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# AGENDA

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## COMMUNITY AND CORPORATE SERVICES COMMITTEE

5 December 2017

6.00pm

City of Albany Council Chambers

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

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

**Community & Corporate Services Committee**  
**Terms of Reference**

**Functions:** The Committee is responsible for the following functions:

**Community Services:**

The delivery of “*Community Health & Participation Objectives*” contained in the City of Albany Strategic Plan:

- To build resilient and cohesive communities with a strong sense of community spirit.
- To create interesting places, spaces and events that reflect our community’s identity, diversity and heritage.
- To develop and support a healthy inclusive and accessible community.

**Corporate Services:**

Monitoring and commenting on the financial health and strategies of Council.

The delivery of “*Leadership Objectives*” contained in the City of Albany Strategic Plan:

- To establish and maintain sound business and governance structures.
- To provide strong, accountable leadership supported by a skilled & professional workforce.
- To engage effectively with our community.

**Economic Development:**

Considering and recommending to Council ways to strengthen the local Albany economy.

The delivery of “*Smart, Prosperous and Growing Objectives*” contained in the City of Albany Strategic Plan:

- To strengthen and grow our region’s economic base.
- To develop a smart city that supports economic growth.
- To develop and promote Albany as a unique and sought-after visitor location.

**Governance:**

- Review of Council's policies;
- Supporting Elected Members in their governance role;
- Developing amendments to existing, or new, local laws;
- Consideration of the Council's draft Strategic Plan;
- Consideration of the Council's draft Annual Report;
- Matters pertaining to the conduct of the Council's Annual General Meeting;
- Consideration of the proposed meeting schedule for Council and its Committees;
- Receiving reports from Council representatives on outside bodies, and from other bodies as determined by Council; and
- Considering matters not falling within the terms of reference of any other Council committee.

**Service Complaint Internal Review:**

- Responsible for reviewing unresolved service complaints, in accordance with the Service Complaints Policy.

**It will achieve this by:**

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

**Membership:** Open to all elected members

**Meeting Schedule:** Monthly

**Meeting Location:** Council Chambers

**Directorates:** Corporate & Community Services

**Executive Officer(s):** Executive Director Corporate Services,  
Executive Director Community Services

**Delegated Authority:** None

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**1. DECLARATION OF OPENING**

The Chair declares the meeting of the Community and Corporate Services Committee 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
<b>Councillors:</b>	
Member	P Terry (Chair)
Member	R Hammond
Member	G Stocks
Member	R Stephens
Member	B Hollingworth
Member	E Doughty (Deputy Chair)
Member	J Shanhun
Member	T Sleeman
Member	S Smith
Member	A Goode JP
Member	A Moir
Member	R Sutton

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Community Services	S Kay
Executive Director Works & Services	M Thomson
Manager Finance	D Olde

Meeting Secretary H Bell

**Apologies:**

COMMUNITY AND CORPORATE SERVICES COMMITTEE  
AGENDA – 5/12/2017

**4. DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the minutes of the Commercial, Community and Corporate Services Committee held on 14 November 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## CCS014: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2017

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

### RECOMMENDATION

#### CCS014: RESPONSIBLE OFFICER RECOMMENDATION

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2017.**

### BACKGROUND

1. The Statement of Financial Activity for the period ending 31 October 2017 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 2017/18 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 October 2017 has been incurred in accordance with the 2017/18 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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**CCS015: LIST OF ACCOUNTS FOR PAYMENT – November 2017**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Senior Accounting Officer (P Martin)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS015: RESPONSIBLE OFFICER RECOMMENDATION**

**That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2017 totalling \$4,913,077.79.**

**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 November 2017. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$ 92,963.21
Credit Cards	\$ 20,908.01
Payroll	\$ 1,257,395.57
Cheques	\$ 75,617.83
Electronic Funds Transfer	\$ 3,466,193.17
<b>TOTAL</b>	<b><u>\$ 4,913,077.79</u></b>

As at 15 November 2017, the total outstanding creditors, stands at \$387,015.78 and made up as follows:-

Current	\$ 212,758.28
30 Days	\$ 174,434.55
60 Days	\$ 0.00
90 Days	-\$ 177.05
<b>TOTAL</b>	<b><u>\$ 387,015.78</u></b>

Cancelled cheques - Nil

**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 November 2017 has been incurred in accordance with the 2017/2018 budget parameters.

**FINANCIAL IMPLICATIONS**

7. Expenditure for the period to 15 November 2017 has been incurred in accordance with the 2017/2018 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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**CCS016: DELEGATED AUTHORITY REPORTS**

**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**

**CCS016: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 October 2017 to 15 November 2017 be RECEIVED.**

**CCS017: : PROPOSED NEW LICENCE – RED DIRT COMMUNICATION PTY LTD – LOT 117 MOUNTAIN ROAD, BORNHOLM**

<b>Land Description</b>	: Lot 117 Mountain Road, Bornholm on Deposited Plan 230722 comprised in Certificate of Title Volume 2712 Folio 757
<b>Proponent</b>	: Red Dirt Communication Pty Ltd (ABN 83 158 293 648) Director/Secretary: Daniel Joseph Mills
<b>Owner</b>	: Mark Neil Jendrzeczak and Meagan Marie De Piazzzi
<b>Report Prepared by</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officer</b>	: Executive Director Corporate Services (M Cole)

**STRATEGIC IMPLICATIONS**

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

- **Theme: 1.** Leadership.
- **Objective: 1.1** To establish and maintain sound business and governance structures.
- **Community Priority: 1.1.2.** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new licence with Red Dirt Communication Pty Ltd (RDC) to formalise the current interim arrangements with RDC in order for wireless broadband internet services provided to Bornholm and surrounding areas to continue from the City's Bornholm Telecommunication facility.
- The facility is located on land privately owned at Lot 117 Mountain Road, Bornholm under a lease arrangement for the land. The lease expires in July 2022.
- Since 2015 RDC have provided telecommunication services from the site under interim arrangements with rent based on a simple cost recovery due to limited internet options available to the residents of Bornholm, Young Siding and Torbay areas.
- It is recommended that the proposed licence be approved.

**RECOMMENDATION**

**CCS017: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE a new licence to Red Dirt Communication Pty Ltd over a portion of Lot 117 Mountain Road, Bornholm subject to:**

1. Licence permitted use being to provide and maintain wireless broadband internet services.
2. Licence term being 3 years, to commence as soon as practicable.
3. Licence area of approximately 80 square metres incorporating fenced compound housing City owned telecommunication tower and hut.
4. Licence rent being \$1,660.45 plus GST per annum.
5. Licence rental being reviewed annually with CPI.
6. All costs associated with the ongoing operations of the licence premises being payable by the tenant.
7. All costs associated with the development and finalisation of the licence being met by the tenant.
8. Licence being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
9. Licence being consistent with Council Policy – Property Management (Leases and Licences).

**BACKGROUND**

1. The City's Bornholm Telecommunication facility is located at Lot 117 Mountain Road, Bornholm on privately owned land. A lease agreement is in place between the landowners and the City which expires July 2022, current annual rental being \$1,473.86.
2. In 2002, this site was originally developed by the City to service the analogue TV black spot areas. A 50-metre mast with small hut were erected within a fenced compound. In 2013, analogue TV services were switched to digital TV rendering the analogue equipment at the site redundant.
3. In 2009, Ocean Broadband identified minimal internet services available to residents west of the City. As such approached the City for use of the Bornholm facility in order to provide internet services to the area.

4. Council approved a new licence to Ocean Broadband Ltd for a term of 3 years with an option for a further 2-year term.
5. In 2015, the licence was terminated by the City as a last resort due to non-payment of rent and outgoings. It was noted that Ocean Broadband Ltd were no longer trading and had applied to be deregistered.
6. At this time, the City became aware a former director and employee of Ocean Broadband launched RDC and were operating from the Bornholm site using Ocean Broadband equipment and without consent of the City and without any rent or outgoings being met.
7. Even though the City did not own the equipment on the tower and in the hut being used by RDC, it did remain liable to Ocean Broadband for the safety of that equipment and allowing unsanctioned use and access to City property was considered an unacceptable risk to the City. For these reasons the City attempted on multiple occasions to contact RDC, with no response.
8. Given the lapse of any arrangements for use of the site and no communication from RDC, the City had no alternative but to take action. The City publically advertised its intention to turn off the power to the site, to which no responses were received.
9. This resulted in customers of RDC not having access to the internet. The City received a number of complaints from RDC customers and as a result RDC made contact with the City in order to have power restored. At the request of the City, documentation was provided that indicated transfer and ownership of the equipment from Ocean Broadband to RDC. This allowed the City to negotiate with RDC without breaching the terminated licence with Ocean Broadband.
10. At this time the City researched alternate internet options for the Bornholm and surrounding areas. It became apparent there were limited option in this area as it was not considered a viable location for other internet providers due to the low number of residents and profitability. Additionally the option of internet via satellite was considered very costly. Another local provider did express a slight interest in the site however this has since been withdrawn and NBN advised they were not interested in the site.
11. In order to restore services to the community the City agreed to an interim arrangement with RDC, on a cost recovery basis. RDC pay a monthly rental of \$152.20 which aligns with the annual licence rental paid by the previous service provider Ocean Broadband and covers the City's lease fee to the landowner. RDC have also met a \$900 refundable bond.

## **DISCUSSION**

12. The City understands that due to a variety of factors such as the minimal customer base and therefore low profitability of services there is limited interest from other service providers in the site.
13. In view of the above, it was considered that undertaking an Expression of Interest process seeking an internet provider may not be in the best interest of the current users of the existing service or return any other interested service provider.
14. As such City staff have been in discussion with RDC in an attempt to reach agreement to formalise a licence. It has been requested by RDC and agreed by City staff to progress a new licence on similar terms and conditions as the existing arrangements, including rent.

15. It is acknowledged that the current rental of \$1,660.45 + GST may be less than current market rates, however the rent is considered appropriate given the recognised low profitability of providing the service and that it may be difficult to secure a new service provider in this location.
16. In February 2017, the City contracted R-Group International to carry out an audit on all City telecommunication towers and equipment huts. It was identified that the guy wires for the Bornholm tower needed to be replaced. Quotes returned a cost of \$7,240 + GST for the replacement adding a life expectancy of a further 10 years. This work has been allocated in the 2017/18 budget.
17. In August 2017, RDC made a proposal to the City to purchase the tower, hut and fence enclosure and lease direct with the landowner.
18. Given the City does not have a current operational need for use of the facility, the proposal was presented to the landowner for consideration. However the landowner declined the offer and sought to continue to lease direct with the City.
19. RDC have recently installed solar panels and backup battery power to the site, thereby further servicing this community by reducing lost services due to power surges and outages. No known negative feedback has been received by the City from customers since RDC took over the site and the provision of broadband services.
20. The landowner has consented to a new licence with RDC.
21. The continued occupation by RDC would be formalised by a licence agreement, subject to Council approval.

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

22. No Government consultation is required as the licence area is located within privately owned freehold land.
23. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licenced land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence 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.
  - c. A local government can then proceed with the lease/licence.
24. The proposed Deed of Licence will be advertised to meet the requirements of Section 3.58 of the *Local Government Act 1995*.

#### **STATUTORY IMPLICATIONS**

25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licenced land and buildings including advertising requirements.

**POLICY IMPLICATIONS**

- 26. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
- 27. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
- 28. It is recommended that Council relax current Policy provision for commercial leases requiring market rent. This is on the basis of low profitability for the site and adequately covers the City’s rent for the site.
- 29. All other terms and conditions are consistent with the Policy.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: licence not approved</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Financial: new licence not approved – no rental income</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Undertake EOI for the vacant space</i>
<i>Opportunity: To meet the telecommunication needs of the community</i>				

**FINANCIAL IMPLICATIONS**

- 31. The City has scheduled the replacement of the Bornholm tower guy wires. The cost of these works have been quoted for \$7,240.00 plus GST and allocated in the 2017/18 budget.
- 32. The licence rental of \$1,660.45 plus GST per annum will continue to cover the City’s annual lease rental for the site.
- 33. All costs associated with the development and finalisation of the licence will be met by RDC.

**LEGAL IMPLICATIONS**

- 34. The licence agreement will be a formal Deed of Licence with enforceable terms and conditions prepared by the City’s lawyers.

**ENVIRONMENTAL CONSIDERATIONS**

- 35. There are no environmental implications.

**ALTERNATE OPTIONS**

- 36. Council may:
  - a. Approve the licence with RDC; or
  - b. Decline the licence.
- 37. Should Council not support the new licence, it is understood this will impact the internet services to the residents in the Bornholm and surrounding areas.



38. Should Council not wish to support the proposed rent, further negotiations with the tenant will be required. It is considered that further negotiations may not be successful. It is also noted that securing a new service provider in this location may prove difficult given the low profitability of service in the area.
39. Council does have the discretion to instruct City staff to undertake an Expression of Interest for the site seeking a new service provider for this area, however noting previous interest for this site was limited.

**CONCLUSION**

40. The current tenant Red Dirt Communications Pty Ltd (RDC) at the City’s Bornholm telecommunication facility has been operating under an interim agreement since 2015. This arrangement has been successful in meeting the internet needs of the customers within Bornholm and surrounding areas.
41. With support of RDC, the City proposes to formalise the current interim arrangements in place for the site.
42. The current rental paid by the tenant may be less than market rental however, it is considered appropriate to continue this rental in order to maintain internet services to Bornholm and surrounding residents in view of the marginal profitability of the area. It is also recognised that it may be difficult to secure a new service provider in this location.
43. It is recommended the new licence to RDC be approved to ensure continuity of internet services to existing users and to formalise the current arrangements.

<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>	:	PRO371, A223278 (West Ward)
<b>Previous Reference</b>	:	Nil

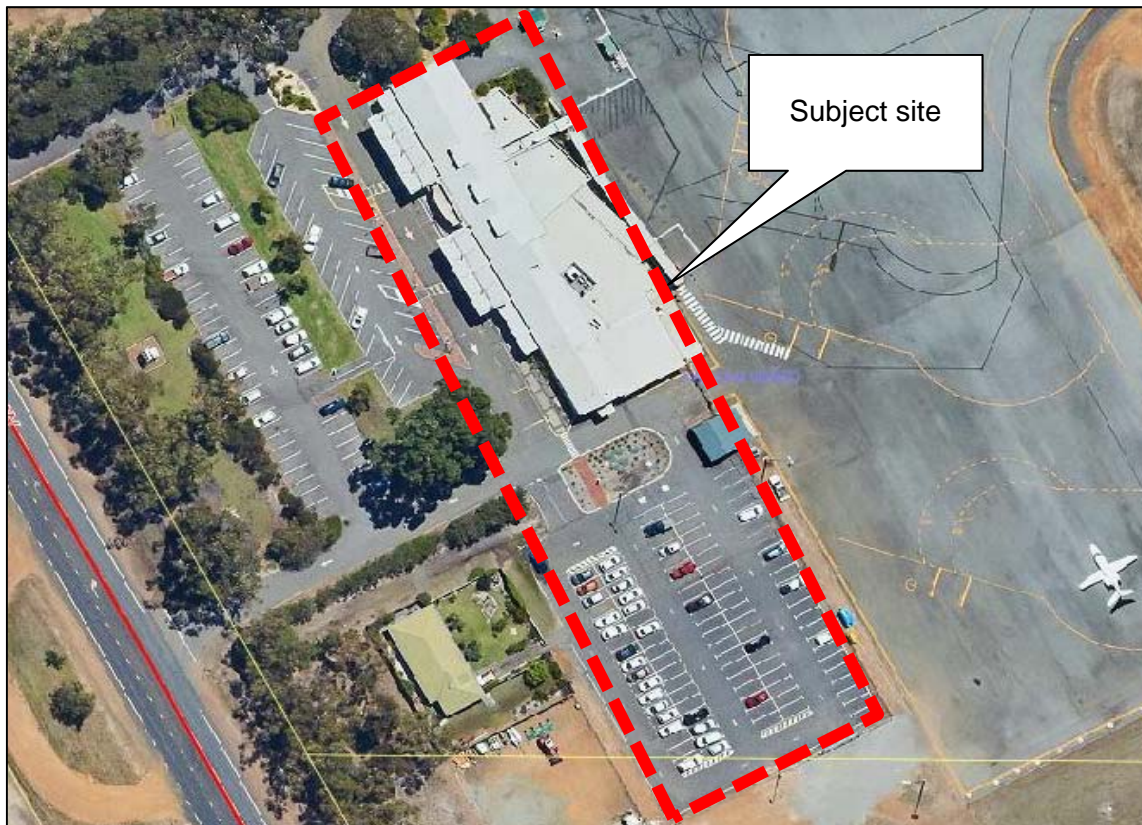
**CCS018: PROPOSED NEW LEASES – WARREN & GLORIA PORTER (AVIS) – GERALD AND JULIE VANDER ROS (BUDGET) – ALBANY REGIONAL AIRPORT**

<b>Land Description</b>	:	Lot 5643 on Deposited Plan 157458 and Lot 4861 on Deposited Plan 157338, the subject of Certificate of Title Volume 2088 Folio 492, Drome
<b>Proponents</b>	:	<ul style="list-style-type: none"><li>• Warren Neil &amp; Gloria May Porter (Avis)</li><li>• Gerald &amp; Julie Vander Ros (Budget)</li></ul>
<b>Owner</b>	:	City of Albany
<b>Business Entity Name</b>	:	<ul style="list-style-type: none"><li>• Avis Albany (ABN 93 828 835 367)</li><li>• Budget Rent A Car Albany (ABN 99 051 337 966)</li></ul>
<b>Report Prepared By</b>	:	Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers:</b>	:	Executive Director Corporate Services (M Cole)

**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:
  - **Theme: 1.** Leadership.
  - **Objective: 1.1** To establish and maintain sound business and governance structures.
  - **Community Priority: 1.1.2** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider renewing the following two leases at the Airport in order to continue existing car hire operations:
  1. Lease with Gerald and Julie Vander Ros, Budget Rent A Car Albany over kiosk area located within the Albany Airport Terminal for a term of 5 years with an option for 5 yerars.
  2. Lease with Warren and Gloria Porter, Avis Albany over kiosk area located within the Albany Airport Terminal for a term of 1 year with an option for 5 years to align with their agreement with Avis.
- Lease area includes exclusive use of 4 parking bays, with further parking bays available on request.
- The latest leases expired on 20 November 2017 and the tenants continue to occupy under holding over provisions.
- It is recommended the new leases be approved.

**RECOMMENDATION**

**CCS018: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE the following leases located at the Albany Regional Airport to:**

- 1. Gerald and Julie Vander Ros trading as Budget Rent A Car Albany.**
- 2. Warren Neil Porter and Gloria May Porter (Avis Albany).**

**Subject to:**

- a) Commercial lease permitted use being “car hire operations”.**
- b) Lease area being approximately 5.2m2.**
- c) Four exclusive parking bays to be allocated, any further bays required to undertake car hire activities can be available on a non-exclusive basis at no additional cost, subject to City approval.**
- d) Lease rent being determined by a current market valuation provided by a licensed Valuer.**
- e) Rent reviews by market valuation determined by a licensed Valuer every three years with Consumer Price Index applied for intervening years.**
- f) Lease term for G & J Vander Ros being 5 years with an option for 5 years, commencing 21 November 2017.**
- g) Lease term for WN & GM Porter being 1 year with an option for 5 years, commencing 21 November 2017.**
- 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 documentation being payable by the tenant.**
- j) Leases being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.**
- k) Leases being consistent with Council Policy – Property Management (Leases and Licences).**

## BACKGROUND

2. Car hire operations have formally operated from the Airport under lease agreements since 2001.
3. The most recent 5 + 5 year leases with Budget Rent a Car Albany (Gerald and Julie Vander Ros) and Avis Albany (Warren & Gloria Porter) expired on 20 November 2017. Tenants currently occupy the site on holding-over arrangements.
4. Current lease rental being \$6,417.45 plus GST per annum as determined by a licensed Valuer.
5. The car hire lease premises consist of a kiosk area with a customer service desk, being an area of approximately 5.2m<sup>2</sup> in the terminal plus four exclusive use parking bays in the overflow carpark.

## DISCUSSION

6. In discussion with City staff, the tenants have requested and the City has agreed that any further parking bays required in excess of the four dedicated bays will be available on a non-exclusive basis at no additional cost, subject to Airport management review and approval. This is in appreciation of the assistance provided by the car hire companies to the public.
7. The Albany Airport is a major regional Airport catering for visitors to Albany and the Great Southern region, both business and tourist. Its location, being some considerable distance from Albany central requires servicing by transport such as taxi's and car rental companies.
8. The ongoing presence of car hire companies with a base at the Airport allow airline passengers to hire vehicles direct from flights and if required, enable them to return the vehicle to the terminal in time for their departure flight.
9. Services such as this complement the flying experience in most major centres such as Albany.
10. Both Budget Rent a Car and Avis Albany have requested a renewal of their existing leases at the Airport for car hire operations to enable them to continue to service the Albany community.
11. Mr and Mrs Vander Ros (Budget Rent a Car Albany) have requested a lease term of 5 years with a further 5 year option.
12. Mr and Mrs Porter (Avis Albany) have requested a lease renewal term of 1 year with a further 5 year option to align with their current agreement with Avis.
13. The current tenants have met the obligations of their previous leases including payment of rent and complied with Airport regulations.
14. The proposed leases will be developed in line with Council Policy – Property Management (Leases and Licences).

**GOVERNMENT & PUBLIC CONSULTATION**

15. No Government consultation is required as the lease area is located within City of Albany owned freehold land.
16. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licenced land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence 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.
  - c. A local government can then proceed with the lease/licence.
17. The proposed leases will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

**STATUTORY IMPLICATIONS**

18. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licenced land and buildings including advertising requirements.

**POLICY IMPLICATIONS**

19. Council adopted a revised Property Management (Leases and Licences) Policy in July 2017.
20. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
21. The recommendation is consistent with the Policy.

**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>Reputation:</b> leases not approved.	Unlikely	Moderate	Medium	Seek to negotiate to Council
<b>Financial:</b> new leases not approved - no rental income	Unlikely	Minor	Low	Seek to negotiate to Council satisfaction
<b>Opportunity:</b> - To meet the car hire needs of visitors to Albany and to satisfy Airport business plan objectives				

**FINANCIAL IMPLICATIONS**

23. All costs associated with the development and finalisation of the leases will be met by the tenants.

**LEGAL IMPLICATIONS**

24. The commercial agreements with the car hire tenants will be a formal Deed of Lease with enforceable conditions prepared by City lawyers.

**ENVIRONMENTAL CONSIDERATIONS**

25. There are no environmental implications.

**ALTERNATE OPTIONS**

26. Council may:
- a. Approve the new lease requests; or
  - b. Decline the new lease requests.
27. Should Council not support the renewal of the leases the current tenants will be required to vacate the Airport premises and find an alternate location in order to provide car hire services to airline passengers. This may prove an inconvenience to the travelling public.

**CONCLUSION**

28. The current car hire tenants located at the Airport are seeking to renew their leases, which expired on 20 November 2017.
29. The tenants have met the obligations of their previous leases including payment of rent and compliance with Airport regulations.
30. The availability of car hire at the Airport is considered important from a tourism and business perspective as complements the Airport facility by providing a service for airline passengers.
31. It is recommended the new leases be approved.

<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>Local Government (Functions and General) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO184, A160418 (Kalgan Ward) PRO185, A160418 (Kalgan Ward)
<b>Previous Reference</b>	:	OCM 20.11 2007 Item 13.5.30

## CCS019: APPOINT THE WAEC TO CONDUCT ORDINARY AND EXTRAORDINARY ELECTIONS

**Report Prepared By** : Manager Governance and Risk (S Jamieson)  
**Responsible Officers:** : 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:
  - a. **Theme 1: Leadership**
  - b. **Objective:**
    - 1.1. To establish and maintain sound business and governance structures.
    - 1.3. To engage effectively with our community.
  - c. **Community Priorities:**
    - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - 1.3.1. Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

### In Brief:

- Agree to conduct City of Albany ordinary and extraordinary elections by postal vote.
- Declare that the WA Electoral Commissioner be responsible of the conduct of all elections until the end of 2019.

### RECOMMENDATION

#### CCS019: RESPONSIBLE OFFICER RECOMMENDATION

#### THAT Council:

1. **DECLARE** in accordance with section 4.20(4) of the *Local Government Act 1995* (the Act), that the WA Electoral Commissioner will be responsible for the conduct of all elections until the end of 2019; and
2. **DECIDE**, in accordance with section 4.61(2) of the Act, that the method of conducting the elections during this period will be postal.

### BACKGROUND

3. The current agreement between the City of Albany and the WA Electoral Commissioner to conduct postal elections for the City expires at the end of 2017.

## DISCUSSION

4. The WA Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts elections upon request under the *Local Government Act 1995* (The Act).
5. By making the Western Australian Electoral Commission (WAEC) responsible for the conduct of ordinary and extraordinary elections, the City of Albany can ensure that elections are conducted by professional, experience staff that are independent and impartial.
6. Other advantages for the City of Albany appointing the WAEC to conduct elections:
  - a. Ensures that all statutory requirements are fulfilled, noting that it is not the City's core business to run elections;
  - b. A full election report (including statistics) is prepared by the WAEC for presentation to Council;
  - c. The Returning Officer is responsible for responding to elector and candidate enquiries; and
  - d. Processes, materials and equipment used meet contemporary electoral standards.
7. Declaring the WA Electoral Commissioner to be responsible for the conduct of elections of behalf of the City of Albany until the end of 2019 is appropriate to ensure that all elections, including extraordinary elections should a vacancy arise prior to the 2019 Ordinary Election, can be conducted by the WAEC.

## GOVERNMENT & PUBLIC CONSULTATION

8. There is no requirement to conduct public consultation for this item.
9. Previous approval in accordance with section 4.20(4) of the Act was sought from the WA Electoral Commissioner, with approval being received on 23 November 2015 to conduct all elections until the end of 2017.

## STATUTORY IMPLICATIONS

10. Section 4.20(4) of the Act states: *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*
11. Voting requirement for this item is **Absolute Majority**.

## POLICY IMPLICATIONS

12. There are no policy implications related to this item.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance.</b> <i>Appointment of the WAEC to conduct elections on behalf of the City of Albany is not supported.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Elections would be conducted by City of Albany staff.</i>



**FINANCIAL IMPLICATIONS**

- 14. The cost for the WA Electoral Commission to conduct an ordinary election (postal vote) is approximately \$100,000. The cost to run an extraordinary election (postal vote) is approximately \$25,000.
- 15. Costs not included in the WA Electoral Commission estimate:
  - a. Non-statutory additional advertising and promotion;
  - b. Legal expenses other than those determined to be borne by the WA Electoral Commission in a Court of Disputed Returns; and
  - c. One local government staff member to work in the polling place on Election Day.

**LEGAL IMPLICATIONS**

- 16. There are no legal implications related to this report except for compliance with specific provisions of the *Local Government Act 1995*.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

- 18. Council may retain the current conduct of elections by postal vote, or change the method of voting to “in person” voting, in accordance with the regulations.

**SUMMARY CONCLUSION**

- 19. That the WA Electoral Commissioner be appointed to conduct ordinary and extraordinary local government elections for the City of Albany by postal vote until the end of 2019.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 15/12/2015 Item CSF209

## CCS020: ORDINARY COUNCIL MEETING AND COUNCIL COMMITTEE MEETING CALENDAR 2018

**Report Prepared By** : Manager Governance and Risk (S Jamieson)  
**Responsible Officers:** : 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:
  - a. **Theme 1: Leadership**
  - b. **Objectives:**
    - 1.1. To establish and maintain sound business and governance structures.
    - 1.3. To engage effectively with our community.
  - c. **Community Priorities:**
    - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - 1.3.1. Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

### In Brief:

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting schedule for 2018, in accordance with the *Local Government Act 1995* and its associated Regulations.

**RECOMMENDATION**

**CCS020: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, for the purpose of Public Notice:**

- 1. APPROVE the following Committee Meeting schedule for 2018:**

<b>Corporate &amp; Community Services</b>	<b>Development &amp; Infrastructure Services</b>
<i>No Meetings Scheduled for January 2018</i>	
<b>Monday 12 February 2018</b>	<b>Wednesday 14 February 2018</b>
<b>Tuesday 13 March 2018</b>	<b>Wednesday 14 March 2018</b>
<b>Tuesday 10 April 2018</b>	<b>Wednesday 11 April 2018</b>
<b>Tuesday 8 May 2018</b>	<b>Wednesday 9 May 2018</b>
<b>Tuesday 12 June 2018</b>	<b>Wednesday 13 June 2018</b>
<b>Tuesday 10 July 2018</b>	<b>Wednesday 11 July 2018</b>
<b>Tuesday 7 August 2018</b>	<b>Wednesday 8 August 2018</b>
<b>Tuesday 11 September 2018</b>	<b>Wednesday 12 September 2018</b>
<b>Tuesday 9 October 2018</b>	<b>Wednesday 10 October 2018</b>
<b>Tuesday 13 November 2018</b>	<b>Wednesday 14 November 2018</b>
<b>Tuesday 4 December 2018</b>	<b>Wednesday 5 December 2018</b>

- 2. APPROVE the proposed Ordinary Council Meeting schedule for 2018:**

- **Tuesday 27 February 2018**
- **Tuesday 27 March 2018**
- **Tuesday 24 April 2018**
- **Tuesday 22 May 2018**
- **Tuesday 26 June 2018**
- **Tuesday 24 July 2018**
- **Tuesday 21 August 2018**
- **Tuesday 25 September 2018**
- **Tuesday 23 October 2018**
- **Tuesday 27 November 2018**
- **Tuesday 18 December 2018**

- 3. AFFIRM that all Council and Council Committee meetings commence at 6.00pm.**

## BACKGROUND

2. Ordinary Council Meetings are held monthly, except January which has no meeting.
3. Ordinary Council Meetings commence at 6.00pm in the Council Chambers.
4. The Council Meeting Calendar is available the City's website.

## DISCUSSION

5. Responsible Officer Reports (that form the Agenda for Ordinary Council meetings) are first presented to Council Committees for review and recommendation to Council.
6. These Committees are open to the public and held prior to the Ordinary Council meetings to provide the public the opportunity to address Council on matters that affect them personally or their community.
7. Meetings of Council which are open to the public commence at 6.00pm to help facilitate attendance by working members of the public and councillors.
8. Council may consider this an appropriate time to review the start time of meetings.

## GOVERNMENT & PUBLIC CONSULTATION

9. **Meeting Start Times:** Previous community feedback requested that meetings be held at no earlier than 6.00pm.
10. **Reschedule of Meeting Date:** The proposed date of the Corporate & Community Services Committee meeting for the month of February has been rescheduled to Monday 12<sup>th</sup> February 2018, to enable attendance by elected members at a civic function for the 10<sup>th</sup> Anniversary of the National Apology to the Stolen Generations to be held on Tuesday 13 February 2018.

## STATUTORY IMPLICATIONS

11. It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.
12. In accordance with *Local Government Act 1995*, section 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:  
*“(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*  
*(a) the ordinary council meetings; and*  
*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*  
*(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*
13. Voting requirement for this item is **Simple Majority**.

## POLICY IMPLICATIONS

14. There are no policy implications related to this item.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance.</b> <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings and Council Committee Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Give Local Public Notice of the proposed dates and times or as amended by Council prior to January 2018.</i>

### FINANCIAL IMPLICATIONS

16. A budget line exists for the cost of Local Public Notice and advertising.

### LEGAL IMPLICATIONS

17. Local Public Notice must be given to ensure legislative compliance.  
18. Changes to dates and times must also be advertised publically.

### ENVIRONMENTAL CONSIDERATIONS

19. There are no direct environmental considerations related to this item, however, an efficient meeting schedule will reduce wasted resources (time, travel and office consumables).

### ALTERNATE OPTIONS

20. Council may consider alternate days, dates, committee meeting order and timings.

### SUMMARY CONCLUSION

21. It is recommended that the proposed meeting schedule is approved.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Administration) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• OCM 13/12/2016 Item CSF289</li> <li>• OCM 15/12/2015 Item CSF209</li> </ul>

**CCS021: CITY OF ALBANY SMOKE FREE OUTDOORS POLICY**

<b>Attachments</b>	: DRAFT City of Albany Smoke Free Outdoors Policy
<b>Report Prepared By</b>	: Manager Community Development (R Param)
<b>Responsible Officers:</b>	: Executive Director Community Services (S Stevens)

**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:
  - **Theme:**
    - Community Health & Participation
    - A Connected & Safe Built Environment
  - **Objective:** To develop and support a healthy, 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.
    - Deliver programs and advocate for specialist services that improve public health and wellbeing in line with the Public Health Act 2016 and growing community expectations

**In Brief:**

- As a provider of key community facilities and events, the City of Albany is in a strong position to influence the community's exposure to the documented harmful effects of second-hand tobacco smoke, by creating smoke-free outdoor public areas.

**RECOMMENDATION**

**CCS021: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE the attached City of Albany Smoke Free Outdoors Policy for all outdoor public spaces, access-ways, and entrances of all City of Albany owned and managed facilities and events.**

**BACKGROUND**

2. In Western Australia, following the introduction of the Tobacco Products Control Regulations 2006<sup>1</sup>, state legislation was amended resulting in the release of the Tobacco Products Control Amendment Act 2009<sup>2</sup> which prohibit smoking in all enclosed public places and several outdoor areas including:
  - a. ban on the display of tobacco products and smoking implements in retail premises, but allows "specialist retailers" to continue displaying tobacco;
  - b. ban on smoking in all outdoor eating areas (i.e. public place provided on a commercial basis where people eat or drink sitting at tables e.g. restaurants, hotels, cafes, and food outlets). Note: liquor licensed premises that are not the subject of a restaurant licence may allocate a smoking zone up to 50% of all outdoor areas, provided the area is not already an "enclosed public place." Note - staff in a liquor licensed premise

<sup>1</sup> Tobacco Products Control Regulations 2006 (WA) Available at <https://www.slp.wa.gov.au>

<sup>2</sup> Tobacco Products Control Amendment Act 2009 (WA) Available at <https://www.slp.wa.gov.au>

- must not be forced to provide service in a smoking zone and cannot be dismissed for refusing to do so;
- c. ban on smoking in cars with children under 17 years present;
  - d. ban on smoking within 10 metres of children's playground equipment; and
  - e. ban on smoking between the flags of patrolled beaches.
3. Local governments are able to use the *Local Government Act 1995* to develop and implement local laws to regulate activities in thoroughfares and public places, including prohibiting smoking.
  4. In 2011, The City adopted the *Local Government Property Local Law 2011* that prohibits smoking on premises owned by the City of Albany or under the care and control of the City of Albany.
  5. However, the Local Property Local Law 2011 only applies to “premises” meaning a building, stadium or similar structure which is local government property, but not an open space such as a park, a playing field or town square.
  6. Over recent years there has been increasing community awareness of the harmful effects of second-hand smoke, which has led to many Australian communities accepting and expecting the creation of smoke-free areas, both indoors and outdoors.
  7. To date, many interstate Councils (including over 50 NSW Councils) have introduced smoke-free outdoor areas within their localities either via policy or local law, covering a variety of areas including: sporting fields, Council-run and sponsored events, beaches, reserves and parks.<sup>3</sup>
  8. A number of Western Australian councils have also introduced smoke-free outdoor areas (beyond those areas already legislated) within their jurisdictions.
  9. In 2016, the City of Albany released its Council-endorsed Public Health Plan, which makes the commitment to “reduce community exposure to environmental tobacco smoke through enforcement of tobacco legislation and regulation” via the following actions by the end of 2018/2019:
    - Continue to vigorously enforce the legislation to reduce access of tobacco to minors.
    - Commence planning for a smoke free shopping precinct.
    - Smoke free policy for all council events and facilities ratified.
    - Extend smoking restrictions on all playgrounds and beaches.
    - Increase education in regards to smoking restrictions.
  10. These actions were developed in response to community and staff consultation which identified:
    - Continued issues with members of the public (and at times, staff) congregating and smoking at or near facility entrances such as Albany Leisure & Aquatic Centre, Albany Public Library, Albany Town Hall, and Albany Regional Daycare Centre.
    - The prevalence and detrimental effects of second hand smoke in public places.

### **Current City of Albany Smoke-Free Strategies**

11. The City of Albany Smoke-Free Workplace Policy applies to all work areas including work vehicles for all employees, contractors, visitors and volunteers, and prohibits smoking at all times on all the City of Albany premises (except in designated areas), open spaces and in work vehicles.
12. Section 19e of the current [City of Albany Guideline: Responsibilities of Contractors](#), sets out the smoking code of conduct for contractors undertaking work on behalf of the City.

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<sup>3</sup> <https://www.cancercouncil.com.au/wp-content/uploads/2011/10/SmokeFree-FactSheet3.pdf>

13. “No Smoking” signage is displayed at the entrance of most City-managed public access buildings.
14. Healthway-sponsored events are promoted as smoke-free.
15. The City’s Administration Building has a Designated Smoking Area (DSA) for staff and visiting dignitaries.
16. There are no publicly advertised DSA’s for other City public spaces or buildings.

## DISCUSSION

17. It is proposed that the City implement a Smoke-Free Outdoors Policy for all outdoor public spaces, access-ways, and entrances of all City owned and managed facilities and events:
  - To enable a more clear and consistent approach to smoke-free promotion and compliance in outdoor areas under the City’s jurisdiction, and;
  - To increase community awareness, acceptance of and support for, smoke-free outdoor areas in preparation for the progression of other key Public Health Plan smoke-free actions:
    - Commence planning for a smoke free shopping precinct;
    - Extend smoking restrictions on all playgrounds and beaches.
18. In the Great Southern region, 13.8% of people smoke<sup>4</sup> and lung cancer is the leading cause of avoidable death in the region<sup>5</sup>.
19. Major reviews of the evidence on health effects of passive smoking (the inhalation of other people’s tobacco smoke) conclude that there is no safe level of exposure to second-hand smoke, and it causes premature death and a range of diseases in both adults and children<sup>6</sup>.
20. Exposure to second-hand smoke increases when people are under an overhead cover and as the number of nearby people who are smoking increases<sup>7</sup>. Therefore, in outdoor areas where people tend to congregate, the presence of people smoking can present a potential health risk to non-smokers. A smoke-free environment is the only way to fully protect non-smokers from the dangers of second-hand smoke.
21. Local government is a provider of social infrastructure on behalf of its community and has the ability to engage and inform the public.
22. A Smoke-Free Policy would focus on areas where the council has responsibility and the greatest influence on public health and de-normalising smoking: assets and facilities; public places; events; and informing the public.
23. Introducing a Smoke-Free Outdoors Policy is not a statement or judgement upon smokers. It does not tell people not to smoke, but asks people not to smoke in certain public spaces to reduce exposure to the harm caused by second-hand smoke.
24. With this in mind, it is expected that the Council would be more likely to get public compliance with the Policy if it focusses on the positive and avoids any punitive or disciplinary aspect.

## Proposed Implementation

25. The Policy would apply to all outdoor public spaces, access-ways, and entrances of all City-owned and managed facilities and events, as listed below:

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<sup>4</sup> [WA Country Health Service Great Southern Health Profile 2012](#), p31

<sup>5</sup> [WA Country Health Service Great Southern Health Profile 2012](#), p45

<sup>6</sup> [Cancer Council Position Statement: Health Risks of Passive Smoking](#), p1

<sup>7</sup> Cameron M, Brennan E, Durkin S, Borland R, Travers MJ, Hyland A, et al. Secondhand smoke exposure (PM2.5) in outdoor dining areas and its correlates. *Tob Control*. 2010;19(1):19-23.



<b>Sports &amp; Recreation Facilities</b>	<ul style="list-style-type: none"> <li>Albany Leisure &amp; Aquatic Centre</li> <li>Centennial Park Precinct (including playing grounds)</li> </ul>
<b>Arts &amp; Community Facilities</b>	<ul style="list-style-type: none"> <li>Albany Heritage Park</li> <li>Town Hall</li> <li>Town Square</li> <li>Albany Public Library and Visitors Centre</li> <li>Vancouver Arts Centre</li> <li>Albany Regional Day Care Centre</li> </ul>
<b>Service Facilities</b>	<ul style="list-style-type: none"> <li>Albany Airport</li> <li>Administration Building</li> <li>City Depot</li> <li>Bush Fire Stations</li> <li>Animal Welfare Facility</li> <li>Waste Management Facilities</li> </ul>
<b>Outdoor Community Events Leased Buildings &amp; Facilities</b>	

26. The Smoke Free Outdoors Policy will be implemented by the Community Services Directorate in collaboration with other relevant business units, as follows:

<b>Nov/Dec 2017</b>	<ul style="list-style-type: none"> <li>Present proposal to Executive Management Team for endorsement.</li> </ul>
	<ul style="list-style-type: none"> <li>Proposed Policy tabled at Ordinary Council Meeting for adoption.</li> </ul>
<b>Jan – July 2018</b>	<ul style="list-style-type: none"> <li>Develop and implement a comprehensive community engagement plan. <i>(to involve community in the development/implementation of new smoke-free areas and site-specific smoke-free outdoors strategies).</i></li> </ul>
<b>July 2018 - Dec 2019</b>	<ul style="list-style-type: none"> <li>Develop site-specific implementation and communications plans <i>(a phased approach to implementation may be considered, with priority sites addressed first, such as those most commonly accessed by children).</i></li> </ul>

#### Elected Member Involvement

27. Councillors may wish to be public ‘champions’ of the Policy and be involved in relevant public engagement/media opportunities associated with the City’s smoke-free outdoors strategies.

#### Monitoring & Evaluation

28. A comprehensive evaluation plan to monitor and assess the impact and effectiveness of the Policy and implementation strategies will be developed.

#### GOVERNMENT & PUBLIC CONSULTATION

29. The development of this Policy is an action of the City’s Public Health Plan which was identified in consultation with the Albany community.

#### STATUTORY IMPLICATIONS

30. N/a

## POLICY IMPLICATIONS

31. The proposed Smoke Free Outdoors Policy will largely rely on community members, user groups, and visitors to self-enforce signage provided in smoke-free areas. The signage will be reinforced by Policy promotion and engagement strategies undertaken by the City with the community and community groups.
32. The Policy will include a non-compliance strategy for staff to follow when the Policy is breached by members of the public.
33. Enforcement of existing State Tobacco Control Regulations that apply to alfresco dining areas, children’s playgrounds, and patrolled beaches will continue to be undertaken by City of Albany Environmental Health Officers, police officers, and Department of Health investigators either via the issue of penalties or infringement notices.
34. Enforcement of the City’s Local Government Property Local Law 2011 Determination 2.2(a) will continue to be undertaken by Ranger Services.
35. Policy implementation may result in an increase in the number of smokers seeking cessation assistance or support from local health services.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Community</b></p> <ul style="list-style-type: none"> <li>• Perceived and experienced exclusion of community members who smoke from participating in community events and activities.</li> <li>• Smoke free signage and communications are ignored and people continue to smoke in new smoke-free areas.</li> </ul>	<p><i>Likely</i></p> <p><i>Possible</i></p>	<p><i>Minor</i></p> <p><i>Moderate</i></p>	<p><i>Medium</i></p> <p><i>Medium</i></p>	<ol style="list-style-type: none"> <li>1. Media and communications strategy to manage community expectations.</li> <li>2. Provision and promotion of Designated Smoking Areas at relevant sites/events</li> <li>3. Develop site-specific implementation plans which take into account specific user and population groups.</li> <li>4. Partner with stakeholder groups to deliver the Policy.</li> <li>5. Include the promotion of smoking cessation support resources in communications to community.</li> <li>6. Ensure ongoing evaluation of smoke free strategies and any changes in outdoor smoking behaviours and adjust strategy accordingly.</li> <li>7. Funds to be allocated in forward budgets to implement Policy strategies.</li> </ol>
<p><b>Reputational</b></p> <p>Damage to relationships with some community groups/clubs who do not support the policy.</p>	<p><i>Possible</i></p>	<p><i>Minor</i></p>	<p><i>Medium</i></p>	<ol style="list-style-type: none"> <li>8. Comprehensive communication and engagement plan to involve community and stakeholders in the development and implementation of smoke-free policy and strategies, and to widely and continually inform the public and stakeholders of the Policy.</li> </ol>
<ul style="list-style-type: none"> <li>• Perception by some community members (including local media) of ‘over-policing’.</li> </ul>	<p><i>Possible</i></p>	<p><i>Moderate</i></p>	<p><i>Medium</i></p>	

<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Increased littering of cigarette butts on site peripheries.</li> </ul>	<p>Likely</p>	<p>Moderate</p>	<p>High</p>	<p>9. Develop a risk management plan for managing smoke free areas and events (i.e. provision of Designated Smoking Areas with ashtrays/butt bins).</p>
<p><b>Opportunity:</b> Implementing the Policy would visibly action the City’s commitment to supporting community health and wellbeing and promote Albany as a regional local government leader in this space, as well as:</p> <ul style="list-style-type: none"> <li>Delivering a range of health benefits for community members and visitors</li> <li>Reducing the visibility of smoking to children and youth in the Albany community</li> <li>Providing supportive environments for smokers who are trying to quit</li> <li>Decreasing in littering of cigarette butts , cost of removal, and associated fire risk</li> <li>Supporting the <a href="#">requirements of Healthway sponsorship</a></li> </ul>				

**FINANCIAL IMPLICATIONS**

- 37. Direct costs to the City would include the design, purchase and installation of signage (where necessary), and the design and purchase of promotional material and public advertising.
- 38. Administrative costs would include staff time for Policy consultation, development, planning, and implementation, and for the delivery of communications, engagement, and education activities.

**LEGAL IMPLICATIONS**

- 39. Smoking is prohibited under the City of Albany Local Government Property Local Law 2011, which states:  

**“2.2 Activities prohibited on local government property**  
*(a) A person shall not smoke on premises owned by the local government or under the care and control of the local government.”*
- 40. Noting the definition of the term premises under clause 2.8 limits the application:  

**“2.8 Activities which may be prohibited on specified local government property**  
*(1) In this clause — “premises” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.”*

**ENVIRONMENTAL CONSIDERATIONS**

- 41. Besides the public health impacts, it is understood that smoking significantly affects the atmosphere through the release of smoke and it also contributes to land and water pollution through the illegal disposal of cigarette butts. The dumping of cigarette butts is also known to be a significant cause of bushfires, which results in serious damage to the environment.

**ALTERNATE OPTIONS**

- 42. Continue with current arrangements. The implications of this action include:
  - The Council failing to deliver on the commitment made in its Public Health Plan
  - Ongoing issues raised by community members and staff regarding the prevalence and detrimental effects of second hand smoke in outdoor public places.
- 43. To introduce a Smoke-Free Outdoors bylaw. The implications of this action include:
  - Significant costs to ratepayers from bylaw enforcement either via City staff issuing infringement notices or prosecuting individual offenders.
  - Reputational damage due to public perception the City is deploying punitive measures.

**CONCLUSION**

44. Should the Council resolve to support the implementation of a Smoke-Free Outdoors Policy, it is recommended that the City inform the relevant local health agencies and support services of the Council's decision.

<b>Consulted References</b>	:	Local Government Property Local Law 2011 City of Albany Public Health Plan
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**