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# MINUTES

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Ordinary Meeting of Council

Tuesday 24 March 2020

6.00pm

City of Albany Council Chambers

ORDINARY COUNCIL MEETING  
MINUTES 24/03/2020

CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



ORDINARY COUNCIL MEETING  
MINUTES 24/03/2020

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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 past, present and emerging”.*

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Breaksea Ward	R Hammond
Frederickstown Ward	G Stocks (Deputy Mayor)
Kalgan Ward	E Doughty
Kalgan Ward	M Benson-Lidholm JP
Vancouver Ward	T Sleeman
Vancouver Ward	J Shanhun
West Ward	A Goode JP
Yakamia Ward	C Thomson
By Skype for Business	
Breaksea Ward	P Terry
Frederickstown Ward	R Stephens
West Ward	S Smith
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	D Olde
Executive Director Infrastructure, Environment & Development	P Camins
Manager Governance & Risk & Airport Operations	S Jamieson
Meeting Secretary	H Bell
Apologies:	
Yakamia Ward	R Sutton
Executive Director Community Services	S Kay

Two members of the media and approximately 11 members of the public were in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Sleeman	CCS228	Impartiality. The nature of the interest being that the Albany Volunteer Service, which Councillor Sleeman manages, applied for the same funding. Councillor Sleeman remained in the Chamber and participated in the discussion and vote for this item.
Councillor Sleeman	CCS231	Impartiality. The nature of the interest being that Councillor Sleeman sits on the Lotteries House Committee. Councillor Sleeman remained in the Chamber and participated in the discussion and vote for this item.
Councillor Doughty	CCS227	Impartiality. The nature of the interest being that Councillor Doughty is Regional Manager of St John Ambulance whom the City is paying for training and event support. Councillor Doughty remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.02pm Mayor Wellington  
Summary of key points:

The Mayor informed Council that all meetings until further notice will be conducted using either teleconferencing or video conferencing. No Councillors will be in attendance personally at meetings, and meetings will not be open to the public.

There is currently one confirmed COVID-19 case in the Great Southern.

The Mayor also advised that several City of Albany business units had been closed due to the pandemic, including the Library, Albany Leisure and Aquatic Centre, National Anzac Centre, Albany Visitor Centre and the Tip Shop at the Hanrahan Road Waste Facility.

The Mayor stated that this was a time for everyone to work together to keep our community safe.

6.05pm Councillor Shanhun  
Summary of key points:

Councillor Shanhun, as Chair of the Local Emergency Management Committee, said that all external agencies who are members of the LEMC have plans in place to deal with the current pandemic, and all were focused on keeping the community safe.

6.07pm Councillor Sleeman  
Summary of key points:

Councillor Sleeman informed Council that 26 people attended the latest Breakfast in the Park for a free meal. Councillor Sleeman also said that the Meals on Wheels kitchen is closed to members of the public attending in person, but the meal delivery service is uninterrupted. Albany Volunteer Association is assisting volunteers where they can and have offered services and support where necessary.

6.09pm Councillor Doughty  
Summary of key points:

Councillor Doughty said **this situation has not been seen before and “books are being written about it”**. As Regional Manager of St John Albany she is also aware of the situation unfolding and what the crews are facing. It is now even more important for us all to work together and support all in the community including businesses, families and others.

6.12pm Councillor Terry  
Summary of key points:

Councillor Terry thanked the State and Federal Governments on their stimulus packages. Councillor Terry stated that the City needs to support local businesses and come up with innovations.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6.13pm Mr Kevin Shanhun, Friends of Emu Point  
Summary of key points:

Mr Shanhun addressed Council regarding DIS202: Dog Exercise Area-Emu Point Western Swimming Beach.

Mr Shanhun spoke on behalf of the Friends of Emu Point in support of the Alternate Motion by Councillor Hammond regarding this matter.

6.18pm Mr Rodney Wright  
Summary of key points:

Mr Wright addressed the council regarding DIS202: Dog Exercise Area-Emu Point Western Swimming Beach

Mr Wright acknowledged the leadership of the Council. Mr Wright had previously written a letter to Council regarding the section of Dog Beach in question and supported the Alternate Motion by Councillor Hammond regarding this matter.

6.22pm Mr Stephen McLean, South Coast Highway, McKail  
Summary of key points:

Mr McLean requested confirmation from Council that they had received the petition lodged by residents requesting the installation of a cycle path on South Coast Highway between Bottlebrush Road and Charles Street, Gledhow.

The Mayor responded to Mr McLean advising that the Petition was being received by Council this evening.

6.27pm There being no further speakers the Mayor declared Public Question Time Closed.

8. APPLICATIONS FOR LEAVE OF ABSENCE NIL

9. PETITIONS AND DEPUTATIONS

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN

SECONDED: COUNCILLOR HAMMOND

THAT the Petition requesting that the City construct a cycle way on the section of South Coast Highway between Bottlebrush Road and Charles Street, Gledhow be RECEIVED.

CARRIED 9-0

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR SLEEMAN

THAT the minutes of the Ordinary Council Meeting held on 25 February 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

Note:

Report Item CCS235: Approval for Attendance at Meeting by Telephone was considered as the first order of business in order to allow Councillors Stephens, Terry and Smith to participate fully in the meeting.

## CCS210: NATIONAL ANZAC CENTRE – Q2 2019-20 REPORT

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2019/20 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Responsible Officer(s)</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 or Corporate Business Plan informing plans or strategies
  - **Key Theme:** Smart Prosperous and Growing.
  - **Strategic Objectives:** To strengthen our region's economic base; and
    - To develop and promote Albany as a unique and sought after destination.
  - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
    - Promote the Albany region as a sought after and iconic tourism destination.

#### In Brief:

- To provide Council with an update on the Q2 2019-20 performance of the NAC.

### RECOMMENDATION

**CCS210: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT the NAC Operational Report for Q2 2019-20 be RECEIVED.**

**CARRIED 11-1**

#### Record of Vote

Against the Motion: Councillor Terry

**CCS210: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SLEEMAN**

**THAT consideration of this report be DEFERRED to the March 2020 Ordinary Council Meeting.**

**CARRIED 13-0**

#### Reason:

Executive Director Community Services advised that further information would be provided to Council prior to this report being considered at the March 2020 Ordinary Council Meeting.

**CCS210: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the NAC Operational Report for Q2 2019-20 be RECEIVED.**



**CCS210: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

**CCS210: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the NAC Operational Report for Q2 2019-20 be RECEIVED.

**BACKGROUND**

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards. Historically, the NAC Advisory Group had been meeting quarterly since convening.
6. It was agreed in November 2018 that the NAC Advisory Group would meet twice a year. The next meeting is planned for Friday 24 April 2020.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

**DISCUSSION**

9. Q2 2019/20 achieved an overall total visitation number of 340,569 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 65,916 visitors per year.
10. Total visitation for Q2 2019/20 decreased by 1,740 visitors compared to the same period in 2018/19.
11. The visitation in Q2 2019/20 from the Great Southern Region totalled 310 people, consisting of 72% of visitors from Albany, 8% Mt Barker, 6% Katanning, 5% Denmark and a range of 1% - 4% from Lake Grace, Gnowangerup, Frankland, Narrikup, and Wellstead.
12. The total visitation in Q2 2019/20 originated from Western Australia (57%) and interstate (43%).
13. Visitors from other States and Territories consisted of 37% from NSW, 24% from VIC, 24% from QLD, 11% from SA, followed by ACT, TAS and NT all with similar figures between 1-3%.
14. Of the total 12% of international visitors, 15% of these visitors originated from New Zealand, 50% from United Kingdom, 8% from USA, and 6% from Singapore.
15. Revenue generated in Q2 2019/20 by the NAC was \$40,299 less compared to the same period in 2018/19 and \$15,966 increase for the same period in 2017/18. The Forts Store revenue of \$126,389 saw a decrease of \$17,966 compared to the same period in 2018/19.

16. Average retail spend per head for 2019/20 Q2 reached \$10.20, an increase from same period last year of \$10.07.
17. As at the end of Q2 2019/20, 4,778 local residents were members of the NAC League of Local Legends program, with 641 joining during Q2.
18. The NAC had 187 non-local paying visitors in Q2 2019/20 as a result of the NAC League of Local Legends program.
19. In Q2 2019/20, progression of 2 major projects being, phase one of the NAC Refresh and Hidden Stories of the Fortress grant works for Princess Royal Fortress continued.
20. Mayor Dennis Wellington, CEO Mr Andrew Sharpe and ED Community Services Susan Kay are visiting Canberra in early March, 2020 to begin discussions regarding subsidies and partnerships with the Federal Minister for Veteran Affairs and the Australian War Memorial.
21. Those discussions will explore the opportunity for the NAC to become an annex of AWM, and/or the possibility of the City of Albany forming a partnership or Memorandum of Understanding with the Federal Government to assist with the ongoing management and funding of the Heritage Precinct including the NAC.
22. Retail consultant, Terrific Trading Incorporated, completed a review process on the Fort Store and Albany Visitor Centre retail outlets to identify any opportunities for improvement. Terrific Trading has had an initial visit to both sites. They provided preliminary recommendations, a short term improvement plan and training workshops during November 2019, with a follow up longer term action plan by February 2020.

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

23. Not Applicable.

#### **STATUTORY IMPLICATIONS**

24. Not Applicable.

#### **POLICY IMPLICATIONS**

25. Not Applicable.

#### **RISK IDENTIFICATION & MITIGATION**

26. Nil.

#### **FINANCIAL IMPLICATIONS**

27. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at 31 December 2019.
  - a. Full year operating expenditure budget includes:
    - i. \$221,000 of costs from accounts that are “shared” across the AHP. A total of \$869,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$869,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$90,000 of the \$221,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY19/20 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$915,000	\$434,044	\$484,095	\$50,051
Operating Expenditure	\$(582,589)	\$(284,104)	\$(242,028)	\$42,076
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$332,411</b>	<b>\$149,940</b>	<b>\$242,067</b>	<b>\$92,127</b>
Indirect Expenses	\$(221,454)	\$(113,327)	\$(88,868)	\$24,459
<b>Net Operating Income/(Expense)</b>	<b>\$110,957</b>	<b>\$(36,613)</b>	<b>\$153,199</b>	<b>\$116,586</b>
Capital Expense	\$(730,000)	\$(100,000)	\$(16,474)	\$83,526
<b>Total</b>	<b>\$(619,043)</b>	<b>\$(63,387)</b>	<b>\$136,725</b>	<b>\$200,112</b>

**LEGAL IMPLICATIONS**

28. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

29. Nil.

**ALTERNATE OPTIONS**

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

**SUMMARY CONCLUSION**

31. Overall Q2 2019/20 has shown a steady hold in numbers visiting the NAC, this is pleasing after having the popular Field of Light installation close in April 2019. Q2 has shown slightly lower numbers compared to 18/19 same period, yet comparable to Q2 17/18.

32. An increase in the retail spend per head in the Fort Store has seen the Q2 average \$10.05 up by \$3.96 since 2015/16 as the first full year of trading. This is a positive contribution to revenue for the AHP precinct as a whole and demonstrates that the Store merchandise is attracting visitors and staff are marketing merchandise of interest.

33. Interest in the Princess Royal Fortress and exhibitions also continues to generate visitation to the NAC. Supporting figures of Q2 2019/20 saw 1187 people take part in Princess Royal Fortress Tours, 174 more people than Q1. The release of free educational activity sheets for families to use while visiting, along with the information hub has also enhanced the experience. An increase of tour times on offer has also been implemented to support visitor experience.

34. Overall Q2 saw steady figures of attendance in the NAC, Princess Royal Fortress and Fort Store sales. This is pleasing due to the previous year having the additional incentive for visitors to view the Field of Lights installation. Opportunities to promote the NAC have been embraced over Q1 and Q2 with 5<sup>th</sup> Year Anniversary celebrations, the League of Local Legends extended program and an industry familiarisation night.

<b>Consulted References</b>	:	Nil.
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	Nil.

## CCS226: FINANCIAL ACTIVITY STATEMENT – JANUARY 2020

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Statement of Financial Activity
<b>Report Prepared by</b>	: Acting Manager Finance (S Van Nierop)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

### RECOMMENDATION

#### CCS226: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT the Financial Activity Statement for the period ending 31 January 2020 be RECEIVED.**

**CARRIED 12-0**

#### CCS226: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR STEPHENS**

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

**CARRIED 10-0**

#### CCS226: RESPONSIBLE OFFICER RECOMMENDATION

**THAT the Financial Activity Statement for the period ending 31 January 2020 be RECEIVED.**

### BACKGROUND

1. The Statement of Financial Activity for the period ending 31 January 2020 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 2019/20 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 30 January 2020 has been incurred in accordance with the 2019/20 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.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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**CCS227: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2020**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (S Van Nierop)  
**Responsible Officers:** : Acting Executive Director Corporate & Commercial Services (D Olde)

**RECOMMENDATION**

Councillor Doughty declared an Impartiality Interest in this item. Councillor Doughty remained in the Chamber and participated in the discussion and vote for this item.

**CCS227: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN**  
**SECONDED: COUNCILLOR GOODE**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2020 totalling \$6,899,239.84 be RECEIVED.**

**CARRIED 12-0**

**CCS227: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR SLEEMAN**

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

**CARRIED 10-0**

**CCS227: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2020 totalling \$6,899,239.84 be RECEIVED.**

**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 February 2020. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$10,394.37
Payroll	\$2,344,363.27
Cheques	\$108,701.42
Electronic Funds Transfer	\$4,435,780.78
<b>TOTAL</b>	<b>\$6,899,239.84</b>

As at 15 February 2020, the total outstanding creditors stands at \$1,122,232.38 and is made up as follows:-

Current	\$558,795.85
30 Days	\$564,250.23
60 Days	-\$813.70
90 Days	\$0.00
<b>TOTAL</b>	<b>\$1,122,232.38</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 February 2020 has been incurred in accordance with the 2019/2020 budget parameters.

### FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 February 2020 has been incurred in accordance with the 2019/2020 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 & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

<b>File Number (Name of Ward)</b>	<b>:</b>	FM.FIR.2 - All Wards
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**CCS228: DELEGATED AUTHORITY REPORTS – JANUARY 2020 TO  
FEBRUARY 2020**

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

**BACKGROUND:**

Councillor Sleeman declared an Impartiality Interest in this item. Councillor Sleeman remained in the Chamber and participated in the discussion and vote for this item.

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

**RECOMMENDATION**

**CCS228: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR SHANHUN**

**THAT the Delegated Authority Reports 16 January 2020 to 15 February 2020 be RECEIVED.**

**CARRIED 12-0**

**CCS228: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SLEEMAN**

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

**CARRIED 10-0**

**CCS228: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 January 2020 to 15 February 2020 be RECEIVED.**



**CCS229: COMMUNITY DEVELOPMENT STRATEGY**

**Proponent / Owner** : City of Albany  
**Attachments** : Community Development Strategy  
**Report Prepared By** : Senior Community Development Officer (T Flett)  
**Responsible Officers:** : Executive Director Community Services (S Kay)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan informing plans or strategies:
  - **Theme:** Community Health & Participation
  - **Objective:** To build resilient and cohesive communities with a strong sense of community spirit.
  - **Community Priority:** Promote and develop an authentic sense of community by developing programs and services that make people feel welcome, involved and connected to each other.

**In Brief:**

- Adoption of the City of Albany Community Development Strategy 2019-2022.
- The City's Community Development Strategy will provide a framework for the activities of the Community Development Officers for the next three years.
- The Strategy has been developed through a period of research and community consultation, and builds on the work of previous Strategies to support communities reach and sustain their potential.

**RECOMMENDATION**

**CCS229: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN**  
**SECONDED: COUNCILLOR STOCKS**

**THAT Council:**

1. **ENDORSE** the updated Community Development Strategy 2019-2022 for public comment; and
2. Pending no objections being received during the public comment period, **ADOPT** the updated Community Development Strategy 2019-2022.

**CARRIED 12-0**

**CCS229: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR BENSON-LIDHOLM**

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

**CARRIED 10-0**

**CCS229: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. ENDORSE the updated Community Development Strategy 2019-2022 for public comment; and
2. Pending no objections being received during the public comment period, ADOPT the updated Community Development Strategy 2019-2022.

**BACKGROUND**

2. The City's first Community Development Strategy was adopted by Council in 2005. The Strategy was reviewed in 2007, and a revised Strategy was adopted by Council in May 2008. The Strategy was reviewed in 2014 and the Connected Communities Strategy 2014-2018 was adopted in October 2014.
3. The current strategy has the following Strategic Focus Areas:
  - Safe Communities
  - Inclusive Communities
  - Connected Communities
  - Sustainable Communities
4. The City undertook consultation with community and staff over a four month period to update the strategy to align with current community, stakeholder and organisational priorities.

**DISCUSSION**

5. Community development is a continual process designed to create conditions of economic and social progress for the whole community. Successful community development activities rely on community initiative and participation to people's fullest capacity.
6. Effective, sustained community development activity aims to strengthen social capital. Social capital refers to the network of relationships between people who live in a particular community, thereby enabling that community to function effectively.
7. Communities with high social capital have lower transaction costs of conducting business, lower levels of crime, enhanced community participation and wellbeing, and improved economic prosperity. Community development therefore represents an integral function of local governments, and can complement or enhance activities in other core functional areas.
8. At the City of Albany community development activity occurs across the organisation. The Community Development Strategy however, will direct the activities of the Community Development Officers over the next three years.
9. The Community Development Strategy builds on the previous strategies, and reflects the feedback from the community for more place based community development initiatives and addresses the reduction and rationalisation of funding and resources.
10. The Community Development Strategy will provide the Community Development Team with strategic priorities and provide an operational guide for business planning.
11. This will enable the Community Development Team to prioritise requests for their services from internal and external parties.
12. The Strategy is now ready for public comment for a minimum of two weeks and adoption.

**GOVERNMENT & PUBLIC CONSULTATION**

13. The Community Development Strategy was developed through a range of community consultation strategies.
14. The review of the Strategy also reviewed other local government strategies and community development literature.
15. The Strategy will be advertised for a minimum of two weeks for public comment.

16. **Community Engagement**

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Chalkboard	26/1/19	18	N/A
Consult	Online Survey	26/1/19 to 22/2/19	126	N/A
Collaborate	Workshops Included: rural communities, community members, community groups and not for profit organisations, internal staff	13/2/19 20/2/19 21/2/19 27/2/19 28/2/19	1 16 3 8 21	N/A
Consult	Feedback Postcards	26/1/19 to 31/3/19	8	N/A
Consult	Library chat	28/2/19	21	N/A
Consult	Resident doorknock	1/3/19 to 14/3/19	17	N/A
Consult	Written Submission	26/1/19 to 31/3/19	2	N/A

**STATUTORY IMPLICATIONS**

17. Nil

**POLICY IMPLICATIONS**

18. The Community Development Strategy will support the delivery of:
- a) City of Albany Public Health Plan
  - b) Youth Friendly Albany Strategy
  - c) Age Friendly Albany Plan
  - d) Access and Inclusion Plan

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational Risk:</b> <i>The Community Development Strategy raises community expectations and is not delivered as per the Plan.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Media and communication strategy to manage community expectations.</i>  <i>External funding is sourced to deliver activities, or resourcing is identified in the action plan where required.</i>
<b>Financial Risk:</b> <i>External resources cannot be sourced to deliver relevant objectives in the Community Development Strategy</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>A Council briefing will be provided with recommendations, e.g. increasing the budget, or updating the Strategy.</i>
<b>Opportunity:</b> <i>To increase capacity of the City to improve community capacity and consolidating project outcomes around Compassionate Communities project.</i>				

**FINANCIAL IMPLICATIONS**

20. A number of actions in the Community Development Strategy may require future funding, however it is anticipated that any additional funding required will be sourced externally, or through resource sharing opportunities.

**LEGAL IMPLICATIONS**

21. Nil

**ENVIRONMENTAL CONSIDERATIONS**

22. Nil

**ALTERNATE OPTIONS**

23. Council can choose not to adopt the Community Development Strategy. This is not recommended.

**CONCLUSION**

24. The Strategy has been developed through a period of research and community consultation, and builds on the work of previous Strategies to support communities reach and sustain their potential.
25. The revised Strategy takes in to account the feedback provided and also takes in to account the reduction and rationalisation of resources and budgets.
26. The adoption of the new Community Development Strategy will enable officers to leverage partnerships and funding opportunities to deliver the priorities identified through the consultation.

<b>Consulted References</b>	:	Nil.
<b>File Number (Name of Ward)</b>	:	All wards
<b>Previous Reference</b>	:	OCM: CS012 28/10/2014

**CS230: PROPOSED NEW COMMUNITY LICENCE AGREEMENT – SOUTHERN DISTRICTS JUNIOR FOOTBALL ASSOCIATION INCORPORATED – CENTENNIAL PARK EASTERN PRECINCT**

<b>Land Description</b>	: Lot 32 on Deposited Plan 43670 as detailed in Certificate of Title Volume 1370 Folio 154, being 49-55 North Road Mira Mar
<b>Proponents</b>	: Southern Districts Junior Football Association Incorporated
<b>Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers:</b>	: Acting Executive Director Corporate Services (D Olde)

**STRATEGIC IMPLICATIONS**

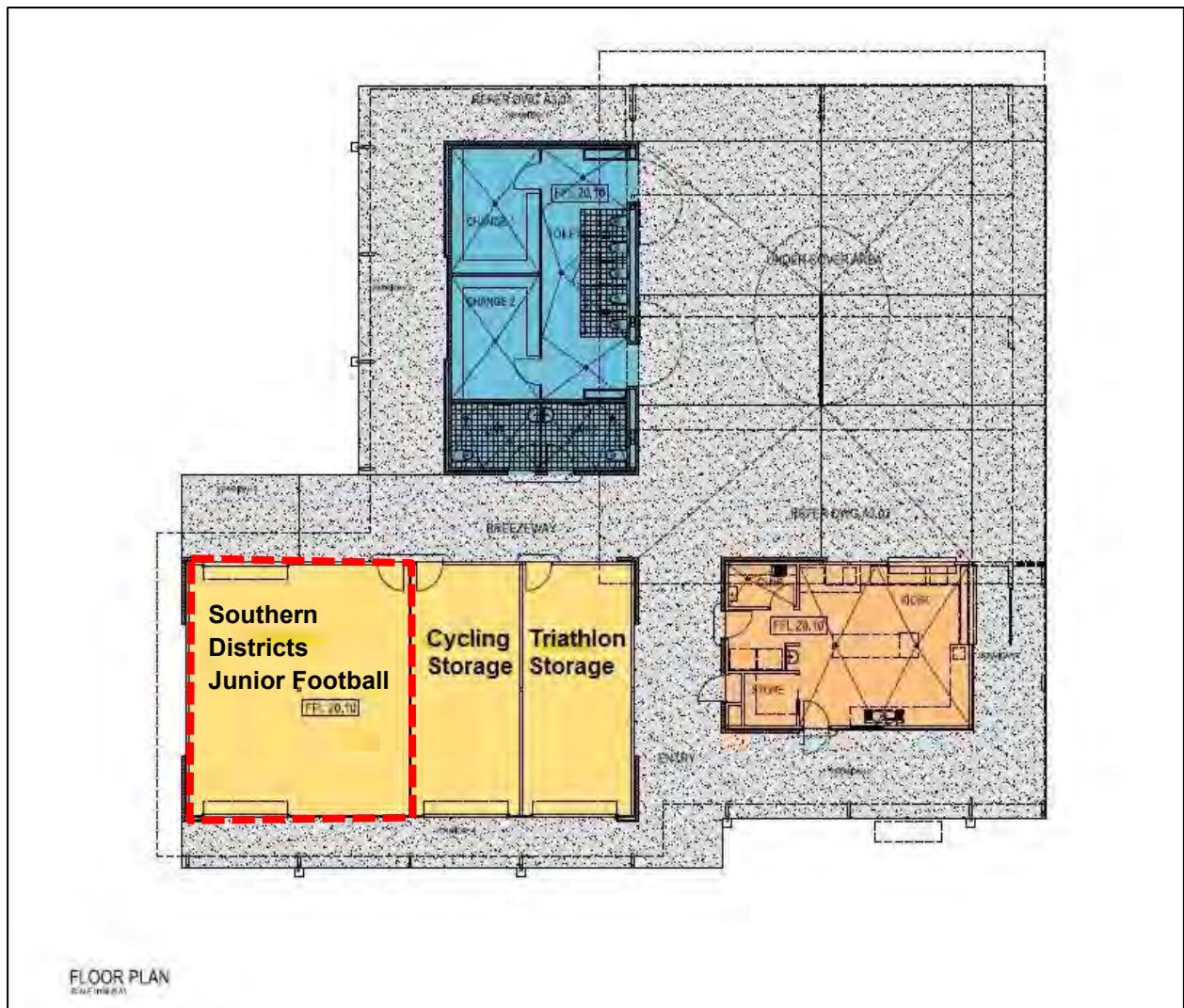
1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:** Provide 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:**



Aerial photograph – noting current imagery showing the completed Eastern Pavilion is not available





**In Brief:**

- Council is requested to consider a new community licence over portion of purpose built multi-use facility within the Centennial Park Eastern Precinct, known as the Eastern Pavilion, to Southern Districts Junior Football Association Incorporated (SDJFA).
- The licence term being 5 + 5 years for the purpose of storage of sporting equipment.
- To satisfy the City's agreed commitments to the SDJFA, it is recommended that Council approve the new community licence.

**RECOMMENDATION**

**CCS230: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council APPROVES a new community licence over portion of 49-55 North Road, Mira Mar within the Eastern Pavilion located in the Centennial Park Eastern Precinct, to Southern Districts Junior Football Association Incorporated, subject to:**

- a) Licence purpose being “storage facility for sporting equipment”.**
- b) Licence area being approximately 71.3m<sup>2</sup>.**
- c) Licence term being 5 years with a further term of 5 years, to commence as soon as practicable.**
- d) Licence rent being \$1,021 plus GST pa based on minimum rate determined by Council each year.**
- e) Licence provision to document that the association agree to comply with the Centennial Park Sporting Precinct Management Framework, the City’s Sporting Precincts Grounds User Guide and Smoke-free Outdoors Policy for the Centennial Precinct.**
- f) All costs associated with the ongoing operations of the licence area being payable by the licensee.**
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the licensee.**
- h) Licence being consistent with City Policy – Property Management (Leases and Licences).**

**CARRIED 11-1**

**Record of Vote**

Against the Motion: Councillor Sleeman

**CCS230: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR STEPHENS**

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

**CARRIED 10-0**

**CCS230: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVES a new community licence over portion of 49-55 North Road, Mira Mar within the Eastern Pavilion located in the Centennial Park Eastern Precinct, to Southern Districts Junior Football Association Incorporated, subject to:**

- a) Licence purpose being “storage facility for sporting equipment”.**
- b) Licence area being approximately 71.3m<sup>2</sup>.**
- c) Licence term being 5 years with a further term of 5 years, to commence as soon as practicable.**
- d) Licence rent being \$1,021 plus GST pa based on minimum rate determined by Council each year.**
- e) Licence provision to document that the association agree to comply with the Centennial Park Sporting Precinct Management Framework, the City’s Sporting Precincts Grounds User Guide and Smoke-free Outdoors Policy for the Centennial Precinct.**
- f) All costs associated with the ongoing operations of the licence area being payable by the licensee.**
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the licensee.**
- h) Licence being consistent with City Policy – Property Management (Leases and Licences).**

**CARRIED 10-0**

## BACKGROUND

2. The subject land within the Centennial Park Sporting Eastern Precinct along North Road is owned freehold by the City of Albany and zoned for Parks and Recreation.
3. Council at its meeting in February 2014 adopted the Centennial Park Sporting Precinct Master Plan and Concept Designs. Since this date significant works have been completed including the stadium in the Eastern Precinct, the pavilion in the Western Precinct and drainage works in the Central Precinct.
4. In addition construction of the Eastern Pavilion was completed in June 2019. The pavilion consists of:
  - Community kiosk with fully fitted out kitchen to commercial standard
  - Storage areas
  - Toilets and change space
  - Undercover area
5. The kiosk, toilets, change space and undercover area, remain under City management and are available for hire as part of the seasonal sporting permit process and community use. This allows for greater community use and access.
6. The community facility is a key element to the overall Centennial Park Precinct and will provide an important game day facility for a range of sports including AFL, Cycling and Triathlon Clubs activities and events.
7. In addition the facility will be an important resource and social hub for hosting community and economic development events such as the Convoy for Kids, WA Association of Caravan Clubs Inc., the Caravan and Camping Show and the Great Southern Street Machine Show.
8. Since July 2019, Albany Cycling Club Inc. and Albany Triathlon Club Inc. have occupied storage space within the Eastern Pavilion under licence arrangements with the City.

## DISCUSSION

9. City officers have been in discussion with SDJFA for some time regarding their future use of the Eastern Pavilion. During these discussions different occupancy options were explored.
10. SDJFA have requested a licence over the storage space for a term of 5 + 5 years and use of the kiosk under occasional hire arrangements during the junior football season, 1 April to 30 September each year.
11. The option of occupying the kiosk under 6 months seasonal licence arrangements was offered to SDJFA. As part of the offer SDJFA would be required to contribute to a maintenance fund, administered by the City, for planned maintenance, annual services and renewal of kiosk equipment during the licence term. After consideration SDJFA have requested to use the kiosk under occasional hire arrangements only.
12. SDJFA will be required to vacate the temporary sea containers in the vicinity of the Eastern Pavilion currently used for storage of sporting equipment. The sea containers will be removed from the precinct.
13. The table below summarises the main terms of the proposed licence and the key details of the land:

ITEM	DETAILS
Licensee	Southern Districts Junior Football Association Incorporated
Land/Licence Area	Portion of Lot 32 on Plan 43670 as detailed in Certificate of Title Volume 1370 Folio 154, Mira Mar Licence area approximately 71.3m <sup>2</sup>
Land and Building Ownership	City of Albany



Permitted Use	Storage facility for sporting equipment
Term	5 + 5 years
Initial Rent	\$1,021.00 plus GST pa being the equivalent of minimum rate set by Council each year and reviewed annually
Outgoings	Licensee responsible for all outgoings, including insurance
Utilities	Licensee responsible for all utilities
Maintenance	<ul style="list-style-type: none"> <li>• Licensee responsible for cleaning, day to day and preventative maintenance and consumables</li> <li>• City responsible for structural maintenance, electrical wiring, planned and programmed maintenance and annual <b>services of the City's asset</b></li> </ul>
Special conditions	<ul style="list-style-type: none"> <li>• Comply with the Centennial Park Sporting Precinct Management Framework and the City of Albany Sporting Precincts Grounds User Guide</li> <li>• <b>Comply with the City's Smoke-free Outdoors Policy for the Centennial Precinct</b></li> </ul>

14. SDJFA have agreed with the above position with the remaining terms of the licence in line with standard terms for community licences and City Policy – Property Management (Leases and Licences).

#### GOVERNMENT & PUBLIC CONSULTATION

15. Section 3.58 of the *Local Government Act 1995* allows for the City to dispose of land.
16. Clause 30(2)(b) of the *Local Government (Functions & General) Regulations 1996* defines those dispositions which are exempt from Clause 3.58 of the Act. This includes disposal to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting other like nature.
17. The SDJFA are a sporting body and are exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.
18. No general public consultation on this matter has occurred, as the discussions between the City and SDJFA were specific to this group.
19. This matter has been discussed in detail with the Corporate and Community Services Directorates, seeking input from other teams where required, including the Major Projects team who were involved in constructing the pavilion. This report reflects the input of all Officers involved in these discussions.

#### STATUTORY IMPLICATIONS

20. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property including leased/licensed land and buildings.
21. The City owns the land being disposed of in freehold title, and therefore no approval is required under the provisions for the *Land Administration Act 1997*.

#### POLICY IMPLICATIONS

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> licence not approved.	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction. The City's standard community licence document will be executed
<b>Reputation:</b> licences not approved – facility will remain vacant until new occupants sought	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction
<b>Opportunity:</b> To provide facilities for sporting clubs in line with the Centennial Park Sporting Precinct Masterplan.				
<b>Opportunity:</b> To provide secure tenure for SDJFA in a facility to continue activities within the Centennial Park Sporting Precinct and allow SDJFA to undertake longer term planning.				

**FINANCIAL IMPLICATIONS**

25. All costs associated with the development, execution and completion of the licence documentation will be met by the SDJFA.
26. The City will receive an annual rent from the licence of \$1,021 and directed to Income – Other Leases.

**LEGAL IMPLICATIONS**

27. The licence agreement will be prepared by City's lawyers with enforceable terms and conditions to protect all parties.

**ENVIRONMENTAL CONSIDERATIONS**

28. As the land is already cleared, there are no environmental implications relevant to this item.

**ALTERNATE OPTIONS**

29. Given the existing commitments made with SDJFA it is not considered that there is an alternate option. The proposed licence will formalise the intention for Eastern Pavilion use.

**CONCLUSION**

30. SDJFA has requested a new licence agreement to secure tenure in the newly built Eastern Pavilion within the Centennial Park Sporting Eastern Precinct for storage purposes.
31. SDJFA will access the kiosk under occasional hire arrangements during the football season.
32. To satisfy the City's agreed commitments to the SDJFA, it is recommended that the proposed new community licence be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Council Policy – Property Management (Leases and Licences)</li> <li>Local Government Act 1995</li> <li>Land Administration Act 1997</li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO440, A96087 (Frederickstown Ward)
<b>Previous Reference</b>	:	OCM 23/10/2018 Item DIS130 OCM 26/03/2019 Item CCS134

## CCS231: PROPOSED NEW COMMUNITY LEASE – RAINBOW COAST NEIGHBOURHOOD CENTRE INC. – PORTION OF LOTTERIES HOUSE LAND

<b>Land Description</b>	:	Lot 211 on diagram 94113 being whole of the land contained in Certificate of Title Volume 2172 Folio 740, Centennial Park (Lotteries House)
<b>Proponent</b>	:	Rainbow Coast Neighbourhood Centre Inc.
<b>Owner</b>	:	City of Albany and Lotteries Commission
<b>Report Prepared By</b>	:	Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers:</b>	:	Executive Director Corporate & Commercial Services (D Olde)

Councillor Sleeman declared an Impartiality Interest in this item. Councillor Sleeman remained in the Chamber and participated in the discussion and vote for this item.

### 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:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:** 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.
- **Theme:** Community Health and Participation
- **Objective:** To build resilient and cohesive communities with a strong sense of community spirit.
- **Community Priority:** Promote and develop an authentic sense of community by developing programs and providing services that make people feel welcome, involved and connected to each other.

### Maps and Diagrams:



**In Brief:**

- Council is requested to consider a new lease to Rainbow Coast Neighbourhood Centre Inc. (RCNC) for a portion of land at Lotteries House to allow for and support the expansion of RCNC's child care facility.
- RCNC operates from adjoining premises at 210 North Road known as Family House and provides services to families, individuals and community groups including educational courses, workshops, support groups and playgroups.
- RCNC will be responsible for all compliance to ensure the area meets relevant regulations, at own cost.
- The Lotteries House Tenant Committee supports the new lease request.
- It is recommended the new lease is approved.

**RECOMMENDATION**

**CCS231: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN**

**SECONDED: COUNCILLOR HAMMOND**

**THAT Council APPROVE the request from Rainbow Coast Neighbourhood Centre Inc. for a new lease on land situated at 211-217 North Road, Centennial Park being Lotteries House premises, subject to:**

- a) Lease purpose being "Child play space – nature area and associated activities".**
- b) Lease term being 1 year to commence as soon as practicable.**
- c) Lease area being approximately 38m<sup>2</sup> located within the Lotteries House premises to be determined by survey.**
- d) Lease rental being community peppercorn rent \$10 per annum plus GST.**
- e) All costs associated with any compliance requirements and the ongoing operations of the lease property being payable by the tenant.**
- f) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant.**
- g) Lease being consistent with City Policy – Property Management (Leases and Licences).**

**CARRIED 12-0**

**CCS231: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND**

**SECONDED: COUNCILLOR SLEEMAN**

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

**CARRIED 10-0**

**CCS231: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE the request from Rainbow Coast Neighbourhood Centre Inc. for a new lease on land situated at 211-217 North Road, Centennial Park being Lotteries House premises, subject to:**

- a) Lease purpose being "Child play space – nature area and associated activities".**
- b) Lease term being 1 year to commence as soon as practicable.**
- c) Lease area being approximately 38m<sup>2</sup> located within the Lotteries House premises to be determined by survey.**

- d) Lease rental being community peppercorn rent \$10 per annum plus GST.
- e) All costs associated with any compliance requirements and the ongoing operations of the lease property being payable by the tenant.
- f) All costs associated with the preparation, execution and completion of the lease documentation being payable by the tenant.
- g) Lease being consistent with City Policy – Property Management (Leases and Licences).

## BACKGROUND

- 2. The subject land is located within Lotteries House land located at 211 – 217 North Road, Centennial Park on City owned freehold land.
- 3. In September 1996 a Deed of Trust was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House. The Deed requires a Management Committee be formed to oversee the management of the premises.
- 4. The City of Albany (“the Trustee”) through the administration of the Management Committee is to make and keep available the property for eligible organisations defined in Section 19 of the *Lotteries Commission Act 1990* to use exclusively for accommodation for benevolent or charitable purposes.
- 5. RCNC currently operate from the premises adjoining Lotteries House known as Family House, under tenancy arrangements with Department of Local Government and Communities. The Department leases the car park at the rear of Family House from the City for RCNC use.
- 6. RCNC recently approached the City seeking to extend their existing child care facilities by expanding into adjoining Lotteries House land to allow for the Centre to cater for more children of the parents participating in programs as a part of their sustainability strategy.

## DISCUSSION

- 7. The lease request was presented to the Lotteries House Tenant Committee for consideration. Consultation was undertaken with current Lotteries House tenants in particular Great Southern FM (former Albany Community Radio) tenant given they have existing infrastructure in the vicinity of the proposed new lease area.
- 8. Both RCNC and Great Southern FM met to discuss the proposal with agreement being reached to allow for continued safe access path to Great Southern FM's radio antenna and generator.
- 9. RCNC have given an undertaking no infrastructure will be affixed to the lease area, noting the area will be enclosed using removable panel fencing. It is proposed the area will be utilised as a child play space and will be used as a nature area on occasions.
- 10. The Tenant Committee supports a lease for a term of 1 year to allow the Committee time to assess if there is any impact on Lotteries House tenants.
- 11. RCNC is a not for profit organisation that provides support to those vulnerable in the community including families and individuals by offering activities such as educational courses, support groups, workshops and playgroups.
- 12. The Centre links local families, individuals and community groups with other community resources and support networks in the Albany region. The support provided enables people to develop knowledge, skills and confidence to effectively manage their lives.
- 13. The proposed lease area will allow RCNC to expand their current child care facilities and offer additional programs to parents in the community.

14. The table below summarises the essential terms of the proposed lease and land details:

ITEM	DETAILS
Tenant	Rainbow Coast Neighbourhood Centre Inc.
Land Description	Lot 211 on diagram 94113 being whole of the land contained in Certificate of Title Volume 2172 Folio 740, Centennial Park (Lotteries House)
Lease Area	Land area of approximately 38m <sup>2</sup>
Land Ownership	City of Albany
Infrastructure Ownership	Tenant
Permitted Use	Child play space – nature area and associated activities
Term	1 year
Initial Rent	\$10 per annum plus GST
Maintenance	Tenant responsible for own maintenance
Outgoings	Tenant responsible for outgoings as applicable
Utilities	Tenant responsible for own utilities as applicable
Insurance	Public Liability Policy for a minimum \$20 million
Indemnity	Indemnify the City for all claims resulting from any damage, loss, death or injury in connection with the Council property, unless such claims arise out of <b>City's negligence</b>
Special Conditions	<ul style="list-style-type: none"> <li>• RCNC to utilise existing parking at the rear of Family House as parking at Lotteries House is at capacity</li> <li>• RCNC will be responsible for all compliance to ensure the area meets relevant regulations, at RCNC cost</li> </ul>

15. RCNC has agreed in principle with the above position, subject to Council approval.
16. The remaining terms of the lease agreement will be developed in line with City Policy – Property Management (Leases and Licences).

#### GOVERNMENT & PUBLIC CONSULTATION

17. Section 3.58 of the *Local Government Act 1995* allows for the City to dispose of land and defines the requirements for the disposal of property.
18. Regulation 30(2)(b) of the *Local Government (Functions & General) Regulations 1996* describes the disposition as exempt when the land is disposed of to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
19. RCNC is a not-for-profit charitable organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

#### STATUTORY IMPLICATIONS

20. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property including leased/licensed land and buildings.

#### POLICY IMPLICATIONS

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i><b>Reputation:</b> lease not approved – restrict the centre's proposed expansion</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i><b>Reputation:</b> New lease not approved – Centre unable to support vulnerable families</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>City to manage tenant's reaction in a measured way and ensure open communication</i>
<i><b>Opportunity:</b> To provide support to the Neighbourhood Centre's proposed expansion of child care facilities and acknowledge the Centre's ongoing commitment and service to the community</i>				

**FINANCIAL IMPLICATIONS**

24. All costs associated with the lease documentation will be met by RCNC.

**LEGAL IMPLICATIONS**

25. The Deed will be prepared by City's lawyers with enforceable terms and conditions, at RCNC expense.

**ENVIRONMENTAL CONSIDERATIONS**

26. There are no environmental implications relevant to this item.

**ALTERNATE OPTIONS**

27. Council may:
- Approve the new lease request; or
  - Decline the request.
28. Should Council decline the lease, RCNC advise they will be limited in their ability to provide child care facilities which may impact the services offered to the community and the region.

**CONCLUSION**

29. RCNC offer support services for families and individuals to connect with each other and the community, including child care facilities.
30. RCNC have requested a lease over portion of Lotteries House land on North Road to allow for the expansion of existing child care services offered.
31. The proposed lease area is to be fenced with no further infrastructure to be affixed to the lease area. RCNC will be responsible for all compliance to ensure the area meets relevant regulations.
32. Lotteries House Tenant Committee supports the proposal.
33. It is recommended the new lease be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Property Management (Leases and Licences) Policy</li> <li>Local Government Act 1995</li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO455, A150439 (Yakamia Ward)
<b>Previous Reference</b>	:	Nil

## CCS232: PROPOSED NEW STATE EMERGENCY SERVICES (SES) FACILITY – MERCER RD

<b>Land Description</b>	: Lot 52 on Deposited Plan 406902 as detailed in Certificate of Title Volume 2890 Folio 392, being 61 Mercer Rd Walmsley
<b>Proponents</b>	: Department of Fire and Emergency Services, State Emergency Services
<b>Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Manager Public Health and Safety (S Reitsema)
<b>Responsible Officers:</b>	: Executive Director Corporate Services (D Olde)

### STRATEGIC IMPLICATIONS

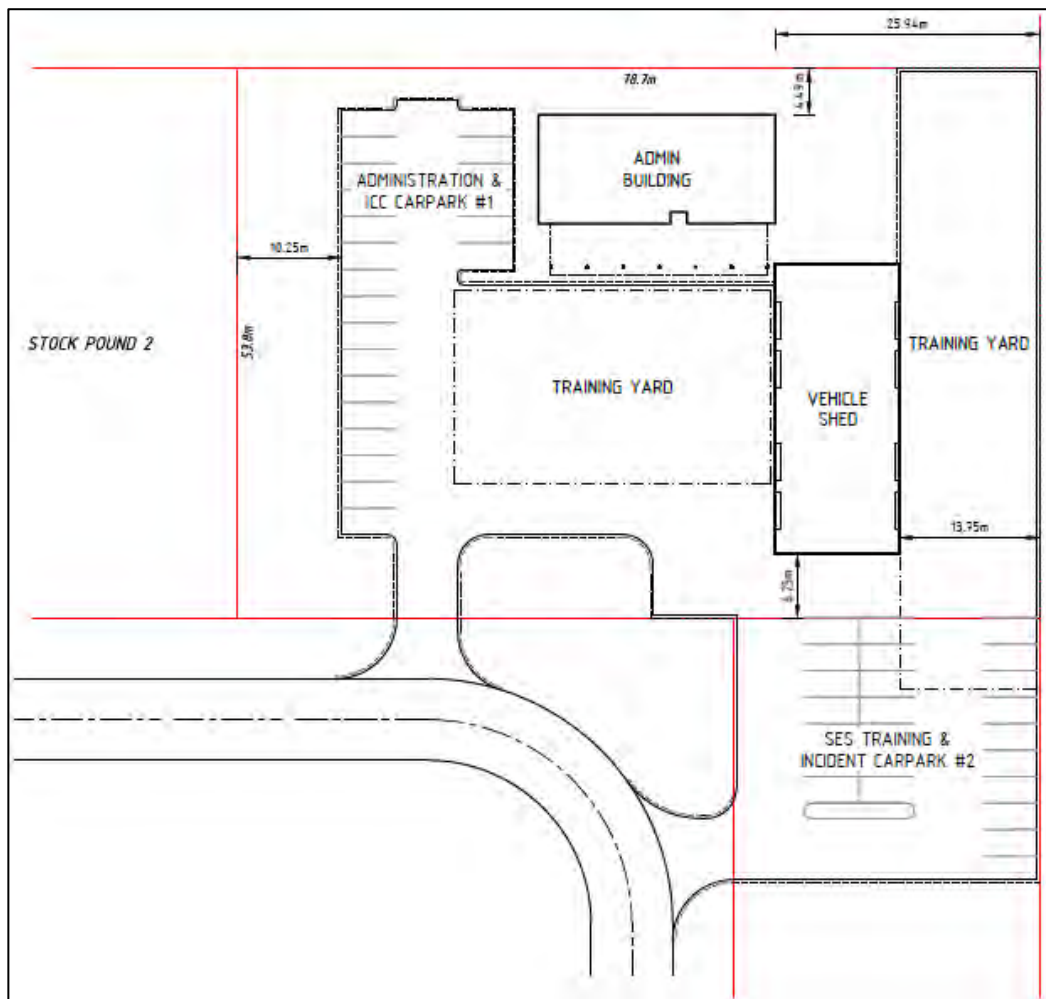
1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

### Maps and Diagrams:



*Aerial photograph of proposed new SES Facility Location*





*Proposed Albany SES Site plan*

**In Brief:**

- The *Local Government Grants Scheme for Capital Grants* are due 27 March 2020. Following a series of delays, the City of Albany is keen to proceed with an application to the Department of Fire and Emergency Services (DFES) for funding the planning and building of the proposed State Emergency Service (SES) facility at Lot 52 Mercer Rd, Walmsley.

**RECOMMENDATION**

**CCS232: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT Council ENDORSES the City of Albany submitting a Local Government Grants Scheme application for Capital Grants 2020/2021 to the Department of Fire and Emergency Services for the proposed State Emergency Service facility at Lot 52 Mercer Rd, Walmsley, subject to:**

- 1. The project being cost neutral for the City of Albany**
- 2. If the application is successful, a future report will be presented to Council with more specific details in regards to the funding arrangement and project requirements.**

**CARRIED 12-0**

**CCS232: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

**CCS232: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ENDORSES the City of Albany submitting a Local Government Grants Scheme application for Capital Grants 2020/2021 to the Department of Fire and Emergency Services for the proposed State Emergency Service facility at Lot 52 Mercer Rd, Walmsley, subject to:

1. The project being cost neutral for the City of Albany
2. If the application is successful, a future report will be presented to Council with more specific details in regards to the funding arrangement and project requirements.

**BACKGROUND**

2. The Emergency Services Levy (ESL) was introduced in 2003 and is collected by Local Governments on behalf of DFES, to fund Western Australia's (WA) fire and emergency services, including Career and Volunteer Fire and Rescue Service brigades, Volunteer Fire and Emergency Service units and SES units.
3. Funding for bush fire brigades and SES units is allocated via the Local Government Grant Scheme (LGGS) process where local governments apply for an operating grant and a capital grant for each service.
4. The City of Albany is responsible for the SES with regards to the LGGS process, and as such is required to administer the build of a proposed new facility.
5. In 2011 DFES' Service Delivery and Planning branch did a review of 22 SES facilities that were identified in greatest need of replacement or refurbishment, as determined by a Fit for Purpose status, building condition and other local factors. The review apparently identified the Albany SES facility on Sanford Rd as one of those in need of replacement, with concern raised about damage caused by white-ants, broken asbestos, unsafe electrics and overflowing septs.
6. It was also identified that the City of Albany wished to reclaim the land at the current SES site, as it sits within the Centennial Park Precinct. DFES are obliged to remove the SES buildings from Sanford Road, at SES cost, upon the lease termination and agree to undertake these works once a new facility is operational.
7. Due to concerns surrounding funding mechanisms and lack of an appropriate site for the new facility, this matter stalled in 2013.
8. In mid-2016 DFES re-initiated conversations with the City to identify a suitable site for a new SES facility. Reserve 31331 Anson Rd was identified as a suitable site, however, subsequent flora and fauna surveys identified rare species, made the site very difficult to develop.
9. Subsequently, Lot 52 Mercer Rd was identified as a suitable site. The site is part of the City of Albany's depot lot and is owned freehold by the City of Albany. It is well located and would require less site works.
10. In November 2019 the Albany SES unit confirmed that the identified site on Lot 52 Mercer Rd would be a suitable location for the proposed Albany SES facility.
11. The proposed facility will also serve as a Level 3 Incident Control Centre (ICC) and will both house and facilitate the Regional Incident Control Vehicle (ICV).

## DISCUSSION

12. City staff have been in discussion with Albany DFES and SES staff in regards to their expectations of the facility and the process for applying for the funding to administer the project.
13. The proposed SES facility would be a vital emergency management asset for our entire region and not only the Albany community.
14. City staff have discussed the project with both DFES' Resource Allocation and Grant Funding staff to confirm the best way forward with this project. It was agreed that submitting the application, by the 27 March 2020 deadline, for the facility and then confirming the funding arrangement would be appropriate.
15. DFES staff have confirmed that various funding models may be available to the City of Albany and that this can be finalised at a later date, once the project is approved. Arrangements could include providing a portion of the funds up front and then also at the completion of the project, progress payments through the development and build or possibly other arrangements as negotiated. As per the officer's recommendation, this will be put to Council for their approval at a later date and is expected to be at no cost to the City of Albany and its ratepayers.

## GOVERNMENT & PUBLIC CONSULTATION

16. DFES guidelines were followed in the preparation of this report.
17. DFES, SES, City of Albany Executives, managers and officers with financial, land allocation, project management and operational responsibility were consulted in the preparation of this report and will continue to be involved through the life of this project.

## STATUTORY IMPLICATIONS

18. Part 6A of the *Fire and Emergency Services Act 1998* outlines Local Government requirements in regards to the ESL, which therefore provides access to the LGGS.

## POLICY IMPLICATIONS

19. The City of Albany's *Local Emergency Management Arrangements* Management Plan identifies the SES as having a critical support agency role in response to emergencies and that the City of Albany agrees to provide assistance/support to such agencies if required.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i><b>Reputation:</b> Application not supported would result in SES having to remain in an unsuitable facility.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Low</i>	<i>Support application to gain funding to deliver an appropriate facility.</i>
<i><b>Opportunity:</b> To provide suitable facilities for the Albany SES and for Incident control for Level 2 and 3 incidents.</i>				

## FINANCIAL IMPLICATIONS

21. All costs associated with the planning, development and maintenance of this facility will be recovered by the Local Government Grants Scheme (LGGS).

## LEGAL IMPLICATIONS

22. A surrender deed will need to be produced for the current SES site. No lease agreement will be required for the new facility, as it is treated the same as Bush Fire Brigade facilities.

## ENVIRONMENTAL CONSIDERATIONS

23. As the land is already suitably cleared and as the land use is not expected to have any environmental impact, there are no environmental implications relevant to this item.

## ALTERNATE OPTIONS

24. Council may:
- a. Support the application; or
  - b. Not support the application.
25. Given the long-standing expectation from DFES and SES that the City of Albany will support the relocation of the Albany SES to a new facility, there may be some reputational risk as outlined in point 20.

## CONCLUSION

26. To satisfy the Albany SES expectation that the City of Albany will support their relocation to a new facility, it is recommended that the officer's recommendation be endorsed.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• DFES - Local Government Grants Scheme, Manual for Capital and Operating Grants</li><li>• <i>Fire and Emergency Services Act 1998</i></li></ul>
<b>File Number (Name of Ward)</b>	:	PRO440, A96087 (Yakamia Ward)
<b>Previous Reference</b>	:	Nil

## CCS233: REGIONAL TENNIS CENTRE FEASIBILITY STUDY & OUTCOMES

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: <b>CONFIDENTIAL</b> Report: Regional Tennis Centre Feasibility Study for the City of Albany; Decision-Making Guide Sport and Recreation Facilities, Dept. of Sport and Recreation LGSTA Membership Numbers
<b>Report Prepared by</b>	: Manager Recreation Services (S Stevens)
<b>Responsible Officer</b>	: Executive Director Corporate Services (S Kay)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the Community Strategic Community Plan, informing plans and strategies:
  - **Theme:** Community Health & Participation
  - **Strategic Objectives:**
    - To develop and support a healthy inclusive and accessible community;
    - To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
  - **Community Priorities:**
    - develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages;
    - Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

#### In Brief:

- Update on the recommendations of the Regional Tennis Centre Feasibility Study Report and proposed next steps.

### RECOMMENDATION

**CCS233: RESOLUTION (AMENDED MOTION BY COUNCILLOR SLEEMAN)**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN**  
**SECONDED: COUNCILLOR THOMSON**

#### THAT Council NOTE:

1. The Regional Tennis Feasibility Report for the City of Albany and in line with State Government Decision - Making Guide for Sport and Recreation Facilities re-evaluate the scope of the project and run the model again in collaboration with the tennis community.
2. The proposed reworked model be place on hold for a period of no less than 3 months, for consideration by Council in June 2020.

**CARRIED 11-1**

#### Record of Vote

Against the Vote: Councillor Terry

**CCS233: AMENDMENT BY COUNCILLOR SLEEMAN  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Committee Recommendation Point 2 be AMENDED to read as follows:**

**The proposed reworked model be place on hold for a period of no less than 3 months, for consideration by Council in June 2020.**

**CARRIED 11-1**

**Record of Vote**

Against the Motion: Councillor Terry

**Councillor Reason:** Given the current circumstances in relation to the COVID-19 pandemic, it is recommended that council reserves the right to not progress this matter at this time.

**CCS233: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR THOMSON**

**THAT Council NOTE:**

- 1. The Regional Tennis Feasibility Report for the City of Albany and in line with State Government Decision - Making Guide for Sport and Recreation Facilities re-evaluate the scope of the project and run the model again in collaboration with the tennis community.**
- 2. The reworked model with co-location partners will be re-presented to Council for further consideration.**

**CCS233: COMMITTEE RECOMMENDATION (AMENDED MOTION BY COUNCILLOR SMITH)**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR STEPHENS**

**THAT Council NOTE:**

- 1. The Regional Tennis Feasibility Report for the City of Albany and in line with State Government Decision - Making Guide for Sport and Recreation Facilities re-evaluate the scope of the project and run the model again in collaboration with the tennis community.**
- 2. The reworked model with co-location partners will be re-presented to Council for further consideration.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Goode

**CCS233: AMENDMENT BY COUNCILLOR SMITH  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR STEPHENS**

**THAT point 2 of the Responsible Officer Recommendation be AMENDED to read as follows:**

- 2. The reworked model with co-location partners will be re-presented to Council for further consideration.**

**CARRIED 9-1**

**Record of Vote**

Against the Motion: Councillor Goode

**Councillor Reason:**

It makes sense that the reworked model be presented to Council for consideration, but it shouldn't presume to seek approval within the reworked model to proceed with the next steps to be outlined in the report. It may become a report that is again received with no further action in near future, or preference to be included in the Long Term Financial Plan.

At the strategic workshop on 10th December 2019, where options for the current feasibility were presented, per the attached screenshot, the preference was option 3 plus part B of option 2, but there was no commitment to proceeding with a revised local model, just that it should be submitted for consideration.

Accordingly, the second part of 2 in the recommendation (beyond the word consideration) takes the intent of the workshop a step too far.



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

The amendment is noted. City Officers are committed to working with the Lower Great Southern Tennis Association and key stakeholders to find a model that is acceptable to Council and meets the current and future needs of Albany tennis players. Any revised model would be presented to Council for further consideration.

Councillor Smith then moved an Amendment to the Responsible Officer Recommendation.

**CCS233: RESPONSIBLE OFFICER RECOMMENDATION**

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR SLEEMAN

**THAT Council NOTE**

1. The Regional Tennis Feasibility Report for the City of Albany and in line with State Government Decision - Making Guide for Sport and Recreation Facilities re-evaluate the scope of the project and run the model again in collaboration with the tennis community.
2. The reworked model with co-location partners will be re-presented to Council for further consideration including seeking approval to proceed with the next steps outlined in the revised report.

## **BACKGROUND**

2. The City received funding from the Department of Local Government, Sport and Cultural Industries to assess the feasibility of developing a regional tennis centre in Albany as the regional hub. The City also contributed funds to engage a consultant, Dave Lanfear Consulting to carry out the study.
3. A project working group consisting of tennis clubs (Emu Point Tennis Club, Merrifield Tennis Club, and Lawley Park Tennis Club), the Lower Great Southern Tennis Association, Tennis West, Department of Local Government, Sport and Cultural Industries and City officers was convened to oversee the project.
4. An audit of the existing tennis facilities identified the inability of tennis clubs to expand in their existing locations, poor conditions of courts, lack of lighting and lack of facilities to host district, regional or state competitions.
5. Tennis club membership indicated that there was a possible opportunity to develop a facility that included 16 courts including floodlighting, club amenities such as compliant change rooms, café social amenity/club room, retail outlet, allied health suite, storage space and admin space, parking etc.

## **Feasibility Study**

6. The feasibility study was undertaken over a period of 12 months in a series of phases:
  - Current Status, Need and Situation Analysis;
  - Site Review and their capability to cater to the development of a regional tennis centre and additional sporting infrastructure assessed by the Project Working Group, City Officers and Council;
  - Detailed Stakeholder Consultation;
  - Management Options and Financial Analysis;
  - Risk Assessment;
  - Concept Development; and
  - Recommendations for future development.

## **Site Analysis**

7. Four potential sites were identified and assessed.
  1. Collingwood Park Reserve 32341
  2. Lower King Road Lot 22-23 Brewster Road
  3. Emu Point Tennis Club
  4. Centennial Park Sporting Precinct (CPSP)
8. A broad cohort of City staff, the Consultant and the Project Working Group assessed all four sites for their potential to host a Regional Tennis Centre.
9. CPSP was nominated as the preferred site by the Project Working Group however due to space constraints and the need to purchased residential land to accommodate the required amenities and number of courts, it was deemed not viable at the time of the assessment.
10. It was also concluded that Emu Point Tennis Club did not have the required space, as well as challenges with precinct suitability and access.
11. Based on the assessment score, Collingwood Park was recommended as the preferred site with the opportunity to co-locate with sports such as football, tennis and hockey. Collingwood Park provided space for a Regional Tennis Centre including future expansion and is identified in the Albany Local Planning Scheme as the second sporting precinct for the City of Albany.
12. In February 2019, Council was briefed on the progress of the study and the site options. At the briefing, Council endorsed the preferred site (Collingwood Park) and approved progress to the next stage of the study (*Memorandum 13 Feb 2019 Regional Tennis Centre Feasibility Study – Site Assessment*).



### **Facility Composition and Concept Plans**

13. The study notes the following facility development composition could be reasonably justified for each sport:

- Tennis - 13 floodlit plexi-pave courts including show court, clubhouse and external shaded viewing area, meeting rooms, coach/official rooms, office/pro-shop, 4 hot shot courts. Room for future expansion to 16 courts.
- Hockey – synthetic floodlit turf with option to develop a second floodlit turf, clubhouse and external shaded viewing area
- Football – Retention of existing oval with enhancements to cricket infrastructure, Potential lighting upgrade (completed), Replacement of existing clubhouse or modernization to meet current AFL club guidelines

14. Concept plans were developed for two site (staged) developments options at Collingwood Park:

#### **Option A**

15. Co-located Tennis, Football and Hockey Facility including the provision for cricket.

#### **Option B**

16. A reduced footprint to cater for the sports of hockey and tennis.

17. Included within this option is the development of a detached changing facility to cater for women's football adjacent to the existing Collingwood Park Clubhouse and replacement of the shed.

18. Option B was preferred by the Project Working Group on the following factors:

- Due to the complexity of accommodating four sports and associated cost would result in too many compromises associated with the ongoing facility operations.
- The relationship between the courts, pitches and oval would be incompatible.
- The capital costs associated with co-locating football, hockey and tennis facility would be approximately 25% more than the development of a co-located hockey and tennis facility.
- The understanding that hockey and tennis could co-exist more effectively within one share use building given the complementary nature of their sporting seasons.

### **Financial Analysis**

19. The two concept options have been estimated as follows:

**Option A:** Estimate: \$26.8 M.

**Option B:** Estimate: \$21M.

20. Noting that the capital costs associated with collocating football, hockey and tennis facility would be approximately 25% more than the development of a collocated hockey and tennis facility was a relevant factor in the PWG's decision to recommend Option B demonstrates the PWG appreciation of the need for an affordable viable option.

21. All parties understand that the costs estimates were based on worst case scenario and pitched to address any unknown risks. Business Case and supporting studies would further investigate the concepts and work towards value managing the project for an affordable option.

### **Study – Key Outcomes**

22. During the analysis it became clear that a fully developed regional tennis centre in isolation would not be a viable option in its own right and requires a combination of sporting partners working collaboratively for success such as football or hockey.

23. Greater capital work funding opportunities and a more sustainable ongoing operational business model arose from a co-located model with other sports. Future financial support in single sport sites is unlikely to be supported.
24. During the process it emerged that Lower Great Southern Hockey Assoc. would likely need to secure an alternate site if the sport were to continue to grow into the future.
25. Complementary seasonal sports can co-exist more effectively within one shared use building given the timing of their sporting seasons.
26. The co-location of hockey and tennis was assessed as being a viable option and beneficial for the growth and development of both sports.
27. Emu Point Tennis Club whilst supportive of a Regional Tennis Centre were not supportive of the club relocating to a different site.
28. Merrifield Tennis Club, Lawley Park Tennis Club, South Coast Tennis Club and the LGSTA have confirmed in principle support to relocate.
29. The collocated option with seasonal tenants was still deemed as a viable option without the relocation of Emu Point Tennis Club.
30. An agreed governance model including future operational management and site governance would need to be established as part of the next planning phase.

## **DISCUSSION**

31. The Feasibility Study forms part of the recognised planning process for sport and recreation facilities and has provide a good starting point for assessing the required needs, identifying a suitable site, planning and future provision of tennis in Albany.
32. The study clearly justifies the need for and provides evidence that the existing facilities are inadequate and will not meet the future demands of the population.
33. The report prepared some very high level concept plans and costs estimates. These are based on significant unknowns (undeveloped site etc.) and as a result of the unknowns the initial financial costs are high.
34. As a result of the high costs noted in the report and recent more affordable tennis facility developments in other local government areas (i.e. City of Busselton) the proposal for a Regional Facility at the identified site has been questioned by the local community, City Officers and Council.
35. The DLGSCI Decision-Making Guide (Section 9, page 14) notes the choices at this junction point are to:
  - a) Terminate the project on the basis of no need or
  - b) Re-evaluate the scope of the project and re-run the model again.
36. As the gap in provision and need has been clearly justified the project may benefit from actioning Option b) Re-evaluate the scope of the project and re-run the model again. This would entail further investigation into alternate models including re-scoping the project and re-running the model for a district provision that focuses on meeting district tennis and community needs only as opposed to a regional and elite competition sporting provision. A review of the sites and colocation partners would be appropriate as part of the review process. A significant body of work was undertaken during the initial feasibility report and could be reused in a subsequent reworking of the model. The Department has advised that site planning would need to provide for future expansion and provision (up to 16 courts) as the sport develops in the region.
37. Joint provision and shared use of facilities is a priority consideration for CSRFF support. The DLGSCI guidelines notes that “it is not a scheme to ensure separate facilities of equal standard for all clubs”. The report has highlighted the need for a compatible, strong partner for colocation and future success of any development. To address risk and attract funding a district model would still require comprehensive planning, government support, strong co-location partnerships and an agreed governance model for the project to be a success.

38. To attract funding through the DLGSCI, CSRFF process projects eligible for forward planning grants require comprehensive research and planning. Applications must include Feasibility Study, Business Case Planning, Management Plan, Life Cycle Cost Analysis, Projected Income and Expenditure Statements (3 years), Asset Replacement Management Fund, Concept Planning and Construction Cost Estimates and confirmation of each party's financial commitment. If Council decides to proceed, these supporting documents and processes require completion to assist with a successful application and project.

## GOVERNMENT & PUBLIC CONSULTATION

39. Consultation was conducted with the following state bodies - Department of Local Government, Sport and Cultural Industries (Dept.) and Tennis West. These agencies held a position on the Project Working Group and provided regular input into the report.
40. Consultation was conducted with the following regional and local bodies - Emu Point Tennis Club, Merrifield Tennis Club, Lawley Park Tennis Club and the Lower Great Southern Tennis Association. These sporting bodies held a position on the Project Working Group and provided regular input into the report. At least 6 meetings were held during the process of preparing the report.
41. No public consultation has been conducted in preparing this study or report.

## STATUTORY IMPLICATIONS

42. Nil

## POLICY IMPLICATIONS

43. The project is noted in the Great Southern Regional Sport and Recreation Plan as a Key Facility Investment for the City of Albany under the Facility Development Priorities 6.1.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Lack of available finance.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Continue with the recommendation and next phase of planning in accordance with state and federal government advice.</li> <li>• Development of a funding strategy</li> <li>• Commitment of clubs through the signing of a joint MOU demonstrating financial commitment and a commitment to work together to achieve a desired aim of co-location.</li> </ul>
<i>Failure to secure a workable solution may result in the condition of the amenities deteriorating to an unsafe condition and the demise of the sport.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Continue to work diligently through the process following state and federal government advice.</li> <li>• Support clubs in the ongoing development of their sport, membership base and financial management through SSA and City of Albany club support programs.</li> <li>• Confirm the City of Albany's intent to only fund co-located clubs in the future.</li> <li>• Work with Clubs and community partners to seek alternate temp solutions to host the sport whilst planning continues.</li> </ul>
<i>Risk of other clubs not supporting relocation/colocation and shared use.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Develop an MOU to agree terms of potential move and agreed mechanism to continue to develop the project.</li> </ul>

				<ul style="list-style-type: none"> <li>• Future financial plan and commitment of City to co-location opportunities only.</li> </ul>
<i>Viability of the sport(s) is not proven under a colocated model</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Development of a business case etc. in accordance with state and federal government advice.</li> <li>• Ongoing support for club business plan and operational planning through the SSA and City of Albany Club Development Team</li> </ul>
<i>No real demand politically. Current state government commitments and priorities for the development of co-located infrastructure changes (if only tennis, the risk of this occurring would be high. Whereas a combination of sports working collaboratively would be more favourable considered)</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• Integration of the project as a priority within the City's Strategic Community Plan, Corporate Plan and Long Term Financial Plan.</li> <li>• Principles of colocation and joint working between clubs established within a MOU</li> <li>• Ensure bi-partisan political support for the project through local lobbying of state elected members and potential candidates.</li> </ul>

### FINANCIAL IMPLICATIONS

45. Financial implications would include costs associated with reworking the current model and preparing the outstanding Business Case Planning, Management Plan, Life Cycle Cost Analysis, Projected Income and Expenditure Statements (3 years), Asset Replacement Management Fund, Concept Planning and Construction Cost Estimates and need to be considered in the 2020/2021 budget cycle.
46. Upon approval from Council it is reasonable to expect that the above documentation could be completed by June 2021. The completed documents would assist in preparing the City of Albany for a Forward Planning Triennium Grant application in September 2021 with 3 years to complete the project upon a successful application.

### LEGAL IMPLICATIONS

47. Not applicable to this report.

### ENVIRONMENTAL CONSIDERATIONS

48. Not applicable to this report.

### ALTERNATE OPTIONS

49. Council has a number of alternate options including:
- a) Formally accept the Regional Tennis Feasibility Study for the City of Albany report and terminate the project.
  - b) Do not accept the report and terminate the project.
  - c) Formally accept the report and recommendations contained within it. Note the preferred site with approval to seek funding and continue to work through a Regional Tennis Centre business case and supporting documentation option as outlined in the report. Continue to seek value for money whilst still meeting the needs of community sport.

### SUMMARY CONCLUSION

50. The Regional Tennis Feasibility Study for the City of Albany has been completed. The study clearly justifies the need for and provides evidence that the existing facilities are inadequate and will not meet the future demands of the population.
51. The high costs noted in the report and recent more affordable tennis facility developments in other local government areas (i.e. City of Busselton) the proposal for a Regional Facility at the identified site has been questioned by the local community, City Officers and Council.

52. As such the recommendation is to re-evaluate the scope of the project and re-run the model again. This would entail further investigation into alternate models including re-scoping the project and re-running the model for a district provision that focuses on meeting district tennis and community needs only as opposed to a regional and elite competition sporting provision.
53. A review of the sites to support future expansion and colocation partners would be appropriate as part of the review process.

Consulted References	:	Not applicable to this report.
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	

**CCS234: COMMUNITY SPORTING AND RECREATION FACILITIES  
FUND 2020/2021 SMALL GRANT ROUND APPLICATIONS**

**Proponent / Owner** : Albany Leisure and Aquatic Centre  
**Attachments** : Albany Swim Club - Project Assessment Sheet; Policy for  
Community Sport and Recreation Facilities Small Grant  
Funding Policy  
**Report Prepared By** : Manager Recreation 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:** A Sense of Community.
  - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
  - **Community Priority:** Provide positive leadership that delivers community outcomes.

**In Brief:**

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round.
- To seek Council support to provide funding assistance in line with the Council Policy of the Community Sports & Recreation Facilities for the Albany Leisure and Aquatic Centre and Albany Swim Club project upon return of a successful CSRFF Small Grant application.

**RECOMMENDATION**

**6.54PM Councillor Doughty left Chamber.**

**CCS234: RESOLUTION 1 (AMENDED RESPONSIBLE OFFICER RECOMMENDATION 1)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR THOMSON**

**THAT:**

1. Council NOTE that the Installation of Pool Hoist project is not eligible for the City's Capital Seed Funding, however, this project is eligible for one third funding through the State Government CSRFF Small Grant Program.
2. If the application to CSRFF is successful for one third funding, the additional two thirds to complete this project will need to be sourced from the current 2019-20 budget or other funding sources.

**CARRIED 11-0**

**CCS234: RESOLUTION 2 (AMENDED RESPONSIBLE OFFICER RECOMMENDATION 2)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR STEPHENS**

**THAT:**

1. Council NOTE that Upgrade of Starting Platforms project is eligible for the City's Capital Seed Funding, and the State Government CSRFF Small Grant Program.
2. Council NOTE that previous applications for CSRFF funding have been made by the City on behalf of community or sporting organisations.

**CARRIED 11-0**

**Officer Comment (Manager Recreation Services):**

The City has previously lodged applications for CSRFF funding on behalf of community or sporting organisations who may not have the resources or capacity to apply on their own behalf.

Starting platforms are not used by the general public, but are reserved for use by the Albany Swim Club during club events and activities and other competitions. It is therefore reasonable to expect a one third contribution to this project from the Albany Swim Club in line with other community sporting infrastructure projects.

**CCS234: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION 3)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN**

**SECONDED: COUNCILLOR SHANHUN**

**THAT Council:**

**Council RANK the one CSRFF application in the following order for the CSRFF Small Grant application March 2020 Funding Round:**

- 1. Albany Leisure and Aquatic Centre and Albany Swim Club – Installation of Pool Hoist and Upgrade of Starting Platforms; and**
- 2. APPROVE a total of \$7831.30 (exc. GST) from the 2019-2020 budget to the Albany Swim Club for the Upgrade of Starting Platforms with the following conditions:**
  - a. This funding will be still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that project will be completed and acquitted using funding from other sources; and**
  - b. The funding amount does not exceed a total of \$7831.30 (exc. GST).**
  - c. 11/0**

**Officer Comment (Manager Recreation Services):**

At the CCS Committee Meeting held on Tuesday 10 March 2020, Council requesting clarification on whether these two projects were eligible to apply for funding under the Community Sport and Recreation Facilities Small Grant Funding Policy, as they relate to infrastructure upgrades to a City owned facility.

City staff have confirmed that the Installation of the Pool Hoist project is not eligible under the CSRFF Small Grant Funding Policy, however, this project can still apply for one third funding from the State Government CSRFF funding stream.

Should Council choose to proceed with the Installation of Pool Hoist project, the remaining two thirds of funding (\$10,190 ex GST) will be funded by the City of Albany from an appropriate budget line in the current 2019-20 budget unless other suitable funding is secured.

**CCS234: COMMITTEE RECOMMENDATION 1 (AMENDMENT BY COUNCILLOR STOCKS)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT subject to clarification by staff prior to the Ordinary Council Meeting to be held on 24 March 2020 that the Community Sport and Recreation Facilities Small Grant Funding Policy allows the City to apply for funding for its own facility, Council RANK the one CSRFF application in the following order for the CSRFF Small Grant application March 2020 Funding Round:**

- 1. Albany Leisure and Aquatic Centre and Albany Swim Club – Installation of Pool Hoist and Upgrade of Starting Platforms.**

**CCS234: COMMITTEE RECOMMENDATION 2 (AMENDMENT BY COUNCILLOR STEPHENS)**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT subject to clarification by staff prior to the Ordinary Council Meeting to be held on 24 March 2020 that the Community Sport and Recreation Facilities Small Grant Funding Policy allows the City to apply for funding for its own facility, Council APPROVE a total of \$12,926.30 (exc. GST) from the 2019-2020 budget to the Albany Leisure and Aquatic Centre and Albany Swim Club with the following conditions:

- This funding will be still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- The funding amount does not exceed a total of \$12,926.30 (exc. GST).

**CCS234: COMMITTEE RECOMMENDATION 1 (AMENDMENT BY COUNCILLOR STOCKS)**

**MOVED: COUNCILLOR STOCKS**

**SECONDED: COUNCILLOR SLEEMAN**

THAT subject to clarification by staff prior to the Ordinary Council Meeting to be held on 24 March 2020 that the Community Sport and Recreation Facilities Small Grant Funding Policy allows the City to apply for funding for its own facility, Council RANK the one CSRFF application in the following order for the CSRFF Small Grant application March 2020 Funding Round:

1. Albany Leisure and Aquatic Centre and Albany Swim Club – Installation of Pool Hoist and Upgrade of Starting Platforms.

**CARRIED 10-0**

**CCS234: COMMITTEE RECOMMENDATION 2 (AMENDMENT BY COUNCILLOR STEPHENS)**

**MOVED: COUNCILLOR STEPHENS**

**SECONDED: COUNCILLOR THOMSON**

THAT subject to clarification by staff prior to the Ordinary Council Meeting to be held on 24 March 2020 that the Community Sport and Recreation Facilities Small Grant Funding Policy allows the City to apply for funding for its own facility, Council APPROVE a total of \$12,926.30 (exc. GST) from the 2019-2020 budget to the Albany Leisure and Aquatic Centre and Albany Swim Club with the following conditions:

- This funding will be still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- The funding amount does not exceed a total of \$12,926.30 (exc. GST).

**CARRIED 10-0**

**CCS234: AMENDMENT BY COUNCILLOR STOCKS**

**MOVED: COUNCILLOR STOCKS**

**SECONDED: COUNCILLOR SLEEMAN**

THAT Responsible Officer Recommendation 1 be AMENDED to include the following wording:

THAT subject to clarification by staff prior to the Ordinary Council Meeting to be held on 24 March 2020 that the Community Sport and Recreation Facilities Small Grant Funding Policy allows the City to apply for funding for its own facility

**CARRIED 10-0**



**CCS234: AMENDMENT BY COUNCILLOR STEPHENS**

MOVED: COUNCILLOR STEPHENS

SECONDED: COUNCILLOR THOMSON

THAT Responsible Officer Recommendation 2 be AMENDED to include the following wording:

THAT subject to clarification by staff prior to the Ordinary Council Meeting to be held on 24 March 2020 that the Community Sport and Recreation Facilities Small Grant Funding Policy allows the City to apply for funding for its own facility

CARRIED 10-0

**CCS234: RESPONSIBLE OFFICER RECOMMENDATION 1**

THAT Council RANK the one CSRFF application in the following order for the CSRFF Small Grant application March 2020 Funding Round:

1. Albany Leisure and Aquatic Centre and Albany Swim Club – Installation of Pool Hoist and Upgrade of Starting Platforms

**CCS234: RESPONSIBLE OFFICER RECOMMENDATION 2**

THAT Council APPROVE a total of \$12,926.30 (exc. GST) from the 2019/2020 budget to:

- Albany Leisure and Aquatic Centre and Albany Swim Club (\$12,926.30)
- This funding will be still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- The funding amount does not exceed a total of \$12,926.30 (exc. GST).

**BACKGROUND**

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries has three rounds of available funds including:
  - Small Grant Funding Round (Winter)
  - Annual and Forward Planning Funding Round
  - Small Grant Funding Round (Summer)
3. The CSRFF program is a state-wide \$12 million program. All three rounds are promoted by the State and Regional Sporting Associations and, State and Local Government extensively via distribution club networks, social and print media. Across the state the program is often oversubscribed and clubs may need to reapply on a number of occasions to be successful.
4. The Small Grants Round targets community sport projects where the financial value of the total project is up to \$300,000 and is delivered within a 12-month period.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
6. Clubs and local government authority must demonstrate equitable access to the facility by the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
  - Crown reserve
  - Land owned by a public authority
  - Municipal property
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities.
10. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation on behalf of the applicants prior to March 30 2020.
12. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

## **DISCUSSION**

13. The grant guidelines require Council to provide a ranking for the projects.
14. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
  - Project justification
  - Planned approach
  - Community input
  - Management planning
  - Access and opportunity
  - Design
  - Financial viability
  - Coordination
  - Potential to increase physical activity
  - Sustainability
15. With overall project rating, being:
  - Well planned and needed by municipality
  - Well planned and needed by applicant
  - Needed by municipality, more planning required
  - Needed by applicant, more planning required
  - Idea has merit, more planning work needed
  - Not recommended
16. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
17. The City of Albany has received only one (1) Small Grant Application this round despite advertising in publications, social and print media. The following additional information is provided about the project and funding application:

### **ALAC and Albany Swim Club Project Background**

18. Albany Leisure and Aquatic Centre is located on Barker Road Centennial Park, Albany.

#### **Project: Starting Platforms Upgrade**

- Replace and upgrade the current starting blocks in the ALAC Lap Pool. The current dive blocks are aged and do not meet contemporary racing competition standards as well as representing a safety risk for swim club participants.
- The dive blocks that are currently in place at ALAC are permanently fixed to the floor and can only be used under the supervision of a qualified supervisor/coach.
- The platforms are suitable for use in State sanctioned swim meets and assist with preparation of swimmers for both state and national competition.
- The Club are a major stakeholder of ALAC and utilise the facility 6 days per week.
- The centre hosts both regional and state events. This upgrade will directly impact on the club's ability to deliver major events. It will also assist the Swim Club athletes to train on state of the art infrastructure.
- Total Project cost is \$23,494
- The project is well planned and needed by the region.
- The application, installation and project will be managed by the City of Albany.
- Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level.
- The City of Albany has carried out a risk assessment and the project is rated as medium based on the incidents that have occurred over the last 12 months (People's Health and Safety).

#### **Project: Pool Hoist**

- Installation of a disability access pool hoist in the Lap Pool at ALAC. The Centre has a number of regular patrons as well as user groups who would benefit from the availability of a pool hoist in the lap pool.
- Currently, patrons with mobility issues are not able to access the lap pool without assistance from ALAC staff or carer.
- The proposed pool hoist is made of stainless steel and is operated by a hydraulic water lift. No attendance help is required to operate and use the lift providing patrons with independence.
- Total project cost is \$15,285
- The project is well planned and needed by the municipality.
- The application, installation and project will be managed by the City of Albany.
- The City of Albany has carried out a risk assessment and the project is rated as medium based on the incidents that have occurred over the last 12 months (People's Health and Safety).
- The Department of Local Government, Sport and Cultural Industries and the Great Southern Manager has indicated that the project meets the criteria and would be supported at a regional level.

19. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Albany Leisure & Aquatic Centre/Albany Swim Club	Installation of Pool Hoist and Upgrade of Starting Platforms	Well planned and needed by the region.

20. A completed Officers Project Assessment Sheet for the project application is attached.

### GOVERNMENT & PUBLIC CONSULTATION

21. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern has been consulted with by the City of Albany (February 2020).
22. The City of Albany has consulted (February 2020) with the clubs benefiting from this Community Sporting project.

### STATUTORY IMPLICATIONS

23. There is no statutory requirement.
24. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.
25. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
26. It should be noted that the Department of Local Government, Sport and Cultural Industries – Sport and Recreation will make the final decision on funding allocation.

### POLICY IMPLICATIONS

27. The Community Sports and Recreation Facilities Small Grant Funding Policy has been applied in the assessment and recommendations.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Community Property</b> <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council can choose to support the funding application, or work with City officers and the Club to source alternate funding streams.</i>
<b>People Health &amp; Safety</b> <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the funding application, or work with City officers to source other funding streams.</i>

<b>Reputation &amp; Financial</b> <i>Failure to distribute the Councils Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the officer's recommendation, or work with City officers to deliver an equitable allocation of funding.</i>
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**FINANCIAL IMPLICATIONS**

29. The City allocated a total of \$75,000 Capital Seed Funding for Sporting Clubs in the 2019/2020 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process. There is current \$69,642 available in the reserve.
30. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.
31. The total projected costs for the proposed project is \$38,779.00
32. The requested total from the Capital Seed Fund is \$12,926.30 one third of the total project costs.
33. The next Small Grant round is August 2020.
34. The following table provides the budget detail and requests for financial support from the applications received:

<b>Project</b>	<b>Total project cost (ex GST)</b>	<b>Applicant contribution (Swim Club/ALAC) (ex GST)</b>	<b>CSRFF Grant (ex GST)</b>	<b>Request for Council Financial Support (ex GST)</b>
Upgrades to Dive Blocks/Pool Hoist	<b>\$38,779.00</b>	\$12,926.40	\$ 12,926.30	\$ 12,926.30
<b>TOTAL</b>	<b><u>\$ 38,779.00</u></b>	<b><u>\$12,926.40</u></b>	<b><u>\$ 12,926.30</u></b>	<b><u>\$ 12,926.30</u></b>

35. The joint Albany Leisure and Aquatic Centre and Albany Swim Club application draws down on the current capital seed fund. If the application is successful there will be \$56,715.70 remaining.
36. If the application is unsuccessful, the applicants can reapply in the next round.

**LEGAL IMPLICATIONS**

37. Nil

**ENVIRONMENTAL CONSIDERATIONS**

38. There are no environmental impacts associated with the project.

**ALTERNATE OPTIONS**

39. Council may choose not to provide funding assistance for this project.
40. Council may choose to provide more or less funding assistance to this project.

## CONCLUSION

41. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.
42. This project meets the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. It is considered well planned and needed by the region. Council is required to endorse the officers ranking. City officers have ranked the application as the number one (1) priority.
43. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
44. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on the priority ranking order by 27 March 2020.

<b>Consulted References</b>	:	
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	

**CCS235: APPROVAL FOR ATTENDANCE AT MEETING BY TELEPHONE**

**Business Entity Name** : City of Albany  
**Attachments** : Nil  
**Report Prepared By** : Manager Governance & Risk (S Jamieson)  
**Responsible Officers:** : Executive Director Corporate & Commercial Services (D Olde)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Theme:** Leadership.
  - b. **Objectives:** To establish and maintain sound business and governance structures.
  - c. **Community Priorities:** 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.

**URGENT BUSINESS**

*In accordance with the City's Standing Orders Local Law 2014 (as amended), Urgent meaning something which is a matter of public or administrative importance. This report was brought forward as the first item of business to facilitate participation by those elected members attending remotely.*

**In Brief:**

- Approve the following recommendations to allow electronic (telephone) attendance at the meeting.

**CCS235: PROCEDURAL MOTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY  
SECONDED: COUNCILLOR SLEEMAN**

**THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) approve this matter as an urgent item.**

**CARRIED 9-0  
ABSOLUTE MAJORITY**

**RECOMMENDATION**

**CCS235: RESOLUTION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR DOUGHTY**

**THAT in accordance with Regulation 14A of the *Local Government (Administration) Regulations 1996*, the following elected members be APPROVED as present at this meeting, via telephone:**

- Councillor Paul Terry;
- Councillor Sandie Smith;
- Councillor Rebecca Stephens.

**CARRIED 9-0**

*Councillors Terry, Smith and Stephens are now officially part of the meeting.*

*Manager Governance & Risk, Stuart Jamieson provided an update to Council that new regulations to allow Council meeting to continue electronically during a public health emergency or state of emergency will come into effect on Thursday 26 March 2020.*

**CCS235: RESOLUTION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR SLEEMAN**  
**SECONDED COUNCILLOR SHANHUN**

**THAT electronic attendance at meetings by Elected Members and Staff be APPROVED, for future full Council and Committee meetings, noting the Department of Local Government, Sport and Cultural Industries has advised that an amendment to the Local Government Act 1995, regulations that will enable either individual council members or the entire council to participate in meetings remotely will come into on Thursday 26 March 2020.**

**CARRIED 12-0**

**BACKGROUND**

2. The Minister for Health Declared a Public Health State Emergency under the *Public Health Act 2016* on 16 March 2020.
3. The social distancing advice and directives received, impacts local governments that are required to hold meetings.

**DISCUSSION**

4. To ensure the City of Albany can continue to make decisions in the best interests of the community, the following actions are required:

Meetings	Requested Action
<b>Minimise person to person contact and enable social distancing measures.</b>  On 20 March 2020, the Department of Local Government, Sport and Cultural Industries have advised that the amended regulations that will enable either individual council members or the entire council to participate in meetings remotely will be gazetted next week.	Approve attendance by telephone for elected members in accordance with the current legislation.  From this point forward, public question time requirements will be met by council providing the following email address for questions to be submitted prior to the meeting to: <ul style="list-style-type: none"><li>• <a href="mailto:councilliaison@albany.wa.gov.au">councilliaison@albany.wa.gov.au</a></li></ul>

**GOVERNMENT & PUBLIC CONSULTATION**

5. Guidance has been communicated by the Department of Local Government, Sport & Cultural Industries via government circulars and by the Departments of Health (State & Federal).



## STATUTORY IMPLICATIONS

6. Prescribed actions are detailed at Regulation 14A of the *Local Government (Administration) Regulations 1996*:

### **Regulation 14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))**

(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —

- (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
- (b) the person is in a suitable place; and
- (c) the council has approved\* of the arrangement.

## POLICY IMPLICATIONS

7. Nil.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Health &amp; Safety:</b>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Approve proposed procedural motion and recommendations.</i>

## FINANCIAL IMPLICATIONS

9. Not applicable to this report.

## LEGAL IMPLICATIONS

10. Refer to statutory implication section of report.

## ENVIRONMENTAL CONSIDERATIONS

11. Promotes Health Department's guidance.

## ALTERNATE OPTIONS

12. Nil.

## CONCLUSION

13. Nil.

<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> <li>• Department Circulars</li> </ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous References</b>	:	Nil.

## CCS236: REX CONTRACT

<b>Business Entity Name</b>	: Regional Express (Rex Airlines)
<b>Attachments</b>	: <ul style="list-style-type: none"><li>• Rex letter to CEO dated 19 March 2020 (Previously distributed)</li><li>• Rex Media Release dated 17 March 2020 – Open Letter to the Deputy Prime Minister (Previously distributed)</li></ul>
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: Executive Director Corporate & Commercial Services (D Olde) Chief Executive Officer (A Sharpe)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Theme:** Leadership.
  - b. **Objectives:** To establish and maintain sound business and governance structures.
  - c. **Community Priorities:** 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.

## CONFIDENTIAL

*This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).*

## URGENT BUSINESS

*In accordance with the City's Standing Orders Local Law 2014 (as amended), Urgent meaning something which is a matter of public or administrative importance.*

### CCS236: PROCEDURAL MOTION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

**Moved:** Councillor Sleeman

**Seconded:** Councillor Benson-Lidholm

**THAT** in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) approve this matter as an urgent item.

**CARRIED 12-0  
ABSOLUTE MAJORITY**

7.59PM

### RESOLUTION

#### VOTING REQUIREMENT: SIMPLE MAJORITY

**Moved:** Councillor Shanahun

**Seconded:** Councillor Doughty

**THAT** the meeting be **CLOSED** to the public and go behind closed doors to discuss Confidential Item CCS236: REX Contract.

**CARRIED 11-0**

**8.04PM**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**

**SECONDED: COUNCILLOR DOUGHTY**

**THAT the meeting be RE-OPENED to members of the public.**

**CARRIED 11-0**

**In Brief:**

- To consider a significant reduction or suspension of landing fee charges to Rex Airlines due to the COVID-19 Pandemic.

Rex Request	Officer Comment & Requested Delegation
<p>Refer to Rex letter attached.</p> <p>In summary Rex has requested a 70% reduction of the head tax payable from 1 April 2020 to 31 Dec 2020 in a first instance for landing at the Albany Airport.</p> <p>Extract from letter:</p> <p><i>'You can understand that under the current conditions we are in no position to continue to guarantee the head tax revenue and so we need to terminate the agreement with effect from 1 April 2020.</i></p> <p><i>After that date, we would need to revert to payment of the head tax on a per passenger basis'.</i></p>	<p>Rex provides an essential service to both the Albany and Esperance Communities.</p> <p>The City of Albany is willing to work with Department of Transport (WA) and Australian Government to keep this service running, noting the RPT service transports specialist medical doctors, patients and urgent medical supplies.</p> <p>In response to the REX correspondence, it is requested that Council consider providing the CEO delegated authority to negotiate an interim contract with REX and seek support from government.</p> <p><b>It this delegation is approved, it is the CEO's intention to keep Council informed prior to implementing any contractual amendments, and prior to entering into a finalised contract.</b></p>

**RECOMMENDATION**

**CCS236: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR THOMSON**

**SECONDED: COUNCILLOR HAMMOND**

**THAT Council:**

- (1) ACKNOWLEDGE and accept REX Airlines decision to terminate the current agreement with the City of Albany, as at 1 April 2020;**
- (2) ENDORSE the position that City of Albany is willing to work with Department of Transport (WA) and Australian Government to keep this service running, noting the Regular Passenger Transport (RPT) Service currently provided by Regional Express (Rex) provides daily/weekly transportation of specialist medical doctors, patients and urgent medical supplies.**
- (3) DEFER and/or SUSPEND further airport charges, post 1 April 2020, to REX Airlines until a new agreement has been reached.**
- (4) In response to the REX correspondence and intimated withdrawal of service, provide the CEO delegated authority to:**
  - Negotiate an interim contract with Rex to maintain an air service between Albany and Perth; and**
  - Seek financial support from the Department of Transport (WA) and the Australian Government.**

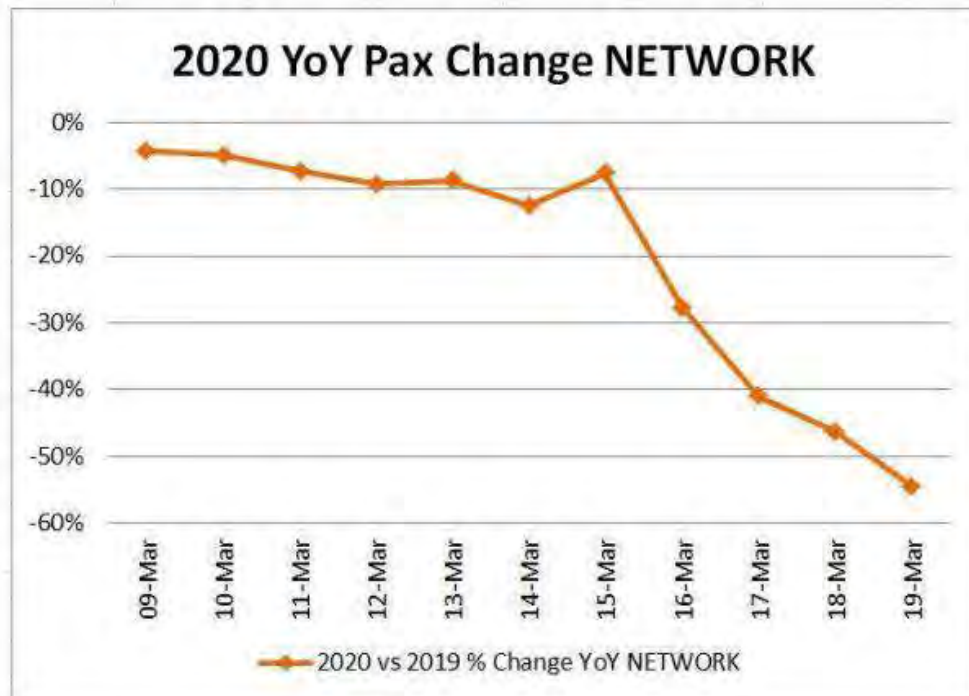
**CARRIED 12-0  
ABSOLUTE MAJORITY**

## BACKGROUND

2. Rex Airlines has provided a Regular Passenger Transport (RPT) service between Albany and Perth under a State Government (Department of Transport) contract since 2016.
3. On the 1 July 2017, the City and Rex Airlines entered in to a new agreement whereby the City limited the head tax payable and Rex Airlines introduced the Community Fare Scheme that provides an affordable fare with conditions.
4. On 1 March 2020 the World Health Organisation declared the COVID-19 outbreak a pandemic. This declaration, restriction on international travel and the subsequent social distancing recommended by the Australia Government has quickly and significantly impacted on the passenger numbers per flight.
5. Rex Airlines have written to the City (Attachment A) requesting that the Provision of Community Fares Agreement be terminated with effect from 1 April 2020 and Rex reverting to paying head tax on a per passenger basis.
6. Further, Rex Airlines are asking the City provide a 70% reduction of the head tax from 1 April 2020 to 31 December 2020, there is no information within the letter on how the 70% reduction was calculated.

## DISCUSSION

7. A media release by Rex Airlines on 23 March 2020 states that operations (including within WA) will **cease from 6 April 2020** unless the Federal and State Governments are willing to underwrite the losses.
8. At the time of writing there has been no response from the State Government, although it has only been a few hours since the media release was made public.
9. The media release includes the below graphic showing the steep and sudden decline in passenger numbers across the Rex network due to the COVID-19 Pandemic.



10. The State Government has not announced any relief package or stimulus package towards the aviation industry.
11. The media is reporting that the Minister has had discussions over the weekend with Rex Management but there is nothing forthcoming publicly at this time from the Minister or Department of Transport.
12. It is impossible to estimate future passenger numbers at this point in time.

13. In response to the COVID-19 pandemic and the impact it is having on the aviation industry, the Federal Government announced on 18 March 2020 a \$715 million relief package that waives fees for the airlines including aviation fuel excise, Airservices charges on domestic airline operations and domestic and regional aviation security charges. The actual impact on the savings to Rex Airlines is unknown.
14. The Australia Prime Minister has publicly stated that the expected impact of the Coronavirus could extend for up to 6 months.
15. The true impact of the request is hard to quantify as the position of REX is changing day to day. The City understands REX has now considering cancelling all flights (except in Queensland) **by 6 April 2020**, should they not be guaranteed of further government (State or Federal) assistance.
16. The Officer's Recommendation will allow for further discussions with REX, while these discussions with the Government occur.
17. Officers are cautious in recommending a reduction in fees for a period greater than 3 months without fully understanding if this will have any impact on REX continuing the service.

### GOVERNMENT & PUBLIC CONSULTATION

18. Consultation has been conducted with the Department of Transport (WA); however, no position has been established at the time of writing this report.
19. Consultation has also been conducted with Rex Airlines and the Shire of Esperance.

### STATUTORY IMPLICATIONS

20. Nil.

### POLICY IMPLICATIONS

21. Nil.

### 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>Financial (Impact on City)</b> , noting the airport is an essential service for the Albany Community and the region, which requires to be maintained operationally for emergency services.	Possible	Major	High	<p>Reducing fees &amp; charges may have a <u>long term</u> effect on the sustainability of maintaining airport assets.</p> <p>Based on current Annual Technical Inspections and reduced flights, this can be endured in the short to medium term.</p> <p>To ensure both the Albany and Esperance Communities have a passenger transport connection, other options to reduce costs can also be explored:</p> <ul style="list-style-type: none"> <li>Reducing the scheduled flight arrivals and departure times to operate between normal business hours only (i.e. 7:00am to 5pm), Monday to Friday; and</li> <li>Limiting or cancelling weekend and public holiday services.</li> </ul>

## FINANCIAL IMPLICATIONS

### Asset Management Implications

23. In the short to medium term, the City can cover the loss of income by utilising savings that are located within the Aerodrome Reserve and delay capital airport upgrades, that were subject to Federal and State Funding.
24. Noting on the 26 November 2019 the City of Albany was in a position to contribute \$1.677 million (one third of the total proposed project cost).
25. Any longer term reduction of that Reserve could severely limit the City's ability to co-fund statutory required infrastructure works.
26. The current agreement has Rex paying an annual fee of \$1,712,413 (including GST) per annum regardless of the number of passengers.
27. The forecast capital expenditure for 2020/21, being: \$829,132, with forecast expenditure in 2021/22 subject to both Federal and State Funding (\$4,967,000).
28. The financial implications arising from this report are a significant loss of income for the foreseeable future with regard to airport operations.

## LEGAL IMPLICATIONS

29. Nil.

## ENVIRONMENTAL CONSIDERATIONS

30. Nil.

## ALTERNATE OPTIONS

31. Nil.

## CONCLUSION

32. Nil.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• Department Circulars</li><li>• Media Releases (Rex)</li></ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous References</b>	:	<ul style="list-style-type: none"><li>• OCM 26/11/2019 Resolution CCS195.</li><li>• OCM 05/02/2019 Resolution CCS122.</li></ul>

## CCS237: COVID-19 DELEGATED AUTHORITY

<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: Premier's letter dated 17 March 2020
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: Executive Director Corporate & Commercial Services (D Olde)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
  - a. **Theme:** Leadership.
  - b. **Objectives:** To establish and maintain sound business and governance structures.
  - c. **Community Priorities:** 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.

### URGENT BUSINESS

*In accordance with the City's Standing Orders Local Law 2014 (as amended), Urgent meaning something which is a matter of public or administrative importance.*

7.05PM Councillor Doughy returned to the Chamber.

#### In Brief:

- Approve the following recommendations to allow electronic (telephone) attendance at the meeting.

#### CCS237: PROCEDURAL MOTION VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR GOODE**

**THAT** in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) approve this matter as an urgent item.

**CARRIED 11-0**

### RECOMMENDATION

#### CCS237: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION) VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED COUNCILLOR STOCKS**  
**SECONDED COUNCILLOR SLEEMAN**

**THAT** the Chief Executive Officer and the Executive Director Corporate & Commercial Services are delegated until 31 December 2020 the authority to DEFER, DISCOUNT, and/or SUSPEND fees, charges, including licensing and leasing fees in accordance with the *Local Government Act 1995* and City of Albany administrative guidelines.

**Note:** City guideline for each application:

- Will be assessed on a case by case basis, for each application.
- This does not extend to writing off debt owed.
- Council is to be provided with a list of all delegations enacted.
- Interest on unpaid debt be waived.
- This position is to be reviewed at the end of the calendar year (31 December 2020)

**CARRIED 12-0**  
**ABSOLUTE MAJORITY**

*Minor amendment proposed by Councillor Stocks, being:*

- *Interest on unpaid debt be waived*
- *Will be assessed on a case by case basis, for each application.*

*Minor amendment proposed by the Mayor, being:*

- *This position is to be reviewed at the end of the calendar year (31 December 2020).*

*Point of clarification made by the Executive Director Corporate & Commercial Services, being:*

- *This delegation does not apply to rate relief as City Officers already have delegated authority to enact relief measures.*
- *Additional relief measure are currently being developed for Council consideration as part of the budget process.*

CCS237: RESPONSIBLE OFFICE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the Chief Executive Officer and the Executive Director Corporate & Commercial Services are delegated until 31 December 2020 the authority to DEFER, DISCOUNT, and/or SUSPEND fees, charges, including licensing and leasing fees in accordance with the *Local Government Act 1995* and City of Albany administrative guidelines.

Note: City guideline for each application:

- Will be assessed on a case by case basis.
- This does not extend to writing off debt owed.
- Council is to be provided with a list of all delegations enacted.

**BACKGROUND**

2. A Public Health Emergency and a State of Emergency for Western Australia has now been declared.
3. During this period local governments and local government leaders will have an important role to play, not only fulfilling responsibilities under the Plan, but also providing leadership in their communities to help people through this difficult time.
4. Many of the restrictions being put into place will have economic and financial implications for businesses and families.
5. To ease the financial pressures on families, the State Government yesterday took the decision to freeze all Household Tariffs, Fees and charges in 2020-21.
6. The Premier, Hon Mark McGowan, MLA has requested local to support and action a unilateral freeze on Local Government Household Rates, Fees and Charges in 2020-21.

**DISCUSSION**

7. Local government play a significant role to relieve pressure on families and businesses.
8. Local government rates form a significant part of family and business expenses.
9. Rate relief will further assist with these pressures.
10. To ensure the City of Albany can continue to make decisions in the best interests of the community, provide relief and compassion based on a case by case basis the following actions are required:



## GOVERNMENT & PUBLIC CONSULTATION

11. Request from Premier attached.

## STATUTORY IMPLICATIONS

12. The drafter of this report interprets rate relief and/or waiving of charges as authorised expenditure in advance noting the current emergency situation
13. Local Government Act 1995 (the Act):

### **6.8. Expenditure from municipal fund not included in annual budget**

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution\*; or

(c) is authorised in advance by the mayor or president in an emergency.

**\* Absolute majority required.**

### **6.12. Power to defer, grant discounts, waive or write off debts**

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

which is owed to the local government.

**\* Absolute majority required.**

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

### **6.13. Interest on money owing to local governments**

(1) Subject to any other written law, a local government may resolve\* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —

(a) that person owes to the local government; and

(b) has been owed for the period of time referred to in subsection (6).

**\* Absolute majority required.**

(2) A resolution under subsection (1) is to be included in the annual budget.

(3) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

(4) Where a local government imposes interest under subsection (1) on any outstanding amount of money the local government is not to also impose an additional charge in relation to that amount.

(5) Accrued interest is, for the purpose of its recovery, taken to form part of the money owed to the local government on which it is charged.

(6) A local government is not to impose interest on any amount of money under subsection (1) until the money has been owed to the local government for the period of time set by the local government in its annual budget (not being less than 35 days) after the date which is stated on the relevant account for payment as being the date the account was issued.

(7) Regulations may provide for the method of calculation of interest.

#### **6.15. Local government's ability to receive revenue and income**

(1) A local government may receive revenue or income —

(a) from —

- (i) rates; or
- (ii) service charges; or
- (iii) fees and charges; or
- (iv) borrowings; or
- (v) investments; or
- (vi) any other source,

authorised by or under this Act or another written law;

or

(b) from —

- (i) dealings in property; or
- (ii) grants or gifts.

(2) Nothing in subsection (1)(a) authorises the making by a local government of a local law providing for the receipt of revenue or income by the local government from a source not contemplated by or under this Act.

#### **6.16. Imposition of fees and charges**

(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

**\* Absolute majority required.**

#### **Leasing Specific**

Section 3.58 of the Act allows a local government to dispose of property, which includes a lease, either via public auction or tender or otherwise, with public notification of the proposed disposition.

The City's leases have been made pursuant to Clause 3.58 of the Act. It is understood that where there is a lease agreement in place, this agreement will prevail over the requirements of the Act.

A lease agreement can be varied on a temporary basis through exchange of correspondence to the tenant. This allows the City to amend the rental payments specified within the lease for a temporary period.

#### **POLICY IMPLICATIONS**

14. The current delegations will remain, and this specific delegation will be reported on separately when enacted to Council.

**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>Financial</b> (Community Financial Hardship to members of our community who have lost employment or had hours significantly cut).	Almost Certain	Major	Extreme	Approve proposed recommendations to be enacted on a case by case basis.
<b>Financial</b> (Operational Impact on City Service Delivery)	Almost Certain	Major	Extreme	Seek State & Federal Funding Assistance. <a href="#">Redirect workforce to the City's essential community services.</a>

**FINANCIAL IMPLICATIONS**

16. Refer to risk identification and mitigation section of the report.
17. Reduced Council activities to essential services only will have a cost saving.
18. The Australian Government has enacted financial support through the Department of Human Services (Medicare/Centrelink).

**LEGAL IMPLICATIONS**

19. [Contract and employee law will need to be considered in regards to mitigation listed above, including workplace health and safety obligations.](#)

**ENVIRONMENTAL CONSIDERATIONS**

20. Not applicable to this report.

**ALTERNATE OPTIONS**

21. A number of alternate options can be explored, the purpose of this report is to seek strategic guidance for the Executive to formulate medium to long term plans and to enable immediate financial relief to the vulnerable in our community.

**CONCLUSION**

22. It is recommended that the Responsible Officer Recommendation is supported as presented or with conditions imposed.
23. The City of Albany has a significant role to relieve pressure on families and businesses.
24. It is also hoped that persons/entities provide relief to small business and families who rent.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Local Government (Financial Management) Regulations 1996</li> <li>Delegations Register 2020</li> <li>Department Circulars</li> </ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous References</b>	:	Nil.

## DIS200: LOCAL PLANNING POLICY - END OF TRIP FACILITIES

<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Not Applicable
<b>Attachments</b>	: Draft End of Trip Facilities Policy
<b>Report Prepared By</b>	: Coordinator Planning Services (A Bott)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from
  - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
  - b. The adopted *Albany Local Planning Strategy 2019* and Community Strategic Plan – Albany 2030.

### In Brief:

- The City of Albany has prepared a local planning policy to guide the assessment and application of end of trip facilities as part of development proposals.
- End of trip facilities support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning and end of their journey to and from work. End of Trip facilities include change rooms, showers, lockers and secure bike storage.
- The preparation of the policy is a recommendation of the *Cycle City Albany Strategy 2014 to 2019*. A significant number of Local Governments now have similar policies.
- End of trip facilities provide employees with the necessary facilities to cycle commute to work and generally include bike storage areas, lockers and showers.
- It is proposed that the policy only apply to larger scale developments where there are a more significant number of employees. Further to this, it is proposed to have a level of discretion on the application of the policy as it relates to different locations and land uses. It is noted that due to their nature or location, some land uses will not be suitable for end of trip facilities.
- Council is requested to endorse the draft End of Trip Facilities Policy for the purpose of advertising.

### RECOMMENDATION

**DIS200: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: Councillor Goode**  
**Seconded: Councillor Stocks**

**THAT Council resolves NOT to proceed with the Draft End of Trip Facilities Policy.**

**CARRIED 10-2**

### Record of Vote

Against the Motion: Councillor Terry, Councillor Thomson

**Officer Comment (Coordinator Planning Services):**

In 2014 Council adopted the Cycle City Strategy 2014-2019. The strategy contains recommendations to include provisions for end of trip facilities in the Local Planning Scheme and/or a Local Planning Policy. It is considered that a local planning policy would allow for a more flexible and pragmatic approach for implementation.

Applicable extracts from Cycle City Strategy 2014-2019:

- Long stay end of trip facilities for commuters should generally be provided by the employer. Council's involvement in the provision of end of trip facilities should be in the form of:
  - Requiring, through its Town Planning Scheme, new developments to provide a certain minimum standard of end of trip cycle facilities for both employees and visitors;
- Review the Local Planning Scheme No 1 to encourage end of trip cycle facilities to be considered
- Develop a detailed area plan or appropriate policy to include provisions for end of trip facilities.

DIS200: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

LOST 4-6

**Record of Vote**

For the Motion: Mayor Wellington, Councillors Terry, Thomson and Hammond

DIS200: RESPONSIBLE OFFICER RECOMMENDATION

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to MAKE the End of Trip Facilities Policy (as set out as an attachment to this item), including minor modifications to the Policy as detailed in the attachment.
2. APPROVES giving notice through the placement of a notice of the proposed policy in a newspaper circulating in the Scheme area, in order to seek public comment.

**BACKGROUND**

3. As the level of cycling infrastructure and awareness increases in Albany, it is likely that there will be an increased level of cycle commuters.
4. The City of Albany has prepared a local planning policy to guide the assessment and application of end of trip facilities as part of development proposals.
5. The preparation of the policy is a recommendation of the Cycle City Albany Strategy 2014 to 2019. It is noted that a large number of Local Governments now have similar policies.
6. The draft policy aims to be pragmatic in its application, with the ability to apply discretion dependent on the size, location and nature of the use.
7. It is considered that increasing and implementing end of trip facilities within appropriate private developments will in facilitate higher numbers of cycling commuters.
8. It is recommended that the draft policy be endorsed for public advertising.

## DISCUSSION

9. The role of the proposed local planning policy is to guide the application of the requirement to provide end of trip facilities for commuters. The City of Albany does not currently have a policy position on the matter.
10. End of trip facilities support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning and end of their journey to and from work. End of Trip facilities include change rooms, showers, lockers and secure bike storage.
11. The preparation of the policy is a recommendation of the *Local Planning Strategy 2019* and the *Cycle City Albany Strategy 2014 to 2019*. It is noted that a large number of Local Governments now have similar policies to guide the requirement for end of trip facilities.
12. Generally it is expected that there will be a limited number of developments a year that may be subject to the policy. This statement is made the basis that that the policy is directed at larger developments which have 20 or more staff and are appropriately located to practically benefit from end of trip facilities.
13. The provision of end of trip facilities is a now common local government planning policy position and can be seen as a necessary measure to provide the necessary facilities within developments to the increase of cycling as a viable commuting option.
14. The proposed policy has been developed to afford discretion where appropriate. For example, in some circumstances it may not be appropriate for a major development to include end-of-trip facilities, such as where the development is a significant distance from a population centre or where road conditions would be hazardous to cyclists.
15. It is recommended that Council resolve to advertise the draft End of Trip Facilities Policy.

## GOVERNMENT & PUBLIC CONSULTATION

16. If the Council resolves to support the Draft End of Trip Facilities Policy for formal advertising:
17. A notice of the proposed policy is to be placed in a newspaper circulating in the area, giving details of:
  - Where the draft policy can be inspected;
  - The subject and nature of the draft policy; and
  - In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.
18. After expiry of the period within which submissions may be made, the Local Government is to:
  - Review the policy in light of any submissions made; and
  - Resolve to adopt the policy with or without modification, or not to proceed with the policy

## STATUTORY IMPLICATIONS

19. There are no statutory implications relating to endorsing the amended holiday accommodation policy.
20. Voting requirement for this item is **SIMPLE MAJORITY**.

## POLICY IMPLICATIONS

21. The proposed policy aims to establish a policy position for the City of Albany to outline the circumstances when end of trip facilities will be requested during the development application process.
22. The proposed Local Planning Policy has been prepared by the City of Albany under the deemed provisions of *Local Planning Scheme No.1*. whilst it is not part of the Scheme and does not bind the City of Albany in respect of any application for Development Approval, the City will be required is to have due regard to the provisions of the policy and the objectives which the Policy is designed to achieve.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation,</b> <i>Policy position may have an impact on business operations.</i> <b>Reputation.</b> <i>Advertising the proposed policy, could give rise to objectionable comments from developers</i>	Unlikely	Minor	Low	<i>Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</i>  <i>Provisions within the Policy have been included to address amenity issues.</i>
<b>Opportunity:</b> Increase sustainability measures within the private development sphere by enacting the recommendations of the Local Planning Strategy 2019 and the Cycle City Albany Strategy 2014 to 2019.				

**FINANCIAL IMPLICATIONS**

24. There are no financial implications relating to resolving to prepare a Local Planning Policy.

**LEGAL IMPLICATIONS**

25. There are no legal implications relating to resolving to prepare a Local Planning Policy.

**ENVIRONMENTAL CONSIDERATIONS**

26. There are no environmental considerations relating to resolving to amend a Local Planning Policy

**ALTERNATE OPTIONS**

27. Council has the following alternate options in relation to this item, which are:

- To resolve that the draft amended policy is unacceptable and refuse adoption for advertising; or
- To resolve to amend the proposed policy prior to advertising.

**CONCLUSION**

28. The proposed policy aims to establish a policy position for the City of Albany to outline the circumstances when end of trip facilities will be requested during the development application process.
29. The proposed policy is a result of recommendations contained within the *Local Planning Strategy 2019* and the *Cycle City Albany Strategy 2014 to 2019*.
30. The provision of end of trip facilities is a now common local government planning policy position and can be seen as a necessary measure to provide the necessary facilities within developments to the increase of cycling as a viable commuting option.
31. The policy affords suitable discretion that can be applied pragmatically to allow for a realistic assessment of the appropriateness of end of trip facilities taking into account the nature and location of the use.
32. It is requested that Council resolve to advertise the draft End of Trip Facilities Policy.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> 3. <i>Cycle City Albany Strategy 2014 to 2019</i>
<b>File Number (Name of Ward)</b>	:	All
<b>Previous Reference</b>	:	NIL

## **DIS201: RESCINDING LOCAL PLANNING POLICY – ANCILLARY ACCOMMODATION LOCAL PLANNING POLICY**

<b>Land Description</b>	: All
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Not Applicable
<b>Attachments</b>	: NIL
<b>Report Prepared By</b>	: Coordinator Planning Services (A Bott)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### **STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, the Council is obliged to draw conclusion from
  - a. The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
  - b. The adopted *Albany Local Planning Strategy 2019* and Community Strategic Plan – Albany 2030.

### **In Brief:**

- The City of Albany has been undertaking a review of its local planning policies.
- As part of this review, it has become apparent that the Ancillary Accommodation Local Planning Policy has become redundant, as the relevant provisions are now contained within *Local Planning Scheme No.1*.
- Council is requested to endorse rescinding the Ancillary Accommodation Local Planning Policy.

### **RECOMMENDATION**

**DIS201: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR THOMSON**

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to rescind the Ancillary Accommodation Policy (as set out as an attachment to this item).
2. **APPROVES** giving notice through the placement of a notice of the rescinded policy in a newspaper circulating in the Scheme area.

**CARRIED 12-0**

**DIS201: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR SMITH**

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

**CARRIED 10-0**



DIS201: RESPONSIBLE OFFICER RECOMMENDATION

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to rescind the Ancillary Accommodation Policy (as set out as an attachment to this item).
2. APPROVES giving notice through the placement of a notice of the rescinded policy in a newspaper circulating in the Scheme area.

**BACKGROUND**

3. The City of Albany has been undertaking a review of the suite of local planning policies.
4. While a number of policies will be refined and updated, it has become apparent that the controls contained within the ancillary accommodation policy are now redundant, as they are covered within Local Planning Scheme No.1.
5. It is now recommended that the policy be rescinded.

**DISCUSSION**

6. The role of the policy is to guide the assessment and determination of applications for ancillary accommodation.
7. Since the gazettal of Local Planning Scheme No.1 in 2014, the provisions for ancillary accommodation from the policy have been incorporated into scheme.
8. While the provisions contained within the scheme largely reflect those within the policy, both documents have been reviewed to ensure that the removal will not lead to any unintended consequences.
9. The City of Albany does has the ability to vary the scheme provision for ancillary accommodation if required and will not be losing the flexibility to apply the provisions pragmatically if required. Variations would go through the standard scheme variation process.
10. On the basis of the above it is considered that the policy ca be removed as it essentially a duplication of the scheme provisions and is no longer required.
11. It is recommended that Council resolve to rescind the Ancillary Accommodation Local Planning Policy.

**GOVERNMENT & PUBLIC CONSULTATION**

12. If the Council resolves to rescind the Ancillary Accommodation Local Planning Policy a notice will be required to be published in a local paper giving notice.

**STATUTORY IMPLICATIONS**

13. There are no statutory implications relating to rescinding the Ancillary Accommodation Local Planning Policy.
14. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

15. The relevant policy provisions of the policy are now contained within Local Planning Scheme No.1. As such there will be no changes in how ancillary accommodation is dealt with and assessed.

## RISK IDENTIFICATION & MITIGATION

16. 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> <i>Advertising the removal of the policy, could give rise to objectionable comments from developers</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Communicate that the provisions within the policy have are included within the planning scheme and still exist.</i>
<b>Opportunity:</b> <i>Consolidate the City of Albany's suite of local planning policies.</i>				

## FINANCIAL IMPLICATIONS

17. There are no financial implications relating to resolving rescind Local Planning Policy.

## LEGAL IMPLICATIONS

18. There are no legal implications relating to resolving to rescind a Local Planning Policy.

## ENVIRONMENTAL CONSIDERATIONS

19. There are no environmental considerations relating to resolving to rescind a Local Planning Policy

## ALTERNATE OPTIONS

20. Council has the following alternate option in relation to this item, which is:
- To resolve that the Ancillary Accommodation Local Planning Policy is required and be retained as a local planning policy.

## CONCLUSION

21. The City of Albany has begun reviewing its suite of local planning policies.
22. Part of this process involves reviewing the potential of consolidating the number of policies and determining if their scope is covered elsewhere or duplicated.
23. The ancillary accommodation policy provisions have now been moved into the Local Planning Scheme No.1, as such the Ancillary Accommodation Local Planning Policy is now a redundant duplicate and can be removed.
24. It is requested that Council resolve to rescind the Ancillary Accommodation Local Planning Policy.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
<b>File Number (Name of Ward)</b>	:	All
<b>Previous Reference</b>	:	NIL

## DIS202: DOG EXERCISE AREA - EMU POINT WESTERN SWIMMING BEACH

Land Description	: Reserve R22698
Proponent / Owner	: City of Albany
Attachments	: Nil
Report Prepared By	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Infrastructure Development and Environment (P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Community Health & Participation
  - **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.

#### In Brief:

- The *Dog Exercise, Prohibited and Rural Leashing Areas Policy* (the Policy) was adopted by Council in November 2018.
- Emu Point Western Swimming Beach was a new dog exercise area included in this Policy identified as a result of previous requests from residents to include it, with the signage changed over in December 2019.
- Following the installation of the new signage there has been a petition tabled at the February 2020 OCM requesting the removal of the section of beach from the Policy.

### RECOMMENDATION

#### DIS202: RESOLUTION

#### VOTING REQUIREMENT: SIMPLE MAJORITY

#### MOVED:COUNCILLOR SMITH

#### SECONDED:COUNCILLOR BENSON-LIDHOLM

#### THAT Council:

1. **ACKNOWLEDGES** the petition received requesting Council review the current Dog Exercise, Prohibited and Rural Leashing Areas Policy, specifically that the section of Emu Point Western Swimming Beach adjacent to Cunningham Street no longer be designated as a Dog Exercise Area.
2. **REQUEST** City Officers to review the current policy position to evaluate the following management strategies:
  - Removing the area from the Policy (effectively allowing the area as a dog-on-leash area); or
  - Changing the designation to a Dog Prohibited area; or
  - Restricted use based on season and times; and/or
  - Installing a barrier between the two beaches to deter dogs moving between the current dog exercise and dog prohibited areas.
3. **REQUEST** the Chief Executive Officer to prepare an Officer Report and Recommendation for Council review by no later than April OCM 2020, following further community engagement

CARRIED 7-5

#### Record of Vote

Against the Motion: Councillors Hammond, Thomson, Shanhun, Goode and Terry

**DIS202: ALTERNATE MOTION BY COUNCILLOR HAMMOND  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR TERRY**

**THAT:**

- 1. Council ACKNOWLEDGES the petition received requesting Council review the current Dog Exercise, Prohibited and Rural Leashing Areas Policy, specifically that the section of Emu Point Western Swimming Beach adjacent to Cunningham Street no longer be designated as a Dog Exercise Area.**
- 2. The current Dog Exercise, Prohibited and Rural Leashing Areas Policy be AMENDED to make the section of Emu Point Western Swimming Beach adjacent to Cunningham Street PROHIBITED to dogs.**

**LOST 5-7**

**Record of Vote**

For the Motion: Councillors Hammond, Thomson, Shanhun, Goode and Terry

**Councillor Reason:**

A petition was received by Council at the February 2020 Ordinary Council Meeting requesting that the section of Emu Point Western Beach adjacent to Cunningham Street no longer be designated as a Dog Exercise Area. That petition had 301 signatures.

The Emu Point Western Swimming Beach adjacent to Cunningham Street is the only sheltered swimming area along the stretch of Middleton Beach running to Emu Point. It is used by families with small children and elderly or mobility impaired residents who enjoy the safe swimming environment it provides.

There have been reports received by the City regarding dog attacks at this section of beach, including swimmers being chased into the water by off leash dogs. By removing this section of beach from the designated Dog Exercise Area, it will provide a safer environment for swimmers.

The removal of this small portion of the dog exercise area will provide a safe, clean environment for swimmers, free from the current problem of uncollected dog faeces and the consequences of inappropriate behaviour by dog owners and their dogs.

The request in the original Committee Recommendation for further facilitated community engagement will significantly delay a decision, and have a continued adverse environmental impact on this section of the beach, as evidenced by the amount of dog faeces currently on this area of the beach (see attached images).







**Officer Comment:**

Staff will enact the decision of Council should they require an amendment to the current Dog Exercise, Prohibited and Rural Leashing Areas Policy.

DIS202: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR SMITH)

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR STEPHENS

THAT Council:

1. ACKNOWLEDGES the petition received requesting Council review the current Dog Exercise, Prohibited and Rural Leashing Areas Policy, specifically that the section of Emu Point Western Swimming Beach adjacent to Cunningham Street no longer be designated as a Dog Exercise Area.
2. REQUEST City Officers to review the current policy position to evaluate the following management strategies:
  - Removing the area from the Policy (effectively allowing the area as a dog-on-leash area); or
  - Changing the designation to a Dog Prohibited area; or
  - Restricted use based on season and times; and/or
  - Installing a barrier between the two beaches to deter dogs moving between the current dog exercise and dog prohibited areas.
3. REQUEST the Chief Executive Officer to prepare an Officer Report and Recommendation for Council Committee review by no later than June 2020, **following further facilitated community engagement**

CARRIED 6-4

**Record of Vote**

Against the Motion: Councillors Thomson, Goode, Terry and Hammond

DIS202: AMENDMENT BY COUNCILLOR SMITH

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation Point 3 be AMENDED to read as follows:

REQUEST the Chief Executive Officer to prepare an Officer Report and Recommendation for Council Committee review by no later than June 2020 following further facilitated community engagement.

CARRIED 6-4

**Record of Vote**

Against the Motion: Councillors Thomson, Goode, Terry and Hammond

**Councillor Smith then proposed an amendment to the substantive motion.**

DIS202: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR STOCKS

SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

DIS202: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ACKNOWLEDGES the petition received requesting Council review the current Dog Exercise, Prohibited and Rural Leashing Areas Policy, specifically that the section of Emu Point Western Swimming Beach adjacent to Cunningham Street no longer be designated as a Dog Exercise Area.
2. REQUEST City Officers to review the current policy position to evaluate the following management strategies:
  - Removing the area from the Policy (effectively allowing the area as a dog-on-leash area); or
  - Changing the designation to a Dog Prohibited area; or
  - Restricted use based on season and times; and/or
  - Installing a barrier between the two beaches to deter dogs moving between the current dog exercise and dog prohibited areas.
3. REQUEST the Chief Executive Officer to prepare an Officer Report and Recommendation for Council Committee review by no later than June 2020, post seeking public comment.

**BACKGROUND**

2. The Dog Exercise, Prohibited and Rural Leashing Areas Policy (item DIS132) was adopted by Council in November 2018.
3. In December 2019 there was an additional sign placed at Emu Point to make users aware of the existing policy and updated changes to the exercise areas.
4. The change at Emu Point Western Swimming Beach is in response to many requests over the last few years from residents and beach users to have a dog exercise beach that is family friendly for families to take their dog to a beach where the children can swim in a sheltered area. There are beaches around Emu Point that remain prohibited for dogs for those users that would prefer to be away from dogs.

5. Ranger presence has been increased during the months following the change in signage and spike in complaints. Rangers are visiting the area daily to educate users of the changes and appropriate dog management behaviour.

## DISCUSSION

6. The City of Albany currently manages a large number of reserves and public open spaces that the community uses for a variety of purposes including the exercise of dogs.
7. Human interaction with dogs can provide a wide range of positive benefits (physical & mental health etc.) but can also result in a range of negative issues if not managed appropriately.
8. The purpose of the Policy is to identify areas within the City's municipal boundary under the following categories:
  - **Prohibited areas** – areas where dogs are prohibited at all times.
  - **Dog Exercise Areas** – areas where dogs may be exercised off leash (but still under control) at all times.
  - **Rural Leashing Areas** – areas outside of town sites (as gazetted) where dogs must be exercised on a lead.
  - All other areas within a gazetted town site not detailed in the Policy default to requiring a dog to be restrained on a leash or under control at all times.
9. The areas designated in each category in the policy are based on historical area use and consultation with internal stakeholders such as the Recreation Management, Reserve Management and Ranger Teams and feedback received from the community during the community comment period.
10. Emu Point Western Swimming Beach Area was a new dog exercise area included in the Policy which was identified as a result of previous requests from the community. The requests focussed on the inclusion of a sheltered beach particularly suitable for less mobile residents who find it difficult to move through deep sand, as well as families with small children.
11. The fact that the community is using the beach with their dogs, suggests that there is a counter-position to the petition.

## GOVERNMENT & PUBLIC CONSULTATION

12. See Community Engagement Report attached to DIS132, from OCM November 2018.

## STATUTORY IMPLICATIONS

13. Dog Act 1976
14. City of Albany's Dog Local Law 2017

## POLICY IMPLICATIONS

15. Nil until future recommendation.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: Risk: Noting this policy position attracted significant levels of community comment, some members of the public may not be happy if there are any changes.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>If the proposed policy is altered, staff will address as required and provide further information and education.</i>
<i>Opportunity: To classify dog prohibited, exercise and rural leashing areas within the City of Albany boundaries.</i>				



**FINANCIAL IMPLICATIONS**

17. Funds within the current operational budget will be utilised.

**LEGAL IMPLICATIONS**

18. Nil

**ENVIRONMENTAL CONSIDERATIONS**

19. It is acknowledged that dogs have the potential to impact on environmental values especially where they are not controlled or on leash.

**ALTERNATE OPTIONS**

20. Without further consultation, Council could choose to remove the Emu Point Western Swimming Beach Dog Exercise Area from the Policy.
21. Council could choose to leave the Policy as is with no further action from Officers.

**CONCLUSION**

22. The Policy continues to attract community comment demonstrating the high level of community interest in this subject. The comments have been diverse and often directly opposed to each other, demonstrating the difficulty faced in developing a policy that would be acceptable to all community members.

<b>Consulted References</b>	:	See consultation report from DIS132, OCM November 2018
<b>File Number</b>	:	CR.COC.54 – Community Relations, Community Consultation Dog Exercise Area Policy

**DIS203: PLANNING AND BUILDING REPORTS FEBRUARY 2020**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports February 2020  
**Report Prepared By** : Administration Officer – Planning (A James)  
Administration Officer – Development Services (J Corcoran)  
**Responsible Officers:** : Manager Planning and Land Information Services  
(J Van Der Mescht)

**RECOMMENDATION**

**DIS203: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT Council NOTE the Planning and Building Reports for February 2020.**

**CARRIED 12-0**

**BFAC011: RECEIVE THE MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE HELD 1 OCTOBER 2019**

<b>Attachments</b>	: Confirmed Minutes of the Bush Fire Advisory Committee meeting held 1 October 2019
<b>Report Prepared By</b>	: Senior Team Leader Records/Council Liaison (J Williamson)
<b>Responsible Officers:</b>	: Executive Director Corporate and Commercial Services (D Olde)

**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:** Leadership.
  - **Objective:**  
To establish and maintain sound business and governance structure.  
To provide strong, accountable leadership supported by a skilled and professional workforce
  - **Community Priority:**  
Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to our community.

**In Brief:**

- Receive the confirmed minutes of the Bush Fire Advisory Committee meeting held on 1 October 2019.

**RECOMMENDATION**

**BFAC011: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR THOMSON**

**THAT the confirmed minutes of the Bush Fire Advisory Committee meeting held on 01 October 2019 be RECEIVED.**

**CARRIED 12-0**

**14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

CCS235: APPROVAL FOR ATTENDANCE AT MEETING BY TELEPHONE  
CCS236: REX CONTRACT-CONFIDENTIAL  
CCS237: COVID-19 DELEGATED AUTHORITY

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**15.1 NOTICE OF MOTION BY COUNCILLOR STOCKS**

**Date and Time Received:** Wednesday 26 February 2020 at 10.07am.

**15.1: NOTICE OF MOTION BY COUNCILLOR STOCKS  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR DOUGHTY**

**THAT:**

1. The CEO be **AUTHORISED** to enter into a Memorandum of Understanding (MoU) with About FACE Choir to provide creative performances as part of the Bicentenary in 2026, and other special events;
2. Dependent upon About FACE Choir entering into the proposed MoU, \$7,000 in direct funding assistance be **APPROVED** as the City's contribution to the About FACE Choir's tour of Europe **in in the event the tour takes place**.
3. The \$7,000 funding will be made up as follows:
  - \$1,000 subject to a successful application to the City's Community Leadership Scholarship; and
  - \$6,000 from an appropriate budget line within the existing **2019-2020 or 2020-2021 budget**.

**CARRIED 12-0  
ABSOLUTE MAJORITY**

**Councillor's Reason:**

The About FACE Choir is a group that provides opportunity for Albany's young people and talented emerging creatives to connect, learn and develop their passion and performance skills.

Groups like this are vitally important to the social inclusion and mental health and wellbeing of our young people, and our Council is supportive of these outcomes through a range of community-focussed strategies we've adopted, including the Albany Youth Strategy.

This proposal will allow the City to support youth development in the arts, whilst also obtaining a community benefit through future performances for important events.

**Officer's Comment (Chief Executive Officer):**

Should Council support this Notice of Motion, the City could allocate \$6,000 from an appropriate existing budget line in the 2019-2020 budget.

**15.2 NOTICE OF MOTION BY COUNCILLOR SUTTON**

**Date and Time Received: Wednesday 11 March 2020.**

As Councillor Sutton was an Apology for this meeting, this Notice of Motion will be considered at the Ordinary Council Meeting to be held on Tuesday 28 April 2020.

**15.2: NOTICE OF MOTION BY COUNCILLOR SUTTON  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Non-Habitable Structures Policy be REVIEWED with a view to relaxing the current Maximum Floor Area requirements in certain circumstances.**

**Councillor Reason:**

In light of recent requests from a small number of residents for permission to erect outbuildings which exceed the Maximum Floor Area (MFA) requirements of this Policy, it would be timely for Council to review the current Non-Habitable Structures Policy. The Policy was adopted by Council at the Ordinary Council Meeting held on 26 September 2017.

Review of the Policy would allow Council to determine if there is a legitimate need to increase the allowable MFA in some cases, and whether this can be a discretion delegated to officers, or a decision for Council on a case by case basis.

**Officer Comment (Coordinator Planning Services):**

The Non-Habitable Structures Policy is a Local Planning Policy and can already be applied with discretion. One of the purposes of the policy is to guide discretion by outlining the maximum floor area size for outbuildings. As a decision maker applying policy, it is incumbent on the City of Albany to ensure that decisions are made consistently and in accordance with proper and orderly planning principles.

In many instances when customers request a variation from the policy, there is no sound proper and orderly planning reason provided justifying why the City of Albany should depart from the policy position.

If the exercise of discretion is to be orderly, the planning principles identified within the policy as relevant to an application should not be lightly departed from without the demonstration of a sound basis for doing so. As such, the common notion that an applicant has an abundance of possessions and requests a larger shed than the policy is not considered a cogent reason to depart from the policy.

As a decision maker it is also critical to ensure that decisions are made consistently. If continual variations are to be granted, it is likely that the small number of requests to vary the policy each year will become a significant number of requests. There is a distinct risk that if variations are granted against limited planning grounds, that the City of Albany will prejudice its position in being able to apply the policy consistently.

The construction industry is now well aware of the sizes contained within the policy and rarely requests variations to the size of non-habitable structures. This indicates that the vast majority are accepting of the generous sizes contained within the policy.

In conclusion, discretion already exists - however it is considered that there are limited orderly and proper reasons to depart from this position. In respect to sizes, staff are of the view that the sizes contained within the policy are considerably generous already and significantly larger than other local governments.

**16. REPORTS OF CITY OFFICERS Nil**

**17. MEETING CLOSED TO PUBLIC**

CCS236: REX CONTRACT-CONFIDENTIAL

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **8.05 PM.**

*(Unconfirmed Minutes)*

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Dennis W Wellington  
**MAYOR**