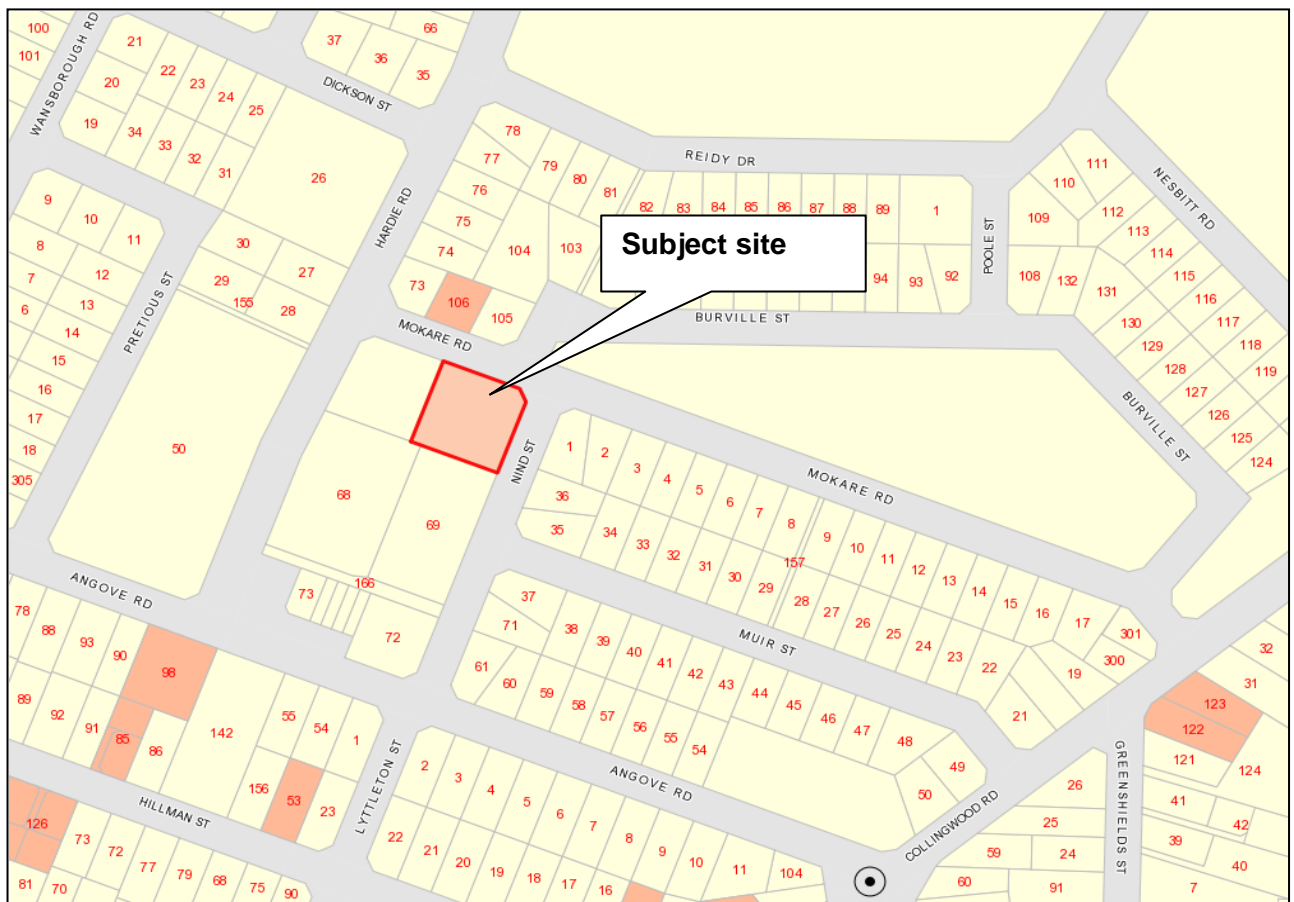


**4.4: NEW LEASE – DEPRESSION SUPPORT NETWORK ALBANY INC. – PORTION OF CROWN RESERVE 26860, SPENCER PARK**

- Land Description** : Crown Reserve 26860 and being Lot 6906 on Deposited Plan 189260 and being part of the land contained in Certificate of Title Volume LR 3082 Folio 535, Spencer Park
- Proponent** : Depression Support Network Albany Inc.
- Owner** : Crown
- Attachment(s)** : Nil
- Responsible Officer** : Executive Director Corporate Services (G Adams)
- Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider a new lease for the Depression Support Network Albany Inc. over the area portion of Crown Reserve 26860, being 39 Mokare Road Spencer Park.
- Lease term 5 years for the purpose of “Community Purposes”.

**ITEM 4.4: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the request from the Depression Support Network Albany Inc. for a new lease for the purpose of meeting facility over portion of Crown Reserve 26860 and being Lot 6906 on Deposited Plan 189260, Spencer Park subject to:**

- 1. Lease term being 5 years with an option for a further 5 year term.**
- 2. Lease rental being minimum land rate currently \$820.00 plus GST per annum.**
- 3. Lease area being approximately 630 square metres.**
- 4. Lease purpose being Community Purposes.**
- 5. Section 18 of the *Lands Administration Act 1997*, the Minister for Land's consent is obtained.**
- 6. Any relevant approvals to be received prior to the Lessee taking possession of lease premises.**
- 7. All costs associated with the development, maintenance and operations of the lease area to be payable by the proponent.**
- 8. All legal costs associated with the preparation, execution and completion of the Deed of Lease to be payable by the proponent.**
- 9. Lease being consistent with Council Policy – Property Management – Leases and Licences.**

**BACKGROUND**

1. Crown Reserve 26860 is under a Management Order H633652 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Community Purposes" for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Crown Reserve 26860, an area of approximately 2,555 square metres is located on the corner of Mokare Road and Nind Street, Spencer Park.
3. The Reserve hosts three separate tenants being: The Education Department of WA (Coolangarra's Barmah Aboriginal Kindergarten), The Department of Health (Spencer Park Child Health Centre), and the recently vacated tenant being the Albany Injury Prevention Association Inc.
4. The Dpt of Health and the Albany Injury Prevention Assoc. shared the building located at street address 39 Mokare Road. The two Lessee's premises adjoin each other via a common wall, each having a separate entry and driveway.
5. Albany Injury Prevention Association advised the City of Albany they wished to surrender their lease with the City on the 31 May 2012. At the Ordinary Council Meeting 21 August 2012 Item 4.9, Council approved the surrender request. The premises were vacated and formerly handed back to the City on the 31 August 2012.
6. An Expression of Interest (EOI) advertisement was placed in a local newspaper on the 30 August 2012, calling for submissions with regard to leasing the Community Purposes site.

7. Two submissions were received, however one applicant did not meet the required criteria, therefore was not successful.
8. The Depression Support Network Albany Incorporated did meet all relative criteria to be classified as successful as a prospective Tenant.
9. The City insures the building and City owned fixtures and fittings and on costs to the tenant. The tenant is responsible for third party indemnity insurance of not less than ten million dollars, plate glass cover and insuring their own fixtures, fittings and contents. The tenant will provide to the City a copy of insurance policies prior to the commencement of the lease.
10. The City, in accordance with Council Policy Property Management – Leases and Licences, is responsible for major or structural maintenance of the entire building, including electrical wiring.
11. The tenant is responsible for minor maintenance of the lease premises, including the grounds.

#### **DISCUSSION**

12. The Depression Support Network Albany Inc. (DSN) is a not for profit organisation. The group are a peer support organisation designated tax exempt as a Health Promotion charity.
13. Their goal is to provide hope to people living with Depressive Illness in Albany and the Great Southern region. DSN believe that peer support is an important part of the recovery journey.
14. Their aim is to educate the people of Albany and the Great Southern regarding Depressive Illness and the various mental illnesses surrounding it.
15. The DSN group plan to provide people in the region with information on what services, both professional and non-Government organisations, are available with regard to depression and its surrounding illnesses.
16. The group's Patron, Dr Andrew Knight, and Vice President, Barbara Pentecost, (mental health nurse) are available to Committee members, staff and volunteers to provide guidance and advice if needed.
17. The Depression Support Network is currently operating from the Lotteries House conference room providing mental health information and peer support to people and their friends and families who live with anxiety and depressive illness.
18. If their application to lease is successful, the group will be able to extend its programs, and offer the following activities:
  - Increase enjoyable exercise sessions for clientele. (Fitness being an important part of the recovery process.)
  - Increase social sessions to cater for different time frames.

- Establish crèche facilities during the social sessions, allowing mothers with young children to attend.
  - Establish a garden and vegetable garden as an activity, enabling participants to grow, harvest and cook their produce as a long term activity. This encourages outside activity and dietary information, both important to assist overcome the symptoms of depression.
  - Members of the medical community providing sessions to participants, encouraging participants to help themselves through the symptoms of depression illness.
  - Free counselling services, two afternoons a week, offered by a local mental health nurse.
  - Invited professionals showcasing community involvement for participants, including yoga and gym instructors, artists and local “drum beat” co-ordinators.
19. All programs would be free to participants.
20. Depression Support Network Albany currently consists of 4 registered members and 6 committee members, supported by their Patron, Dr Andrew Knight.
21. The DSN group currently has fifteen participants registered with a further number of prospective participants considering using its services. It is expected an increase in participants once the group occupy its own premises and is able to offer more programs.
22. Grant funding through “Onelife” has been approved to assist the group with its proposed relocation, operational costs and program development.
23. The proposed new lease will be negotiated in line with Council’s Policy – Property Management – Leases and Licences within the category of Community Leases.

#### **GOVERNMENT CONSULTATION**

24. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land’s consent will be sort for the proposed new Deed of Lease on Crown Reserve 26860.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks;
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes; and
  - c. A local government can then proceed with the lease.
26. Section 30 of the *Local Government (Functions & General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:

- (b) *The land is disposed of to a body, whether incorporated or not –*
- (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
  - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

27. The Depression Support Network Albany is an incorporated, not for profit health promotion charitable group, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### **STATUTORY IMPLICATIONS**

28. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
29. As this is Crown land, under Management Order H633652 issued to the City of Albany with the power to lease, for the purpose of "Community Purposes", Minister for Land's consent will be required.
30. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
31. Under the City's Town Planning Scheme 1A, the subject land is reserved "Clubs and Institutions". The proposed use of providing support and community activities for those people living with Depressive Illness can be considered under the Scheme, subject to Planning Scheme Consent being granted.
32. The Western Australian Planning Commission (WAPC) consent is not required as this is Crown land.

### **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

33. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

**Key Focus Area**

- *Organisational Performance.*

**Community Priority**

- *Policy and Procedures.*

**Proposed Strategies**

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

**POLICY IMPLICATIONS**

- 34. Council adopted a revised Property Management – Leases Policy in 2012.
- 35. This Policy aims to ensure that all requests for leases/licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
- 36. The Policy section relevant to this category of Community lease – requires the following:
  - Rent for Community groups leasing Council owned land and buildings for community purposes will be charged a rental based on Minimum Land Rates currently \$820.00 plus GST per annum.
  - Lessee must be an Incorporated body and a copy of their Articles of Association/Constitution be provided.
  - Lease to be for a term not greater than twenty one years.
  - Rental/Sublease agreements must be approved by the Landlord.
  - Lessee must have appropriate insurance pertaining to their particular activities, as a minimum, and
  - Lessee will be responsible for all maintenance of the leased property at the Lessee’s costs.
- 37. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Council does not approve a new lease – DSN would need to seek alternative premises</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.  Collaborate closely with DSN to ensure mutually agreeable outcomes.</i>

**FINANCIAL IMPLICATIONS**

- 39. The lease rental will be Minimum Land Rates \$820.00 plus GST per annum.
- 40. The new lease rental will be directed to COA 190430 Income – Other Leases.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

- 41. Council has the following options in relation to this item, which are:
  - a. Approve the request for a new lease, or
  - b. Decline the request.
- 42. Should Council decline the request, the Depression Support Network Albany Inc. would need to find an alternate location should it wish to proceed with its proposal to provide support and associated community activities for those people living with Depressive Illness.

**SUMMARY CONCLUSION**

- 43. The Depression Support Network Albany Inc. is seeking a new lease over vacant premises located on Crown Reserve 26860 for a community health facility.
- 44. The Depression Support Network Albany Inc. has received grant funding approval from Anglicare to assist with its proposed relocation and development of programs and activities.
- 45. The lease request for the Depression Support Network Albany Inc. to provide support and associated community activities is supported.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council Policy – Property Management – Leases and Licences</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li></ul>
<b>File Number (Name of Ward)</b>	PRO071, A110445 (Breaksea Ward)
<b>Previous Reference</b>	OCM 21.08.2012 Item 4.9