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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 23 April 2019**

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**



ORDINARY COUNCIL MEETING  
MINUTES 23/04/2019

**TABLE OF CONTENTS**

Item	Details	Pg#
1.	<b>DECLARATION OF OPENING</b>	<b>3</b>
2.	<b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	<b>3</b>
3.	<b>RECORD OF APOLOGIES AND LEAVE OF ABSENCE</b>	<b>3</b>
4.	<b>DISCLOSURES OF INTEREST</b>	<b>4</b>
5.	<b>REPORTS OF MEMBERS</b>	<b>4</b>
6.	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	<b>4</b>
7.	<b>PUBLIC QUESTION TIME</b>	<b>5</b>
8.	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>5</b>
9.	<b>PETITIONS AND DEPUTATIONS</b>	<b>5</b>
10.	<b>CONFIRMATION OF MINUTES</b>	<b>5</b>
11.	<b>PRESENTATIONS</b>	<b>5</b>
12.	<b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</b>	<b>5</b>
	<b>MINUTES AND RECOMMENDATIONS OF COMMITTEES</b>	
<b>CCS</b>	<b>Corporate and Community Services Committee</b>	
CCS139	FINANCIAL ACTIVITY STATEMENT-FEBRUARY 2019	6
CCS140	LIST OF ACCOUNTS FOR PAYMENT-MARCH 2019	8
CCS141	DELEGATED AUTHORITY REPORTS	10
CCS142	QUARTERLY REPORT-TENDERS AWARDED	11
CCS143	PUBLIC HEALTH PLAN 2018-2022	12
CCS144	SOUTH COAST ALLIANCE INC.-DECEMBER 2018 AND MARCH 2019 MEETING MINUTES-This report is for noting at committee level only and does not require a decision of Council.	
<b>DIS</b>	<b>Development and Infrastructure Services Committee</b>	
DIS155	REVIEW OF THE ALBANY LOCAL PLANNING STRATEGY 2010	17
DIS156	PLANNING AND BUILDING REPORTS MARCH 2019	24
<b>LEMC</b>	<b>Local Emergency Management Committee</b>	
LEMC018	RECEIVE THE CONFIRMED MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING –DECEMBER 2018	25
14.	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL</b>	<b>26</b>
15.	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
15.1	NOTICE OF MOTION BY COUNCILLOR GOODE	26
15.2	NOTICE OF MOTION BY COUNCILLOR DOUGHTY	29
16.	<b>REPORTS OF CITY OFFICERS Nil</b>	<b>31</b>
17.	<b>MEETING CLOSED TO PUBLIC</b>	<b>31</b>
18.	<b>CLOSURE</b>	<b>31</b>

**1. DECLARATION OF OPENING**

6.00PM the Mayor declared the meeting open.

**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 both past and present”.*

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

Mayor

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

E Doughty

Kalgan Ward

B Hollingworth

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

A Goode JP

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development

Services

P Camins

Acting Executive Director Infrastructure

& Environment

M Richardson

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

**Apologies:**

West Ward

S Smith (Apology)

Approximately 15 member of the public and one media representative were in attendance.

**4. DISCLOSURES OF INTEREST**

Name	Report Item Number	Nature of Interest
Nil.		

**5. REPORTS OF MEMBERS**

**6.01pm Councillor Stocks**

**Summary of key points:**

- Councillor Stocks stated that he recently had a conversation with Mr Tim O'Donnell, local taxi driver about to lose his taxi license in July 2019 with no compensation. There will be no compensation for rural and regional taxi operators as a result of the 'on demand transport' reforms proposed by the State Government, unlike taxi operators in the metropolitan area, who are set to receive substantial compensation.
- This deregulation could lead to a sharp decline in the service levels currently offered by taxis in Albany.

**6.04pm Councillor Sleeman**

**Summary of key points:**

- Stated that the Little Grove community event was very well attended, the challenge now is to follow up on requests and feedback from attendees at that event. In addition, the idea for community artwork was very well received.
- Thanked you to staff and councillors who attended.
- Max and Marianne Chester and the War on Waste now have a base at the Hanrahan Road Waste Facility. Volunteers are becoming available to help with sorting the clothes received. All clothing received will be recycled. Councillor Sleeman has met with local Op Shops who are very keen to support this venture. More information needs to be provided to schools and community in general about the program to increase awareness and participation.

**6.08pm Councillor Moir**

**Summary of key points:**

- Councillor Moir attended the Roadwise road stop at Easter together with Councillor Hollingworth. The road stop provided an opportunity to talk with motorists coming into Albany. Councillor Moir stated that he had received some great positive feedback about Albany.
- Councillor Moir also attended the Albany Art Prize awards and encouraged other councillors to view the exhibition.

**6.09pm Councillor Sutton**

**Summary of key points:**

- Councillor Sutton was pleased to see the Grey Street East works in progress, as this will improve traffic flow from Aberdeen Street to Grey Street West, Councillor Sutton also suggested that the City investigate provision of a slip lane at the top of York Street for a compulsory left hand turn onto Albany Highway.
- Councillor Sutton commented on the excellent customer service her received at Auto One over the Easter weekend, and stated that this level of customer service was something all businesses should be aspiring to.

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

**7. PUBLIC QUESTION TIME**

**6.12pm Mr Brian Fuller**

**Summary of key points:**

- Mr Fuller addressed Council in support of the Committee Recommendation for DIS155: Review of the Albany Local Planning Strategy 2010.

**6.14pm Mr Jared Brotherston, on behalf of Southern Ports**

**Summary of key points:**

- Mr Brotherston addressed Council regarding DIS155: Review of the Albany Local Planning Strategy.
- Mr Brotherston requested that Council undertake to ensure that the review of the strategy secures unrestricted, 24 hours per day seven days per week access to the Port.
- The Port has been operating for 200 years, and it is vital to ensure the port is capable of operating for another 200 years.
- The Port currently supports 200 local jobs and over 4000 jobs regionally.
- Unrestricted 24 hour access by road and rail to the port is crucial and essential.
- Mr Brotherston requested that Council ensure a high level of protection over the road and rail routes to port.

Executive Director Development Services responded to Mr Brotherston that State planning policies includes protection over those routes, and the City's Strategy is consistent with those policies.

There being no further speakers, the Mayor declared Public Question Time closed at 6.22pm.

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

**9. PETITIONS AND DEPUTATIONS Nil**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR MOIR**

**THAT the minutes of the Ordinary Council Meeting held on 26 March 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

**11. PRESENTATIONS Nil**

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

**CCS139: FINANCIAL ACTIVITY STATEMENT – MARCH 2019**

**Proponent** : City of Albany  
**Report Prepared by** : Manager Finance (D Olde)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS139: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT the Financial Activity Statement for the period ending 31 March 2019 be RECEIVED.**  
**CARRIED 12-0**

CCS139: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS139: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 March 2019 be RECEIVED.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 March 2019 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

### STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
    - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
    - b. budget estimates to the end of the month to which the statement relates;
    - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - e. the net current assets at the end of the month to which the statement relates.
  - II. Each statement of financial activity is to be accompanied by documents containing –
    - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
    - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - c. such other supporting information as is considered relevant by the local government.
  - III. The information in a statement of financial activity may be shown –
    - a. according to nature and type classification;
    - b. by program; or
    - c. by business unit.
  - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
    - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - b. recorded in the minutes of the meeting at which it is presented.

### POLICY IMPLICATIONS

8. The City's 2018/19 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 2019 has been incurred in accordance with the 2018/19 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS140: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2019**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (D Olde)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS140: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**  
**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2019 totalling \$6,766,978.11.**

**CARRIED 12-0**

CCS140: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN  
 SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 7-0**

CCS140: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2019 totalling \$6,766,978.11.

**BACKGROUND**

1. 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.

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 March 2019. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$29,349.25
Credit Cards	\$13,449.64
Payroll	\$1,623,834.42
Cheques	\$61,192.32
Electronic Funds Transfer	\$5,039,152.48
<b>TOTAL</b>	<b>\$6,766,978.11</b>

As at 15 March 2019, the total outstanding creditors stands at \$575,228.16 and is made up as follows:-

Current	\$575,396.10
30 Days	\$122.40
60 Days	\$(150.00)
90 Days	\$(140.34)
<b>TOTAL</b>	<b>\$575,228.16</b>
<b>Cancelled Cheques</b>	<b>Nil</b>

### STATUTORY IMPLICATIONS

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

### POLICY IMPLICATIONS

6. Expenditure for the period to 15 March 2019 has been incurred in accordance with the 2018/2019 budget parameters.

### FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 March 2019 has been incurred in accordance with the 2018/2019 budget parameters.

### CONCLUSION

8. That list of accounts have been authorised for payment under delegated authority.
9. 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>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS141: DELEGATED AUTHORITY REPORTS –FEBRUARY TO MARCH  
2019**

**Proponent** : City of Albany  
**Attachments** : Executed Document and Common Seal Report  
**Report Prepared by** : Personal Assistant to the ED Corporate Services (H Bell)  
**Responsible Officer** : Chief Executive Officer (A Sharpe)

**RECOMMENDATION**

**CCS141: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR MOIR**

**THAT the Delegated Authority Reports 16 February 2019 to 16 March 2019 be RECEIVED.  
CARRIED 12-0**

**CCS141: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR MOIR**

**THAT the Responsible Officer Recommendation be ADOPTED.  
CARRIED 7-0**

**CCS141: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 February 2019 to 16 March 2019 be RECEIVED.**

**CCS142: QUARTERLY REPORT – TENDERS AWARDED – JANUARY TO MARCH 2019**

**Proponent** : City of Albany  
**Attachments** : Quarterly Report – Tenders Awarded – January to March 2019  
**Report Prepared by** : Procurement Officer (H Hutchinson)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS142: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2019.**  
**CARRIED 12-0**

CCS142: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 7-0**

CCS142: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2019.

**CCS143: PUBLIC HEALTH PLAN 2018-2022**

<b>Attachments</b>	: Draft Public Health Plan 2018-2022
<b>Report Prepared By</b>	: Senior Community Development Officer (R Param)
<b>Responsible Officers:</b>	: Executive Director Community Services (S Kay)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan:

- **Theme:** Community Health and Participation.
- **Objective:** To develop and support a health inclusive and accessible community.
- **Community Priority:** Develop a range of activities and facilities that connect people, promote a healthy community, and are appropriate for all ages.

**In Brief:**

- The City adopted a Public Health Plan in 2016 as one of the first regional local governments in Western Australia. A review of the Plan was precipitated by several factors.
- Since the Plan was adopted, the Public Health Act (2016) was enacted by the State Government which anticipates mandated public health planning and reporting by all local governments in 2020-2021.
- A recently concluded three year partnership with WA Country Health Service (WACHS) to develop and deliver Healthy Albany, an organisational capacity building project, has strengthened the City's public health planning capability. A subsequent review of the Plan was undertaken as part of this project.
- This review identified the Plan was an ideal vehicle for the City to continue to improve its capacity to promote community health, wellbeing and participation. The Plan has been updated to better reflect the City's strengths in these areas, and to provide a strategic framework from which the City can support the health and wellbeing of the community.

**RECOMMENDATION**

**CCS143: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SHANHUN**

**THAT the Public Health Plan 2018-2022 be ENDORSED.**

**CARRIED 12-0**

CCS143: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 7-0**

CCS143: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Public Health Plan 2018-2022 be ENDORSED.

## **BACKGROUND**

2. The purpose of public health planning is to improve and promote public health and wellbeing in the community. This enables a flexible, proactive and integrated risk-based approach to provision of facilities, programmes and services that address not only environmental health, but chronic disease, mental health issues, and communicable diseases.
3. Council adopted the City of Albany's first Public Health Plan in 2016 at its June Ordinary Council Meeting. The City was among the first local governments to implement a Public Health Plan.
4. Since then, several key legislative changes and local activities had occurred which had an important influence on the Public Health Plan.
5. The City entered into a Memorandum of Understanding with WA Country Health Service (WACHS) in 2016 to deliver Healthy Albany, a three year project to build capacity within the City around public health planning, and embed a culture of preventative health within the City of Albany.
6. This project resulted in capacity building and development of governance arrangements to drive public health planning, policy development and enhancement, delivery of demonstration pilot projects, and strategic planning and evaluation.
7. A review of the Public Health Plan was a key part of transitioning from the Healthy Albany project as the Public Health Plan was viewed as a useful tool to ensure the achievements of Healthy Albany were not lost. Legislative changes since the 2016 Plan adoption were also an impetus for this review.
8. The updated Public Health Plan identified key focus areas and priority risk factors within the community. The updated Plan also supports new internal monitoring, reporting and evaluation processes.
9. Mandated public health planning will come into effect for all local governments in 2020-2021, in accordance with the staged implementation of the Public Health Act (2016). The updated Public Health Plan will also assist the City comply with this mandated reporting.

## **DISCUSSION**

10. The Healthy Albany transition plan recommended a review of the Public Health Plan to better target vulnerable population groups, address priority population health issues, align with the City's Community Strategic Plan, and provide a vehicle for the City to transition beyond the Healthy Albany project.
11. The review was led by the Healthy Albany Project Officer, and was seen as an opportunity to:
  - a. Consolidate knowledge between City staff and teams to better understand the local government role in public health;
  - b. Strengthen the Plan's objectives so they were clearer, measurable and able to be reported against;
  - c. Align the Public Health Plan with the State Interim Public Health Plan, and;
  - d. Create achievable and measurable strategies aligned to the City's key strategic plans and services, which enable a long-term, tangible focus.
12. The review undertook comparative analysis of the 2016 Plan against the State Health Plan, and identified gaps in the City's Plan, notably in relation to vulnerable population groups such as Aboriginal people, community mental health. Furthermore, the 2016 Plan did not allocate actions to particular Directorates or Teams.

13. As mentioned, Healthy Albany achieved many outcomes which are ongoing. The review also identified the Public Health Plan as an opportunity to incorporate these outcomes which would enable regular monitoring, reporting and evaluation.
14. Additionally, the review identified opportunities for incorporating other community health partnerships such as Compassionate Communities, and Arts on Prescription into the Public Health Plan.
15. The review streamlined the Public Health Plan's priority areas and strategic objectives, and reworded some objectives so they are more measurable and more easily understood. An annual action plan and reporting template have also been developed, which will ensure the City is compliant with the Public Health Act requirements for annual review of its Public Health Plan.

#### **GOVERNMENT & PUBLIC CONSULTATION**

16. The 2016 Plan was developed through a range of community consultation strategies, including online surveys completed by community members (165 received), and surveys completed by government and non-government stakeholder agencies (22 received).
17. The review also analysed health and wellbeing related feedback received from the community during the Community Strategic Plan consultation in 2017, as well as data from the Community Perception Survey undertaken in 2017.
18. The Healthy Albany Steering Committee members, stakeholder agencies with a remit in community health and wellbeing also contributed substantially to the review. These agencies included:
  - a. WA Country Health Services;
  - b. Great Southern Development Commission;
  - c. WA Primary Health Alliance;
  - d. Department of Education;
  - e. Department of Sport and Recreation, and;
  - f. The Australian Prevention Partnership Centre.

#### **STATUTORY IMPLICATIONS**

19. While there are no current statutory implications, public health planning will be mandated for all local governments in 2020-2021.

#### **POLICY IMPLICATIONS**

20. The Public Health Plan contributes to the achievement of the following key Australian and Western Australian government policies, plans, and legislative requirements:
  - a. Public Health Act (2016);
  - b. Healthy Spaces and Places;
  - c. Liveable Neighbourhoods, and;
  - d. Health Promotion Strategic Framework (2017-2022).
21. The Public Health Plan also builds on, and informs a number of local City plans, strategies, and policies. Namely:
  - a. Albany Local Planning Strategy;
  - b. Access and Inclusion Plan (Outcomes 1, 2, 4, 6, and 7);
  - c. Age-Friendly Albany Plan (Domains 1, 2, and 4);
  - d. Youth-Friendly Albany Plan (Strategic Goals 1, 2, and 4);
  - e. Connected Communities Strategy (all Focus Areas);
  - f. Cycle City Albany (Objectives 2 and 3), and;
  - g. Trails Hub Strategy (Objectives 1 and 2).

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational Risk:</b> The Public Health Plan raises community expectations and is not delivered as per the Plan.	Possible	Moderate	Medium	Media and communication strategy to manage community expectations.  External funding is sourced to deliver activities, or resourcing is identified in the action plan where required.
<b>Financial Risk:</b> External resources cannot be sourced to deliver relevant objectives in the Public Health Plan.	Possible	Moderate	Medium	A Council briefing will be provided with recommendations, eg increasing the budget, or updating the Public Health Plan.
<b>Operational Risk.</b> There is increased pressure on the City to play a greater role in public health.	Possible	Moderate	Medium	A Public Health Advisory Group has been established to oversee delivery of the Public Health Plan. This group will be responsible for ensuring that the City's role in public health planning is consistent with local governments' remit. Council can determine the role the City will have with public health planning.
<b>Opportunity:</b> The Public Health Plan offers opportunities for the City to increase its capacity to deliver services and facilities that make it easier for the community to be healthy.				

## FINANCIAL IMPLICATIONS

23. A number of actions in the Public Health Plan may require future funding, however it is anticipated that any additional funding required will be sourced externally, or through resource sharing opportunities.

## LEGAL IMPLICATIONS

24. Once adopted, the Public Health Plan will comply with the obligations set out in the Public Health Act (2016).
25. Once statutory reporting is introduced for all local governments, the Public Health Plan will support the City's reporting requirements.

## ENVIRONMENTAL CONSIDERATIONS

26. A number of actions identified in the Plan's Action Plan may require environmental considerations (e.g. pollution response, emergency management). These will be managed and mitigated through existing implementation processes

## ALTERNATE OPTIONS

27. Council can choose not to adopt the Public Health Plan. This is not recommended as State Government legislation will mandate local governments to adopt public health plans.
28. Council can opt to modify the Public Health Plan. If Council chooses this option, it is recommended the Public Health Plan return to the Corporate and Community Services Committee for updating and further review.



**CONCLUSION**

29. Council adopted its first Public Health Plan in 2016. Since then, legislative changes will mandate public health planning for all local governments. Furthermore, community activities have strengthened the capacity of the City to engage in public health planning.
30. A review of the Public Health Plan has identified further opportunities to align the City's Public Health Plan with the State Interim Health Plan, as well as provide a greater focus on vulnerable populations and community mental health issues.
31. The updated Public Health Plan includes measurable objectives that have a clear intent, and assign responsibility to relevant Directorates. The Plan also provides strategic guidance to Council.

<b>Consulted References</b>	:	Community Strategic Plan, Albany 2030 raw data Catalyse Community Perception Survey (2017)
<b>File Number (Name of Ward)</b>	:	PH.PLA.2 (All Wards)
<b>Previous Reference</b>	:	Nil

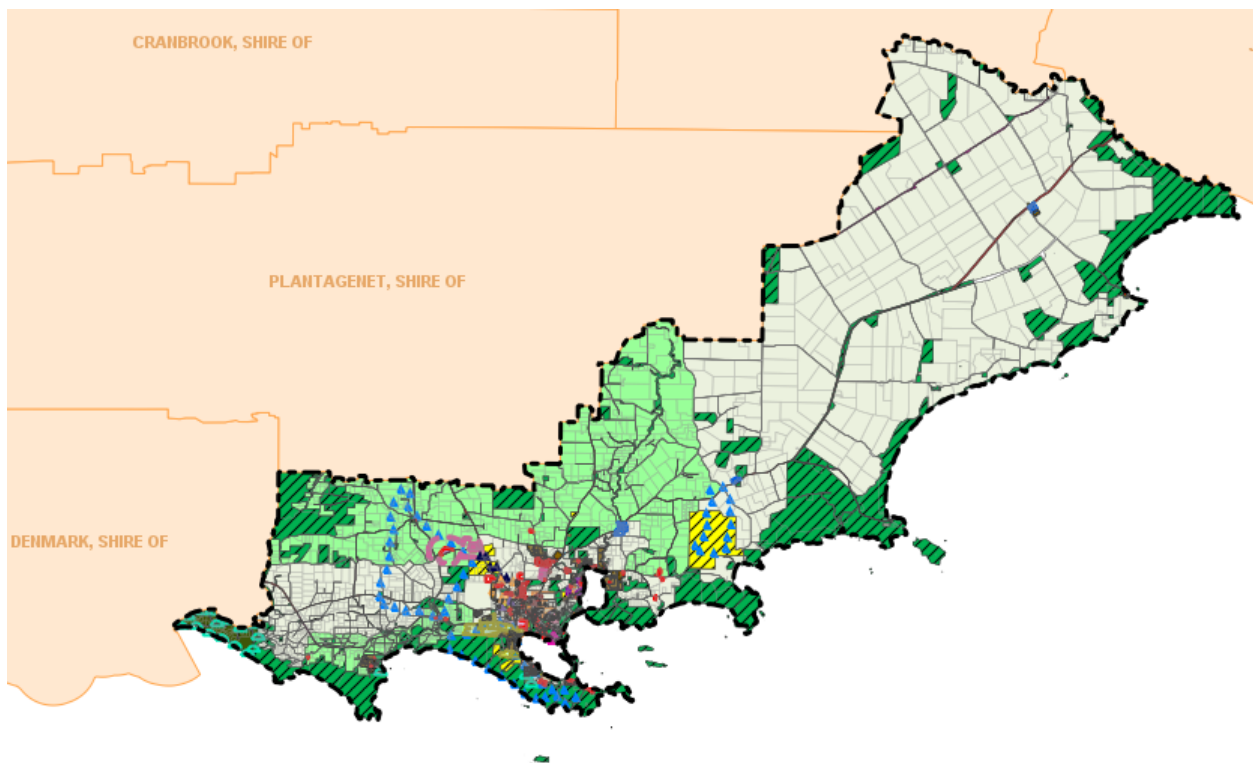
## DIS155: REVIEW OF THE ALBANY LOCAL PLANNING STRATEGY 2010

<b>Land Description</b>	: City of Albany
<b>Attachments</b>	: 1. Draft Albany Local Planning Strategy 2. Schedule of Submissions
<b>Report Prepared by</b>	: Senior Planning Officer – Strategic Planning (C Simpson)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. The proposed Local Planning Strategy sets the strategic direction for settlement growth, informs future review and amendments to the City's *Local Planning Scheme No. 1* and all other decisions in relation to land use and development over the next ten years to fifteen years.
3. The *Albany Community Strategic Plan – Albany 2030* establishes a community priority to develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth (Objective 5.1).

### Maps and Diagrams



**In Brief:**

- Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), a local government must prepare a local planning strategy for its local planning scheme.
- The draft Local Planning Strategy sets the strategic direction for settlement growth, informs amendments to the City's Local Planning Scheme, decisions in relation to land use and development over the next ten to fifteen years.
- The current *Albany Local Planning Strategy 2010* was adopted by Council on 15 June 2010 and was endorsed by the Western Australian Planning Commission (WAPC) later in the same year.
- The City of Albany undertook a review of *Albany Local Planning Strategy 2010*. At the October 2017 Ordinary Council Meeting, it was resolved to provide a copy of the draft Strategy to the WAPC for certification for the purpose of proceeding to advertise the draft Strategy.
- Following certification, the draft Strategy was advertised for a three month period. The submissions received have been assessed, and where appropriate, recommendations made to modify the draft Strategy to address the matters raised in the submissions.
- Council is asked to support the draft Local Planning Strategy subject to the proposed modifications and resolve to submit the draft Strategy to the WAPC for the endorsement.
- The WAPC may request the City to make modifications to the draft Local Planning Strategy prior to endorsement.

**RECOMMENDATION**

**DIS155: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR GOODE**

**THAT Council, in pursuance to Clause 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to submit a copy of the advertised local planning strategy, the schedule of submissions received and the proposed modifications to the Western Australia Planning Commission for endorsement, with the addition of Lot 124 South Coast Highway to be included as Rural Living.**

**CARRIED 12-0**

DIS155: COMMITTEE RECOMMENDATION (AMENDED MOTION BY COUNCILLOR STOCKS)

MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SMITH

THAT Council, in pursuance to Clause 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to submit a copy of the advertised local planning strategy, the schedule of submissions received and the proposed modifications to the Western Australia Planning Commission for endorsement, **with the addition of Lot 124 South Coast Highway to be included as Rural Living.**

**CARRIED 8-1**

Against the motion Councillor Moir

DIS155: AMENDED MOTION BY COUNCILLOR STOCKS

MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SMITH

THAT Council, in pursuance to Clause 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to submit a copy of the advertised local planning strategy, the schedule of submissions received and the proposed modifications to the Western Australia Planning Commission for endorsement, **with the addition of Lot 124 South Coast Highway to be included as Rural Living.**

CARRIED 8-1

**Record of Vote**

Against the Motion: Councillor Moir

DIS155: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR MOIR

THAT Council, in pursuance to Clause 14 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to submit a copy of the advertised local planning strategy, the schedule of submissions received and the proposed modifications to the Western Australia Planning Commission for endorsement.

**BACKGROUND**

4. The WAPC certified the draft Strategy for advertising on 18 June, 2018.
5. The draft Strategy was advertised for a three month period, with a total of 73 submissions received.
6. Submissions were received from State Government Agencies, service providers, planning consultants and land owners. They are broadly categorised as follows:
  - State government agencies and service providers;
  - Submissions in relation to specific lot/s;
  - Topic specific submissions;
  - General matters; and
  - City of Albany proposed modifications.
7. Council is requested to support the draft Local Planning Strategy subject to the proposed modifications and resolve to submit the draft Strategy to WAPC for the endorsement.

**DISCUSSION**

8. The review process of the current Local Planning Strategy was undertaken with the following inputs;
  - The preparation of background papers in conjunction with Working Groups consisting of relevant staff and State agencies;
  - Specialist reports on key strategic matters; and
  - Stakeholder consultation throughout the strategy preparation.
9. The background papers undertook investigation into five subjects, namely: population, settlement and housing; the economy & employment lands; community; environment; and infrastructure and services.

10. Working Groups were established to guide the preparation and identification of key planning implications for each of these topic areas. The Working Groups consisted of relevant State government agencies and staff and met twice during the preparation stage. All papers identified key planning implications to be addressed by the draft Strategy.
11. The specialist reports prepared are as follows:
  - *Review of Albany Activity Centres Planning Strategy (2015);*
  - *Industrial Ecology Mapping and Industry Attraction Strategy (2015);*
  - *Industrial Land Strategy (2017); and*
  - *Albany Regional Hot Spots Land Supply Update (2015).*
12. In consideration of the above, a draft Strategy was prepared. At the October 2017 Ordinary Council Meeting, it was resolved to provide a copy of the draft Strategy to the WAPC for certification.
13. After the WAPC certified the draft Strategy, it was advertised for a 3 month period, with a total of 73 submissions received.
14. The submissions received from State government agencies and service providers predominately raise matters in relation to;
  - Policies and the processes that govern their operations and application to the draft Strategy;
  - Corrections and additional/improved information that relates to their areas of operation; and
  - Suggested additional and/or improved actions.
15. In most instances, the proposed modifications by State government agencies and service providers were supported.
16. The submissions received in relation to specific lot/s predominantly raise concern in regards to the designation of the land (the subject of the submission) under the draft Strategy. In some instances the submission questions that Albany has an oversupply of land for future urban growth and submit that future urban or rural living are the appropriate designation on the grounds that the subject land;
  - Was designated for this purpose under *Albany Local Planning Strategy 2010;*
  - Represents infill or rounding off of the urban area;
  - Represents a logically urban growth boundary;
  - Provides road connectivity and improved accessibility;
  - Supports activity centres and/or community facilities;
  - Does not impact on agricultural land; and
  - Addresses land use conflicts.
17. Many of the above submissions do not accord with the objectives of the draft Strategy, which is to contain urban development and rural living within the existing supply of land zoned and planned for settlement growth and to promote urban consolidation by making better use of existing zoned land and infrastructure through urban renewal, infill residential and rural living development. These submissions were therefore not supported and are addressed specifically in the attached table of submissions.
18. Various matters are raised by topic specific submissions, including matters such as;
  - Implementation of the recommendations of the Coastal Hazard Risk Management and Adaptation Plan of Emu Point and Middleton Beach;
  - Improvement of tertiary education in the City;
  - Landscape protection of Mounts within Albany;
  - Actions identified in relation to activity centres;
  - Ongoing protection of the Albany Port;

- Strategic tourism outcomes;
  - Tourism development at Goode Beach;
  - Urban development in Big Grove; and
  - Consideration of the proposed Great Southern Motor Sports Park in the Mirambeena Strategic Industrial area.
19. Matters raised by 'general' submissions provides general feedback and observations, or provides comments across the different sections of the draft Local Planning Strategy.
20. The modifications proposed by planning staff are editorial, improving content, providing additional information, improving readability and updating text. In some instances the modification required by the WAPC prior to certification to advertise, was not discussed or agreed to by the City or resulted in disjointed text that the City wish to see corrected.
21. In summary of the submissions received, there were no significant or contentious issues raised. Submissions which raised potentially contentious issues were resolved through modifications proposed.

### **GOVERNMENT & PUBLIC CONSULTATION**

22. The public advertising of draft Local Planning Strategy commenced on 23 July and concluded on 26 October 2018. Public Notices were placed in the Albany Advertiser and the Weekender. In addition to this, two information sessions were held at the Albany Library on August 2 and August 3. Appointments were also available during the advertising period.
23. Presentations were also made to key State Government Agencies and discussions were held with the relevant City of Albany departments to obtain feedback on the draft Strategy.
24. To support the advertising period, a frequently asked question sheet was made available to the community in conjunction with a pamphlet detailing the process of preparing the draft Strategy, key findings, key strategic directions and the local planning strategy maps.
25. A total of 73 submissions were received. The submission details, planning officer comments and recommended actions/modifications are contained in the attached schedule of submissions.

### **STATUTORY IMPLICATIONS**

26. The Albany Local Planning Strategy is prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
27. Clause 14 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the local government review their local planning strategy having regards to any submissions made. The local government may support the local planning strategy without modifications or support the local planning strategy with modifications to address issues raised in submissions.
28. Clause 14 also requires that following the review of the local planning strategy, the local government must submit to the Commission a copy of the advertised strategy, a schedule of submissions received and particulars of any modifications proposed by the local government.
29. The regulations also provide that a local planning strategy may be revoked by a subsequent local planning strategy that is prepared in accordance with the Regulation that expressly revokes the current local planning strategy. Albany Local Planning Strategy 2010 will therefore be revoked when the draft Local Planning Strategy is endorsed by the Commission.

30. Voting requirement is a **SIMPLE MAJORITY**.

### POLICY IMPLICATIONS

31. The draft Local Planning Strategy sets the strategic direction for settlement growth, informs future review and amendments to the City's *Local Planning Scheme No. 1* and guides all other decisions in relation to land use and development over the next ten to fifteen years.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community:</b> <i>There is a risk that by not establishing clear guidelines urban growth will continue to be unsustainable and lack key infrastructure services.</i>	Likely	Moderate	High	<i>Mitigation of impacts by the proposed strategy being endorsed.</i>
<b>Reputation:</b> <i>The proposal may attract objections from members of the public.</i>	Possible	Minor	Medium	<i>Widely consulting with parties who may be affected and authorities should mitigate any risk in this regard</i>
<b>Environment:</b> <i>If greater protection of biodiversity is not given, decline of species likely.</i>	Almost Certain	Minor	High	<i>Preparation of best practice and a contemporary strategy.</i>  <i>Mitigation of impacts by adoption of Strategy.</i>
<b>Opportunity:</b> <i>The draft Strategy will set a clear direction for future land use and correct issues faced by the City of Albany.</i>				

### FINANCIAL IMPLICATIONS

33. Public advertising of the draft Albany Local Planning Strategy was undertaken in accordance with the allocated budget.

### LEGAL IMPLICATIONS

34. There are no legal implications related to report.

### ENVIRONMENTAL CONSIDERATIONS

35. The strategic directions set out under the draft Albany Local Planning Strategy requires the protection of vegetation and biodiversity, rivers, estuaries, wetlands and coastal areas.

### ALTERNATE OPTIONS

36. Council may consider alternate options in relation to these items, such as:

- To resolve to require additional modifications to the draft Local Planning Strategy prior to providing Western Australian Planning Commission with a copy for endorsement.

### CONCLUSION

37. The draft Local Planning Strategy has now completed the advertising process.
38. Planning staff have reviewed the draft Local Planning Strategy having regard for the submissions received and have accordingly recommended modifications. These modifications address matters raised by the submissions and improve the overall content of the draft Strategy.

39. It is recommended that Council, in pursuance to the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to submit a copy of the advertised local planning strategy, the schedule of submissions received and proposed modifications to the Western Australia Planning Commission for endorsement.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Planning and Development Act 2005</i></li> <li>2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>3. Albany Local Planning Strategy 2010</li> <li>4. Local Planning Scheme No.1</li> <li>5. City of Albany Strategic Community Plan 2023</li> <li>6. City of Albany Corporate Business Plan 2014-2018</li> </ol>
<b>File Number (Name of Ward)</b>	:	LP.PLA.16 (All Wards)
<b>Previous Reference</b>	:	<p>OCM 15/06/2010 DS Item 13.2.8 OCM 31/10.2017 DIS052</p>



**DIS156: PLANNING AND BUILDING REPORTS MARCH 2019**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports March 2019  
**Report Prepared By** : Administration Officer – Planning (J Ferrell)  
Administration Officer – Development Services (Z Sewell)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS156: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR MOIR**

**THAT Council NOTE the Planning and Building Reports for March 2019.**

**CARRIED 12-0**

**LEMC018: RECEIVE THE CONFIRMED MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE – DECEMBER 2018**

**Proponent** : City of Albany  
**Attachment** : LEMC Minutes 13 December 2018  
**Report Prepared By** : Administration Coordinator-Rangers & Emergency Services (S Lees)  
**Responsible Officer(s):** : Executive Director Development Services (P Camins)

**In Brief:**

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 13 December 2018.

**RECOMMENDATION**

**LEMC018: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR SUTTON**

**THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 13 December 2018 be RECEIVED.**

**CARRIED 12-0**

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

These Notices of Motion will be dealt with at the May 2019 OCM accordance with 3.6(1) of the Standing Orders Local Law 2014, which stipulates that “*a notice of motion is to be given no less than ten days before the Meeting at which the motion is moved.*”

**15.1 NOTICE OF MOTION BY COUNCILLOR GOODE**

Date and Time Received: Tuesday 16 April 2019 at 12.03pm.

**15.1: MOTION BY COUNCILLOR GOODE  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

**GRANTS the final lease approval for Coffee Kiosk over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:**

- a. Lease area being approximately 14.25m<sup>2</sup>;
- b. Lease rent being \$9,000 per annum plus GST, and outgoings as determined by a licensed Valuer;
- c. Rent review by market valuation every 3 years with Consumer Price Index applied for intervening years;
- d. Lease term being 5 years with an option for a further 5 year term;
- e. Leasing commencing as soon as practicable;
- f. All costs associated with the ongoing operations of the leased premises being payable by the tenant;
- g. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985; and
- h. Lease being consistent with Council Policy-Property Management (Leases and Licences)

**Councillor Reason:**

Council, at the Ordinary Council Meeting held on 28 August 2018, considered and supported a proposal to lease a commercial space for a coffee kiosk in the Tourism and Information Hub in York Street.

As part of the statutory process, the proposed lease was advertised for public comment and one submission was received.

At the Ordinary Council Meeting held on 27 November 2018 the Committee Recommendation to adopt the Responsible Officer Recommendation (which recommended approving the lease) was lost.

An alternate course of action or proposal was not considered by Council. As such, Council simply made a decision to not award the lease to Mr Saurin.

A petition containing 299 signatures was subsequently received by Council. The petition requested that Council review its decision to reject a coffee kiosk in the Tourism and Information Hub.

This motion will grant approval of the lease for the Coffee Kiosk located in the Tourism and Information Hub to Mr Saurin, as trustee for the Saurin Family Trust.  
Officer Comment (Executive Director Corporate Services):

Background

1. In May 2018, following a Request for Proposal (RFP) to lease the commercial space within the Tourism and Information Hub, one proposal was received for a coffee kiosk.
2. Following an assessment of the proposal, the City entered into discussions with the applicant, Mr Christopher Saurin and a proposal was prepared for Council's consideration.
3. Council considered the new lease request at its meeting held on 28 August 2018 and resolved THAT Council APPROVE a new lease over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:
  - a. Lease permitted use being Coffee Kiosk.
  - b. Lease area being approximately 14.25m<sup>2</sup>.
  - c. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.
  - d. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.
  - e. Lease term being 5 years with an option for a further 5 year term.
  - f. Lease commencing as soon as practicable.
  - g. Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements, the new lease will be advertised.
  - h. All costs associated with the ongoing operations of the leased premises being payable by the tenant.
  - i. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.
  - j. Lease being consistent with Council Policy – Property Management (Leases and Licences).
4. As noted in (g) above, the new lease was required to be advertised for comment and during this comment period one submission was received from the Albany Chamber of Commerce & Industry (ACCI) on behalf of some York Street retail traders. The ACCI raised a number of concerns and City management met with representatives from the ACCI and a number of York Street retail traders to listen to their concerns.

5. At the November 2018 CCS meeting, the CCS Committee resolved as follows:

CCS110: RESPONSIBLE OFFICER RECOMMENDATION

*THAT Council:*

*NOTES its previous resolution of 28 August 2018 Item CCS080.*

*GRANTS the final lease approval for Coffee Kiosk over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:*

- a. Lease area being approximately 14.25m<sup>2</sup>.*
- b. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.*
- c. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.*
- d. Lease term being 5 years with an option for a further 5 year term.*
- e. Lease commencing as soon as practicable.*
- f. All costs associated with the ongoing operations of the leased premises being payable by the tenant.*
- g. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.*
- h. Lease being consistent with Council Policy – Property Management (Leases and Licences).*

CARRIED 8-1

6. However, when the item went to the 27 November 2018 meeting of Council, the motion as recommended by Committee was lost 5-6.
7. By not supporting the Committee recommendation, this matter is still open. In accordance with section 3.58(3)(b) Council is to consider any submissions made to it before the date specified in the notice

ORDINARY COUNCIL MEETING  
MINUTES – 23/04/2019

and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

8. Council did not resolve to NOT SUPPORT the lease. Advice from WALGA following the meeting was that Council should have resolved an alternate motion to clarify it's position on this lease. To close the matter Council needs to:
  - a. Resolve to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; or
  - b. Resolve to RECONSIDER the proposal.
9. At the December OCM, a petition was lodged by Petition lodged by Mr Christopher Saurin requesting that Council re-consider the decision regarding the Coffee Kiosk at the Tourism and Information Hub. The petition was considered by Council at the February 2019 OCM. At this meeting, Council resolved as follows:

*THAT:*

- 1. The Petition lodged by Mr Christopher Saurin requesting that Council re-consider the decision regarding the proposed Coffee Kiosk at the Tourism and Information Hub be RECEIVED.*
- 2. The Chief Executive Officer convene a further briefing/workshop regarding this matter as soon as practicable in order that the proposal for a coffee kiosk in the Tourism and Information Hub be clarified prior to any future consideration of this matter by Council.*

CARRIED 8-4

Councillor Reason:

In light of the number of residents who have signed the petition in support of a coffee kiosk in the Tourism and Information Hub, and support from several Councillors, I would request that this matter be discussed further and the City's position be clarified on this matter prior to any further consideration by Council.

Options

10. As recommended by WALGA, this matter can be closed by Council by resolving as follows:
  - a. Resolve to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; or
  - b. Resolve to RECONSIDER the proposal.
11. An alternate option for Council is to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; at this time.
12. This matter is now a matter for Council's consideration.

**15.2 NOTICE OF MOTION BY COUNCILLOR DOUGHTY**

**Date and Time Received: Tuesday 16 April 2019 at 9.43pm.**

**15.2: NOTICE OF MOTION BY COUNCILLOR DOUGHTY**

**THAT Council:**

- 1. Takes no further action to award a commercial tenancy over the portion of Lot 123 York Street, being the Tourism and Information Hub.**
- 2. Requests a further report from the CEO to be provided by November 2019 providing possible commercial options for the 14m<sup>2</sup> space in the Tourism and Information Hub.**
- 3. Those options are to be discussed at an Elected Member Strategic Workshop, prior to making a recommendation for consideration at the December 2019 Ordinary Council Meeting.**

**Councillor Reason:**

Council, at the Ordinary Council Meeting held on 28 August 2018, considered and supported a proposal to lease a commercial space specifically for a coffee kiosk in the Tourism and Information Hub in York Street.

At the Ordinary Council Meeting held on 27 November 2018 the Committee Recommendation to adopt the Responsible Officer Recommendation (which recommended approving the lease for a coffee kiosk) was lost.

However, an alternate course of action was not considered by Council, which has left the matter open.

At the Elected Member Strategic Workshop held on 16 April 2019, further discussion regarding other possible uses for this space occurred.

It was noted that significant capital works are currently underway for Alison Hartman Gardens and student accommodation which will potentially see an increase in foot traffic for the Central Business District.

The report to be prepared by the CEO should explore broader options for this space, including pop up enterprises, for example: supporting local artisans, producers or boutique tour operators. This report may also rely on evidence of increased use of Alison Hartman Gardens and the precinct in general following the completion of the capital works.

This space may provide options that do not compete with current existing retailers in the CBD.

**Officer Comment (Executive Director Corporate Services):**

Background

1. In May 2018 following a Request for Proposal (RFP) to lease the commercial space within the Tourism and Information Hub, one proposal was received for a coffee kiosk.
2. Following an assessment of the proposal, the City entered into discussions with the applicant, Mr Christopher Saurin and a proposal was prepared for Council's consideration.
3. Council considered the new lease request at its meeting held on 28 August 2018 and resolved THAT Council APPROVE a new lease over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:
  - a. Lease permitted use being Coffee Kiosk.
  - b. Lease area being approximately 14.25m<sup>2</sup>.
  - c. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.
  - d. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.

- e. Lease term being 5 years with an option for a further 5 year term.
  - f. Lease commencing as soon as practicable.
  - g. Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements, the new lease will be advertised.
  - h. All costs associated with the ongoing operations of the leased premises being payable by the tenant.
  - i. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.
  - j. Lease being consistent with Council Policy – Property Management (Leases and Licences).
4. As noted in (g) above, the new lease was required to be advertised for comment and during this comment period one submission was received from the Albany Chamber of Commerce & Industry (ACCI) on behalf of some York Street retail traders. The ACCI raised a number of concerns and City management met with representatives from the ACCI and a number of York Street retail traders to listen to their concerns.
5. At the November 2018 CCS meeting, the CCS Committee resolved as follows:

*CCS110: COMMITTEE RECOMMENDATION*

*THAT Council:*

*NOTES its previous resolution of 28 August 2018 Item CCS080.*

*GRANTS the final lease approval for Coffee Kiosk over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:*

- b. Lease area being approximately 14.25m<sup>2</sup>.*
- c. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.*
- d. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.*
- e. Lease term being 5 years with an option for a further 5 year term.*
- f. Lease commencing as soon as practicable.*
- g. All costs associated with the ongoing operations of the leased premises being payable by the tenant.*
- h. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.*
- i. Lease being consistent with Council Policy – Property Management (Leases and Licences).*

*CARRIED 8-4*

6. However, when the item went to the 27 November 2018 meeting of Council, the motion as recommended by Committee was lost 5-6.
7. By not supporting the Committee recommendation, this matter is still open. In accordance with section 3.58(3)(b) Council is to consider any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
8. Council did not resolve to NOT SUPPORT the lease. Advice from WALGA following the meeting was that Council should have resolved an alternate motion to clarify it's position on this lease. To close the matter Council needs to:
- a. Resolve to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; or
  - b. Resolve to RECONSIDER the proposal.
9. At the December OCM, a petition was lodged by Petition lodged by Mr Christopher Saurin requesting that Council re-consider the decision regarding the Coffee Kiosk at the Tourism and Information Hub. The petition was considered by Council at the February 2019 OCM. At this meeting, Council resolved as follows:

THAT:

1. *The Petition lodged by Mr Christopher Saurin requesting that Council re-consider the decision regarding the proposed Coffee Kiosk at the Tourism and Information Hub be RECEIVED.*
2. *The Chief Executive Officer convene a further briefing/workshop regarding this matter as soon as practicable in order that the proposal for a coffee kiosk in the Tourism and Information Hub be clarified prior to any future consideration of this matter by Council.*

CARRIED 8-4

**Councillor Reason:**

In light of the number of residents who have signed the petition in support of a coffee kiosk in the Tourism and Information Hub, and support from several Councillors, I would request that this matter be discussed further and the City's position be clarified on this matter prior to any further consideration by Council.

Options

10. As recommended by WALGA, this matter can be closed by Council by resolving as follows:
  - a. Resolve to NOT LEASE a portion of Lot 123 York Street, Albany Tourism and Information Hub as a Coffee Kiosk; or
  - b. Resolve to RECONSIDER the proposal.
11. The motion proposed by Councillor Doughty is another option for Council to consider.
12. This matter is now a matter for Council's consideration.

**16. REPORTS OF CITY OFFICERS Nil**

**17. MEETING CLOSED TO PUBLIC Nil**

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **6.31PM**



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Dennis W Wellington  
**MAYOR**