626: TRAILS HUB STRATEGY REVIEW**

**Proponent / Owner** : City of Albany  
**Attachments** : Trails Hub Strategy 2015 - 2025  
Trails Hub Strategy Review  
**Report Prepared By** : Recreation Services Business Coordinator (S Barras)  
Manager Recreation Services (M Green)  
**Authorising Officer:** : Executive Director Community Services (Nathan Watson)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 20232 or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Planet.
  - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

**In Brief:**

- To update the Trails Hub Strategy and seek Council's endorsement of the revised strategy and action plan.

**RECOMMENDATION**

**CCS626: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ENDORSE the revised Trails Hub Strategy and action plan.**

CCS626: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GRIMMER  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-1

**Record of Vote**

Against the Motion: Councillor MacLaren

CCS626: AUTHORISING OFFICER RECOMMENDATION

THAT Council ENDORSE the revised Trails Hub Strategy and action plan.

## **BACKGROUND**

2. The purpose of the Trails Hub Strategy Review is to review the achievements to date against the objectives and action plan, analyse the evolving context since the strategy's inception and identify emerging opportunities with the goal of integrating them into modified actions.
3. The City of Albany Trails Hub Strategy 2015-2025 was adopted by Council at the July 2015 Ordinary Council Meeting.
4. The strategy is an extensive 5-volume set that also covers areas outside of the City of Albany's responsibility.
5. The City of Albany Trails Hub Strategy aims to:
  - Improve the quality, type and number of trails in iconic locations;
  - Improve trails maintenance and upkeep through sustainable models of governance;
  - Focus strategic investment and support in facilities and services to optimise access to and use of Albany's trails; and
  - Maximise the promotion of Albany's unique trails and outdoor adventure experiences to a broad visitor market.
6. As well as a detailed action plan, nine priority projects were identified being:
  - Albany Heritage Park (Mount Adelaide & Clarence)
  - Vancouver Peninsular
  - City Centre
  - Mount Melville
  - Sand Patch
  - Kalgan River
  - Poikeclerup
  - Torndirrup\*
  - Mount Martin & Gull Rock National Park\*
7. Officers provided Elected Members with a comprehensive overview of the progress of the Strategy at the Strategic Workshop of October 2021.
8. From that workshop, it was agreed to undertake an independent review of the Strategy with Outdoors Great Southern (OGS) and report back to Council.

## **DISCUSSION**

9. Since the Strategy was adopted in 2015, the trails situation and environment within the region has changed significantly with a large investment into trails across Western Australia and the development of the Great Southern Regional Trails Master Plan 2020.
10. Based on this, a review was undertaken over a 9-month period across a series of phases.
11. The review of the Trails Hub Strategy focused on reviewing and updating the background information, analysis of updated market research, assessing projects constraints, and providing an update on the priority projects. This can be summarised as follows:

### Background Information

12. Since the development of the Trails Hub Strategy in 2015, Western Australia and the Great Southern region has invested heavily in trails.
13. This is evident through new trails market research, the development of several new regional and state level strategies, and a large number of trail construction projects completed or in planning. These include:
  - Establishment of Outdoors Great Southern;
  - Development of the Great Southern Regional Trails Master Plan;
  - A regional approach to marketing trails;
  - Significant investment into Trails in the Great Southern (\$15.2M from the WA Recovery Fund);
  - Increased investment into trails in the South West;
  - The growth of Trails WA as an organisation and trail database service;
  - The development of the Trail Towns project by Trails WA and State Government; and
  - The development of several key strategic documents for trails in WA.

### Market Research

14. Market research has shown that for recreational trails;
  - Bushwalking/hiking tourism offers the greatest opportunity for volume (i.e. the potential to increase the total number of destination trail users);
  - Cycle tourism offers the greatest value (i.e. the potential to grow total visitor spend), with mountain biking providing the highest return on investment;
  - The horse-riding market is small, locally-based and low-yield; and
  - Aquatic trails provide potential for small, niche markets in unique locations if they are supported by commercial tourism product.

### Project Constraints

15. The Vision and Action Plan provided in the Strategy was extensive and aspirational. The review found several constraints faced by the City in the delivery of the strategy including:
  - Specific trail alignments, land tenure or access availability were not considered in the recommendations. It was suggested that each project required detailed studies prior to any construction. This has resulted in a lot of further planning required for each specific project;
  - Challenges in obtaining approvals has restricted the progress towards the development of the priority projects; and
  - Sourcing funding for planning and construction is an issue state-wide with no dedicated funding programs for trails.

Priority projects update

16. Significant progress has been made to several priority projects as detailed in the following table:

Priority Project	Update
Albany Heritage Park (Mount Adelaide and Mount Clarence)	<ul style="list-style-type: none"> <li>• Albany Heritage Park Trail Network Concept Plan completed.</li> <li>• Detailed design completed.</li> <li>• City waiting for final environmental approvals.</li> <li>• Mountain Bike Pilot Project (the Pilot Trail) completed.</li> </ul>
Vancouver Peninsula	<ul style="list-style-type: none"> <li>• Trailhead signage installed (needs updating to new signage suite).</li> <li>• Uredale Point Concept Plan being developed.</li> <li>• Aquatic Trails have not progressed as City of Albany does not manage the water.</li> </ul>
City Centre	<ul style="list-style-type: none"> <li>• Realignment of the Bibbulmun Track and Munda-Biddi Trail completed.</li> <li>• Southern Terminus in the Town Square completed.</li> </ul>
Mount Melville	<ul style="list-style-type: none"> <li>• Minimal progress on trail development.</li> <li>• Trailhead signage installed.</li> </ul>
Sand Patch	<ul style="list-style-type: none"> <li>• Robinson Precinct and Stidwell Bridle Trail study completed and implementation ongoing.</li> <li>• Friends of the Stidwell Bridle Trail group established to support implementation.</li> <li>• Munda-Biddi trail re-alignment off Lower Denmark Road along Wind Farm access road completed.</li> </ul>
Kalgan River	<ul style="list-style-type: none"> <li>• Minimal progress to report.</li> <li>• Some minor maintenance work completed in 2022.</li> </ul>
Poikeclerup	<ul style="list-style-type: none"> <li>• Concept Plan completed.</li> </ul>
Torndirrup	<ul style="list-style-type: none"> <li>• Trails managed by DBCA.</li> <li>• Significant work completed or in progress on trail upgrades and supporting infrastructure through the WA Recovery Program. This includes major upgrade to Bald Head Trail and carpark, Stony Hill Trail and carpark and The Gap.</li> </ul>
Mount Martin and Gull Rock National Park	<ul style="list-style-type: none"> <li>• Minimal progress and not under management of the City of Albany.</li> <li>• Trails managed by DBCA who have focused on trails which received WA Recovery Program funding.</li> </ul>

Updated Action Plan

17. The Trails Hub Strategy Review provides City officers with an updated action plan for the remaining 18-month life of the strategy.
18. The updated action plan will simplify the implementation of the strategy, focusing on specific projects and consolidate the work currently being undertaken by the City. A summary of the key actions includes:
  - Audit of existing trails and continual management, maintenance and upgrades where required.
  - Implementing consistent signage across trails projects.
  - Promoting trails through Trails WA and collaboratively with the Great Southern Region.
  - Supporting the World Trails Conference in Albany in 2026. Investigate the Trail Towns program and Trail Friendly Business Program.

**GOVERNMENT & PUBLIC CONSULTATION**

19. The Trails Hub Strategy adopted in 2015 was informed by engagement and consultation with government agencies, key community groups, the Noongar community, and broader community.
20. In undertaking the review, Outdoors Great Southern and the Recreation Services team has engaged internally with City of Albany teams including Recreation Services, Natural Reserves, Major Projects, and Corporate and Commercial Services.
21. The draft review was endorsed by the City of Albany internal Recreation and Trail Project Control Group.

**STATUTORY IMPLICATIONS**

22. Nil.

**POLICY IMPLICATIONS**

23. The Trails Hub Strategy review has been informed by master planning for the Mounts. Projects stemming from the Mounts Master Planning process are included in the Trails Hub Strategy Actions 2023-2025.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation, Reputation &amp; Financial Risk:</b> Failure to improve the trails across the City through the development of new trails and the management and maintenance of existing trails.	Possible	Moderate	Medium	Ensure strong governance and oversight by the Recreation and Trail Project Control Group.
<b>Reputation Risk:</b> Unable to deliver all projects set out in the action plan.	Possible	Minor	Medium	Ensure strong governance and oversight by the Recreation and Trail Project Control Group.

**FINANCIAL IMPLICATIONS**

25. The actions identified in the updated action plan can be actioned within existing operational budgets.

**LEGAL IMPLICATIONS**

26. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

27. Any environmental considerations will be identified and managed as part of individual projects.

**ALTERNATE OPTIONS**

28. Council may choose not to support the Trails Hub Strategy Review and the associated actions within the report.
29. Council may choose to change the actions and priorities based on its own strategic priorities.

**CONCLUSION**

30. While many constraints have presented, it is evident that a lot of work and resources have been invested into the implementation of the Trails Hub Strategy.
31. Further significant outcomes will be achieved as master planning for the Albany Heritage Park is realised and Poikeclerup Reserve is developed.
32. The trail industry and the context in which the industry is operating has changed significantly since the development of the Strategy in 2015.
33. It is therefore timely that the action plan is revised to focus resourcing to what can be achieved in the final term of the Strategy.
34. With Council support, officers are committed to working and overseeing the implementation of the updated action plan to improve the trail experience for the community and visitors to Albany.

<b>Consulted References</b>	:	City of Albany Trails Hub Strategy (2015 – 2025) Great Southern Regional Trails Masterplan
<b>File Number</b>	:	RC.MEE.11
<b>Previous Reference</b>	:	CS021 (OCM 28/07/2015)

**CCS627: GREAT SOUTHERN 2050 CYCLE STRATEGY**

**Proponent / Owner** : Department of Transport  
**Attachments** : Great Southern 2050 Cycle Strategy  
**Report Prepared By** : Recreation Services Business Coordinator (S Barras)  
Manager Recreation Services (M Green)  
**Authorising Officer:** : Executive Director Community Services (Nathan Watson)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- To seek Council endorsement of the principles of the Department of Transport's Great Southern 2050 Cycling Strategy and next steps.

**RECOMMENDATION**

**CCS627: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT:**

1. Council **ENDORSE** the principles of the Great Southern 2050 Cycling Strategy; and
2. **NOTE** the proposed action plan for future budget and planning consideration.

CCS627: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN  
SECONDED: COUNCILLOR TRAILL

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

CARRIED 9-0

CCS627: AUTHORISING OFFICER RECOMMENDATION

**THAT:**

1. Council **ENDORSE** the principles of the Great Southern 2050 Cycling Strategy; and
2. **NOTE** the proposed action plan for future budget and planning consideration.



## **BACKGROUND**

2. The Western Australia Bike Network (WABN) Plan 2014-2031 includes a key action to develop long term cycle strategies for Perth and Regional WA.
3. The Department of Transport (DoT) identified the need for 12 long-term cycling strategies across WA, including 11 Regional 2050 Cycling Strategies.
4. These strategies create a shared long-term vision for cycling in the regions and guide delivery of safe and interconnected bicycle networks, along with associated facilities and travel behaviour change initiatives.
5. Each strategy is developed in consultation with local government and is informed by multiple phases of stakeholder and community consultation.
6. Positioned as aspirational strategies to 2050, each strategy highlights opportunities to encourage bike riding for transport, recreation and tourism across the region and proposes networks for regional centres and their surrounding areas.
7. As aspirational plans, it is recognised that regional local governments with constrained funding may not have the capacity to deliver the complete final networks.
8. Beyond guiding available Regional Bicycle Network (RBN) funding, these strategies are also demonstrably effective in driving additional investment by opening additional funding sources and enabling local governments to build more of the network and deliver more local travel behaviour change initiatives.
9. Development of these strategies is wholly funded by DoT but undertaken in consultation with relevant local governments.
10. Six regional strategies have been completed, with the remaining strategies due for completion in 2023-24.

## **DISCUSSION**

11. Development of the Great Southern 2050 Cycling Strategy began in mid-2022, with the City of Albany and the other shires of the Great Southern region working in partnership with DoT. DoT procured Outdoors Great Southern as the delivery contractor to assist on the project.
12. The final strategy includes five central themes for cycling across the region, with key opportunities identified for each that highlight the potential for bike riding in and around the Great Southern region.
13. Case studies are used to illustrate where similar outcomes have been achieved elsewhere. The themes include:
  - Connecting people to where they live, work, learn and play;
  - Improving safety for bike riders on roads;
  - Encouraging cycling for people of all ages, abilities and backgrounds;
  - Improving planning for cycling; and
  - Developing cycle tourism experiences.
14. The document is a shared aspirational vision for cycling across the region, with the action plan providing a guide for delivery, not an enforced set of actions.
15. This long-term planning approach has now been endorsed by 32 metro LGAs and all LGAs with published regional strategies (including those in Warren-Blackwood, Leeuwin-Naturaliste, Bunbury-Wellington, Esperance, Geraldton and Pilbara).
16. This endorsement has been given on the basis that DoT will continue to work with LGAs over time to maintain and where necessary modify the strategy.

The City of Albany Action Plan

17. The City of Albany Action Plan identifies the local strategic priorities for bike riding in Albany.
18. The actions are broadly categorised as short-term (to commence within 1–3 years); medium-term (to commence within 4–5 years); and long-term (to commence in 5+ years). Importantly the actions are dependent on organisational and funding capacity.
19. DoT have committed to reviewing the Action Plan every five years.
20. DoT seek endorsement of this strategy to demonstrate region-wide collaboration on a shared vision, which will assist in leveraging and prioritising future funding.
21. Once a long-term strategy is in place, all current WA Bike Network (WABN) grants, and its future iteration, will be linked to them.
22. Endorsement of the Great Southern Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Great Southern Cycling Strategy within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route or initiative within the Strategy.
23. Council endorsement confirms support for local and State Government agencies to work together in delivering the aspirational Great Southern 2050 Cycling Strategy over the longer term.

**GOVERNMENT & PUBLIC CONSULTATION**

24. Government and public consultation was completed by Outdoors Great Southern as the delivery contractor procured by DoT.
25. Stakeholder input was sought and received from government and non-government organisations, including:
  - Department of Local Government, Sport and Cultural Industries (DLGSC);
  - Department of Planning, Lands and Heritage (DPLH), Biodiversity, Conservation and Attractions (DBCA);
  - Main Roads Western Australia (MRWA);
  - Department of Water and Environmental Regulation (DWER);
  - Tourism WA;
  - WA Local Government Association (WALGA);
  - Great Southern Development Commission; and
  - WestCycle.
26. Meetings were also held with the Outdoors Great Southern, Noongar Advisory Group.
27. Details of stakeholder consultation can be found in Section 1.4.6 of the Strategy.
28. Outdoors Great Southern visited all key centres across the region to undertake initial scoping in mid to late 2022.
29. A comprehensive review of relevant government and non-government policies and strategies was undertaken, alongside reviews of existing cycling networks, data analysis, and stakeholder meetings to discuss and identify opportunities for cycling across the region.
30. Outputs from the scoping work culminated in the production of information sheets and preliminary 2050 network maps for the project, which were used in community consultation.
31. Information on the project was provided via the online My Say Transport engagement platform and in hard copy at drop-in sessions and shire administration centres.

32. Feedback was gathered via direct comments, a survey, and interactive maps. Over 600 visits (including information downloaded) were made to the My Say Transport project page, with 140 people engaged online and completing the survey between late October and early December 2022.
33. In addition, approximately 60 people attended a ‘Community Bike Chat’ as part of the ‘Green Fair on the Square’ in Albany in October 2022. See Appendix C of the Strategy for details.

### STATUTORY IMPLICATIONS

34. There is no direct statutory requirement relating to this report.

### POLICY IMPLICATIONS

35. There are no direct policy implications associated with this report.
36. The Strategy references the City of Albany’s policies related to infrastructure development and land use planning, ensuring alignment with established guidelines.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational</b> <b>Risk:</b> If all local projects are not included in the Strategy, projects may not be eligible for State funding resulting in project delivery delays.	Unlikely	Moderate	Medium	Ensure ongoing stakeholder engagement and planning with Department of Transport.
<b>Reputation</b> <b>Risk:</b> The City is unable to deliver projects set out in the action plan.	Possible	Minor	Medium	Include listed projects in the Long-Term Financial Plan for Council’s consideration.
<b>Opportunity:</b> Including Albany projects in the Great Southern 2050 Cycle Strategy will increase the likelihood of being successful in receiving external funding, specifically from the Department of Transport.				

### FINANCIAL IMPLICATIONS

38. The Great Southern 2050 Cycling Strategy was funded by DoT.
39. The action plan was developed in consultation with City officers across several departments. These actions are already identified in the CoA future path plan and prioritised in the Long-Term Financial Plan.
40. Five-year action plans guide funding through DoT’s current Regional Bike Network (RBN) Grants Program (noting that the program has been suspended for 2024-25 financial year, with a future funding program to be determined) or other future iterations of the fund.
41. Endorsement of the Strategy does not commit Council to deliver or fund all, or any part, of the routes or initiatives identified within the Strategy.

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

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

**ALTERNATE OPTIONS**

- 44. Council may choose to accept or reject the Great Southern 2050 Cycling Strategy and its associated actions, however this may have implications for funding for projects identified in the Strategy.

**CONCLUSION**

- 45. DoT seek endorsement of this strategy to demonstrate region-wide collaboration on a shared vision, which will assist in leveraging and prioritising future funding.
- 46. Endorsement of the Great Southern Cycling Strategy does not commit Council nor State Government agencies to deliver all, or any part, of the Great Southern Cycling Strategy within a particular timeframe – nor does endorsement commit any party(s) to fund any specific route or initiative within the Strategy.
- 47. Council endorsement confirms support for local and State Government agencies to work together in delivering the aspirational Great Southern 2050 Cycling Strategy over the longer term.

<b>Consulted References</b>	:	<i>City of Albany Cycle City Strategy (2014-2019)</i>
<b>File Number</b>	:	TT.MEE.4
<b>Previous Reference</b>	:	CS007 (OCM/26/08/2014)

**CCS628: DEBTORS WRITE OFF**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Manager Finance (S van Nierop)  
**Authorising Officer:** : Executive Director Corporate & Commercial Services  
(M Gilfellon)

**CONFIDENTIAL REPORT**

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

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- Periodically, City officers review aged debtors of the City and recommend writing off debts with little or no chance of recovery.

**RECOMMENDATION**

**CCS628: COMMITTEE RECOMMENDATION 1**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council APPROVE the write off of the detailed debt as recommended in the confidential agenda item, under section 6.12(1) of the Local Government Act 1995.**

**CCS628: COMMITTEE RECOMMENDATION 2**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council APPROVE the budget reallocation to fund the write off of the detailed debt as recommended in the confidential agenda item, under section 6.12(1) of the Local Government Act 1995.**

CCS622: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 9-0

**CCS628: AUTHORISING OFFICER RECOMMENDATION 1**

THAT Council APPROVE the write off of the detailed debt as recommended in the confidential agenda item, under section 6.12(1) of the Local Government Act 1995.

**CCS622: COMMITTEE RECOMMENDATION 2**

MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 9-0

**CCS628: AUTHORISING OFFICER RECOMMENDATION 2**

THAT Council APPROVE the budget reallocation to fund the write off of the detailed debt as recommended in the confidential agenda item, under section 6.12(1) of the Local Government Act 1995.

**DIS392: DRAFT COUNCIL POLICY: TRADING IN PUBLIC PLACES**

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: Draft City of Albany Policy: Trading in Public Places
<b>Supplementary Information &amp; Councillor Workstation</b>	: <ul style="list-style-type: none"><li>• DIS375 Agenda and Minutes OCM - December 2023</li><li>• Copies of submissions</li><li>• City of Albany Public Places Policy</li><li>• Activities on Thoroughfares and Public Places and Trading Local Law 2011</li><li>• Local Government Property Local Law 2011</li></ul>
<b>Report Prepared By</b>	: Senior Planning Officer (D Ashboth)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Place
  - **Outcomes:** Interesting, vibrant and welcoming places.
  - **Pillar:** Prosperity
  - **Outcomes:** A strong, diverse and resilient economy with work opportunities for everyone.

**In Brief:**

- The Draft *Council Policy: Trading in Public Places* was advertised for public comment, following Council's endorsement to advertise at the December 2023 OCM.
- Concerns raised during the consultation period primarily relate to the impact of food vans on bricks and mortar businesses.
- Some general and administrative modifications are proposed to draft Trading in Public Places Council Policy, informed by submissions received and enquiries received by Officers.
- Staff recommend Council resolve to adopt the final draft (Attachment 1) with modifications.

**RECOMMENDATION**

**DIS392: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council Policy - Trading in Public Places be ADOPTED.**

DIS392: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH  
SECONDED: MAYOR STOCKS

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

DIS392: AUTHORISING OFFICER RECOMMENDATION

THAT Council Policy - Trading in Public Places be ADOPTED.

**BACKGROUND**

2. Draft *Council Policy: Trading in Public Places* was endorsed for advertising by Council at its December 2023 OCM.
3. The Trading in Public Places Policy provides direction to City staff in the processing of enquiries and permit applications for trading in public places under the “*Activities on Thoroughfares and Public Places and Trading Local Law 2011*” and the “*Local Government Property Local Law 2011*”.
4. The policy also provides a clear set of controls for operators to trade under.
5. Refer to previous report item (DIS375) for further information and background on the draft policy.

**DISCUSSION**

Response to submissions

6. Draft Council Policy: *Trading in Public Places* was advertised for public comment throughout January and February 2024 via an advert in a local paper and was published on the City’s website.
7. Two (2) submissions on the Policy were received during the advertising period (refer Councillor workstation) which both broadly relate to the impact of food vans on existing bricks and mortar hospitality operations.
8. Both submissions raised concern with the implications of permitting food vans on private property and noted the provisions contained within this policy do not apply to private land.
9. In this respect, the City has updated the policy scope to remove reference to private property, given the City is only able to issue permits for the activities on public land under the *Activities on Thoroughfares and Public Places and Trading Local Law 2011* and the *Local Government Property Local Law 2011*.
10. Any application to trade on private land will need to be considered under the *Planning and Development Act 2005*. Officers are exploring the creation of a Local Planning Policy and other measures to offer direction, set standards for development, and possibly grant exceptions for food trucks and similar ventures on private premises.
11. One of the submissions states that the requirement for itinerant traders to be located a minimum of 200 metres away (previously 150m) from any shop or other permit holder, offering a similar product for sale remains inadequate.
12. In response officers are of the opinion that the small increase to 200m strikes the correct balance between encouraging entrepreneurship and start-up businesses whilst minimising impacts to existing bricks and mortar establishments.
13. This Policy does not seek to remove all competition to existing bricks businesses however, the minor increase in distance to 200m was considered to be warranted due to noted impacts of food vans on established businesses recently.
14. Both responses raised concern with monitoring compliance with this requirement and associated permit conditions.
15. In response to question over compliance, the City will undertake compliance matters as per the City of Albany Regulatory Compliance Policy.



16. The City has the ability to cancel permits at any time it sees fit and will also take compliance with permit conditions into consideration when determining whether to renew and existing permit.
17. Given the above, it is therefore not considered that any changes to the draft Trading in Public Places Policy is required to address concerns raised during the advertising process.
18. However, the preparation of a Local Planning Policy to guide the assessment of mobile traders on private land is being considered to provide policy guidance on this increasingly prominent matter.

Non-food operators

19. In recent times, the number of enquiries relating to the use of public land for non-food operators (retail, services etc.) has increased significantly, perhaps due to the increased cost of living and an associated desire to minimise expenses.
20. The advertised version of the draft *Trading in Public Places Policy* and the existing version of this policy only assign only one fixed location to non-food operators which is at Middleton Beach and currently occupied by Albany Bicycle Hire.
21. Following this influx of enquiries relating to non-food operators, it is proposed to include a provision within the *Trading in Public Places Policy* that states *'aside from the above-mentioned location, applications for non-food itinerant traders will generally not be supported on public land.'*
22. This is due to the fact that non-food operators do not generally activate public places nor bring vibrancy or excitement to these areas in the same manner as food trucks. This is particularly the case for retail offerings and services such as massages or saunas etc.
23. Food vans are also generally not situated in one location for any significant time period, and generally come and go between lunch and dinner services.
24. It is also considered that bricks and mortar hospitality businesses are capable of offering a unique experience to separate themselves from food trucks through things such as table service, comfortable environment and an ability to make reservations however, this is generally not the case with many non-food offerings who are seeking to provide the same offering or service as bricks and mortar businesses, without the associated costs.
25. It is also much simpler for non-food offerings to piggy-back off existing businesses through things such as product placement at retail stores or partnering with similar businesses to reduce cost (e.g. a masseuse at a gym).
26. Any approval for a retail or service offering on public land would also set an undesirable precedent and is unlikely to be as palatable to the community as allowing a custom designed food van to activate an underutilized public place during mealtimes.
27. It is therefore considered that most non-food offerings do not provide the same community benefit as food vans and a policy position should be provided to clarify the matter and assist officers in responding to ever increasing number of questions on the issue.
28. That being said, officers consider it important to ensure the City does not inadvertently restrict the ability for exceptional non-food offerings providing substantial community benefit to apply for a permit to trade on public land.
29. It is therefore recommended that the following provisions is included to allow these offerings to be considered *'Notwithstanding the above, exceptional non-food offerings which can demonstrate they achieve the relevant criteria of this policy may be supported, at the discretion of the City.'*
30. An advice note has also been included to accompany the above provision stating that a resolution of council may be required in these circumstances. This is due to the complexity and uniqueness common to many of these non-food offerings and associated enquiries.

Other changes

31. The following text has also been added to the Special Conditions attached to the Chipana Drive Public Carpark ‘*Trader to park outside of area demarcated for vehicle and boat manoeuvring.*’
32. This has been added due to concerns that an inappropriately parked vehicle could impact the area required for vehicle and boat manoeuvrability.
33. However, there is still considered sufficient room for a food van or similar vehicle to park in the reserve, if located outside of the marked vehicle manoeuvring area.

Other matters

34. There are other matters that relate to permits on public and private land, specifically the use of hiring of e-rideables and mobile vendors on private land. Given the complex nature of these, staff are continuing to investigate suitable regulatory mechanisms, such as preparation of separate Council and local planning policies.

**GOVERNMENT & PUBLIC CONSULTATION**

35. The draft policy was advertised for public comment in accordance with the following:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	23/01/2024 – 20/02/2024	Open	No
Consult	Public comment – City website	23/01/2024 – 20/02/2024		No

36. Following the close of advertising two (2) public submissions were received; both suggesting the changes to the Trading in Public Places Council Policy were not sufficient to mitigate impacts on existing bricks and mortar businesses.

**STATUTORY IMPLICATIONS**

37. There are no statutory implications related to adopting the amended Trading in Public Places Policy.
38. Voting requirement for this item is **Simple Majority**.

**POLICY IMPLICATIONS**

39. The proposed updates to the Trading in Public Places aims to provide clarification and guidance to the existing regulatory framework for use of public places, taking into account community interest, and in accordance with the applicable local laws.
40. The revised policy will replace the previous version upon formal adoption.
41. The existing Trading in Public Places Policy will be revoked via a notice of revocation published on the City of Albany website.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational</b> <i>The amended policy is not adopted resulting in the continued use of an existing policy that is no longer considered fit for purpose.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Staff work with Council to develop a policy which is fit for purpose.</i>
<b>Opportunity:</b> <i>Reduce conflict between street traders and bricks and mortar businesses. Ensure the use of public places for commercial purposes is consistent with community interest.</i>				

**FINANCIAL IMPLICATIONS**

43. The policy clarifies the ability of Council to set fixed location site hire fees annually through the budget process and also to set different fees depending on the location/desirability of the site.

**LEGAL IMPLICATIONS**

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

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

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

**CONCLUSION**

47. The Trading in Public Places Policy has been amended and refined to better address the common issues which arise from informal trading operations and the implementation of the existing policy.
48. The Trading in Public Places was advertised for public comment, following Council's endorsement to advertise at the December 2023 OCM.
49. Some general and administrative modifications are proposed to draft Trading in Public Places Council Policy, informed by submissions received and enquires received by Officers.
50. Council is requested to adopt the amended Trading in Public Places Council Policy.

<b>Consulted References</b>	:	<i>Local Government Act 1995 Activities on thoroughfares and Public Places and Trading Local Law 2011 Local Government Property Local Law 2011.</i>
<b>File Number</b>	:	LP.POL.2
<b>Previous Reference</b>	:	OCM 19/12/2023 DIS375

**DIS393: BUDGET AMENDMENT REQUEST – ROADS AND DRAINAGE  
SUB PROGRAM AND ELLEN COVE SWIMMING ENCLOSURE  
MAINTENANCE**

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

**CONFIDENTIAL ATTACHMENT**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Place
  - **Outcome:** A safe, sustainable and efficient transport network.
  - **Objective:** Improve road safety, connectivity and traffic flow.
  - **Outcome:** Interesting, vibrant and welcoming places
  - **Objective:** Create vibrant, attractive and welcoming towns and activity centres.

**In Brief:**

- This is an additional budget review outside the normal budget review process.
- The review covers budget reallocation from the Roads and Drainage sub-programs to cover underspends and overspends for projects this financial year (2023/2024).
- The review also covers budget reallocation to cover an overspend on the Ellen Cove Swimming Enclosure Maintenance works.

**RECOMMENDATION**

**DIS393: COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council approve the following budget reallocation:**

1. **REDUCE** budget for Job Number 2436 (Redhen Road SLK 0.00 – 3.6 Seal Gravel Road) from \$843,600 to \$770,000.
2. **REDUCE** budget for Job Number 0729 (Hillman Street SLK 0.88 – 1.2 Asphalt Overlay, kerbing and laybacks) from \$299,750 to \$200,000.
3. **INCREASE** budget for Job Number 4194 (Kuch Road Reconstruction) from \$190,000 to \$260,000.
4. **INCREASE** budget for Job Number 3979 (Centennial Drainage Project) from \$100,000 to \$200,000.

**DIS393: COMMITTEE RECOMMENDATION 2**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council approve the following budget reallocation:**

- 1. REDUCE budget for Job Number 3040 (Hunter Street SLK 0.0 – 0.23 Asphalt Overlay) from \$165,000 to \$110,000.**
- 2. REDUCE budget for Job Number 3927 (Burt Street Asphalt Overlay, kerbing) from \$132,990 to \$88,000.**
- 3. INCREASE budget for 1162540 (Ellen Cove Swimming Enclosure Maintenance Works) from \$80,000 to \$183,340.**

**DIS393: COMMITTEE RECOMMENDATION 1**

**MOVED: COUNCILLOR MCKINLEY**  
**SECONDED: COUNCILLOR BROUGH**

**THAT Authorising Officer Recommendation 1 be ADOPTED.**

**CARRIED 8-0**

**DIS393: AUTHORISING OFFICER RECOMMENDATION 1**

**THAT Council approve the following budget reallocation:**

- 1. REDUCE budget for Job Number 2436 (Redhen Road SLK 0.00 – 3.6 Seal Gravel Road) from \$843,600 to \$770,000.**
- 2. REDUCE budget for Job Number 0729 (Hillman Street SLK 0.88 – 1.2 Asphalt Overlay, kerbing and laybacks) from \$299,750 to \$200,000.**
- 3. INCREASE budget for Job Number 4194 (Kuch Road Reconstruction) from \$190,000 to \$260,000.**
- 4. INCREASE budget for Job Number 3979 (Centennial Drainage Project) from \$100,000 to \$200,000.**

**DIS393: COMMITTEE RECOMMENDATION 2**

**MOVED: MAYOR STOCKS**  
**SECONDED: COUNCILLOR MCKINLEY**

**THAT Authorising Officer Recommendation 2 be ADOPTED.**

**CARRIED 8-0**

**DIS393: AUTHORISING OFFICER RECOMMENDATION 2**

**THAT Council approve the following budget reallocation:**

- 4. REDUCE budget for Job Number 3040 (Hunter Street SLK 0.0 – 0.23 Asphalt Overlay) from \$165,000 to \$110,000.**
- 5. REDUCE budget for Job Number 3927 (Burt Street Asphalt Overlay, kerbing) from \$132,990 to \$88,000.**
- 6. INCREASE budget for 1162540 (Ellen Cove Swimming Enclosure Maintenance Works) from \$80,000 to \$183,340.**

**BACKGROUND**

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

**DISCUSSION**

Roads

*Redhen Road*

4. Redhen Road SLK 0.00 – 3.6 Seal Gravel Road (Job No 2436) had an original budget of \$843,600 with \$700,000 being Roads To Recovery (R2R) and the remaining amount of municipal funds.
5. These works are now completed with a saving of \$73,600. These savings are proposed to be used to cover shortfalls on other road projects.

*Hillman Street*

6. Hillman Street SLK 0.88 – 1.2 Asphalt Overlay, kerbing and laybacks (Job No 0729) had an original budget of \$299,750.
7. These works are now completed with a saving of \$99,750. It is proposed that these savings be used to cover shortfalls on the Centennial Drainage project.

*Hunter Street*

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

*Burt Street*

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

*Kuch Road*

12. Kuch Road Reconstruction (Job No 4194) was required following storm damage in June 2023.
13. The original estimate for the works was \$190,000, but this estimate was put together when the exact extent of the work was not clearly defined.
14. These works are now complete but the project has gone over budget by \$70,000
15. It is proposed that the shortfall be funded with cost savings from other projects.

Drainage

*Centennial Drainage*

16. Centennial Drainage (Tennis Centre) Project (Job No 3979) was required to provide urgent drainage renewal works before the Regional Tennis Centre installation in Centennial Park.
17. Works were done on short notice, and utilised pipes were already available in stock. Unfortunately, there was insufficient time to scope out the works; consequently, the funding initially applied for was inadequate.
18. The original budget was \$100,000 based on a design prepared for smaller-diameter pipes and a single drainage line. The opportunity was taken to duplicate the drainage line to future proof the drainage in the tennis precinct.
19. Work has now been completed and requires an additional \$100,000.
20. The shortfall is proposed to be funded with cost savings from road projects.

Ellen Cove Swimming Enclosure Maintenance Works

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

Project Name in Approved Work Schedule	Current Budget 2023	Allocation	Updated Budget 2023
Redhen Road SLK 0.00 – 3.6 Seal Gravel Road (Job No 2436)	\$843,600	-\$73,600	\$770,000
Hillman Street SLK 0.88 – 1.2 Asphalt Overlay, kerbing and laybacks (Job No 0729)	\$299,750	-\$99,750	\$200,000
Kuch Road Reconstruction (Job No 4194)	\$190,000	\$70,000	\$260,000
Centennial Drainage (Tennis Centre) Project (Job No 3979)	\$100,000	\$100,000.00	\$200,000
Burt Street Asphalt Overlay, kerbing (Job No 3927)	\$132,990	-\$44,990	\$88,000
Hunter Street SLK 0.0 – 0.23 Asphalt Overlay (Job No 3040)	\$165,000	-\$55,000	\$110,000
Ellen Cove Swimming Enclosure Maintenance (1162540)	\$80,000	\$103,340	\$183,340
<b>TOTAL</b>	<b>\$1,811,340</b>	<b>\$0</b>	<b>\$1,811,340</b>

## GOVERNMENT & PUBLIC CONSULTATION

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

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

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

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

## FINANCIAL IMPLICATIONS

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

## LEGAL IMPLICATIONS

38. Nil.

## ENVIRONMENTAL CONSIDERATIONS

39. Nil.

## ALTERNATE OPTIONS

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

## CONCLUSION

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

Consulted References	:	Adopted Budget 2023/2024 <a href="#">Local Government Act 1995</a>
Previous Reference	:	N/A



**DIS394: C24001 KALGAN FIRE SHED – DESIGN & CONSTRUCT**

<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Kalgan Fire Shed
<b>Attachments</b>	: <b>Confidential Briefing Note</b>
<b>Report Prepared By</b>	: Manager Major Projects (A. McEwan) Project Officer (N. Leggett)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & Environment (P. Camins)

**CONFIDENTIAL ATTACHMENT**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Planet - We are leaders in sustainability with a shared commitment to climate action and protecting our beautiful, natural environment.
  - **Outcomes:** 6 - A resilient community that can withstand, adapt to, and recover from natural disasters.

**In Brief:**

- Following a competitive tender process, Council approval is sought to support an award for Contract C24001 for the final design and construction of Kalgan Fire Shed for the Kalgan Volunteer Bushfire Brigade (KVBB).
- DFES allocate funds from the Local Government Grants Scheme (LGGS) for Capital and Operating Grants related to Bushfire Services. The LGGS is funded by the Emergency Services Levy (ESL) that is collected by local governments.
- All figures within this Item are exclusive of GST.

**RECOMMENDATION**

**DIS394: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council:**

1. **AWARD Contract C24001 – Kalgan Fire Shed D&C to Tenderer A (identified in the Confidential Briefing Note) contingent on confirmed additional LGGS funding of \$770,852.55.**
2. **ALLOCATE \$153,633.00 in the City’s 2024-25 Draft Annual Budget for items ineligible for LGGS funding identified in the report.**

**DIS394: COMMITTEE RECOMMENDATION**

MOVED: MAYOR STOCKS  
SECONDED: COUNCILLOR SUTTON

THAT Council:

1. AWARD Contract C24001 – Kalgan Fire Shed D&C to Tenderer A (identified in the Confidential Briefing Note) contingent on confirmed additional LGGS funding of \$770,852.55.
2. ALLOCATE \$153,633.00 in the City's 2024-25 Draft Annual Budget for items ineligible for LGGS funding identified in the report.

CARRIED 8-0

**DIS394: AMENDMENT BY MAYOR STOCKS**

MOVED: MAYOR STOCKS  
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be AMENDED to REMOVE Point 3.

CARRIED 8-0

**DIS394: AUTHORISING OFFICER RECOMMENDATION**

THAT Council:

1. AWARD Contract C24001 – Kalgan Fire Shed D&C to Tenderer A (identified in the Confidential Briefing Note) contingent on confirmed additional LGGS funding.
2. ALLOCATE \$153,633.00 in the City's 2024-25 Draft Annual Budget for items ineligible for LGGS funding identified in the report.
3. APPROVE the City taking out a loan for the amount of \$770,852.55 with West Australian Treasury Corporation, where DFES would reimburse interest and principal over a ten-year period. The loan would only be utilised if additional LGGS funding is not provided upfront by DFES for the project.

**BACKGROUND**

2. The City of Albany (City) seeks to engage a Contractor for the final design and construction of the Kalgan Fire Shed, as set out in the Request for Tender (RFT) documents.
3. Tenders closed on 28 February 2024. Two submissions were received.
4. The City, as Project Manager, is overseeing the delivery of this project, on behalf of Kalgan Volunteer Bush Fire Brigade (KVBB).
5. It is preferable to have approval to award a tender so that the unsuccessful tenderer can be advised early. Additionally, we seek to have additional funding approval prior to the tender expiry date (end of June 2024) to enable an immediate contract award.

**DISCUSSION**

6. The standard tender process as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations) was followed.
7. Tenders were advertised for a six-week period and closed on Wednesday 28 February 2024.
8. 20 tender documents were issued, and two conforming submissions were received.
9. The tender evaluation team evaluated tenders using the weighted criteria methodology across five key areas:

<b>Qualitative Criteria</b>	<b>Weighting (%)</b>
Cost	30
Demonstrated Understanding of Scope	30
Relevant Experience	10
Key Personnel Skills and Experience	25
Corporate Social Responsibility	5
<b>Total</b>	<b>100</b>

10. The following table summarises the final weighted scores of the tenders received:

<b>Tenderer</b>	<b>Total Score</b>	<b>Rank</b>
Tenderer A	686.54	1
Tenderer B	618.46	2

11. All Tenderers claimed the maximum Buy Local Policy reduction of \$50,000.
12. Tenderer A ranked highest with the highest score of 686.54.
13. A clarification process, interviews with both Tenderers, was undertaken to confirm the submissions and final pricing.
14. From the evaluation scoring and clarifications, Tenderer A are the preferred tenderer, and it is recommended that their tender be accepted and a contract award be supported.
15. KVBB are supportive of the recommendation to award the tender to Tenderer A.

**GOVERNMENT & PUBLIC CONSULTATION**

16. A request for tender was published in the West Australian on Wednesday 17 January 2024 and the Albany Extra on Friday 19 January 2024.
17. There is no government consultation required for the award of C24001, however the funding body DFES has been consulted regarding the project status and a request for additional funding. A response is anticipated by end of June 2024.
18. No other community consultation activities are envisioned.
19. The funding bodies and public will be notified about the outcome of the award and timeframe for implementation.

**STATUTORY IMPLICATIONS**

- 20. 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.
- 21. Regulation 18 of the Regulations outlines a number of requirements relating to choose 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.
- 22. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council’s decision.
- 23. Voting Requirement for this item is **Absolute Majority**.

**POLICY IMPLICATIONS**

- 24. The City of Albany Purchasing Policy and Regional Price Preference Policy are applicable to this item.
- 25. The value of this tender is more than \$500,000 and therefore Council approval is required as this exceeds the CEO’s delegation.

**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
<b>Reputation, Financial</b> <i>Risk: Failure to deliver project within specified timeframe may jeopardise multiple funding agreements for this project.</i>	Possible	Major	High	Award tender as soon as possible to enable construction (subject to additional funding) to proceed and the project completed in accordance with the funding agreements.
<b>Reputation &amp; Community</b> <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	High	City staff to work with preferred tenderer to address any concerns from Council, prior to awarding the tender.
<b>Financial</b> <i>Risk: Tenders exceed available budget</i>	Likely	Major	High	Accepted risk from project commencement. De-scope during design process. D&C procurement model selected to achieve optimal build/cost. Keep funding body engaged.
<b>Financial</b> <i>Risk: Request for additional funding is unsuccessful. Funding money to be returned.</i>	Possible	Major	High	City staff to work with DFES to address any concerns and request timeframe extension to continue funding advocacy for shortfall.
<b>Opportunity:</b> Project will provide better infrastructure, capacity and capability to manage bush fire hazards. Increased benefit and amenity for the community.				

**FINANCIAL IMPLICATIONS**

- 27. The Preferred Tenderer’s price is not within the available project budget, and a significant budget shortfall remains.
- 28. The budget shortfall was disclosed to tenderers during the tender process.
- 29. Part of their response to the qualitative criteria was to assess the design and identify opportunities to deliver the scope in a more efficient and cost-effective manner.
- 30. To date, the funding shortfall has been sought from DFES through LGGS.

31. Additional financial assistance from the following project sponsors:

- Additional State Government (DFES) support for \$770,852.55 through the Local Government Grants Scheme (LGGGS). Alternatively, DFES have suggested that if funding is unavailable an option may be for the City to consider a self-supporting loan to State Treasury, where DFES would cover interest and principal over a ten-year period.
- A cash contribution from City of Albany for \$153,633.00. The financial contribution will go towards the road crossover and site works, items that are ineligible for funding through LGGGS.
- KVBB will continue to fundraise and are in the process of seeking donations for construction materials (sand and gravel) to assist.

32. The award of Contract C24001 is contingent on confirmed additional LGGGS funding.

**LEGAL IMPLICATIONS**

33. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

34. Should the tender be awarded, the Contractor will be required to prepare, implement and monitor a Construction and Environmental Management Plan, specific to the site.

**ALTERNATE OPTIONS**

35. Council may:

- Choose to accept the recommended tender, or
- Not accept any tender.

**CONCLUSION**

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

37. The recommendation is to:

- a. Identify Tenderer A as the Preferred Tenderer.
- b. Subject to confirmation of additional funding, award the contract to Tenderer A, as supported by the evaluation scoring and clarifications provided.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• City of Albany Policies:                             <ul style="list-style-type: none"> <li>○ Purchasing Policy (Tenders and Quotes)</li> <li>○ Tender Procedure</li> <li>○ Evaluation Procedure (Tenders and Quotations)</li> <li>○ Buy Local Policy (Regional Price Preference)</li> </ul> </li> </ul>
<b>File Number</b>	:	CP.DEC.131
<b>Previous Reference</b>	:	Strategic Briefing (AM23163152) 18 April 2023 BFAC 10/09/2015 BFA005

**DIS395: HOLIDAY ACCOMMODATION – 6 BRIDGES STREET, ALBANY**

<b>Land Description</b>	: Lot 201, 6 Bridges Street, Albany WA 6330
<b>Proponent / Owner</b>	: J McLean & A Galante
<b>Attachments</b>	: 1. Plans 2. Management Plan 3. Schedule of submissions 4. Heritage Advisor comments
<b>Supplementary Information &amp; Councillor Workstation</b>	: Public submissions (in full)
<b>Report Prepared By</b>	: Senior Planning Officer (J Anderson)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Pillar:** People
  - **Outcome:** Plan a compact city with diverse land, housing and development opportunities.
  - **Pillar:** Place
  - **Outcome:** Responsible growth, development and urban renewal.
  - **Pillar:** Leadership.
  - **Outcome:** A well-informed and engaged community.

**Maps and Diagrams:** 6 (Lot 201) Bridges Street, Albany



**In Brief:**

- Council is being asked to consider an application for Holiday Accommodation at No. 6 (Lot 201) Bridges Street, Albany.
- The application for the Holiday Accommodation underwent a 14-day advertising period due to its designation as a 'D' use under the Zoning Table of the City of Albany Local Planning Scheme No. 2 (LPS2).
- During the advertising period, 9 responses were received: 5 in support, 1 in support of the land use but with concerns about the design, and 3 objections. Relevant matters raised during this period have been considered as part of the City's assessment.
- Following the conclusion of the advertising, the proponent submitted a detailed response and an updated management plan to address raised concerns.
- The application is presented to Council for determination due to concerns raised during advertising and an advice note included in a previous resolution (DIS308, July 2022) regarding a development proposal at the subject site.
  - *Advice Note: Notwithstanding exempted development provisions, any proposal for future development on the site associated with the treehouse, is subject to further consideration by Council.*
- Council is requested to consider whether the Holiday Accommodation use is acceptable for the site in the Residential Zone, and whether the variations to the Albany Historic Town Design Policy are consistent with its objectives, considering potential impacts on neighbouring properties and submissions received during advertising.

**RECOMMENDATION**

**DIS395: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Holiday Accommodation at Lot 201, 6 Bridges Street, Albany.**

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2230514, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.**
- 3. The operation of the Holiday Accommodation shall be in accordance with the approved management plan, which shall be reviewed and updated at the time of any change of ownership or management.**
- 4. A minimum of six (6) parking spaces (2 for each chalet) shall be provided and maintained in good repair, to the satisfaction of the City of Albany.**
- 5. The development hereby approved shall be constructed in accordance with National Construction Code (NCC) requirements for 'Construction in Bushfire Prone Areas'.  
*Advice: To ensure compliance with condition 6, the development hereby approved shall be constructed in accordance with the construction requirements for Chalet 1 & 2 BAL-12.5, Chalet 3 BAL-19, as per the "AS 3959 Bushfire Attack Level (BAL) Bushfire Management Plan" dated 12/12/2023 by Ecosystem Solutions.***
- 6. The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 12 December 2023 shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.**
- 7. The Holiday Accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.**
- 8. Prior to the commencement of development, a Stormwater Management Plan shall be submitted to the City of Albany for approval. Prior to final occupancy of the development, the approved Stormwater Management Plan shall be implemented, completed and maintained thereafter, to the satisfaction of the City of Albany.**

**Advice:**

- ***The Stormwater Management Plan shall be consistent with the City of Albany's Subdivision and Development Guidelines.***
  - ***Soil capability testing (permeability and soil profile) will be required to determine if soakwell infiltration is the appropriate method of disposal for the site.***
  - ***The plan is to consider overland flows in relation to the development and adjacent properties.***
9. Prior to occupation, car parking spaces and manoeuvring areas shall be designed, constructed and maintained in perpetuity in accordance with Australian Standard 2890, to the satisfaction of the City of Albany.
10. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.

**Advice:**

- ***A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve.***
  - ***The crossover from the street to the property over the stone drain will need to be constructed in a way that acknowledges the heritage significance of these drains located throughout the town centre and in such a way that will have no adverse impact on the historic form, fabric and function of this drain.***
11. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

**Advice :**

- ***Please refer to the City of Albany Local Planning Policy – Signs for further information.***

DIS395: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR MACLAREN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

DIS395: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Holiday Accommodation at Lot 201, 6 Bridges Street, Albany.

1. All development shall occur in accordance with the stamped, approved plans referenced P2230514, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. The operation of the Holiday Accommodation shall be in accordance with the approved management plan, which shall be reviewed and updated at the time of any change of ownership or management.
4. A minimum of six (6) parking spaces (2 for each chalet) shall be provided and maintained in good repair, to the satisfaction of the City of Albany.
5. The development hereby approved shall be constructed in accordance with National Construction Code (NCC) requirements for 'Construction in Bushfire Prone Areas'.  
*Advice: To ensure compliance with condition 6, the development hereby approved shall be constructed in accordance with the construction requirements for Chalet 1 & 2 BAL-12.5, Chalet 3 BAL-19, as per the "AS 3959 Bushfire Attack Level (BAL) Bushfire Management Plan" dated 12/12/2023 by Ecosystem Solutions.*
6. The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 12 December 2023 shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.



7. The Holiday Accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
8. Prior to the commencement of development, a Stormwater Management Plan shall be submitted to the City of Albany for approval. Prior to final occupancy of the development, the approved Stormwater Management Plan shall be implemented, completed and maintained thereafter, to the satisfaction of the City of Albany.
- Advice:*
- *The Stormwater Management Plan shall be consistent with the City of Albany’s Subdivision and Development Guidelines.*
  - *Soil capability testing (permeability and soil profile) will be required to determine if soakwell infiltration is the appropriate method of disposal for the site.*
  - *The plan is to consider overland flows in relation to the development and adjacent properties.*
9. Prior to occupation, car parking spaces and manoeuvring areas shall be designed, constructed and maintained in perpetuity in accordance with Australian Standard 2890, to the satisfaction of the City of Albany.
10. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.
- Advice:*
- *A ‘Permit for Vehicle Crossover Construction’ from the City of Albany is required prior to any work being carried out within the road reserve.*
  - *The crossover from the street to the property over the stone drain will need to be constructed in a way that acknowledges the heritage significance of these drains located throughout the town centre and in such a way that will have no adverse impact on the historic form, fabric and function of this drain.*
11. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
- Advice :*
- *Please refer to the City of Albany Local Planning Policy – Signs for further information.*

**BACKGROUND**

1. Site details:

<b>Local Planning Scheme</b>	City of Albany Local Planning Scheme No. 2
<b>Zone</b>	Residential R30
<b>LPS2 Use Class &amp; Permissibility (Table 3)</b>	Holiday Accommodation – D
<b>Lot Size:</b>	Site area 984m <sup>2</sup>
<b>Existing Land Use:</b>	Vacant
<b>Bushfire Prone Area:</b>	Yes
<b>Local Planning Policies:</b>	Albany Historic Town Design Policy Holiday Accommodation

2. The subject site is surrounded by land zoned Residential to the north, east, south, and west. The Residential zone extends west to Spencer and Aberdeen Streets, where it meets the boundary of the Regional Centre and Regional Centre Mixed Use Zones of the Albany CBD. It extends east and north to the boundary of the Corndarup / Mt Clarence reserve (Parks and Recreation Reserve).
3. South of Stirling Terrace and Brunswick Road is a mixture of land use zones, including Lawley Park (Parks and Recreation Reserve), Rail Reserve, Port Industry, and the Waterfront development.
4. Bridges Street is located at the base of the southern face of Corndarup / Mt Clarence and within the central historic town precinct, approximately 600m east of the CBD.
5. Bridges Street is separated into two sections – the subject site is located towards the northern end of the southern section, which is a no-through road ending in a cul-de-sac, accessed via Brunswick Road/Stirling Terrace at the southern end.

6. References to Bridges Street throughout the remainder of the report relate to the southern section where the subject site is located.
7. Bridges Street is approximately 9m wide, consists of a moderate downwards slope from the top of the cul-de-sac towards Brunswick Road/Stirling Terrace, and incorporates historic open stone drains that extend either side for most of its length (approximately 90m).
8. Bridges Street is residential in character, with the streetscape generally informed by being located within the Albany Historic Town Precinct, the area's topography, and the short length of the street, plus long-term vacant sites situated at the northern eastern end (including the subject site).
9. Notable features include the open stone drains on both sides of Bridges Street, wide footpath, and street trees.
10. Eight properties have direct frontage to Bridges Street, six of which consist of single dwellings. An additional five lots have access via a private lane accessed from the western side of Bridges Street. Bridges Street is considered to have low traffic volumes as it is a cul-de-sac that services up to 13 lots.
11. Existing dwellings fronting Bridges Street consist of varying historic or more recent architecture styles, with individual sites following the slope by gradually stepping downwards towards Brunswick Road/Stirling Terrace.
12. Existing dwellings have been constructed either at grade with or lower than the road, sometimes utilizing retaining walls or otherwise brick build up.
13. The primary frontage of the dwellings at the southern end face of Bridges Street face Stirling Terrace / Brunswick Road, with their secondary street frontages facing Bridges Street, with dwelling frontages onto Bridges Street generally consisting of open garden areas, with minimal or open style front fencing, and/or mature vegetation.

## **DISCUSSION**

14. When evaluating whether to approve the site for Holiday Accommodation, Council will carefully assess if the development is acceptable within the Residential Zone. This evaluation will take into account factors such as:
  - Submissions received during advertising; and
  - The objectives of the Residential Zone under LPS2 and the objectives of the Albany Historic Town Design Policy.
15. As outlined above, the site is proposed to be used for Holiday Accommodation which includes three "A" frame chalets for the purpose of short stay accommodation.
16. Each chalet is self-contained, has a floor area of 99m<sup>2</sup> and has provision for 2 car parking bays.
17. A Management Plan has been included in the proposal, outlining rules regarding the utilization of the existing tree house on the premises. It specifies that only guests staying in the chalets are permitted to use the tree house.
18. The subject site falls within the Albany Historic Town Design Policy area and is seeking variations to the maximum 8m ridge height permitted under the policy, as well as a variation to the roof pitch.
19. Under the Albany Historic Town Design Policy, the maximum ridge height permitted is 8m, while the roof pitch should be between 25 – 40 degrees.
20. The proposed ridge heights for the chalets are 8.94m (Chalet 1), 9.24m (Chalet 2) and 8.54m (Chalet 3).
21. The proposed roof pitch proposed is 60 degrees.
22. The proposal was referred to surrounding landowners, notice placed on the City of Albany website and referred to the City of Albany Heritage Advisor for comment.

23. During the submission period, the proposal attracted 9 submissions. Of the submissions, there were 5 submissions supportive of the proposal, 1 submission supportive of the use however objecting to the design, and 3 objections in relation to the design or land use.
24. In response to a request raised during the advertising, the proponent has amended the colour scheme to Woodland Grey and provided an overshadowing plan in response to concerns regarding overshadowing.

#### Public Consultation

25. The public consultation undertaken for the Holiday Accommodation use and policy variations at the subject site is discussed in detail below.
26. The Holiday Accommodation use is designated as a 'D' use under the Zoning Table of LPS2. Although not specifically required to be advertised, surrounding landowners were notified directly by mail. Due to the policy variations a notice was also published on the City of Albany website.
27. The submission period was open for a period of 14 days (31/01/2024 – 14/01/2024).
28. During the advertising period, a total of 9 submissions were received, categorized as follows:
  - a) 5 submissions supported the proposal.
  - b) 1 submission supported the land use but expressed concerns regarding the design.
  - c) 3 submissions objected to the land use and policy variations.
29. Relevant matters raised during the advertising period have been considered as part of the City's assessment.
30. A summary of key matters raised in objection is provided below and also a schedule of submissions has been prepared, refer Attachment 3 to this report.
31. Key matters raised as part of submissions received in objection of the proposal are included the following:
  - a) Land Use - Holiday Accommodation is not appropriate in Residential zone.
  - b) Design inconsistent with Albany Historic Town Design Policy
  - c) Overshadowing
  - d) Privacy from Chalet 3 landing
  - e) Stormwater concerns

#### Land use

32. A concern was raised that the proposed Holiday Accommodation land use was inappropriate within the Residential zone.

#### Officer Comment – Inappropriate land use

33. Holiday Accommodation is a 'D' use under the Zoning Table of LPS2, therefore means "that the use is not permitted unless the local government has exercised its discretion by granting development approval".
34. Holiday Accommodation is a common land use in the Residential zone and is generally regarded as appropriate when managed effectively. Furthermore, the site is in the preferred areas specified in the Local Planning Policy for Holiday Accommodation.
35. The applicant has submitted a Management Plan which satisfactorily addresses the ongoing management of the development. Furthermore, a standard planning condition is generally applied to Holiday Accommodation to ensure ongoing compliance with the Management Plan is achieved.

Design inconsistent with Albany Historic Town Design Policy

36. Design inconsistent with the Albany Historic Town Design Policy was a concern consistently raised within the submissions against the proposal. Concerns raised in relation to the policy relate specifically to the following and are discussed in detail below:
- a) Bulk and scale - “A” frame design is inconsistent and incompatible with the established streetscape and area.
  - b) The proposed roof form and pitch does not meet the criteria within the policy.
  - c) The proposed height does not meet the criteria within the policy, resulting in loss of views of significance and devaluing property value.

Officer comment: Design inconsistent with Albany Historic Town Design Policy

37. It is noted that there are a number of policy variations, which are discussed in detail below.
38. Bulk and Scale; The relevant provisions with the policy are as follows;
- a) New residences to be articulated to break down their perceived bulk and establish a scale appropriate to establish a scale appropriate to existing residences in the locality when seen from the street.
  - b) New residences shall not visually dominate, compete with or be incompatible with the form and scale of existing buildings in the street
  - c) Where development is adjoining a lot that contains a heritage listed building, the development should harmonise with the heritage building in relation to its basic shape, scale and mass, street presentation and alignment, roof pitch and materials, vertical door and window elements and wall finishes.
39. Roof Forms and Pitch; The relevant provisions within the policy are as follows;
- a) Roofs shall be articulated to ensure that the scale of individual roof elements is comparable with the scale of existing roofs in the locality.
  - b) Gabled or hipped roofs are encouraged wherever possible and their pitch shall be between 25 and 40 degrees.
40. The proposed pitch is 60 degrees, to accommodate a second floor within the “A” frame design, exceeding the permitted 25 and 40 degrees.
41. Building Height; In relation to height, the acceptable criteria within the policy is 8m to height of gable. The proposed chalet heights are 6.94m, however when measured from the natural ground due to the slope of the lot level a small portion of the chalets are as follows:
- Chalet 1 (8.94m)
  - Chalet 2 (9.24m)
  - Chalet 3 (8.54m)
42. The policy includes Performance Criteria that enables Council to assess building heights exceeding the standard under certain conditions.
43. To substantiate the request for height variations, the applicant has submitted a streetscape plan incorporating photomontage image illustrating the proposed development within the context of neighbouring buildings, along with a photomontage depicting the view from the waterfront looking up the hill.
44. While there are minor sections exceeding the maximum 8m height as per the policy, these instances are balanced out by areas falling below the maximum height.
45. Additionally, the applicant has provided streetscape views showing that the performance criteria can be satisfied. It is worth mentioning that the proposed heights are lower than the allowable heights within the Residential Design Codes, which permit a ridge height of up to 10m. The deviation in height is deemed minor and acceptable in this case.

46. The Albany Historic Town Design Policy objectives are as follows;
- a) Ensure that new residential development compliments the townscape character and residential streetscapes of central Albany.
  - b) Ensure that new residences are articulated to break down their perceived bulk relative to the character and scale of adjoining buildings.
  - c) Retain the character of open streetscapes and landscaped breaks between buildings.
  - d) Ensure that new development responds sympathetically to the natural topography and local climatic conditions.
  - e) Ensure that alterations and additions are sympathetic to existing dwellings.
  - f) Encourage a diversity of housing stock to meet changing community needs.
47. The proposal was forwarded to the Heritage Advisor for assessment regarding its compliance with the Albany Historic Town Design Policy and other relevant policy areas nearby, specifically 14 and 16 Bridges Street. While the complete comments are provided in attachment 4, a brief summary is outlined below:
- The proposed units will unlikely pose physical or other adverse impacts on 14 and 16 Bridges Street, both of which are included on the City's Local Heritage Survey.
  - The crossover from the street to the property over the stone drain will need to be constructed in a way that acknowledges the heritage significance of these drains located throughout the town centre, and in such a way that will have no adverse impact on the historic form, fabric and function of this drain.
  - Although the design and aesthetic of the proposed units are very different to the existing surrounding built form in the immediate area – and the Policy area more generally - and will be visible from various points within the precinct areas, they would unlikely adversely or negatively disrupt the townscape character to an unacceptable level nor present as unsympathetic.
  - The development could be said to respond to several of the objectives and other requirements of the Policy:
  - They provide a diversity of housing stock into the historic town.
  - They will be clearly recognised as new elements.
  - Being designed as separate accommodation units and with slight variations in orientation on the Lot, disperses their bulk and form across the Lot, as does the tapering roof form.
  - The development maintains a sense of an open streetscape and landscaped breaks.
  - The roofs are essentially a gable form and do allow some articulation with the inclusion of the dormer windows.
  - The development responds to the topography of Bridges Street specifically but also the historic town area more broadly.
48. In terms of the policy variations, it is considered that the photomontage satisfactorily demonstrates that the bulk, scale and height are unlikely to detrimentally impact the surrounding area, and the variations are minor in nature.
49. Staff have formed the view that the objectives of the policy listed above have been achieved, therefore the policy variations are acceptable in context of the site.
50. In relation to the concern with decreased property values due to the height, property values are not within the matters to be considered under clause 67 of the Planning Regulations; and therefore are not a valid planning consideration.

Privacy

- 51. A concern was raised in relation to privacy being impacted, specifically from the landing of Chalet 3 due to the elevation above NGL.
- 52. In accordance with 5.4.1 (Visual privacy) of the R-Codes, the required 7.5m privacy setback only applies to major openings and outdoor active habitable spaces, therefore the privacy element of the R-Codes does not apply in this instance. Nevertheless, the proposed 6.9m setback to the landing is considered an acceptable separation in this instance.

Overshadowing

- 53. Concerns were raised that the development would overshadow adjoining lots.
- 54. In response to this concern, the applicant provided an overshadowing plan which demonstrates compliance with 5.4.2 (Solar Access for adjoining sites) of the Residential Design Codes.

Stormwater

- 55. Concerns have been raised regarding the management of stormwater. To address this, stormwater management plans will be mandated as a condition for approval. These plans must be implemented during the building stage.

**GOVERNMENT & PUBLIC CONSULTATION**

- 56. The proposal was advertised to nearby landowners of the site for a period of 14 days via direct mail out. A notice was also placed on the City of Albany website for the same time period.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail Out	31/01/2024 – 14/01/2024	9 submissions received	Yes, policy variation
Consult	Public Comment – City of Albany website	31/01/2024 – 14/01/2024		

- 57. Concerns raised during advertising, staff comment and the proponent’s justification for the proposal are summarised and discussed above.
- 58. Because of the possible heritage value of the stone drain and concerns regarding the design's impact on the area's character for not aligning with the Albany Historic Town Design Policy, the proposal was forwarded to the City of Albany Heritage Advisor following standard procedure.
- 59. The comprehensive comments are available in Attachment 4 and have been previously discussed; however, in brief, the Heritage Advisor has no objections to the proposal in its current state.
- 60. The proposal was referred to internal departments for consideration and comment, including Environmental Health, Building and Engineering. Comments will be incorporated as standard planning conditions.

**STATUTORY IMPLICATIONS**

- 61. Holiday Accommodation is a ‘D’ use under the Zoning Table of LPS2, therefore means “that the use is not permitted unless the local government has exercised its discretion by granting development approval”.
- 62. Voting requirement for this item is **Simple Majority**

**POLICY IMPLICATIONS**

- 63. The subject site falls within the City of Albany – Albany Historic Town Design Policy area, and the proposed use falls within the scope of the Holiday Accommodation Policy.
- 64. The site falls within the preferred areas for Holiday Accommodation and is compliant with the City of Albany Holiday Accommodation policy.
- 65. Compliance with the Albany Historic Town Design Policy is discussed above.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Reputation</b> The approval may have negative impacts on the amenity, character, and heritage of the area.</p>	Unlikely	Moderate	Low	<p>The application has been assessed against the relevant statutory framework. Potential impacts from the development can be mitigated through identified measures.</p>
<p><b>Opportunity:</b> The proposal has the potential to promote the growth of tourism activities within designated preferred areas.</p>				

**FINANCIAL IMPLICATIONS**

- 67. All costs associated with the development will be borne by the proponent.
- 68. If the proponents disagree with the Council's decision and decide to seek a review through the State Administrative Tribunal, the city may be responsible for covering the costs associated with defending the decision during this process.

**LEGAL IMPLICATIONS**

69. Council has the discretion to either approve or reject the proposal. If an applicant disagrees with a decision or condition, they can request a review by the State Administrative Tribunal, as outlined in Section 252 of the Planning and Development Act 2005.

**ENVIRONMENTAL CONSIDERATIONS**

70. There are no environmental implications directly relating to this item.

**ALTERNATE OPTIONS**

- 71. Council has the following alternate options in relation to this item, which are:
  - a) To resolve to refuse the proposal subject to reasons; and
  - b) To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

**CONCLUSION**

72. Based on the above discussion, the authorising officer’s recommendation is that Council approve the proposal for Holiday Accommodation and policy variations, subject to conditions.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>▪ Local Planning Scheme No. 2</li> <li>▪ Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>▪ Albany Historic Town Design Policy</li> <li>• Holiday Accommodation Policy</li> <li>• Residential Design Codes Volume 1</li> </ul>
<b>File Number</b>	:	A156891
<b>Previous Reference</b>	:	DIS308 - Recreation-Private (Treehouse) - July 2022 OCM

**DIS396: PLANNING AND BUILDING REPORTS APRIL 2024**

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

**RECOMMENDATION**

**DIS396: AUTHORISING OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council the Planning and Building Reports for April 2024 be NOTED.**



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

**15.1: NOTICE OF MOTION BY COUNCILLOR SUTTON AND COUNCILLOR MCKINLEY**

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

**Councillor's Reasons:**

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

16. **REPORTS OF CITY OFFICERS Nil.**

17. **MEETING CLOSED TO PUBLIC**

18. **CLOSURE**