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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 27 November 2018**

6.00pm

City of Albany Council Chambers

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



ORDINARY COUNCIL MEETING  
MINUTES 27/11/2018

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**1. DECLARATION OF OPENING**

The Mayor declared the meeting open at 6.00pm

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

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

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

*We would also like to pay respect to Elders both past and present”.*

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

Mayor

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

B Hollingworth

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

R Sutton

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Development

Services

P Camins

Executive Director Infrastructure

& Environment

M Thomson

Executive Director Community Services

S Kay

Manager Finance

D Olde

Meeting Secretary

J Williamson

**Apologies:**

Executive Director Corporate Services

M Cole (Apology)

Yakamia Ward

A Moir (Apology)

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Terry	DIS131	<b>Financial.</b> The nature of the interest being that Councillor Terry is the trustee of a SMSF that holds shares in the holding company of the proponent. Councillor Terry left the Chamber and was not present during the discussion and vote for this item.
Councillor Terry	CCS110	<b>Impartiality.</b> The nature of the interest being that the proponent is a client of Councillor Terry's employer. Councillor Terry remained in the Chamber and participated in the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### 6.02pm Councillor Sleeman

###### Summary of key points:

- Attended a Conference focussing on the impact of homelessness on communities, currently there are around 300 people homeless in Albany.
- Has progressed an initiative to provide a mobile soup kitchen to homeless people in Albany. Community and volunteers are keen to support this project and funding opportunities will be explored.

##### 6.05pm Councillor Shanhun

###### Summary of key points:

- Commented that the 2018 Albany Show was a fantastic success thanks to the new infrastructure.
- Reported that Volunteer Bush Fire Brigades have gained 27 new members across all brigades, who will be undergoing training in readiness for the coming fire season.

##### 6.07pm Councillor Doughty

###### Summary of key points:

- Attended Remembrance Day events and congratulated the event organisers.
- Attended the ICTC Mainstreet Conference in Fremantle, which demonstrated many exciting initiatives.
- Attended McHappy Day.

##### 6.09pm Councillor Stephens

###### Summary of key points:

- Has recently delivered training through South Region TAFE to at risk youth.
- Urged Council to promote and advocate for more youth traineeships and employment opportunities.

##### 6.11pm Councillor Terry

###### Summary of key points:

- Attended Remembrance Day Events including the By Other Eyes Choral Performance.
- Attended the ITCT Mainstreet Conference.

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

**7. PUBLIC QUESTION TIME**

**6.15pm Mr Michael Clarke, Acting CEO Albany Chamber of Commerce and Industry**

**Summary of key points:**

- Spoke against the Committee Recommendation for CCS110: Final Lease Approval for Coffee Kiosk to Christopher Saurin-Tourism and Information Hub, York Street.

**6.17pm Mr Dan O'Connor, President of Albany All Breeds Dog Club**

**Summary of key points:**

- Addressed Council regarding the Petition for provision of a Fenced Dog Park.
- Expressed concern that Foundation Park was mentioned in the Petition, as the Albany All Breeds Dog Club currently holds a lease for Foundation Park.

**6.19pm Mr David House, York Street Café**

**Summary of key points:**

- Spoke against the Committee Recommendation for CCS110: Final Lease Approval for Coffee Kiosk to Christopher Saurin-Tourism and Information Hub, York Street.

**6.22pm Mr Wayne Monks, Riverside Drive, Kalgan**

**Summary of key points:**

- Spoke against the Committee Recommendation for DIS135: Recreation Private-(Kalgan Harvest Summer Fair), Lot 75, 113 Riverside Road, Kalgan.
- Mr Monks tabled address is detailed at Appendix A.

**6.26pm Ms Jacqui Daniel, Poppies Café**

**Summary of key points**

- Spoke against the Committee Recommendation for CCS110: Final Lease Approval for Coffee Kiosk to Christopher Saurin-Tourism and Information Hub, York Street.

There being no further speakers the Mayor declared Public Question Time closed at 6.30pm.

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR GOODE**

**THAT:**

- 1. Councillor Hollingworth be GRANTED Leave of Absence for the period 15 December 2018 to 23 December 2018 inclusive.**
- 2. Councillor Stephens be GRANTED Leave of Absence from the December 2018 Ordinary Council Meeting.**

**CARRIED 12-0**

**9. PETITIONS AND DEPUTATIONS**

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

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

**THAT the Petition lodged with the City of Albany from Ms Wendy Freeland and Ms Meischa Swarbrick requesting that the City consider providing a fenced Dog Park for the purpose of exercising dogs, be RECEIVED.**

**CARRIED 12-0**

**10. CONFIRMATION OF MINUTES**

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

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT the minutes of the Ordinary Council Meeting held on 23 October 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

**11. PRESENTATIONS Nil**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**DIS093: Recommend Adoption of Local Structure Plan No. 10- Lot 10 Chester Pass Road and Lot 521 Mercer Road, Walmsley.** This report has been deferred for three months at the request of the applicant.

**CCS100: FINANCIAL ACTIVITY STATEMENT – SEPTEMBER 2018**

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

**RECOMMENDATION**

**CCS100: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SMITH**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2018.**

**CARRIED 12-0**

CCS100: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN  
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 9-0**

CCS100: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2018.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 September 2018 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

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

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

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

8. The City's 2018/19 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

### FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 September 2018 has been incurred in accordance with the 2018/19 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS101: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 2018**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Financial Accountant (S Van Nierop)  
**Responsible Officers:** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS101: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR STEPHENS**

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2018 totalling \$5,915,291.07.

**CARRIED 12-0**

CCS101: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS  
 SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 9-0**

CCS101: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2018 totalling \$5,915,291.07

**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 October 2018. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$23,091.78
Payroll	\$1,514,079.10
Cheques	\$48,463.83
Electronic Funds Transfer	\$4,329,656.36
<b>TOTAL</b>	<b><u>\$5,915,291.07</u></b>

As at 15 October 2018, the total outstanding creditors, stands at \$1,271,650.07 and made up as follows:-

Current	\$624,424.95
30 Days	\$640,299.45
60 Days	\$3,673.00
90 Days	\$3,252.67
<b>TOTAL</b>	<b><u>\$1,271,650.07</u></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 October 2018 has been incurred in accordance with the 2018/2019 budget parameters.

### FINANCIAL IMPLICATIONS

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

### CONCLUSION

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS102: DELEGATED AUTHORITY REPORTS – SEPTEMBER TO  
OCTOBER 2018**

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

**RECOMMENDATION**

**CCS102: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council RECEIVE the Delegated Authority Reports 16 September 2018 to 15 October 2018.**

**CARRIED 12-0**

**CCS102: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 9-0**

**CCS102: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Delegated Authority Reports 16 September 2018 to 15 October 2018.**

**CCS103: ORDINARY COUNCIL MEETING AND COUNCIL COMMITTEE MEETING CALENDAR 2019**

**Report Prepared By** : Manager Governance and Risk (S Jamieson)  
**Responsible Officer:** : Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - a. **Theme 1:** Leadership
  - b. **Objectives:**
    - 1.1. To establish and maintain sound business and governance structures.
    - 1.3. To engage effectively with our community.
  - c. **Community Priorities:**
    - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
    - 1.3.1. Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

**In Brief:**

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting schedule for 2019, in accordance with the *Local Government Act 1995* and its associated Regulations.

**RECOMMENDATION**

**CCS103: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**  
**MOVED: COUNCILLOR SLEEMAN**  
**SECONDED: COUNCILLOR SUTTON**

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

1. **APPROVE** the following Committee Meeting schedule for 2019:

Corporate & Community Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2019</i>	
Tuesday 12 February 2019	Wednesday 13 February 2019
Tuesday 12 March 2019	Wednesday 13 March 2019
Tuesday 9 April 2019	Wednesday 10 April 2019
Tuesday 14 May 2019	Wednesday 15 May 2019
Tuesday 11 June 2019	Wednesday 12 June 2019
Tuesday 9 July 2019	Wednesday 10 July 2019
Tuesday 13 August 2019	Wednesday 14 August 2019
Tuesday 10 September 2019	Wednesday 11 September 2019
Tuesday 15 October 2019	Wednesday 09 October 2019
Tuesday 12 November 2019	Wednesday 13 November 2019
Tuesday 3 December 2019	Wednesday 4 December 2019
<b>Audit and Risk</b>	
Tuesday 5 February 2019	
Tuesday 7 May 2019	
Tuesday 6 August 2019	
Tuesday 5 November 2019	

**2. APPROVE the proposed Ordinary Council Meeting schedule for 2019:**

- Tuesday 26 February 2019
- Tuesday 26 March 2019
- Tuesday 23 April 2019
- Tuesday 28 May 2019
- Tuesday 25 June 2019
- Tuesday 23 July 2019
- Tuesday 27 August 2019
- Tuesday 24 September 2019
- Tuesday 29 October 2019
- Tuesday 26 November 2019
- Tuesday 17 December 2019

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

**CARRIED 12-0**

CCS103: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS103: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, for the purpose of giving Public Notice:

**1. APPROVE the following Committee Meeting schedule for 2019:**

Corporate & Community Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2019</i>	
Tuesday 12 February 2019	Wednesday 13 February 2019
Tuesday 12 March 2019	Wednesday 13 March 2019
Tuesday 9 April 2019	Wednesday 10 April 2019
Tuesday 14 May 2019	Wednesday 15 May 2019
Tuesday 11 June 2019	Wednesday 12 June 2019
Tuesday 9 July 2019	Wednesday 10 July 2019
Tuesday 13 August 2019	Wednesday 14 August 2019
Tuesday 10 September 2019	Wednesday 11 September 2019
Tuesday 15 October 2019	Wednesday 16 October 2019
Tuesday 12 November 2019	Wednesday 13 November 2019
Tuesday 3 December 2019	Wednesday 4 December 2019
<b>Audit and Risk</b>	
Tuesday 5 February 2019	
Tuesday 7 May 2019	
Tuesday 6 August 2019	
Tuesday 5 November 2019	

**2. APPROVE the proposed Ordinary Council Meeting schedule for 2019:**

- Tuesday 26 February 2019
- Tuesday 26 March 2019
- Tuesday 23 April 2019

- Tuesday 28 May 2019
  - Tuesday 25 June 2019
  - Tuesday 23 July 2019
  - Tuesday 27 August 2019
  - Tuesday 24 September 2019
  - Tuesday 29 October 2019
  - Tuesday 26 November 2019
  - Tuesday 17 December 2019
3. AFFIRM that all Council and Council Committee meetings commence at 6.00pm.

## BACKGROUND

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

## DISCUSSION

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

## GOVERNMENT & PUBLIC CONSULTATION

9. **Meeting Start Times:** Previous community feedback requested that meetings be held at no earlier than 6.00pm.
10. **Reschedule of Meeting Date:** The October 2019 Ordinary Council meeting will be held on the fifth Tuesday of the month. This will allow one week for induction of new elected members following the 2019 Ordinary Local Government election, to be held on Saturday 19 October 2019.

## STATUTORY IMPLICATIONS

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

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal and Compliance. Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings and Council Committee Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Give Local Public Notice of the proposed dates and times or as amended by Council prior to January 2019.</i>

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

17. Local Public Notice must be given to ensure legislative compliance.

18. Changes to dates and times must also be advertised publically.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

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

**SUMMARY CONCLUSION**

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

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Administration) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• OCM 19/12/2017 Item CCS020</li> </ul>

**CCS104: QUARTERLY REPORT – TENDERS AWARDED – JULY TO  
SEPTEMBER 2018**

**Proponent** : City of Albany  
**Attachments** : Quarterly Report – Tenders Awarded – July to September  
2018  
**Report Prepared by** : Procurement Officer (H Hutchinson)  
**Responsible Officer** : Executive Director Corporate Services (M Cole)

**RECOMMENDATION**

**CCS104: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2018.**

**CARRIED 12-0**

**CCS104: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR SHANHUN**

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

**CARRIED 9-0**

**CCS104: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2018.**

**CCS105: CITY UPDATE (CITY SCORECARD) – Q1 SEPTEMBER 2018/19**

**Proponent** : City of Albany  
**Attachments** : City Update-September Quarter 2018  
**Report Prepared by** : Facilitator-Strategy and Improvement (S Grimmer)  
**Responsible Officer(s)** : Executive Director Corporate Services (M Cole)

**STRATEGIC IMPLICATIONS**

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

- **Key Theme:** 1 Leadership
- **Objective:** 1.1 To establish and maintain sound business and governance structures
- **Community Priority:** 1.1.1 Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

**In Brief:**

- The quarterly City Update reports progress against the Vision, Strategic Objectives and Operational Priorities as outlined in the City's integrated planning and reporting framework.

**RECOMMENDATION**

**CCS105: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR SMITH**

**THAT Council NOTE the Corporate Scorecard Report for the September 2018 quarter.**

**CARRIED 12-0**

CCS105: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS105: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Corporate Scorecard Report for the September 2018 quarter.

**BACKGROUND**

2. The City Update provides a quarterly snapshot on how the City is performing against the priorities set in the Corporate Business Plan.
3. A simple traffic light system is used to report on the progress made against agreed performance targets.

## SUMMARY OF FINDINGS

4. The format used aligns with the Our City brand.
5. The September 2018 report indicates that the City continues to meet its Integrated Planning & Reporting commitments and continues to make good progress against the key deliverables outlined in Business Unit Plans, Strategic Project Plans and the 2017/18 Key Performance Indicators (KPI's) as established by Council.

## GOVERNMENT CONSULTATION

6. The City of Albany Scorecard is modelled on similar approaches from across the Local Government sector.

## STATUTORY IMPLICATIONS

7. **Section 5.56(1) and (2) of the Local Government Act 1995** requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring and reporting progress.

## RISK IDENTIFICATION & MITIGATION

8. The risk identification and categorisation references the City's Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Council fails to deliver against it's commitments.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Monitor &amp; report performance quarterly and take appropriate action</i>
<i>Opportunity: To improve communication with the community on how the City is performing against it's commitments. Communication will be complimented by quarterly reporting to Council and social media video updates.</i>				

## FINANCIAL IMPLICATIONS

9. While there are no direct financial implications in relation to this item the City monitor's financial trends monthly to confirm that services, strategic priorities and projects are delivered within the constraints of the Annual Budget.

## CONCLUSION

10. The City Update provides a snapshot on how the City of Albany is performing against it's integrated planning and reporting framework.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Local Government Act 1995</li> <li>• Western Australian - Integrated Planning and Reporting Framework</li> </ul>
<b>File Number (Name of Ward)</b>	:	CM.RVW.3 (All Wards)
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• Previous quarterly updates and OCM items which commenced in 2017/18</li> </ul>

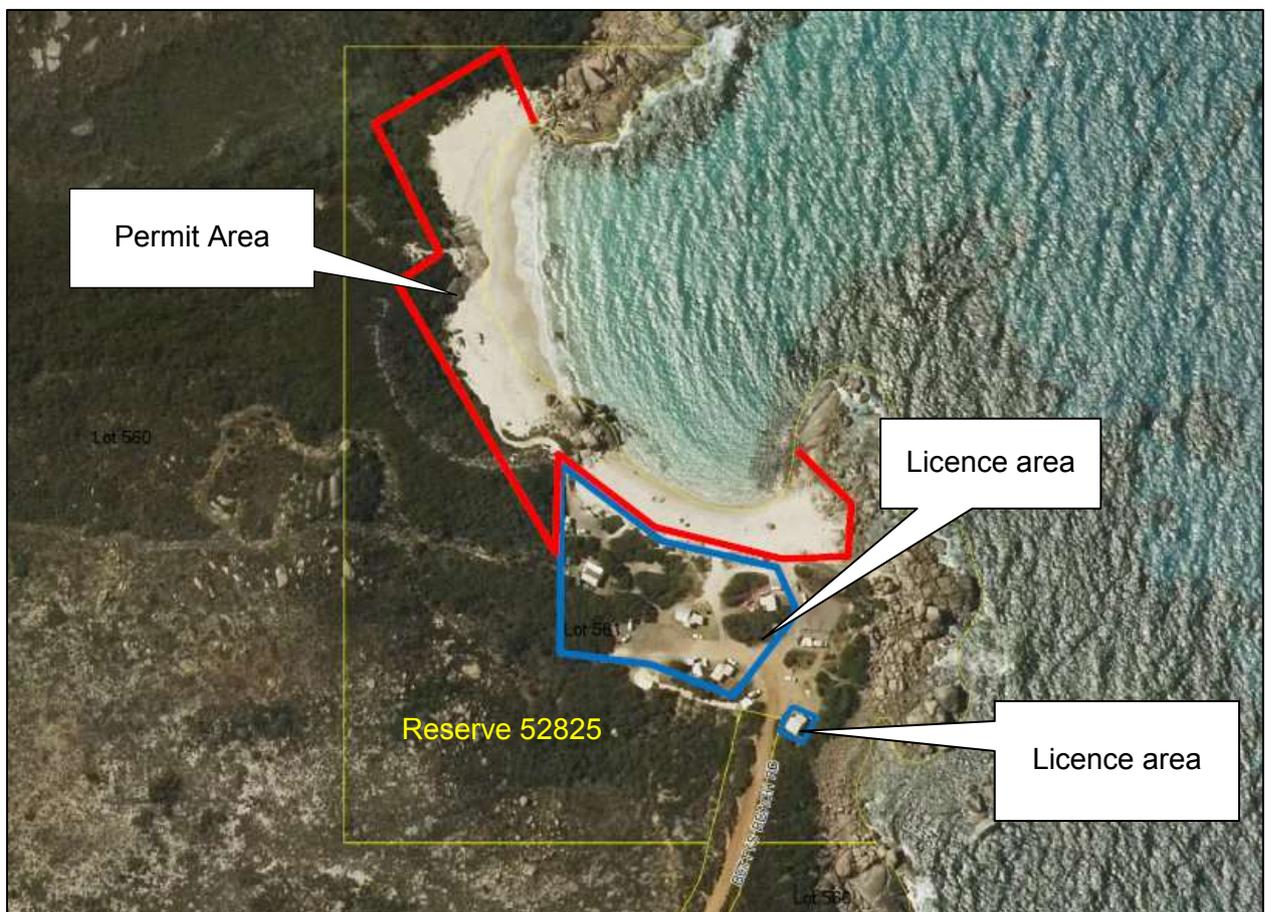
**CCS106: PROPOSED NEW LICENCE – PM, TP & KC BENSON & EB MOUCHEMORE – BETTYS BEACH COMMERCIAL FISHERMEN – RESERVE 52825**

<b>Land Description</b>	: Portion of Crown Reserve 52825 Lot 561 on Plan 409486, as detailed in Certificate of Title Volume LR3167 Folio 708, Bettys Beach
<b>Proponents</b>	: Paul Martin Benson, Tony Paul Benson, Kevin Charles Benson & Edward Brooks (Ted) Mouchemore
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers:</b>	: Executive Director Corporate Services (M Cole)

**STRATEGIC IMPLICATIONS**

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



**In Brief:**

- Council is requested to consider a new licence to Paul, Tony, & Kevin Benson & Ted Mouchemore over portion of Bettys Beach Reserve 52825 to formalise current use of the site for commercial fishing operations.
- The City's Reserves Team will issue a permit (non-exclusive) to the fishermen for use of the beach area. This allows the fishermen to make the area safe during operations from February to April each year.
- The fishermen previously held a Special Lease approved by the Minister for Lands, as the land was not under the management of local government. This lease is thought to have expired in 1988 when the Shire of Albany was handed the management order for the land.
- During the Special Lease the fishermen constructed huts for accommodation.
- All huts are the responsibility of the fishermen and the licence is for land only.
- Given the coastal location of the site a special condition will be included to highlight that the area may be subject to coastal erosion and/or inundation at some stage.
- Over the past few years the City's Reserves Team have undertaken enhancement works in the area including the dismantling of old pit toilets, installing a new toilet block, removing asbestos and creating a day use area with picnic tables, signage, pathways and parking.
- It is recommended that the proposed licence be approved.

**RECOMMENDATION**

**CCS106: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR STOCKS**

**THAT Council APPROVE a new licence to Paul Martin Benson, Tony Paul Benson, Kevin Charles Benson & Edward Brooks Mouchemore over portion of Lot 561 Bettys Beach Road, Bettys Beach on Crown Reserve 52825, subject to:**

- Licence purpose being "Commercial fishing activities and accommodation (temporary) for commercial fishermen only" and in accordance with the Management Order for the reserve.**
- Licence is conditional upon the licensee continuing to operate under a commercial fisherman's licence for the Bettys Beach area issued by the Department of Fisheries Western Australia.**
- Licence area being approximately 7500m<sup>2</sup> to be confirmed by survey.**
- Licence term to commence as soon as practicable.**
- Initial licence rent being \$2,500 plus GST pa based on current market valuation.**
- Licence rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.**
- All costs associated with the ongoing operations of the licence property being payable by the licensee.**
- All costs associated with the preparation, execution and completion of the licence documentation being payable by the City of Albany in recognition of the City seeking to formalise use of the land.**
- Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Lands consent being obtained.**
- The proposed licence being advertised to comply with Section 3.58 of the Local Government Act 1995 requirements.**
- Licence being consistent with City Policy – Property Management (Leases and Licences).**

**CARRIED 12-0**

CCS106: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS106: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new licence to Paul Martin Benson, Tony Paul Benson, Kevin Charles Benson & Edward Brooks Mouchemore over portion of Lot 561 Bettys Beach Road, Bettys Beach on Crown Reserve 52825, subject to:

- a) Licence purpose being “Commercial fishing activities and accommodation (temporary) for commercial fishermen only” and in accordance with the Management Order for the reserve.
- b) Licence is conditional upon the licensee continuing to operate under a commercial fisherman’s licence for the Bettys Beach area issued by the Department of Fisheries Western Australia.
- c) Licence area being approximately 7500m<sup>2</sup> to be confirmed by survey.
- d) Licence term to commence as soon as practicable.
- e) Initial licence rent being \$2,500 plus GST pa based on current market valuation.
- f) Licence rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.
- g) All costs associated with the ongoing operations of the licence property being payable by the licensee.
- h) All costs associated with the preparation, execution and completion of the licence documentation being payable by the City of Albany in recognition of the City seeking to formalise use of the land.
- i) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.
- j) The proposed licence being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- k) Licence being consistent with City Policy – Property Management (Leases and Licences).

**BACKGROUND**

2. Lot 561 Bettys Beach Road is located on the south western shores within Crown Reserve 52825, Bettys Beach, some 50 kilometres by road to the Albany CBD.
3. Crown Reserve 52825 is a ‘C’ class reserve under Management Order (N518323) issued to the City of Albany with the power to lease or licence for any term not exceeding 21 years subject to the consent of the Minister for Planning, Lands and Heritage. The current purpose of this reserve is “Recreation, Camping and Temporary Accommodation for Commercial Fishermen Only”.
4. For over 50 years the fishermen have undertaken their fishing operation from Betty’s Beach. The fishermen previously held a Special Lease under the Land Act 1933 approved by the Minister for Lands, as the land was not under the management of local government. This Special Lease is thought to have expired around 1988 when the Shire of Albany was handed the management order for the land, as the lease was not addressed or renewed.

5. Historically the fishermen constructed huts for accommodation and other structures to support their commercial fishing activities on the land. The fisherman occupy the huts during the salmon season between February and April each year.
6. In 2013, in consultation with the fishermen the City removed all unnecessary buildings and other infrastructure including the removal of six old pit toilets and asbestos from the site. To assist, the fishermen also removed infrastructure and tidied up the site.
7. In line with the Bettys Beach Management Plan, the City has completed enhancement works including installing a new toilet block and created a day use area with picnic tables, signage, pathways and parking for community use.
8. The fishermen have requested a new licence to formalise use of the land for commercial fishing activities and accommodation for a term of 5 years with an option for a further 5 year term.
9. In order to facilitate the licence the City requested the former Department of Lands to amend the Management Order for the reserve to grant the power to lease and licence. The amendment was approved in 2017. It is noted that City Officers have delegated authority to request amendments to Management Orders.
10. The licence proposal has been discussed at an EMT meeting and supported.

## DISCUSSION

11. A licence can be considered with commercial fishermen at Bettys Beach, provided they meet the following requirements (same as commercial fishermen at Cheyne Beach): :
  - a. the licensee is actively engaged in the commercial fishing industry at Bettys Beach;
  - b. the licensee holds a current commercial fishing licence issued by the Department of Fisheries Western Australia; and
  - c. the licensee will use the licence area for activities associated with the commercial fishing industry for own or staff use only.
12. It is noted the fishermen have complied with the above licence preconditions.
13. The City's Reserve Team will issue a permit (non-exclusive) to the fishermen for use of the beach area. This allows the fishermen to set up temporary physical barriers if required to make the area safe when utilising the beach area to land a salmon catch during operations between February and April each year.
14. The table below summarises the essential terms of the proposed licence:

ITEM	DETAILS
Licensee	Paul Martin Benson, Tony Paul Benson, Kevin Charles Benson & Edward Brooks Mouchemore
Land/Licence Area	Portion of Crown Reserve 52825 Lot 561 on Plan 409486, Certificate of Title Volume LR3167 Folio 708, Bettys Beach being an area of approximately 7500m <sup>2</sup>
Land Ownership	Crown (City of Albany under Management Order)
Permitted Use	Commercial fishing activities and accommodation (temporary) for commercial fishermen only and in accordance with the Management Order over the reserve
Term of Licence	Licence term of 5 years with an option for a further 5 year term, to commence as soon as practicable
Rent	\$2,500 plus GST pa
Outgoings	Licensee responsible for all outgoings
Utilities	Licensee responsible for all utilities

Special Condition	Licence is conditional upon the licensee continuing to operate under a commercial fisherman's licence for the Bettys Beach area issued by the Department of Fisheries Western Australia
Special Condition	A permit (non-exclusive) to be issued by the City for use of the beach area. This will allow fishermen to make the area safe during operations between February and April each year
Special Condition	<p>Licencee acknowledges the land is in close proximity to the Southern Ocean and maybe subject to coastal erosion and/or inundation over time adversely impacting on the future use of part or whole of the site.</p> <p>Licencee occupies the site at their own risk and indemnifies the City against any loss or claim resulting from licensee occupation or loss of benefit of the site.</p> <p>Licencee agrees at its cost to render safe the site and remove any structure or building that has been adversely affected by erosion and/or inundation, both during the term and on any termination.</p> <p>The licence can be terminated by either party with 6 months written notice should any health and safety of the public concerns arise from erosion and/or inundation, or should the City deem the site materially compromised by coastal erosion and/or inundation.</p>

15. The care and maintenance of the huts is the responsibility of the fishermen. Should the licence not be renewed, the fishermen will be required to remove the huts and any other structures in the licence area and make good the land.
16. The remaining terms of the licence will be developed in line with Council Policy – Property Management (Leases and Licences).

#### GOVERNMENT & PUBLIC CONSULTATION

17. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Planning, Lands and Heritage.
18. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
19. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.
20. The proposed licence will be advertised to comply with the Act.

### STATUTORY IMPLICATIONS

21. The Department of Planning, Lands and Heritage will be consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister's consent is obtained.
22. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property including leased/licensed land and buildings. For the purposes of the section, a licence of property is considered to be disposal.

### POLICY IMPLICATIONS

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

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: licence not approved.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction. The City's standard licence will be the formal document</i>
<i>Reputation: licence not approved – restricted limitations for the fishing industry at Bettys Beach</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Opportunity: To provide support to the Bettys Beach commercial fishing industry given the fishing industries historic and economic association with the Bettys Beach area</i>				
<i>Opportunity: To provide the fishermen with the ability to make the area safe during operations</i>				

### FINANCIAL IMPLICATIONS

27. The City has agreed to be responsible for the costs associated with the licence development and survey given the benefit to the City to formalise the fishermen's use of Bettys Beach. The one of cost is estimated to be in the vicinity of \$1,500 plus GST.
28. The new licence rental of \$2,500 + GST per annum will be directed to Income – Misc. Commercial.

### LEGAL IMPLICATIONS

29. The Licence will be prepared by City's lawyers with enforceable terms and conditions.

### ENVIRONMENTAL CONSIDERATIONS

30. The City is currently preparing a Coastal Hazard Risk Management and Adaption Plan (CHRMAP) to help plan the management of future coastal erosion at Emu Point to Middleton Beach.
31. It is noted that Bettys Beach is not in the current plan however the new licence does provide an opportunity to ensure the licensee is aware of potential impact of coastal erosion and/or inundation given the proximity to the coast. Further, indemnification clauses will be included such that the City is not liable for any damage to the existing buildings as a result of erosion and/or inundation.

32. The City has a Management Plan for Bettys Beach Reserve to ensure that development, recreation and commercial fishermen uses are managed in a sustainable manner and to protect the environment and heritage values of the area for future generations.

**ALTERNATE OPTIONS**

33. Council may:
- a. Approve the new licence request; or
  - b. Decline the new licence request.
34. Should Council decline the licence, the fishermen will need to work with the City to find an alternate location if they wish to continue to fish from Bettys Beach. This may result in the early closure of its fishing operations given the limited availability of suitable land and the cost involved to relocate.
35. The fishermen may be required to vacate the property, demolish and remove all infrastructure including huts and make good the land.

**CONCLUSION**

36. It is understood the fishermen have fished from Bettys Beach for the past 50 years and have contributed to the development and maintenance of the reserve.
37. While the fishermen are seeking Council approval to continue commercial fishing operations on Lot 561 for a further 5 + 5 years, it is recognised that the lots foreshore boundary may come under pressure from coastal erosion. This may result in the erosion of either whole or part of the useable licence area and it is possible that infrastructure on site may be damaged.
38. The licensee acknowledges they occupy the site at their own risk and indemnifies the City against any loss or claim resulting from occupation of the site.
39. The licence is considered a good opportunity to formalise the current use of the site and define terms and conditions for the licence area.
40. It is recommended that the proposed new licence be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management (Leases and Licences)</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO402, A238978 (Kalgan Ward))
<b>Previous Reference</b>	:	Nil

**CCS107: REGIONAL EVENTS SPONSORSHIP – 2019**

**Proponent** : City of Albany  
**Report Prepared By** : Manager Communications & Events (N Watson)  
**Responsible Officer(s)** : 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:
  - **Theme:** Smart, Prosperous and Growing.
  - **Objective:** To develop and promote Albany as a unique and sought-after visitor location.
  - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.

**In Brief:**

- Review and endorse the proposed Regional Event Sponsorship Assessment Panel recommendations.

**RECOMMENDATION**

**CCS107: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR TERRY**

**That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 16 – Table 1 of this report.**

**CARRIED 12-0**

CCS107:RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

**CARRIED 9-0**

CCS107:RESPONSIBLE OFFICER RECOMMENDATION

That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 16 – Table 1 of this report.

**BACKGROUND**

2. The City of Albany's Regional Events Sponsorship program is designed to attract and support the staging of Events that are Regional economic drivers for Albany as a destination.

3. A Regional Special Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$65,000 in its 2018-2019 Budget for the Regional Events Sponsorship program.
5. Council also allocated \$10,000 in its 2018-2019 Budget for Taste Great Southern run by Denmark Tourism Inc. Denmark Tourism Inc have applied for this funding and an additional amount of funding through the Regional Events Sponsorship program.

## **DISCUSSION**

### **Program Overview**

6. The Regional Events Sponsorship Program 2019 objectives include:
  - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact);
  - b. Involve and inspire the local community (social benefits);
  - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact).
7. The Regional Events Sponsorship program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
8. Events must be held between 1 January 2019 and 31 December 2019. Applications for Regional Events Sponsorship were open between July 2018 and August 2018.
9. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

### **Assessment**

10. Applicants were encouraged to shape their proposed activities to the funding and event sponsorship criteria, and officers gave guidance to applicants who did not meet the eligibility criteria.
11. Applications were evaluated by City officers using an event assessment tool developed to measure the economic value, visitor numbers and financial sustainability of each application.
12. A Regional Events Sponsorship Assessment panel then reviewed all applications. The assessment panel comprised Mayor Wellington, Councillor Smith, Councillor Stephens, Councillor Doughty, Manager Communications & Events Nathan Watson and Events Support Officer Jana Ridillova.
13. The Assessment Panel scored each event against the application criteria and based on the information supplied within the written applications.
14. A total of twelve (12) applications for Regional Events Sponsorship were received for funding requests totalling \$184,750 with \$65,000 available for allocation. Noting that:
  - o An additional \$10,000 is allocated in the Budget for Taste Great Southern;
15. The panel recommended supporting eight (8) of the twelve (12) applications.

**Panel Recommendations**

16. A summary of applications recommended for funding is outlined in Table 1.

**Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations**

	<b>Applicant / Event</b>	<b>Event Type</b>	<b>Panel Comments</b>	<b>Amount Requested</b>	<b>Panel Recommendation</b>
1.	<b>Denmark Tourism Inc.:</b> <i>Taste Great Southern</i>	<b><u>Culture Event</u></b> Regional Festival celebrating local produce with celebrity chefs	Supported subject to provision of documents required through the events approval process and a program plan demonstrating vendors and suppliers secured for the event.	\$20,000	\$20,000  (\$10,000 RES) (\$10,000 18/19 Budget)
2.	<b>Albany Mountain Bike Club:</b> <i>Southern MTB</i>	<b><u>Extreme Sports Event:</u></b> Mountain Bike Festival including unique Urban Down Hill and Jump Competition.	Supported subject to provision of documents required through the events approval process.	\$20,000	\$10,000
3.	<b>Albany Speedway Club:</b> <i>World Series Sprintcars</i>	<b><u>Motorsport Event</u></b> National Speedway Event.	Supported subject to provision of documents required through the events approval process.	\$20,000	\$10,000
4.	<b>ArtsSouth WA:</b> <i>Southern Art and Craft Trail</i>	<b><u>Arts/Culture Event</u></b> Art and Craft trail across Great Southern.	Supported subject to provision of documents required through the events approval process.	\$15,000	\$10,000
5.	<b>MSWA Inc.:</b> <i>MSWA Albany Ride</i>	<b><u>Sporting Event</u></b> Fundraising event to support people living with MS	Supported subject to provision of documents required through the events approval process.	\$20,000	\$10,000
6.	<b>Perth Trail Series:</b> <i>Albany Trail Run</i>	<b><u>Sporting Event</u></b> Trail Running Event celebrating Albany's trails and views.	Supported subject to provision of documents required through the events approval process.	\$10,000	\$5,000
7.	<b>Green Skills:</b> <i>Sustainable Communities Festival</i>	<b><u>Culture Event</u></b> Three events combining to promote sustainable living values and incorporating "Harmony" cultural activities.	Supported subject to provision of documents required through the events approval process.	\$20,000	\$5,000
8.	<b>Perth Theatre Trust:</b> <i>Shanty &amp; Sea Song Festival</i>	<b><u>Culture Event</u></b> Australia-first Shanty festival with international guests.	Supported subject to provision of documents required through the events approval process.	\$7,500	\$5,000
<b>Totals</b>				<b>\$132,500</b>	<b>\$75,000</b>

17. The table of panel recommendations is for cash support only and does not include in-kind support. Additional in-kind support requests will be considered in line with existing Council cash sponsorship and subject to Council endorsed operational budgets, and may not be supported.

**GOVERNMENT & PUBLIC CONSULTATION**

18. Not applicable.

**STATUTORY IMPLICATIONS**

19. Nil.

**POLICY IMPLICATIONS**

20. Approval of Regional Events Sponsorship funding recommendations is required by Council.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> Funding recommendations not endorsed may result in negative feedback from the community and/or applicants.	Unlikely	Minor	Low	A rigorous application and assessment process has been applied to ensure Council has confidence in assessment panel funding recommendations.
<b>Reputation:</b> Negative feedback from applicants declined for funding	Possible	Minor	Medium	Communicate the justification and reasoning to unsuccessful applicants.

## FINANCIAL IMPLICATIONS

22. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Services Team, within existing allocated budgets.
23. Council has allocated \$65,000.00 for Regional Events Sponsorship in 2018-2019.
24. Council has allocated \$10,000.00 for Taste Great Southern in 2018-2019.

## LEGAL IMPLICATIONS

25. Nil.

## ENVIRONMENTAL CONSIDERATIONS

26. Nil.

## ALTERNATE OPTIONS

27. Council could make alternative recommendations for funding including substitute dollar amounts for recommended applicants.

## SUMMARY CONCLUSION

28. The process for Regional Event Sponsorship Application Assessment is considered transparent and equitable.
29. It is recommended that the Responsible Officer's recommendation be endorsed.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Council adopted budget 2018-2019 Resolution CCS068</li> </ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	OCM 28/11/2017 Resolution CCS007

**CCS108: ALBANY HERITAGE PARK – Q1 2018-19 REPORT**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 1 (Q1) 2018-19 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 update on Q1 2018-19 performance of the NAC.

**RECOMMENDATION**

**CCS108: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR TERRY**

**THAT Council RECEIVE the Albany Heritage Park Operational Report for Q1 2018-19**

**CARRIED 12-0**

CCS108: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR STEPHENS

THAT Council RECEIVE the Albany Heritage Park Operational Report for Q1 2018-19.

**CARRIED 9-0**

CCS108: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the NAC Operational Report for Q1 2018-19.

## **BACKGROUND**

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC is 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 nationally significant asset and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage both increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Committee 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 and attract both local repeat visitation, and visitors from outside the region.
6. The first quarterly meeting for 2018/2019 was held on August 15 2018 in Perth with a planned meeting in Albany scheduled for 12 November 2018. 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.
7. This report template is constantly being reviewed to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information as to its performance.
8. Ongoing feedback from the Community & Corporate Services Committee and the NAC Advisory Group is encouraged to ensure the report is meeting expectations.

## **DISCUSSION**

9. Quarter 1 (Q1) 2018/19 achieved NAC total visitation numbers of 260,111 visitors since opening in November 2014. This equates to an average annual visitation of 67,848 visitors per year.
10. Total visitation for Q1 2018/19 was down by 2194 visitors compared to the same period in 2017/18.
11. The visitation in Q1 2018/19 from the Great Southern region totalled 429, consisting of 70% from Albany, 9% from Denmark, 5% from Lake Grace, Gnowangerup, Mt Barker, South Stirling, Narrikup and Wellstead.
12. The visitation in Q1 2018/19 originated from Western Australia (51%) Interstate (49%). Visitors from other states consisted of 31% from NSW, 29% from VIC, 20% from QLD, 13% from SA, followed by remaining states ACT, TAS and NT all with similar figures between 1-3%.
13. Of the total 5% of international visitors, 41% of these visitors originated from New Zealand, 27% from United Kingdom, 7% from USA, 4% from Singapore, 4% from Canada, Malaysia and France with similar figures around 2%.
14. Revenue generated in Q1 2018/17 by the AHP (NAC and Forts Store combined) was \$15,049 less compared to the same period in 2017/18, The Forts Store revenue also decreased by \$32,993 compared to the same period in 2017/18.
15. Compared to the same period in 15/16 and 16/17, the Forts Store Revenue was very similar with only a \$12,000 variation.
16. Average retail spend per head for 18/19 Q1 reached \$11.94, its highest level since opening.
17. As at the end of Q1 2018/19, 2989 local residents were members of the NAC League of Local Legends program, with 329 joining during Q1.

18. The NAC received 186 non-local paying visitors in Q1 2018/19 as a result of the NAC League of Local Legends program.
19. In Q1 2018/19 activities included the NAC preparations for Field of Light Launch, Honouring Albany's Own Exhibition and connections to Avenue of Honour.
20. The City of Albany is currently considering a sponsorship approach to sourcing and securing corporate sponsorship opportunities for the NAC.

**GOVERNMENT & PUBLIC CONSULTATION**

21. Not Applicable.

**STATUTORY IMPLICATIONS**

22. Not Applicable.

**POLICY IMPLICATIONS**

23. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

24. Nil.

**FINANCIAL IMPLICATIONS**

25. Refer to the financial summary below for the AHP full year budget and YTD position as at June 30, 2018 noting that it excludes internal delivery allocations of \$91,428.

- a. Operating expenditure budget includes:

- i. \$54,000.00 allocated to the City reserves team for management of publicly accessible natural/developed reserves located within the boundary of the AHP.
- ii. \$70,000 allocated to the City Operations team for maintenance of all City of Albany built infrastructure and building assets located within the boundary of the AHP.
- iii. \$15,000 allocated to expenses relating to the NAC Advisory Group.
- iv. \$10,000 allocated to Major Projects for development of the AHP Master Plan.
- v. Year to date actuals are subject to change due to finalisation of annual accounts.

	FY 2018-19 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Expenditure	(\$1,850,713)	(\$341,116)	(\$317,171)	\$23,945
Operating Income	\$1,456,000	\$302,363	\$302,382	\$19
<b>Net Operating Surplus/ (Loss)</b>	<b>(\$394,713)</b>	<b>(\$38,753)</b>	<b>(\$14,789)</b>	<b>\$23,964</b>
Capital Expenditure	(\$20,000)	(\$13,951)	0	\$13,951
Stock on Hand	0	0	(\$65,470)	(\$65,470)
<b>Grand Total</b>	<b>(\$414,713)</b>	<b>(\$52,704)</b>	<b>(\$80,260)</b>	<b>(\$27,556)</b>

**LEGAL IMPLICATIONS**

26. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

27. Nil.

**ALTERNATE OPTIONS**

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

**SUMMARY CONCLUSION**

29. Overall Q1 2018/19 has seen slightly lower numbers but is still reflecting stable visitation. Positive numbers have been shown in the community response to the League of Local Legends program, with continuing strong growth.

30. An increase in the retail spend per head in the Fort Store has seen the Q1 average \$11.94 up by \$4.45 since opening. This is a positive contribution to revenue for the AHP precinct as a whole. This demonstrates the Store merchandise is attracting visitors and staff are marketing merchandise of interest.

31. Interest in the Princess Royal Fortress and exhibitions continues to generate visitation to the NAC. Supporting figures of Q1 2018/19 saw 767 people take part in Princess Royal Fortress Tours.

32. In Quarter 2 2018/19, with the very popular Field of Light installation and marketing programs strongly focused on the connection the experience has to the NAC and Princess Royal Fortress exhibitions, we expect increased visitation.

33. In October 2018, frequency of visits to the NAC, after 3pm, have increased compared to past history. Anecdotally, the increase appears to be attributed to Field Of Light packages, with visitors choosing to visit the NAC later in the afternoon prior to moving onto the Field of Light in the evening.

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

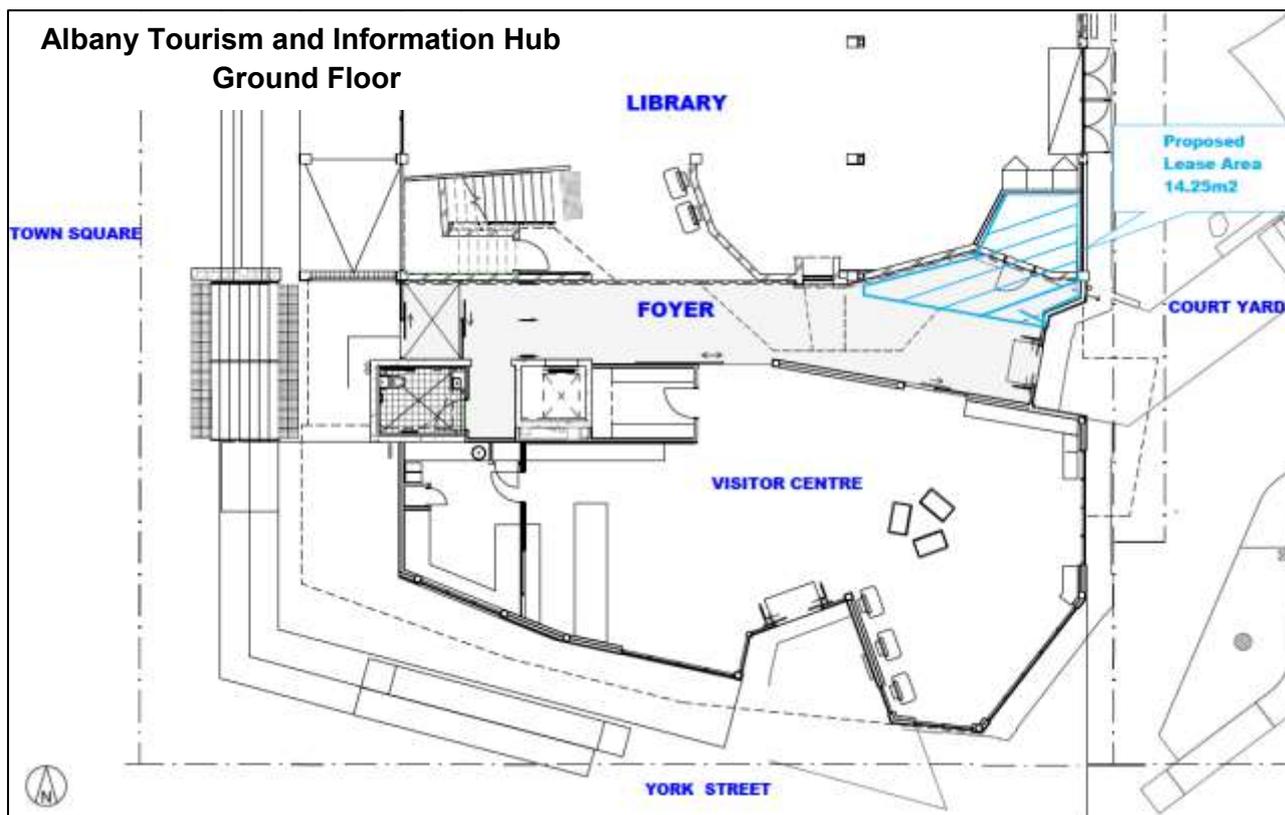
**CCS110: FINAL LEASE APPROVAL FOR COFFEE KIOSK TO CHRISTOPHER SAURIN – TOURISM & INFORMATION HUB, YORK STREET**

<b>Land Description</b>	: Lot 123 on Diagram 13134 as detailed in Certificate of Title Volume 1097 Folio 230
<b>Proponent</b>	: Christopher Saurin as Trustee for the Saurin Family Trust
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared by</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officer</b>	: Executive Director Corporate Services (M Cole)

**STRATEGIC IMPLICATIONS**

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



**In Brief:**

- Council, at its meeting held on 28 August 2018, considered and supported a proposal to lease a commercial space for a coffee kiosk within the newly established Tourism and Information Hub in York Street.
- As part of the statutory process the proposed lease was advertised for public comment and one submission was received.
- Council is now requested to consider the submission and determine any impact on granting the final lease approval.

**6.45PM** Councillor Terry left the Chamber after declaring an Interest in this item.

**RECOMMENDATION**

**CCS110: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SHANHUN  
SECONDED: COUNCILLOR GOODE**

**THAT Council:**

1. **NOTES** its previous resolution of 28 August 2018 Item CCS080.
2. **GRANTS** the final lease approval for Coffee Kiosk over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:
  - a. Lease area being approximately 14.25m<sup>2</sup>.
  - b. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.
  - c. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.
  - d. Lease term being 5 years with an option for a further 5 year term.
  - e. Lease commencing as soon as practicable.
  - f. All costs associated with the ongoing operations of the leased premises being payable by the tenant.
  - g. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.
  - h. Lease being consistent with Council Policy – Property Management (Leases and Licences).

**MOTION LOST 5-6**

**Record of Vote**

For the Motion: Mayor Wellington and Councillors Hammond, Shanhun, Goode and Smith.

**CCS110: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR SMITH**

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

**CARRIED 8-1**

**Record of Vote**

Against the Motion: Councillor Moir

CCS110: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. NOTES its previous resolution of 28 August 2018 Item CCS080.
2. GRANTS the final lease approval for Coffee Kiosk over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:
  - a. Lease area being approximately 14.25m<sup>2</sup>.
  - b. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.
  - c. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.
  - d. Lease term being 5 years with an option for a further 5 year term.
  - e. Lease commencing as soon as practicable.
  - f. All costs associated with the ongoing operations of the leased premises being payable by the tenant.
  - g. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.
  - h. Lease being consistent with Council Policy – Property Management (Leases and Licences).

**BACKGROUND**

2. In May 2018 following a Request for Proposal (RFP) to lease a modest commercial space within the Tourism and Information Hub that lends itself to a small food and beverage outlet, one proposal was received for a coffee kiosk.
3. City staff conducted an assessment of the proposal received consistent with the City's usual procurement process. On this basis, the City entered into discussions with the applicant, Mr Christopher Saurin.
4. Mr Saurin has 10 years experience as a barista and operating a mobile coffee business, Quick Shot Coffee. It was proposed to serve hot drinks with some baked goods such as muffins and slices available.
5. Importantly Mr Saurin confirmed his intention to trade 7 days a week including public holidays, noting there may be some requirement to adjust hours due to seasonal sales.
6. Council considered the new lease request at its meeting held on 28 August 2018 as resolved as follows:

*THAT Council APPROVE a new lease over portion of Lot 123 York Street, Albany Tourism and Information Hub to Christopher Saurin as Trustee for the Saurin Family Trust, subject to:*

- a. Lease permitted use being Coffee Kiosk.*
- b. Lease area being approximately 14.25m<sup>2</sup>.*
- c. Lease rent being \$9,000 per annum plus GST and outgoings as determined by a licensed Valuer.*
- d. Rent reviews by market valuation every 3 years with Consumer Price Index applied for intervening years.*
- e. Lease term being 5 years with an option for a further 5 year term.*
- f. Lease commencing as soon as practicable.*
- g. Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements, the new lease will be advertised.*
- h. All costs associated with the ongoing operations of the leased premises being payable by the tenant.*
- i. All costs associated with the development and finalisation of the lease being payable by the City of Albany, in line with the Commercial Tenancy (Retail Shops) Agreements Act 1985.*
- j. Lease being consistent with Council Policy – Property Management (Leases and Licences).*

7. The City has agreed to undertake some improvement works to the building to facilitate the kiosk being accessible to customers from the courtyard. These works are estimated at \$20,000 and have been allocated in the 2018/19 budget.
8. Mr Saurin is responsible for the fit out of the lease space and all associated approvals for the coffee kiosk, at own cost.

## DISCUSSION

9. Following Council's August resolution, the proposed lease was advertised for public comment on the 4 October 2018.
10. The advertising period closed on 18 October 2018 and one submission was received from the Albany Chamber of Commerce & Industry (ACCI).
11. The ACCI on behalf of some York Street retail traders raised a number of questions regarding the proposed coffee kiosk prior to a meeting with York Street food and beverage operators on 19 October 2018. The City provided responses to ACCI questions on 18 October 2018 as below.

- a. ACCI question: "Are the city spending \$20 000 to set this business up?"

City response: *An amount of up to \$20,000 has been budgeted for some improvement works to the building which includes installing a servery window and external awning to facilitate service when the Visitor Centre and Library are not open. As per Council Item CCS080 August 2018.*

- b. ACCI question: "Why would the city orchestrate setting up a Coffee Kiosk to be leased out in direct competition to already struggling businesses in York St?"

City response: *This is a modest space of 14m2, not a full service cafe or restaurant. There is currently no other retail offering on the west side of York Street between Grey Street and Serpentine road, other than the City's existing civic facilities.*

- c. ACCI question: "Will there be Alfresco License from City of Albany (only applicable if there will be outdoor area for customers to sit)."

City response: *An Alfresco Licence has not been considered. The intent is for a take away coffee kiosk. No tables and chairs will be provided in the adjoining outdoor area which is available for public use.*

- d. ACCI question: "Will they be registered through the City of Albany as a Food Business?"

City response: *Yes, assessed by the City's Health Team.*

- e. ACCI question: "Will they have to have Commercial Dishwasher to sanitize equipment and is that something the city is providing?"

City response: *To be assessed by the City's Health Team.*

- f. ACCI question: "Will the city be paying for them have to install a Greasetrap? Water Corp have made the others do the same."

City response: *City's Health Team have been in contact with Water Corp who advise a grease trap will not be required if food is not prepared on the premises.*

- g. ACCI question: "Will the city be paying for them to have a Trade Waste Permit?"

City response: *No, will be tenant responsibility if required. City's Health Team have been in contact with Water Corp who advise a Trade Waste Permit is not required if simply bringing food onto the premises. If cooking or heating food onsite then will need a Trade Waste Permit at tenant cost.*

- h. ACCI question: "Is he going to be limited to Coffee only or permitted to sell food as well?"

City response: *Limited range of baked goods such as muffins or slices.*

- i. ACCI question: “If concerns are being raised to the City of Albany about visitors complaining about lack of choice/options for Coffee/Food why hasn't that been taken up with existing businesses to address the problem?”

City response: *The City is not concerned about lack of choice or options. But we see an opportunity to provide a service from our visitor centre.*

- j. ACCI question: “Why are the city going into competition with small business on York St? Why aren't they trying to help instead of slowly dragging us down?”

City response: *The City is not going into competition. This will be run by a commercial operator, in much the same way that other sites the City owns are leased to commercial operators. The proposed lease is a market based rent.*

- k. ACCI question: “Why do the city ask us to be open earlier for bigger events happening in town or in the town square and then put a coffee van in to take all the potential coffee buyers from us?”

City response: *The City has previously asked businesses to operate at the Town Square and also open for events. The response from businesses has been inconsistent and the City allows coffee vans and other pop ups to meet demand.*

- l. ACCI question: “Why is the City of Albany adding a space to the Visitors Centre for another coffee business when there are lots of empty shops on York Street that he could have taken a lease out on to set up business?”

City response: *The space has been planned and an open process has been followed.*

12. On 19 October 2018, City management met with representatives from ACCI and a number of York Street retail traders to listen to their concerns regarding the coffee kiosk proposed to operate from the Library and new Visitor Centre. In summary the concerns raised were similar to those matters raised by the ACCI.
13. In developing the new Visitor Centre and upgrades to the Library, the City included a small commercial space.
14. The vacant commercial space was advertised extending the commercial opportunity to all existing and new local businesses, noting the modest space would lend itself to a small food and beverage outlet.
15. It is not unusual for the City to manage commercial lease opportunities, with Emu Point Cafe and Three Anchors currently holding leases with the City.
16. The City has been actively trying to increase the vibrancy and visitation to the CBD to benefit all local businesses through the relocation of the Visitor Centre and upcoming refurbishments of the Town Hall and Alison Hartman Gardens. Between March and June this year, just over 40,600 visitors came through the doors of the new Visitor Centre, representing a significant increase in activity within the city centre. This increased visitation is anticipated to have a positive spinoff that will benefit the CBD commercial retail traders.
17. Overall, notwithstanding the comments from ACCI and City meeting with York Street traders, on the basis of the above it is recommended to proceed with the final approval for the coffee kiosk lease.

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

18. The provisions of Section 3.58 of the *Local Government Act 1995* require that public advertising be undertaken. The proposed lease was advertised on 4 October 2018 inviting submissions concerning the lease.
19. One submission was received and has been acknowledged and advised that a further item to Council will be presented.

## STATUTORY IMPLICATIONS

20. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including the lease of property.
21. The lease agreement will be a formal Deed of Lease with terms and conditions governed by the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

25. 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> lease not approved	Possible	Moderate	Medium	Seek to negotiate terms to Council satisfaction
<b>Reputation:</b> lease of space – negative feedback from retail traders in York Street	Possible	Moderate	Medium	Request for Proposal to lease was advertised publicly extending the commercial opportunity to all existing and new local businesses interested in leasing the space
<b>Financial:</b> new lease not approved – loss of commercial rent	Unlikely	Low	Low	Call for further proposals for the vacant space
<b>Opportunity:</b> To provide a commercial space for coffee kiosk to support the activities in the public space and enhance the visitor experience to the Tourism and Information Hub.				

## FINANCIAL IMPLICATIONS

26. The City has agreed to undertake some improvement works to the building to facilitate the kiosk being accessible to customers from the courtyard. These works are estimated at \$20,000 and have been allocated in the 2018/19 budget.
27. All costs associated with the development and finalisation of the lease will be met by the City in line with the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.
28. The lease rental will be directed to the Library and Visitor Centre property and building revenue accounts.

## LEGAL IMPLICATIONS

29. The lease documentation will be prepared by the City's lawyers with enforceable terms and conditions.
30. The City will provide the required statutory disclosure statements to the tenant. Failure to do so could result in the tenant having the right to terminate the lease and/or seek an order for compensation from the State Administrative Tribunal (SAT).

## ENVIRONMENTAL CONSIDERATIONS

31. There are no environmental implications.

## ALTERNATE OPTIONS

32. Council may:
- a. Acknowledge the submission and decline the final approval for the lease; or
  - b. Grant the final approval for the lease.
33. Should Council not support the lease, then another Request for Proposal to lease the space on different terms could be prepared and advertised, with the view to securing another tenant.
34. Alternatively the City may wish to utilise the space for Library and Visitor Centre storage.

## SUMMARY CONCLUSION

35. Following the Request for Proposal process to lease commercial space within the Tourism and Information Hub in May 2018, Council has since supported the recommended lease for coffee kiosk at OCM 28 August 2018.
36. The City has observed the public advertising process required under Section 3.58 of the *Local Government Act 1995* and one submission from ACCI was received. The submission sought answers to a number of questions raised on behalf of some York Street retail traders.
37. In response to the submission, City management met with representatives from ACCI and a number of York Street retail traders to listen to their concerns regarding the proposed lease.
38. It is the view of City management that the proposed coffee kiosk will complement the customer experience at the Library, Visitor Centre and soon to be re-developed Alison Hartman Gardens and Town Hall.
39. As such, it is recommended final lease approval be granted.

<b>Consulted References</b>	:	Council Policy – Property Management (Leases and Licences) <i>Local Government Act 1995</i> <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>
<b>File Number (Name of Ward)</b>	:	PRO431 (Frederickstown Ward)
<b>Previous Reference</b>	:	OCM 28/08/2018 Item CSF080

6.55PM Councillor Terry returned to the Chamber. Councillor Terry was not present during the discussion and vote for this item.

**CCS111: RACEWARS ALBANY 2019 - PROPOSAL**

<b>Proponent / Owner</b>	:	Racewars Group
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>• Event Application</li><li>• Form 1 – Road Traffic Act 1974 – Application for an Order for A Road Closure</li></ul>
<b>Report Prepared By</b>	:	<ul style="list-style-type: none"><li>• Manager Governance and Risk – Airport Operations (S Jamieson)</li><li>• Communications &amp; Events Manager (N Watson)</li></ul>
<b>Responsible Officers:</b>	:	<ul style="list-style-type: none"><li>• Executive Director Corporate Services (M Cole)</li><li>• Executive Director Community Services (S Kay)</li></ul>

**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:** Smart, prosperous and growing.
  - **Objectives:**
    - Strengthen and grow our region’s economic base.
    - Develop and promote Albany as a unique and sought after visitor location.
  - **Community Priorities:**
    - Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
    - Promote the “Amazing South Coast” region as a sought after and iconic tourism destination.

**In Brief:**

- Council is requested to review and endorse the Racewars 2019, event proposals.

**RECOMMENDATION**

**CCS111:RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON**

**THAT:**

- 1) **The Racewars 2019 Event Proposal be ENDORSED subject to:**
  - a) **Imposed event and regulatory conditions.**
  - b) **The Marine Drive Hill Climb to be run on Monday 4 March 2019 is a one-off trial, with support for future Marine Drive Hill Climbs for Racewars to be considered on analysis of community impact/costs post the 2019 event.**

**And**
- 2) **The mitigation strategies to allow visitor access to the Princess Royal Fortress Precinct (National Anzac Centre, Field of Lights, Garrison Restaurant and Carlyle’s Function Centre), approval of the Application for an Order for A Road Closure are SUPPORTED.**

**CARRIED 11-1**

**Record of Vote**

Against the Motion: Councillor Goode

CCS111:COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)

MOVED COUNCILLOR HAMMOND  
SECONDED COUNCILLOR HOLLINGWORTH

THAT:

- 1) The Racewars 2019 Event Proposal be ENDORSED subject to:
  - a) Imposed event and regulatory conditions.
  - b) **The Marine Drive Hill Climb to be run on Monday 4 March 2019 is a one-off trial, with support for future Marine Drive Hill Climbs for Racewars to be considered on analysis of community impact/costs post the 2019 event.**

**And**

- 2) The mitigation strategies to allow visitor access to the Princess Royal Fortress Precinct (National Anzac Centre, Field of Lights, Garrison Restaurant and Carlyle's Function Centre), approval of the Application for an Order for A Road Closure are SUPPORTED.

CARRIED 9-1

**Record of Vote**

Against the Motion: Councillor Goode

CCS111: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

- (1) The Racewars 2019 Event Proposal be ENDORSED; subject to imposed event and regulatory conditions.
- (2) The mitigation strategies to allow visitor access to the Princess Royal Fortress Precinct (National Anzac Centre, Field of Lights, Garrison Restaurant and Carlyles Function Centre), approval of the Application for an Order for A Road Closure are SUPPORTED.

**BACKGROUND**

2. The City of Albany successfully hosted the Racewars Albany 2017 and 2018 events, which involved providing the event organisers with the exclusive use of the Albany (Harry Riggs) Regional Airport for two days of "Straight Line Racing" of the March long weekend.
3. On Thursday 18 and Friday 19 October 2018, City Officers met with representatives of the Racewars (RW) Group for preliminary discussion.
4. On Tuesday, 23 October 2018, Racewars representative (Mr Jon Murray) briefed Council on the 2019 RW Event proposals, being:
  - a. Airport Straight Line Racing Event (Saturday 2 & 3 March 2019)
  - b. Petrolosta Party (Saturday evening 2 March 2019)
  - c. Centennial Stadium Thank You Event / Awards Night (Sunday evening 3 March 2019)
  - d. Marine Drive Hill Climb (Monday 4 March 2019)

## DISCUSSION

5. The formal application for event approval was received on Friday 2 November 2018.

6. The following provides an overview of the proposal:

a. **Airport Straight Line Racing Event (Saturday 2 & 3 March 2019):**

▪ **Event Timings:**

- The airport application will be the same as this year's event; but finished by 7.30pm daily.

▪ **Financial/Logistic support:**

- Visitor Centre Ticket Packaging
- Staff to assist with the provision of logistic and event management.
- The relocation of the Fire Spotter Aircraft to Denmark, for the duration of the event.
- The renting and installation of temporary fencing to provide for security of general aviation hangars and airport infrastructure.
- The provision of traffic management.
- The provision of mobile security for the protection of airport infrastructure.

b. **Petrolosta Party (Saturday evening 2 March 2019) – Next to Boat Shed**

▪ **Event Timings:**

- 5.00pm – Event Start
- 11.00pm \_Event Complete

▪ **Approvals:** As at 29 October 2018, yet to be submitted by event organiser to Department of Transport.

▪ **Financial/Logistic Support:** Nil.

c. **Centennial Stadium Thank You Event/Awards Night (Sunday evening 3 March 2019)**

▪ **Event Timings:**

- 8.00pm – Event Start
- 11.00pm – Event Complete

▪ **Approvals:** Booked and approved by City of Albany.

▪ **Financial/Logistic Support:** Booking Fee.

d. **Marine Drive Hill Climb (Monday 4 March 2019 between 8.30am to 6.00pm)**

▪ **Event Timings:**

- 00:00 – 04:00 – Set up
- 04:00 – 07:00 – Media Content Generation (Sunrise) (Noise limited)
- 07:00 – 08:00 – Competitor Bump In + Documentation
- 08:00 – 09:00 – Competitor Briefings + Speed Limited (60km/h) Recce Run
- 09:00 – 12:30 – Racing
- 12:30 – 13:00 – Lunch + Media Content Generation
- 13:00 – 18:00 – Racing (Event team is aiming for 17:30 completion of Motorsport Activities)

- **Approvals:**
  - Traffic Management Plan has been approved by the City of Albany as the local government road owner.
  - Road Closure Permit has not been submitted, pending Council endorsement of the proposed event.
- **Financial/Logistic Support:**
  - Visitor Centre Ticket Packaging

7. A copy of the presentation presented to Council follows:





### RW18 – Key Statistics

- Overall Attendance - 9,000+ Attendees over the weekend.
- Total Competitor Sign Ups – 334 Total over all events (not including RW18 Car + Bike Show)
- Largest Participation Event. – MADInc ½ Mile Roll Racing – 177 Competitors.
- Total Number of Passes Made - ~2000+
- Number of 300+ km/h entrants – 13 (12 VMAX + 1 ½ Mile Roll Racing)
- Highest Speed Achieved – 334.93 km/h – Ed Tassone – HSV GTO
- Total RW in House Media Reach – (Event Period) – TBA



### RW18 – Live Video Feed Statistics (Views)

- 1320 Video (International) – 187,000
- StreetFX (International) – 267,000
- MotiveDVD (Domestic) – 67,200
- Sparesbox (Domestic) – 21,800
- Street Machine (Domestic) – 30,000

• These figures only include the views recorded by our official media partners. Significant additional content has been released by amateur media outlets along with ongoing video content being uploaded by our official partners.



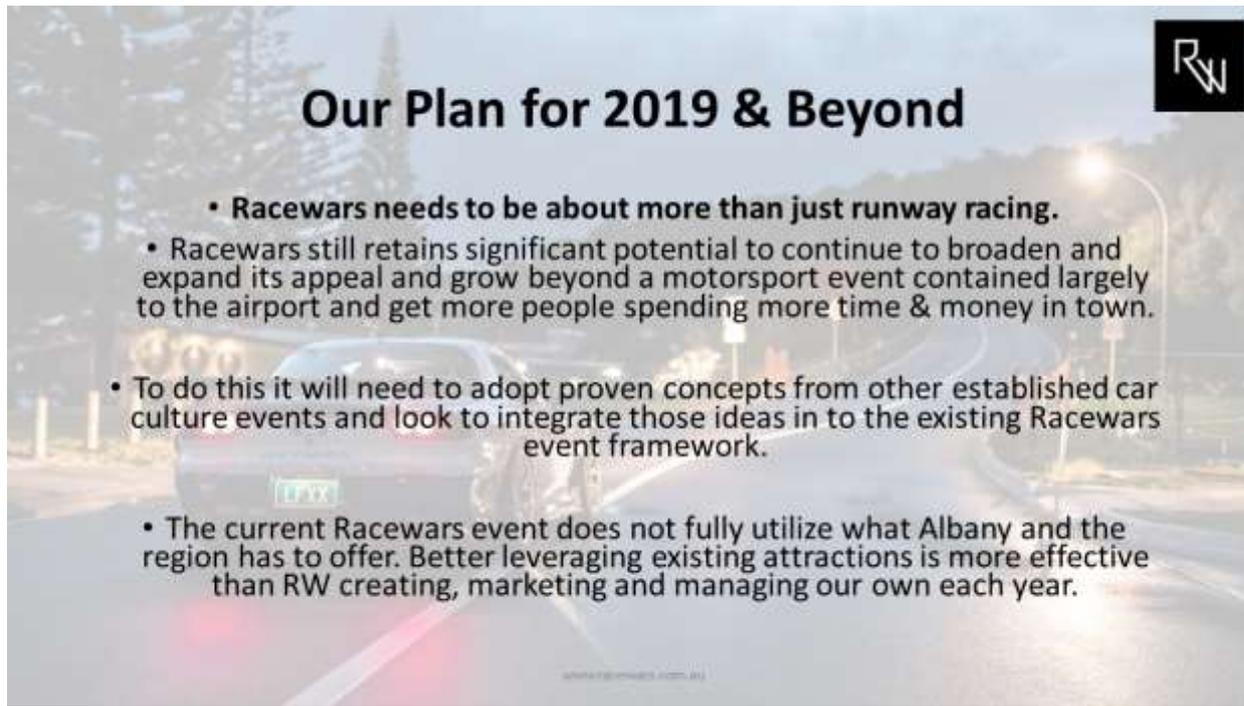
### RW18 – Media Coverage Notes

- Due to recent changes with the way social media platforms allow for the dispersion of commercial content versus personal content it's now much harder for branded content to achieve placement in people's news feeds which detracts from the content's reach. The reduction in reach does result in lower overall viewership of branded content however it means that those people who do see it are more likely to be those who will view, engage and interact with the content and the content generator.
- For RW18 and onwards we will record the amount of views and interactions with the content rather than just the "reach" of the content. This will reduce the headline numbers provided but will give a better indication of our ability to activate people to follow or engage with the event.
- We believe that the level of penetration we achieved was exceptionally positive given the changed goal posts and limited ability to push content out when compared with last year's event.
- To deliver the best returns we need to create more exceptional content.



## RW18 – Post Event Survey Key Messages.

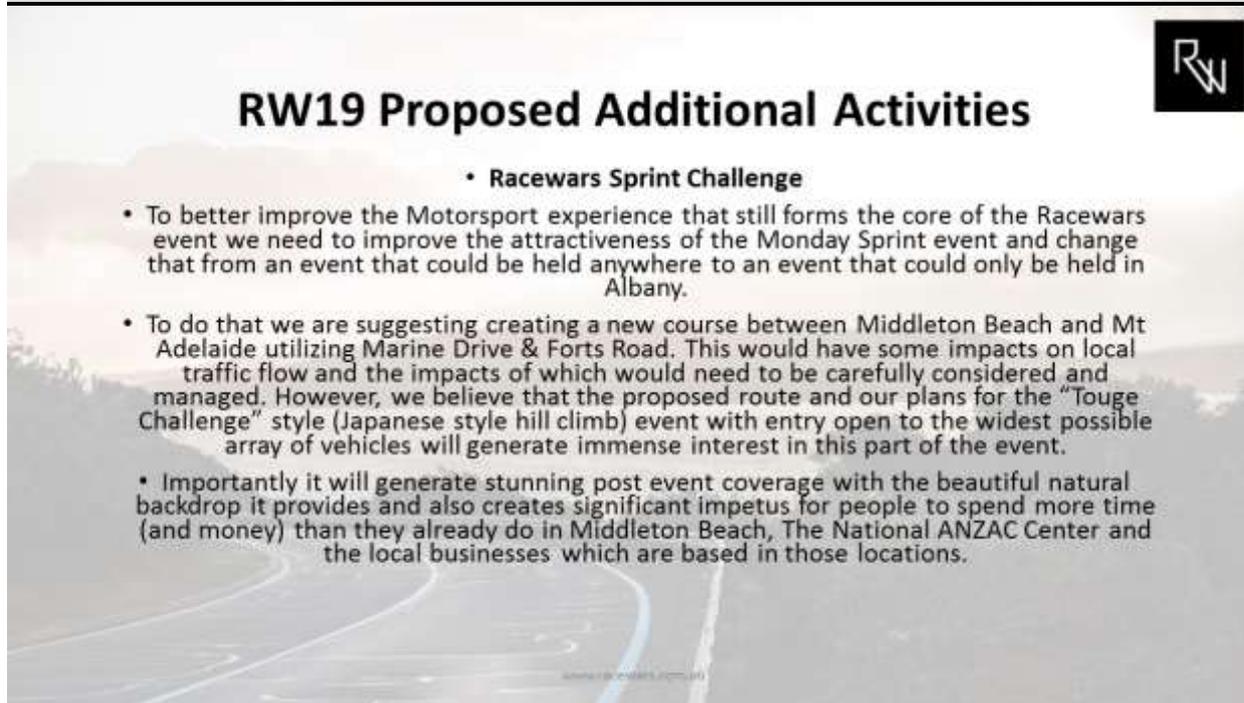
- Total attendance was in excess of 9000 across the weekend (Racewars ran out of spectator bands so we can't be exact on the attendance numbers) up from 7500 in 2017.
  - The percentage of attendees from outside The Great Southern rose from 66% in 2017 to 82% in 2018.
    - 85% of people stayed in Albany as opposed to 77% in 2017.
  - 19% of people who did not stay in Albany were unable to find accommodation in 2018 up from 10% in 2017.
  - The number of people staying for 5+ days decreased from 20% in 2017 to 11% this year. With an increase of those staying for 3 days only up from 47% in 2017 to 51% in 2018.
    - 66% would like to see more local content at trade stands across the weekend.
    - 60% would consider paying a premium for grandstand seating at the airport.
    - The percentage of families attending rose from 29% in 2017 to 37% in 2018.
- A number of areas for operational improvements were raised by the respondents and will be reviewed outside the scope of this post event report with the view to continue to improve the event for 2019 and beyond.
- Increasing our visitor nights is one of the key objectives of a headline Sprint event on RW Monday.



**Our Plan for 2019 & Beyond**

- **Racewars needs to be about more than just runway racing.**
  - Racewars still retains significant potential to continue to broaden and expand its appeal and grow beyond a motorsport event contained largely to the airport and get more people spending more time & money in town.
- To do this it will need to adopt proven concepts from other established car culture events and look to integrate those ideas in to the existing Racewars event framework.
- The current Racewars event does not fully utilize what Albany and the region has to offer. Better leveraging existing attractions is more effective than RW creating, marketing and managing our own each year.

www.racewars.com.au

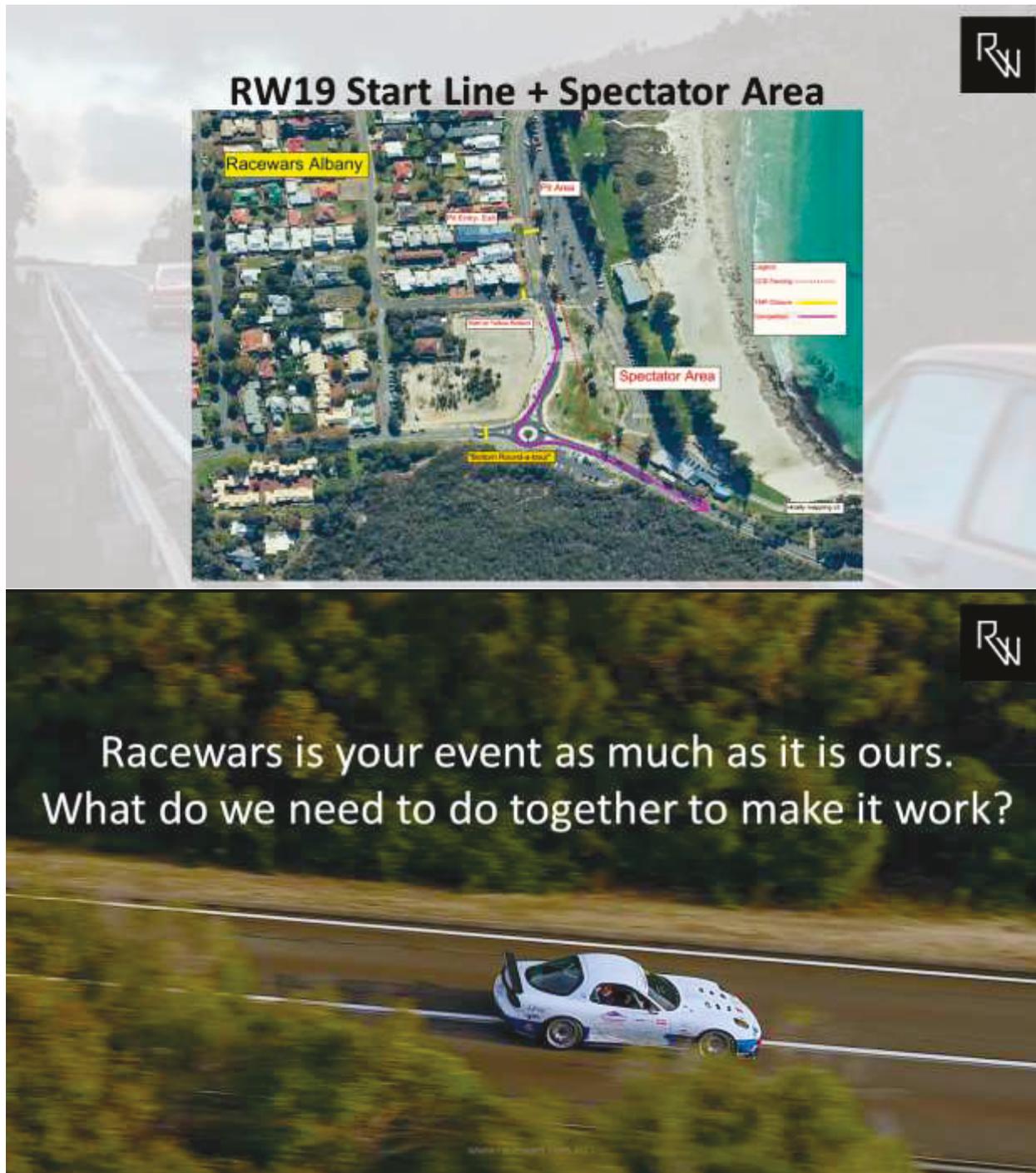


**RW19 Proposed Additional Activities**

- **Racewars Sprint Challenge**
  - To better improve the Motorsport experience that still forms the core of the Racewars event we need to improve the attractiveness of the Monday Sprint event and change that from an event that could be held anywhere to an event that could only be held in Albany.
  - To do that we are suggesting creating a new course between Middleton Beach and Mt Adelaide utilizing Marine Drive & Forts Road. This would have some impacts on local traffic flow and the impacts of which would need to be carefully considered and managed. However, we believe that the proposed route and our plans for the "Touge Challenge" style (Japanese style hill climb) event with entry open to the widest possible array of vehicles will generate immense interest in this part of the event.
  - Importantly it will generate stunning post event coverage with the beautiful natural backdrop it provides and also creates significant impetus for people to spend more time (and money) than they already do in Middleton Beach, The National ANZAC Center and the local businesses which are based in those locations.

www.racewars.com.au





8. Post presentation, the following modifications were made to the event application, to address elected member and staff feedback:

a. **Overview of mitigation strategies:**

- The Racewars (RW) Group will cover the cost of two (2) x charter buses running from 09.30am to 5.30pm to shuttle visitors at no cost from the following locations to the forts precinct (National Anzac Centre, Carlyles Function Centre, Princess Royal Forts, etc):
  - Middleton Beach
  - Town Centre (Visitors Centre)
- To ensure the safety of participants and the passengers on these services buses will run in between vehicle run groups.

- Vehicle run groups will comprise of 30 vehicles released at 30 to 45 second intervals (dependant on their performance).
  - A 10 to 15 min gap between each run groups is required for the competitors to be escorted back from Park Ferme to the Pits.
  - This gap will permit the buses to complete their journey and collect return passengers.
  - It is acknowledged that circumstances such as vehicle breakdowns or other incidents may cause disruption to the schedule.
- b. **Fort Road section closure:**
- The RW Group will remove any related items as soon as safe to do so after the last car reaches “Park Ferme”.
  - Once this section of the road has been cleared City Representatives will inspect the road and if satisfied that it is safe to do so, this will permit the event to move the road closure point from Burgoyne Road to the intersection of Marine Parade and Forts Road.
  - This will then allow unrestricted public access to the Field of Light / National Anzac Centre.
  - RW event team estimates that unrestricted public access could be restored within 30 minutes of the last car reaching Park Ferme (well before sunset).
- c. **National Anzac Centre (NAC) Visitation:**
- Visitation for the same day in 2018, reported by the NAC was 127 however it is expected to be higher in 2019 due to the Field of Light installation attracting more visitors to the Albany Heritage Park.
  - RW Group proposes to run buses between vehicle run groups under the direction of a nominated RW staff member and CAMS Clerk of Course.

## GOVERNMENT & PUBLIC CONSULTATION

9. **Airport Straight Line Racing Event (Saturday 2 & 3 March 2019):**
- a. **Airport Operations:** Through the Department of Transport’s Community Consultation Group, which consists of stakeholders from industry, government, and the aviation community the City will negotiate for the Albany Airport to be closed to aircraft movement from Friday afternoon to 6:00pm Sunday evening.
  - b. The Perth to Albany route is historically low on long weekends and it is usual for selected flights to be cancelled due to insufficient demand.
  - c. **Royal Flying Doctor & Water Bombers:** The Airport will remain open for emergency flights for the Royal Flying Doctor Service. To facilitate emergency use of the airport, Albany Airport staff will remained on duty to ensure safety and operational compliance needs are adhered to, and to respond to any emergency air service requirements.
  - d. The Royal Flying Doctor Service in consultation with the Albany Hospital will be requested to schedule non-emergency flights to accommodate the event.
10. **Petrolosta Party (Saturday evening 2 March 2019) – Next to Boat Shed**  
Event Organiser advised Council they have consulted with surrounding businesses in particular Due South.
11. **Centennial Stadium Thank You Event/Awards Night (Sunday evening 3 March 2019)**  
Not applicable, booked and approved by City of Albany.

12. **Marine Drive Hill Climb (Monday 4 March 2019 between 8.30am to 6.00pm):**

Event Organiser advised Council they have consulted with businesses impacted by the Marine Drive road closure and limited access to the:

- a. **Mounts Precinct:** National Anzac Centre, Garrisons Restaurant, and Carlyles Function Centre. Outstanding: Private Residence.
- b. **Middleton Beach:** Hybla Bar & Restaurant, and Three Anchors Bar & Restaurant. Outstanding: Residents & Albany Surf Club.
- c. The RW Group will need to do further detailed consultation with stakeholders as the event plans and traffic management are finalised.

13. Cognisant of responding to community feedback, this event should be a one-off trial, with support for future Marine Drive Hill Climbs for Racewars to be considered on analysis of community impact/costs post the 2019 event.

14. **Public Consultation:**

The RW group has committed to undertake a public awareness campaign before the event including local radio and print media (local newspaper notices/advertisements).

This will be complemented by a localised mail out to residents and businesses within a 1 to 3 block radius of the event road closures.

15. **National Anzac Centre/Princess Royal Fortress Precinct:**

Safety of pedestrians around the site is paramount. It is acknowledged that City staff will need to work with the RW Group to ensure concerns are addressed.

**STATUTORY IMPLICATIONS**

16. Nil

**POLICY IMPLICATIONS**

17. Nil

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Airport: Business Operation &amp; Financial.</b> <b>Risk:</b> Accelerated wear and tear to the Albany Airport runway from chip seal loss.	Likely	Moderate	High	Continue to monitor the wear resulting from the event activity. Allocate additional funds from the Economic Development Funding lines.
<b>Airport Operations:</b> <b>Risk:</b> CASA non-compliance.	Likely	Moderate	High	The Airport Team is there to make sure that: - CASA airport security compliance is maintained/not compromised during bump in/out; - the airstrip is made safe for emergency landings (in accordance with imposed CASA conditions); - the aerodrome is made safe prior to re-opening; - the general aviation users are kept informed and concerns catered for.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Hill Climb Event: Business Operation &amp; Financial.</b></p> <p><b>Risk:</b> Risk to Mounts Precinct access/operations resulting from Marine Drive Road Closure.</p>	Likely	Moderate	High	<p>To mitigate disruption to the Mounts Precinct, event organisers propose to run a free bus service from the Albany Visitors Centre, approximately every 90 minutes.</p> <p>As this event will be finished by 7.00pm, access to the Field of Lights is mitigated.</p>
<p><b>Hill Climb Event: Middleton Beach Access &amp; Stakeholders:</b></p> <p><b>Risk:</b> General access impacts to Middleton Beach and risk to access/operations of resident stakeholders (i.e. Surf Club) and businesses (Three Anchors, Hybla, Rats Bar, Bay Merchants)</p>	Likely	Moderate	High	<p>Reconsider traffic management plan footprint within Middleton Beach and alternative event marshalling areas (ie Eyre Park) to allow Middleton Beach carpark to remain completely or partially open for general access.</p>
<p><b>Hill Climb Event: Environmental.</b></p> <p><b>Risk:</b> Noise Complaints.</p>	Likely	Moderate	High	<p>To mitigate noise complaints the event will be run not before 8.30am to 6.00pm at the latest.</p>
<p><b>Hill Climb Event: Reputation.</b></p> <p><b>Risk:</b> Some residents may not support this type of event. Noting at the time of writing this report, residents and Surf Life Saving Club have not been formally advised.</p>	Likely	Moderate	High	<p>Articulate the City Officers/Council rationale for supporting this event, noting the economic opportunities that have been and could be realised.</p> <p>Staff and ultimately Council will reflect on the feedback going forward.</p>
<p><b>Hill Climb Event: Financial &amp; Legal</b></p> <p><b>Risk:</b> In the event of an accident, City of Albany could be exposed to litigation/claims.</p>	Possible	Major	High	<p>Confirmed: Racewars Group Pty Ltd, insurance coverage:</p> <ul style="list-style-type: none"> <li>- Period of Insurance: 22 September 2018 to 4:00pm 22 September 2019.</li> <li>- Public Liability \$20,000,000 any one Occurrence</li> <li>- Products Liability \$20,000,000 any one period of insurance.</li> </ul> <p>Additional: Event proposal will also be reviewed by the City's Insurer to ensure appropriate protections are in place.</p>
<p><b>Hills Climb and Boat Shed Event: Reputation</b></p> <p><b>Risk:</b> Some residents/business owners may not support this type of event.</p>	Likely	Moderate	High	<p>Event organisers supported by City of Albany staff to conduct the Community Consultation</p>
<p><b>Opportunity:</b> To continue to promote Albany as a unique and sought after visitor location to attend and hold internationally recognised events and meet our Communities priority to encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.</p>				

## FINANCIAL IMPLICATIONS

19. The City estimated conservative funding support of **\$68,000.00** over a three year period is still in place.

Cost Item	Cost Type	Year 1	Year 1 Actual	Year 2	Year 3	Estimated Total
Return Road	Internal Service	\$30,000	\$30,194	\$2,500	\$2,500	\$35,000
Operational Funding Support	COA Contract /Service	\$11,000	\$8,454.07	\$11,000	\$11,000	\$15,000
		<b>\$41,000</b>	<b>\$38,648.07</b>	<b>\$13,500</b>	<b>\$13,500</b>	<b>\$68,000</b>

20. In addition to the above cash contributions, the City of Albany is expected to provide significant in-kind support. With the event growing in scope, this in-kind support may be beyond the City's capacity and an additional cash contribution may need to be considered.
21. A decision on this will be deferred pending analysis of the formal event application by Racewars; which was received on Friday 2 November 2018.
22. **National Anzac Centre:**
- Historical evidence shown does reflect Monday is the lower visitation day - presumably due to visitors making their way back home.
  - Further analysis will be required; however noting higher staffing costs to operate the NAC on a public holiday, due to public holiday, it may be appropriate to look at discounting the entry fee due to the event disruption. However, staff believe if visitors are advised and the event is cross marketed, the potential for upset customers should be limited.
23. Historically, this has been a reasonably busy long weekend for the site, with the Monday being the quieter of the 3 days. Below details historical attendance and Forts Store revenue data (*remembering that 2015 was anomaly*):

Year	NAC Visitor Numbers (Monday)	Forts Store Revenue (inc. GST)
2015	326	\$6,712.00
2016	195	\$796.00
2017	156	\$2,274.00
2018	127	\$1,543

## LEGAL IMPLICATIONS

24. On 28 November 2017, Council resolved to authorise the Chief Executive Officer to finalise an agreement for host destination rights for the Racewars annual event for the years 2018, 2019 and 2020.
25. The City of Albany is not legally bound to support this event, as the agreement has not been signed by either party.

## ENVIRONMENTAL CONSIDERATIONS

26. **Noise:** To mitigate noise complaints racing will be run between 8.30am to 6.00pm at the latest.
27. **Waste Management:** Condition of event approval.
28. **Participant & Public Safety:** Condition of event approval. Event cannot proceed without approval of CAMS. Note: CAMS, is the official governing body of motor sport in Australia.

**ALTERNATE OPTIONS**

29. Council may choose to not support, or support the proposal in full or in part, such as:
- a. Limit proposed race times to run between 10am and 4pm to reduce noise and precinct access impact.
  - b. Require amendments to proposed Middleton Beach carpark closures and alternative event marshalling point such as Eyre Park to reduce general access impact to the beachfront area.

**CONCLUSION**

30. It is acknowledged that:
- a. High noise levels will be at odds with the traditional NAC site experience and may result in negative visitor feedback.
  - b. Some visitors may love this, and those that would find this an issue can then choose to come on a different day.
31. Therefore, staff will work proactively with the RW Groups to ensure a high level of promotion and marketing so visitors will understand what the experience will be like if they choose to visit on this day (*i.e. If you choose to visit the site that day you will be immersed in the Racewars atmosphere (primarily noise).*)
32. It is recommended that the Responsible Officer’s Recommendation be ENDORSED.

<b>Consulted References</b>	:	Nil
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>• OCM July 2018, Resolution CCS065</li><li>• OCM November 2017, Resolution CCS009</li></ul>

**DIS131: PURCHASE OF LOTS 877, 893 & 91 AND PART LOT 76,  
HANRAHAN ROAD, ALBANY**

<b>Land Description</b>	: Lots 877, 893, 91 and part of Lot 76, Hanrahan Road, Mount Melville.
<b>Proponent / Owner</b>	: City of Albany / Wesfarmers CSBP Limited
<b>Report Prepared By</b>	: Manager City Engineering (D King)
<b>Responsible Officers:</b>	: Executive Director Infrastructure and Environment (M Thomson) and Executive Director Corporate Services (M Cole)

**CONFIDENTIAL REPORT**

*This Report was considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.*

7.16pm

**RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR DOUGHTY**

**THAT the meeting be closed to members of the public in accordance with 4.1 of the City of Albany Standing Orders Local Law 2014 (as Amended), to discuss the following confidential reports:**

**DIS131: PURCHASE OF LOTS 877, 893 & 91 AND PART LOT 76, HANRAHAN ROAD, ALBANY**

**CARRIED 12-0**

Councillor Terry left the Chamber after declaring an interest in this item.

7.18pm

**RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR SLEEMAN**

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

**CARRIED 11-0**

**DIS131: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SLEEMAN**

**THAT Council SUPPORT the Confidential Responsible Officer Recommendation contained in confidential report DIS131: Purchase of Lots 877, 893 & 91, and Lot 76, Hanrahan Road, Albany.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**DIS131: AMENDED RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council SUPPORT the Confidential Responsible Officer Recommendation contained in confidential report DIS131: Purchase of Lots 877, 893 & 91, and Lot 76, Hanrahan Road, Albany.

**Officer Comment (M Thomson):**

In negotiations with CSBP it is proposed to purchase Lot 76 in full, noting this will negate the need for subdivision and its associated costs.

Lot 76 is currently divided into two parts by Hanrahan Road; both parts are suitable for passive recreation.

The purchase price will remain within the range specified in the report, noting that planning and legal costs will be substantially less.

The recommendation is amended to enable the purchase of lot 76 in full.

**DIS131: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON**

THAT Council SUPPORT the Confidential Responsible Officer Recommendation contained in confidential report DIS131: Purchase of Lots 877, 893 & 91, and Part Lot 76, Hanrahan Road, Albany.

**CARRIED 9-0**

**7.19pm** Councillor Terry returned to the Chamber. Councillor Terry was not present during the discussion and vote for this item.

**DIS132: DOG EXERCISE, PROHIBITED AND RURAL LEASHING AREAS POLICY**

- Land Description** : Public Land and City Reserves
- Proponent / Owner** : City of Albany
- Attachments** :
  - Draft Dog Exercise Area Map (Attachment A)
  - Community Engagement Results Report (Attachment B)
  - Draft Dog Exercise, Prohibited & Rural Leashing Areas Policy (C)
- Report Prepared By** : Manager City Reserves (J Freeman)  
Manager Governance & Risk (S Jamieson)
- Responsible Officers:** : Executive Director Infrastructure & Environment (M Thomson)

**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:
- **Themes:** Community Health & Participation, Leadership.
  - **Objectives:**
    - To develop and support a healthy inclusive and accessible community
    - To establish and maintain sound business and governance structures
  - **Community Priorities:**
    - Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages.
    - 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:** Draft Dog Exercise Area Map (see Attachment A).

**In Brief:**

- The Draft Dog Exercise, Prohibited and Rural Leashing Areas Policy was developed in early 2018 and advertised for community comment.
- 90 submissions were received and considered by staff.
- Modifications to the proposed policy have been made based on the community feedback.

**RECOMMENDATION**

**DIS132: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

**THAT the Dog Exercise, Prohibited and Rural Leashing Areas Policy be ADOPTED.**  
**CARRIED 12-0**  
**ABSOLUTE MAJORITY**

DIS132: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-0

DIS132: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Dog Exercise, Prohibited and Rural Leashing Areas Policy be ADOPTED.

**BACKGROUND**

2. In 2013, the *Dog Amendment Act 2013* made various amendments to the *Dog Act 1976*.
3. This amendment transferred the power to local governments to administer the determination of places where dogs are prohibited or allowed.
4. On 31 October 2017 Council resolved to:
  - a. Adopt a new Dog Local Law 2017; and
  - b. Adopt an interim policy position based on what previously existed under the repealed elements of the *Animals Local Law 2001*.

**DISCUSSION**

5. The City of Albany currently manages a large number of reserves and public open spaces which the community use for a variety of purposes including the exercise of dogs.
6. 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.
7. The content of the policy position is to determine within the City's municipal boundary 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 effective control) at all times.
  - **Rural Leashing Areas** – areas outside of the City of Albany Boundary (as gazetted) where dogs must be exercised on a leash.
8. It is proposed that within the City's boundary, other than in a Dog Exercise or Dog Prohibited area, dogs must be exercised on a leash or under effective control at all times including on tracks/paths in natural reserves. Outside of the City boundary, other than "Rural Leashing Areas", dogs may be off leash.
9. The areas designated in each category in the draft policy are based on historical area use and consultation with internal stakeholders such as the Recreation Services, Reserve Management and Ranger teams and feedback received from the community during the community comment period.
10. The draft policy significantly expands the number of Dog Exercise Areas across the City and they are spaced to ensure residents have access to an area in close proximity to their residence.

**GOVERNMENT & PUBLIC CONSULTATION**

11. The *Dog Act 1976* (as amended) prescribes that prior to Council adopting a policy position, Council must:
  - a. seek public comment;
  - b. be advertise the proposed policy position for a minimum period of 28 days; and
  - c. be adopted by an **absolute majority**.
12. Community feedback is detailed in the Community Engagement Report (Attachment B).

**STATUTORY IMPLICATIONS**

2. *Dog Act 1976*, Part VI, Division 1, Section 31. Control of dogs in certain public places:
- (2B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
- (a) at all times; or
- (b) at specified times.
- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.
3. Voting requirement for this item is **ABSOLUTE MAJORITY**.

**POLICY IMPLICATIONS**

4. The Council policy position that defines exercise, prohibited and rural leashing areas for dogs will be administered under the *Dog Act 1976*.
5. Once the policy is adopted, on ground demarcation (sign posting) of areas will commence and community educational material will be finalised.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation: Risk:</b> Noting this proposed policy position attracted significant levels of community comment, some members of the public may not be happy.	Likely	Moderate	High	Effectively communicate the rationale that formed the policy development and proposed implementation program based education prior to enforcement.  If the proposed policy is not endorsed, staff will review and address areas of concern.
<b>Opportunity:</b> To classify dog prohibited, exercise and rural leashing areas within the City of Albany boundaries.				

**FINANCIAL IMPLICATIONS**

7. Funds are allocated in the 2018/19 budget for implementation of on ground works and production of educational programs.

**LEGAL IMPLICATIONS**

8. Adoption of the policy will assist Rangers in enforcing responsible dog control.

**ENVIRONMENTAL CONSIDERATIONS**

9. It is acknowledged that dogs have the potential to impact significantly on environmental values especially where they are not controlled or on leash, and that Albany’s natural reserves and beaches have a large number of significant native fauna species that use them.

**ALTERNATE OPTIONS**

10. Council could choose to not adopt the draft policy and retain the current Dog Exercise and Prohibited Areas or decide to undertake further consultation before adopting the policy.

**CONCLUSION**

11. The draft policy attracted significant levels of community comment, demonstrating the high level of community interest in this subject. The comments were very diverse and often directly opposed to each other, demonstrating the difficulty faced in developing a policy that would be acceptable to all community members.
12. The draft policy has endeavoured to provide a balanced approach this issue.
13. It is recommended that the proposed Dog Exercise, Prohibited & Rural Leashing Areas Policy be adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Dog Act 1976</i></li><li>• <i>City of Albany's Dog Local Law 2017</i></li><li>• <i>Community Engagement Results Report (Attachment B).</i></li></ul>
<b>File Number</b>	:	CR.COC.54 (All Wards)
<b>Previous Reference</b>	:	OCM 25/07/2017 Resolution DIS036

**DIS133: FOSSICKER'S TIP SHOP - COUNCILLOR RAYMOND HAMMOND VOLUNTEER AUCTIONEER**

**Proponent** : Councillor Raymond Hammond  
**Report Prepared By** : Waste Sustainability Officer (J Passmore)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)  
Executive Director Environment & Infrastructure (M Thomson)

**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:** Clean, Green & Sustainable.
  - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
  - **Community Priority:** Deliver a sustainable and progressive approach to waste management including collaboration with neighbouring local governments.

**In Brief:**

- Councillor Hammond has offered his services as a volunteer auctioneer for Fossicker's Tip Shop.
- Councillor Hammond would register as an accredited auctioneer at his own cost.
- In this role, Councillor Hammond would be inducted as a volunteer with Fossicker's Tip Shop and would not direct staff or be involved in any financial transaction.

**RECOMMENDATION**

**DIS133: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council approve Councillor Raymond Hammond being a volunteer auctioneer with Fossicker's Tip Shop subject to Councillor Hammond becoming registered as an accredited auctioneer at his own cost.**

**CARRIED 12-0**

DIS133: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council approve Councillor Raymond Hammond being a volunteer auctioneer with Fossicker's Tip Shop subject to Councillor Hammond becoming registered as an accredited auctioneer at his own cost.

**CARRIED 9-0**

DIS133: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE Councillor Raymond Hammond's induction as a volunteer auctioneer for Fossicker's Tip Shop.

**BACKGROUND**

2. Fossicker's Tip Shop is operated by the City of Albany at the Hanrahan Road Waste Facility.
3. Items are dropped at Fossicker's by individuals and businesses and, where suitable, made available for sale to the public. Some larger and more valuable items have been previously auctioned through Pickles Auctioneers to maximise profitability.

## **DISCUSSION**

4. The August meeting of the Waste Management Working Group discussed opportunities to increase the commercial viability of Fossicker's Tip Shop.
5. Councillor Hammond suggested potential income could be increased by auctioning goods on an occasional basis and he would volunteer to be auctioneer to reduce overhead costs.
6. The Waste Management Working Group agreed the idea had merit and was worth trialling.
7. Since the August Waste Management Working Group meeting, Councillor Hammond has approached Chief Executive Officer Andrew Sharpe to offer his services as a volunteer auctioneer at Fossicker's Tip Shop.
8. Councillor Hammond would volunteer as an auctioneer on occasions such as:
  - a. When items of significant value are received at Fossicker's Tip Shop.
  - b. During community events such a Fossicker's Tip Shop Open Day.
9. Councillor Hammond would register as an accredited auctioneer, as per the *Auction Sales Act 1973*, at his own expense.
10. Councillor Hammond would receive induction as a Fossicker's Tip Shop volunteer and would not direct staff or be involved in any financial transaction.

## **GOVERNMENT & PUBLIC CONSULTATION**

11. There has been no government or public consultation in relation to this item.

## **STATUTORY IMPLICATIONS**

12. A person must be the holder of an auctioneer's licence to act as an auctioneer under the *Auction Sales Act 1973*.
13. Applications for an auctioneer's licence are to be made as per the *Auction Sales Regulations 1974*.
14. Voting Requirement: Simple Majority.

## **POLICY IMPLICATIONS**

15. Council Members, Committee Members, City Volunteers and Staff will give effect to the lawful policies of the City, whether or not they agree with or approve of them.
16. Use of Organisational Resources. Volunteers must:
  - Be honest in their use of City of Albany resources and shall not misuse them or permit their misuse by any other person;
  - Use the City of Albany resources entrusted to them effectively and economically in the course of their volunteer duties; and
  - Not use the City of Albany resources (including the services of City of Albany staff) for private purposes unless properly authorised to do so.
17. The Code of Conduct stipulates:
  - a. A Councillor:
    - represents the interests of electors, ratepayers and residents of the district;
    - provides leadership and guidance to the community in the district;
    - facilitates communication between the community and the council;
    - participates in the City's decision-making processes at council and committee meetings; and
    - performs such other functions as are given to a Councillor by this Act or any other written law.

- b. Council Members need to observe their statutory obligations which include, but are not limited to, the following, in part:
- *accept that their role is a leadership, not a management or administrative one;*
  - *acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;...*

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Business Operation, Reputation &amp; Financial.</b></p> <p><i>Risk: Perceived risk to reputation due to an elected member being involved in an operational financial transaction.</i></p>	Possible	Moderate	Medium	Procedure to be provided outlining the auctioneer’s volunteer role.
<b>Opportunity: Additional income and community attendance for Fossicker’s Tip Shop.</b>				

**FINANCIAL IMPLICATIONS**

19. There would be no cost to the City for Councillor Hammond’s auctioneer’s licence or volunteer services.
20. There is potential for a small increase in income to Fossicker’s Tip Shop through sales by auction.

**LEGAL IMPLICATIONS**

21. There are no direct legal implications directly relating to this item.
22. The City of Albany recognises that all volunteers have the right to be protected from financial costs in the event of personal injury and liability. Therefore, all approved (inducted) volunteers are insured for the following types of liability:
- Public Liability
  - Volunteer Personal Accident

**ENVIRONMENTAL CONSIDERATIONS**

23. There are no environmental implications.

**ALTERNATE OPTIONS**

24. Council may consider alternate options including to continue with the current arrangement of auctioning items of value through Pickles Auctioneers.

**CONCLUSION**

25. Council is requested to endorse Councillor Hammond’s registration, at his own cost, as an accredited auctioneer to conduct auctions at Fossicker’s Tip Shop in a voluntary capacity.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Auction Sales Act 1973</i></li> <li>• <i>Council Policy: Code of Conduct Policy (Council Members, Committee Members, Staff and Volunteers)</i></li> <li>• <i>City of Albany Volunteer Handbook</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	GO.CLS.23 (All Wards)
<b>Previous Reference</b>	:	Nil

## DIS134: MIDDLETON BEACH ACTIVITY CENTRE - FORESHORE MANAGEMENT PLAN

<b>Land Description</b>	: Lot 8888 Flinders Parade and Lots 660 and 661 Marine Terrace, Middleton beach
<b>Proponent / Owner</b>	: Western Australian Land Authority.
<b>Business Entity Name</b>	: LandCorp
<b>Attachments</b>	: Middleton Beach Foreshore Management Plan
<b>Report Prepared By</b>	: Manager Planning and Land information Services (Jan v.d. Mescht)
<b>Responsible Officers:</b>	: Executive Director Development Services (P Camins)

### STRATEGIC IMPLICATIONS

1. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
2. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy (2010)*. The Albany Local Planning Strategy seeks to encourage the development of tourism uses that integrate with the City's unique natural landscape.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Theme: 5** - A connected and safe built environment.
  - **Objective: 5.1** - To develop vibrant neighbourhoods which retain local character and heritage.
  - **Community Priority: 5.1.2** - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

### Maps and Diagrams: Subject Site



**In Brief:**

- LandCorp is developing the Middleton Beach Activity Centre (MBAC) site and is required to undertake a Foreshore Management Plan (FMP) in conjunction with the City of Albany.
- The Foreshore Management Plan document required for the LandCorp development must also include an adaptation plan for the development site. This plan has to commit to some interventions in relation to Coastal Protection over the next 100 years (i.e. coastal adaptation pathway).
- The FMP must meet the requirements of State Planning Policy 2.6 including the requirement to protect the development from coastal processes for 100 years
- The City of Albany is currently undertaking a CHRMAP (coastal hazard risk management and adaptation planning) process for Emu Point to Ellen Cove that is required by the State for Coastal Communities.
- The CHRMAP process shows that the Middleton Beach Foreshore and associated infrastructure will be at risk within a 20-year time frame. The City will have to prepare an adaptation plan as part of this process for the areas that are at risk.
- The City of Albany has been successful in securing state and federal funds to complete works on the Middleton Beach Foreshore.
- The benefits of an integrated approach to coastal protection to the LandCorp development and the Middleton Beach foreshore include:
  - Coastal protection requirements are met for at least 50 years;
  - High quality community amenity improvements on the dilapidated foreshore;
  - Removal of drainage that currently flows directly onto the beach;
  - Creation of a new beach promenade over the buried seawall.
  - The ability to review and extend infrastructure to provide protection for an additional 50 years.
- Council endorsed the Foreshore Management Plan (FMP) for advertising at the December 2017 OCM, public consultation subsequently occurred in accordance with the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The public comment period commenced on 9 April 2018 and concluded on 21 May 2018. The consultation also included 2 workshop sessions which were held on 12 & 13 April 2018.
- The Middleton Beach Activity Centre Design Guidelines and Foreshore Management Plan public consultation processes were combined for practical and efficiency reasons.
- During consultation, 3 submissions were specifically received on the FMP. Submissions on the Middleton Beach Activity Centre Design Guidelines also include comments in relation to the FMP.
- The FMP has been reviewed in light of the submissions received and can be endorsed and recommended for approval subject to a number of modifications

**RECOMMENDATION**

**DIS134: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS  
SECONDED: COUNCILLOR SHANHUN**

**THAT Council:**

- 1. In accordance with LPS1, resolves to ADOPT and recommend that the Western Australian Planning Commission ENDORSE the Middleton Beach Activity Centre - Foreshore Management Plan subject to the following modifications:-**
  - a) All diagrams being updated to ensure that they are consistent.**
  - b) In the context of the funding now available, updating the implementation sections, tables (specifically table 4) and staging information in the document as appropriate to reflect the new expected time frames and responsibilities.**
  - c) Removing all references to a seawall option around the Hotel in the body of the document and figures i.e. Figure K.**
  - d) A stronger access link being shown between the Mt Adelaide carpark and Ellen Cove via the area between Three Anchors and the Hotel Site being shown in the Landscape Plan.**
- 2. NOTE that staff will consider detailed comments relating to landscaping and drainage and undertake further consultation, as part of the detailed planning and design of the proposed foreshore development works.**

**CARRIED 12-0**

**DIS134: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 8-0**

**DIS134: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- 1. In accordance with LPS1, resolves to ADOPT and recommend that the Western Australian Planning Commission ENDORSE the Middleton Beach Activity Centre - Foreshore Management Plan subject to the following modifications:-**
  - a) All diagrams being updated to ensure that they are consistent.**
  - b) In the context of the funding now available, updating the implementation sections, tables (specifically table 4) and staging information in the document as appropriate to reflect the new expected time frames and responsibilities.**
  - c) Removing all references to a seawall option around the Hotel in the body of the document and figures i.e. Figure K.**
  - d) A stronger access link being shown between the Mt Adelaide carpark and Ellen Cove via the area between Three Anchors and the Hotel Site being shown in the Landscape Plan.**
- 2. NOTE that staff will consider detailed comments relating to landscaping and drainage and undertake further consultation, as part of the detailed planning and design of the proposed foreshore development works.**

## BACKGROUND

4. The Foreshore Management Plan (FMP) has been prepared on behalf of LandCorp in conjunction with the City of Albany.
5. Council endorsed the Foreshore Management Plan (FMP) for advertising at the December 2017 OCM, public consultation subsequently occurred in accordance with the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. The public comment period commenced on 9 April 2018 and concluded on 21 May 2018.
7. The consultation also included 2 workshop sessions that were held on the 12 & 13 April 2018.
8. Funding for the implementation of the works detailed as per the FMP have been secured from the Building Better Regions Fund (BBRF) and the State Government.

## DISCUSSION

9. During consultation 3 submissions were specifically received on the FMP and most of the submissions on the Middleton Beach Activity Centre Design Guidelines also include comments in relation to the FMP.
10. Most of the submissions received support the FMP in principle and provide additional comments with some also raising a few concerns.
11. The comments and concerns as summarized were mainly centred on the following (for more detail please refer to the complete submissions):-
  - a) Proposed staging and prioritization of the landscape improvement works and the timing to improve/upgrade existing facilities and infrastructure. It is also mentioned that existing infrastructure like toilets etc. is in need of upgrading and maintenance.
  - b) A number of comments relate to detail that is included in the Landscaping Plan e.g. the location of paths, relocation of the existing play park, plant species, reticulation and the retention of large open space areas.
  - c) The area between Three Anchors and the Hotel Site. The plans do not show or provide for unhindered, comfortable and safe access from the Mt Adelaide carpark to Ellen Cove.
  - d) The inclusion of the coastal protection option around the hotel to be constructed in 2048 on public land if the preferred option is not implemented.
  - e) The Middleton Beach Group would have preferred it if the comprehensive CHRMAP process was completed as part of the Scheme Amendment. This would have allowed for a better understanding of all the options available and also the cost involved in deciding on the best option.
  - f) The drainage and runoff of the proposed development.
  - g) Diagrams in the document are not consistent.
12. The FMP has been reviewed in light of these comments and concerns and can proceed subject to the following number of modifications:-
  - a) All diagrams being updated to ensure that they are consistent.
  - b) In the context of the funding now available, updating the implementation sections, tables (table 4) and staging information in the document as appropriate to reflect the new expected time frames and responsibilities.
  - c) Removing all references to a seawall option around the Hotel in the body of the document and figures i.e. Figure K.
  - d) A stronger access link being shown between the Mt Adelaide carpark and Ellen Cove via the area between three anchors and the Hotel Site.

13. With regard to the detailed comments relating to the landscaping plan and drainage, it is recommended that staff take these comments into consideration as part of the detailed planning and design of the foreshore management works.
14. Comments relating to the upgrading and maintenance of existing facilities should be noted and investigated as part of future upgrades or programmes.
15. The FMP and the proposed modification are recommended for consideration and ultimate endorsement by the Western Australian Planning Commission

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

16. The public comment period commenced on the 9 April 2018 and concluded on the 21 May 2018. The consultation also included 2 Community Information Sessions that were held on the Thursday evening 12 April and Friday morning 13 April 2018.
17. The Community Information Sessions were attended by about 50 members of the public.
18. The members of the Middleton Beach Working Group, comprising of LandCorp, DPLH, City of Albany, and GSDC have reviewed and provided input into the document prior to it being advertised.
19. The FMP was also referred to the Department of Water and Environmental Regulation which supports the Plan.
20. The FMP will be forwarded to the DPLH for final assessment and endorsement.

#### **STATUTORY IMPLICATIONS**

21. A number of conditions have been applied within the planning instruments for the Middleton Beach Activity Centre. Relevant to this item are condition 5 from the Scheme Amendment and condition 18 from the subdivision conditions. These are repeated below:-

##### Local Planning Scheme 1 Condition:

###### "Foreshore Protection and Management

*5. Development within the Hotel/Mixed Use Precinct and/or creation of the Hotel/Mixed Use Lot will be subject to satisfactory arrangements for the implementation and ongoing management of coastal adaptation and protection measures consistent with State Planning Policy 2.6, including but not limited to:-*

- *Public advertising, adoption and implementation of a Foreshore Management Plan that includes the existing foreshore reserve adjacent to the Special Use zone, prepared in conjunction with the City of Albany in accordance with SPP2.6 Sub-Clause 5.10 Coastal Strategies and Management Plans and endorsed by the WAPC; and*
- *Notification on Title stating that the lot is within a Vulnerable Coastal Area."*

##### Subdivision Condition:

*"18. Prior to the commencement of subdivision works on Lot 'DA6' and any Public Open Space depicted on the approved plan of subdivision, a foreshore management plan in accordance with Condition 5 of Special Use Area 25 in Albany's Local Planning Scheme No. 1 is to be prepared and approved for the installation and ongoing management of coastal adaptation and protection measures, to the satisfaction of the Western Australian Planning Commission."*

22. State Planning Policy No. 2.6 State Coastal Planning Policy and associated Guidelines is the most pertinent policy to inform and guide decision-making for coastal planning; including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.
23. The most relevant section of the policy is section 5.5 and deals with coastal hazard risk management and adaptation planning.
24. The Foreshore Management Plan and any solution needs to meet/address the requirements of this policy.
25. Voting requirement for this item is **SIMPLE MAJORITY**.

**POLICY IMPLICATIONS**

26. Nil

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Property Risk:</b> <i>There is a risk that doing nothing will result in damage to the foreshore and infrastructure.</i>	<i>Possible in the short term</i>	<i>Moderate in the short term</i>	<i>High</i>	<i>Undertake precinct-wide coastal protection works.</i>
<b>Financial Risk:</b> <i>There is a risk that doing nothing will result in damage to the foreshore and infrastructure.</i>	<i>Possible in the short term</i>	<i>Severe</i>	<i>Extreme</i>	<i>Undertake precinct-wide coastal protection works.</i>
<b>Reputation Risk:</b> <i>There is a risk that by protecting only the hotel site the City will be criticised by the community.</i>	<i>Possible in the short term</i>	<i>Major</i>	<i>High</i>	<i>Undertake precinct-wide coastal protection works.</i>
<b>Opportunity:</b> <i>There is an opportunity to receive a contribution from LandCorp for a precinct-wide protection strategy.</i>				

**FINANCIAL IMPLICATIONS**

28. The financial implications for implementation of the FMP were detailed as part of item CCS083 of the 28 August 2018 Ordinary Council Meeting (OCM).

**LEGAL IMPLICATIONS**

29. There are no known legal implications relating to this item.

**ENVIRONMENTAL CONSIDERATIONS**

30. The environmental implications are detailed within the Foreshore Management Plan.

**ALTERNATE OPTIONS**

31. Council may consider alternate options in relation to this item, such as resolving:

- a) To refuse to proceed with the Foreshore Management Plan.
- b) To proceed with modified conditions to the Foreshore Management Plan.

**CONCLUSION**

32. The design guidelines have been prepared in accordance with the requirements of LPS1 and the MBAC structure plan.

33. The FMP has been reviewed in light of the submissions received during consultation and a number of modifications are being proposed to address the matters raised.

34. It is recommended that Council accept the FMP and recommend it for endorsement by the WAPC subject to the proposed modifications being completed.

<b>Consulted References</b>	:	<i>Local Government Act 1995, Planning and Development Act 2005. State Planning Policy No. 2.6 State Coastal Planning Policy and Guidelines and Local planning Scheme 1</i>
<b>File Number (Name of Ward)</b>	:	A217508 (Fredericktown)
<b>Previous Reference</b>	:	DIS065 - 19 December 2017 OCM and CCS083 -28 August 2018 OCM.

**DIS135: RECREATION PRIVATE – (KALGAN HARVEST SUMMER FAIR),  
LOT 75, 113 RIVERSIDE ROAD, KALGAN**

**Land Description** : Lot 75, 113 Riverside Road, KALGAN 6330  
**Proponent** : Wayne Monks  
**Owner** : Wayne Monks  
**Business Entity Name** : N/A  
**Directors** : N/A  
**Attachments** : 1. Site Plan  
2. Engineers report  
3. SAT orders  
4. Recommended conditions should the proposal be supported

**Supplementary Information & Councillor Workstation:** :  
**Report Prepared by** : Planning Officer (J Anderson)  
**Responsible Officer** : Executive Director Development Services (P Camins)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. The proposal is consistent with the strategic directions identified in the *Albany Local Planning Strategy*.

**Maps and Diagrams:**



**In Brief:**

- On 20 March 2018, staff refused an application using their delegation for Recreation Private – (Kalgan Harvest Summer Fair) at Lot 75, 113 Riverside Road, Kalgan. The proposal was for four events per year, held over eight days (one event per season).
- The applicant subsequently appealed the decision to the State Administrative Tribunal for review.
- In orders dated 26 July 2018, the State Administrative Tribunal invited the City to reconsider its decision in respect to the – Recreation Private – (Kalgan Summer Harvest Fair) at Lot 75, 113 Riverside Road, Kalgan for one event per year.
- The applicant formally submitted a revised application requesting one event per year on 14 August 2018.
- A temporary use like a festival would normally be exempt Under Schedule 2, Part 7 Cl 61 (2d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* where it is in existence for less than 48 hours within any 12 month period.
- On 28 August 2018, staff resolved to approve one event per year given the exemption and the ability to control the event with appropriate conditions.
- At a SAT Directions Hearing on 28 September 2018, the applicant expressed that they were no longer satisfied with one event and the conditions imposed, and requested that the City reconsider the proposal allowing two events per year, during Summer and Spring with no requirement to go through the Events Approval process.
- In orders dated 28 September 2018, the State Administrative Tribunal invited Council to reconsider its decision at an Ordinary Council Meeting in respect to the Recreation - Private at Lot 75, 113 Riverside Road, Kalgan for two events per year, to be held in Spring and Summer.
- Through the SAT process, the proponent has provided the City with additional information in support of the application, including;
  - Revised site plan
  - Amended seasons of operation being Spring and Summer.
- In consideration of the revised information received, and the invitation to reconsider the proposal for two events per year, staff remain (despite its previous support for one event) of the view that the proposed intensification of the land use is not appropriate for this site and recommend that Council refuse the proposed development for the following reasons;
  - The inadequate access, traffic impact on the locality and potential risk of human health due to the capacity of the road system, (including a 3.5m wide shared access way).
  - In addition to this, staff consider this a vulnerable land use within a bushfire prone area, posing a considerable risk to human safety.
  - Objection to the proposal from residents in the area.

**RECOMMENDATION**

**DIS135: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR TERRY**

**THAT Council resolves to ISSUE a notice of REFUSAL for Recreation – Private for two events per year at Lot 75, 113 Riverside Road, Kalgan, for the following reasons:-**

- 1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, namely;**
  - (n) the amenity of the locality including the following — (ii) the character of the locality;**
  - q) the suitability of the land for the development taking into account the possible risk of bush fire.**
  - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;**
  - (s) the adequacy of — (i) the proposed means of access to and egress from the site; and**
  - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.**

**CARRIED 11-1**

**Record of Vote**

Against the Motion: Councillor Stocks

**DIS135: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: MAYOR WELLINGTON**

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

**CARRIED 7-2**

**Record of Vote**

Against the Motion: Councillors Sutton and Sleeman

**DIS135: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council resolves to ISSUE a notice of REFUSAL for Recreation – Private for two events per year at Lot 75, 113 Riverside Road, Kalgan, for the following reasons:-**

- 1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, namely;**
  - (n) the amenity of the locality including the following — (ii) the character of the locality;**
  - q) the suitability of the land for the development taking into account the possible risk of bush fire.**
  - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;**
  - (s) the adequacy of — (i) the proposed means of access to and egress from the site; and**
  - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.**

## BACKGROUND

1. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
2. The subject lot lies to the southern side of Riverside Road, approximately 16km north-east of the Albany City centre. The lot has an area of approximately 5.1 hectares and is zoned 'General Agriculture' under City of Albany *Local Planning Scheme No. 1*.
3. The subject lot is adjoined by 'General Agriculture' lots to the north, east, south and west. A 'Rural Village' area lies to the north, on the opposite side of Riverside Road.
4. The western end of Riverside Road is gravel, narrow and heavily vegetated; intended to provide access for residents and to a parking area servicing the Luke Penn Walk. The last traffic counts undertaken indicate that the western end of the road averages approximately 30 vehicle movements per day i.e. approximately 15 vehicles per day.
5. The site is accessed via a gravel shared access way at the end of Riverside Road, on City of Albany reserve, approximately 148m long and 3.5m wide, with no passing opportunities. This access way services two lots.
6. The applicant received an events approval which was obtained through the City of Albany Events team to hold a one off event on 27 and 28 January 2018.
7. Under Schedule 2, Part 7 Cl 61 (2d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, temporary land uses which are in existence for less than 48 hours within any 12 month period can be considered exempt from requiring development approval. Due to being a temporary one-off event, this event was therefore considered to be exempt from requiring development approval. The proposed event was assessed and subsequently approved by the City of Albany Events team, in accordance with the City of Albany Event Approval Guidelines.
8. The event ran from 10am to 4pm on Saturday 27th and Sunday 28th January 2018. The applicant stated that the event attracted 270-350 people over two days. It was estimated by the applicant that this equated to approximately 90 cars visiting the site per day (based on 4 people per car). This equated to approximately 15 cars per hour, or 30 movements per hour.
9. On 17 January 2018, the applicant submitted a development application proposing to hold the event four times per year (once per season), on an ongoing basis. Each seasonal event was proposed to be held over two days, between the hours of 10am and 4pm.
10. Under the Local Planning Scheme No. 1, Recreation - Private is a "D" use which is a use that is not permitted unless the Local Government has exercised its discretion by granting development approval.
11. The initial proposal for four events was advertised for public comment for a period of 21 days. Nearby landowners were directly notified by letter. A total of eleven submissions were received, representing ten properties, all objecting or raising concerns with the proposal.
12. On 20 March 2018, staff resolved to refuse the application (for four events per year) under delegation for a Recreation Private (Kalgan Harvest Summer Fair) at Lot 75, 113 Riverside Road, Kalgan.
13. The applicant subsequently appealed the decision to the State Administrative Tribunal for review.

14. In trying to find a mediated outcome, staff subsequently worked with the applicant on alternative uses such as a Rural Pursuit use, which was considered to be a use more suitable for the site. The applicant pursued this alternative and submitted an application for a Rural Pursuit, which was approved under delegation on 24 July 2018. The applicant however still decided to continue with the SAT process.
15. In orders dated 26 July 2018, the State Administrative Tribunal invited Council to reconsider its decision in respect to the – Recreation Private (Kalgan Summer Harvest Fair) at Lot 75, 113 Riverside Road, Kalgan for one event per year.
16. The intention of the reconsideration was to provide a level of certainty to the applicant that they had an ongoing approval to hold one event per year enabling them to forward plan events, whilst being consistent with what they could potentially do under the exemption under the Planning Regulations.
17. The applicant had informed the City Officers that the running of the event was likely to change from season to season while they refined the event. Changes were likely to include the vendors and activities on the site. Therefore the proposal was considerably vague but still required a degree of flexibility.
18. The applicant formally submitted a revised application requesting one event per year on 14 August 2018.
19. On 28 August 2018, staff approved one event per year under delegation. Staff considered that due to the applicant being exempt from requiring development approval under Schedule 2, Part 7 Cl 61 (2d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* where an event is in existence for less than 48 hours within any 12 month period, granting an approval for one event per annum would provide the City with an opportunity to control the event with appropriate conditions.
20. A condition of the reconsidered proposal required the applicant to lodge an events application through the City of Albany Events Team, in accordance with the City of Albany events approval process. This was intended to provide a degree of flexibility to the applicant so that vendors, and other minor details could be altered, assessed and conditioned when required via the events approval process without a further development approval or amendment to the approval.
21. It should be noted that the events application process overseen by the City of Albany Events team provides an opportunity for the relevant departments to assess and condition specific details of an event proposal, including that public health and safety is maintained.
22. Under the City of Albany Events Guidelines, any event that is open to the public and have any of the following is required to go through the events application process which is overseen by the City of Albany Events team;
  - Food
  - Structures
  - High risk activities
  - Traffic management in place
  - Liquor licences
23. At a SAT Directions Hearing on 28 September 2018, the applicant expressed that they were no longer satisfied with one event as previously submitted, and requested that the City reconsider the proposal a second time allowing them to hold two events per year. It was requested that the decision be made by Council at an Ordinary Council Meeting. The applicant also requested that there be no requirement to go through the City of Albany Events Approval process. The applicant also raised his dissatisfaction at the number of onerous conditions that were placed on the previous events approval and requested that no additional conditions be applied should an approval be granted.

24. In orders dated 28 September 2018, the State Administrative Tribunal invited Council to reconsider its decision at an Ordinary Council Meeting in respect to the – Recreation Private – Kalgan Summer Harvest Fair at Lot 75, 113 Riverside Road, Kalgan for two events per year, one in Spring and one in Summer.
25. Council is now requested to consider the matter along with the submissions received during the public advertising period and determine whether to grant development approval.
26. Unless the applicant withdraws from the SAT process, the decision will go to a scheduled hearing on 7<sup>th</sup> March 2019 at 10am.

## DISCUSSION

27. The subject site is 5.1 hectares and is zoned ‘General Agriculture’ under *Local Planning Scheme No. 1*.
28. The applicant proposes to hold two events per year, one in Spring and one in Summer.
29. Each event would be held over two days being on a Saturday and Sunday between 10am to 4pm.
30. The applicant anticipates that there will be 270-350 people attending over the two days (this is based on actual numbers from a previous event held in January 2018). The applicant estimated that approximately 90 cars visited the site per day (based on 4 people per car). This equates to approximately 15 cars per hour (or 30 movements per hour).
31. Car parking is proposed to be on a grassed area within the site.
32. The site is designated as bushfire prone. The applicant provided a BAL Assessment, Bushfire Management Plan and Emergency Evacuation Plan, however these were prepared for a Bed and Breakfast and not for the event.
33. The site is accessed via a gravel shared access way, approximately 3.5 metres wide with a length of approximately 148 metres with no passing opportunities. This is located on City of Albany reserve at the end of a no through road.
34. The access way services two dwellings.
35. The subject site has no alternative access points.
36. Existing uses on the site include a single dwelling, Bed and Breakfast and Rural Pursuit.
37. The initial proposal for four events per year was referred to surrounding landowners.
38. Eight submissions objecting to the proposal (for four events) were received representing seven properties. In addition to this, a petition was received with ten signatures objecting to the proposal, this represented a further three properties, taking the total number of objections to 11, representing ten properties.
39. The concerns or objections related primarily to the following:
  - Inadequate access - resulting in safety of road users due to conditions and congestion. Riverside Road is a narrow, single lane, gravel road with limited passing opportunities and limited sight lines. The single access way servicing the two lots is too narrow further increasing safety concerns.
  - Amenity impacted – dust from traffic, noise from previous events from the music and traffic impacted the quiet semi-rural area.
  - Proximity to adjoining property – privacy and security will be impacted.

- Concerns with increase in fire risk. In case of an emergency or fire, evacuation would be difficult. Emergency vehicles would struggle to gain access to the site in an emergency and people would struggle to exit the site given the restrictive access.
- Impact on surrounding farming activities: The proponent states a “dog friendly event”. This would create problems for stock owners on adjoining properties. Not a compatible use with the adjoining active farming activities. Noise from cars, people and encouraging people to bring their dogs could have impacts on the ability to rotate grazing paddocks and rear livestock.
- Environment – increase in rubbish which was evident after the last Garden Open Day. Not only is it unsightly but poses a risk to livestock.
- Use is inappropriate for this site given the constraints. The applicant has previously held two of these events which has demonstrated how unacceptable they are within this location. Events should be held at an appropriate location such as the Kalgan Hall.
- Impact on community events held at the hall - Four events would detract from the success of the annual community events held at the appropriate halls which are essential in raising funds to maintain these community halls.

40. It should be noted that many of the concerns raised as part of the submission period were a direct result of the previous event held onsite on 27 and 28 January 2018.
41. The main concerns raised during the submission period will be broadly addressed via the headings below.

**Inadequate access**

42. A number of submissions raised concern regarding the safety of road users due to the current condition of Riverside Road, including the access way which services two dwellings.
43. One nearby landowner stated that the previous event made it difficult to obtain access to their property due to traffic congestion.
44. A City of Albany Engineer, an accredited Road Safety Auditor, assessed the road on 7 September 2018. The conclusions and recommendations are as follows;
- *Riverside Road is currently not suitable to service large-scale events, which are likely to generate significant increases to the current traffic volumes west of Myola Drive, without potential unacceptable congestion and safety issues.*
  - *Small-scale events may be possible with appropriate minor traffic management, and where the likelihood for passing 2-way traffic is expected to be low.*

45. A full copy of the Engineers report is attached.
46. Although the City of Albany do not have the statutory authority to restrict ‘as of right vehicles’ from using Riverside Road, it is considered that the estimated amount of traffic which is likely to be generated from the proposed use will exceed the roads current capacity, as per the Engineers report dated 7 September 2018.

**Amenity impacted**

47. Impact on the amenity is a concern consistently raised in the submissions. Concerns primarily related to noise and dust from the traffic and music from previous events.
48. Amenity is defined within Local Planning Scheme No.1 as

*“All those factors which combine to form the character of an area and include the present and likely future amenity”*

49. With regard to noise issues from music, the applicant states that only non-amplified music will be played and disputes that this impacted the amenity of the area.
50. With regard to dust issues, the proponent disputes that there were any dust issues from the road and suggested that the City of Albany provide dust suppression measures.
51. It is considered that although appropriate planning conditions could be applied to an approval mitigating amenity concerns in relation to noise from the music, the primary concern in regards to amenity is from the traffic generated as part of the proposal.
52. Although the City of Albany do not have the statutory authority to restrict 'as of right vehicles' from using Riverside Road, it is considered that the estimated amount of traffic which is likely to be generated from the proposed use will exceed the roads current capacity, as per the Engineers report dated 7 September 2018, and essentially have a detrimental impact on the amenity of the area.

#### **Proximity to adjoining property**

53. The dwelling to the west of the subject site is located 25 metres off the boundary and approximately 140 metres from the proposed car parking area. The adjoining dwelling is located downhill from the event and relatively exposed.
54. It is considered that the traffic generated from the event is likely to have a detrimental impact on the adjoining landowner due to the location of the drive way.
55. It is also considered that the adjoining landowner will be significantly impacted due to the shared access way being used.
56. Due to no alternative access point being available, it is considered that appropriate planning conditions could not be applied to mitigate this concern.

#### **Concerns with increase in fire risk**

57. A number of concerns were raised in relation to increasing the fire risk, or risk to human safety should there be an emergency due to the site access.
58. Officers undertook an assessment of SPP3.7 and formed the opinion that:
  - i) The proposed use is a vulnerable land use
  - ii) The site offers very limited access and will present evacuation challenges in the case of a bushfire
59. The bushfire protection criteria are a performance-based system of assessing bushfire risk management measures. An assessment against the criteria is to be undertaken for any development application for a site that has or will, on completion, have a bushfire hazard level above 'Low'. The bushfire protection criteria consist of four elements.
60. In terms of staff's assessment against the four elements from the *Guidelines for Planning in Bushfire Prone Areas*, the following applies:
  - Element 1 (Location) - Whilst the main activity on the lot will be in an area that can be classified as BAL LOW, the only access and egress is through a BAL 40 and FZ area
  - Element 2 (Siting and design of development) - the proposal complies with this element
  - Element 3 (Vehicular access) – the proposal does not comply as the lot is only serviced by a shared access way, approximately 4m wide with a length of approximately 140m with no passing opportunities. This is located at the end of a narrow road without passing opportunities that end in a Cul-de-Sac. No secondary access or egress is available to the Site.
  - Element 4 (Water) – can potentially comply.

61. SPP 3.7 requires that “*where a landowner/proponent has not satisfactorily demonstrated that the relevant policy measures have been addressed, responsible decision-makers should apply the precautionary principle to all ... development applications in designated bushfire prone areas. For example, if a landowner/proponent cannot satisfy the performance principles of the relevant policy measures through either the application of the acceptable solutions outlined in the Guidelines, or through the alternative solutions endorsed by the WAPC and State authority/relevant authority responsible for emergency services, the application may not be approved.*”

**Issues with it being a “dog friendly event”.**

62. Concerns were raised in relation to the proposed development impacting on existing agricultural uses due to the applicant advertising a “dog friendly event”.
63. Concerns were raised that encouraging large crowds and dogs would have impacts on the ability to rotate grazing paddocks, rear livestock and threaten biosecurity requirements farmers are required to meet.
64. Although “dog friendly events” are not a valid planning consideration, should an approval be granted an appropriate planning condition could be applied to mitigate any potential impacts on adjoining agricultural uses.

**Concerns about litter**

65. A number of concerns were raised in relation to the amount of rubbish that was evident after a previous open garden. The applicant disputes this.
66. It should be noted that many of the concerns raised as part of the submission period were a direct result of the previous events held on-site, some of which did not have approval.

**Site constraints and availability of alternate locations**

67. Although this Recreation – Private is a use that can be considered under the *Local Planning Scheme 1*, it is in the officers’ opinion that the site does have significant constraints in terms of access and therefore is not an appropriate site for this scale of use on an ongoing basis.
68. It should be noted that many of the concerns raised as part of the submission period were a direct result of the previous events held on-site, some of which did not have approval.

**Competing with annual community events**

69. A number of concerns were raised that the proposal should not be supported as it would impact the annual community events held at the halls which were integral in raising funds to maintain the community halls.
70. Although it is not considered an appropriate site given the access, this is not a valid planning concern.

**GOVERNMENT & PUBLIC CONSULTATION**

71. The proposal was advertised for public comment, in accordance with clause 64 – *Advertising Applications* of part two of the *Planning and Development (Local Planning Schemes) Regulations*. Surrounding landowners were directly notified in writing.
72. Eight submissions objecting to the proposal (for four events) were received representing seven properties. In addition to this, a petition was received with ten signatures objecting to the proposal, this represented a further three properties, taking the total number of objections to 11, representing ten properties.
73. Staff comments and recommendations are discussed in the above sections of this report.

## STATUTORY IMPLICATIONS

74. Recreation – Private is classified as a “D” use within the ‘General Agriculture’ zone under *Local Planning Scheme No. 1*, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting development approval.
75. Voting requirement is a **Simple Majority**.

## POLICY IMPLICATIONS

76. This matter has no direct planning policy implications.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Organisational Operations and Reputation</b> <i>The proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>

## FINANCIAL IMPLICATIONS

78. All costs associated with the development will be borne by the proponent.
79. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

## LEGAL IMPLICATIONS

80. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
81. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.
82. Should the applicant be aggrieved by the decision of Council, the decision will go straight to a SAT hearing which has been scheduled for 7 March 2019 at 10am.

## ENVIRONMENTAL CONSIDERATIONS

83. The subject lot is under pasture and slopes downward from south to north. The site is approximately 40m from the Kalgan River. There are no environmental considerations pertaining to the application.

## ALTERNATE OPTIONS

84. Council has the following alternate options in relation to this item, which are:
- To resolve to approve the proposal subject to conditions. If Council resolves to issue an approval, staff would recommend similar conditions as attached to this report.

**SUMMARY CONCLUSION**

- 85. The application seeks Development Approval for two events per year, during Spring and Summer, held over two weekends.
- 86. The initial proposal for four events has been advertised, with eleven objections representing ten properties received. There were no supporting submissions received.
- 87. In consideration of the revised information received, and the invitation to reconsider the proposal for two events per year, staff have formed the view that the proposed land use is not appropriate for this site, primarily due to the inadequate access, traffic impact on the locality and potential risk of human health due to the capacity of the road system, (including a 3.5m wide shared access way). In addition to this, staff consider this a vulnerable land use within a bushfire prone area, posing a considerable risk to human safety. Staff therefore recommend that Council refuse the proposed Development Application.
- 88. It is therefore recommended that Council refuse the proposed development, subject to the reasons provided.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i>
<b>File Number (Name of Ward)</b>	:	A186838 (Kalgan Ward)
<b>Previous Reference</b>	:	Nil

## ADDENDUM

89. At the DIS Committee Meeting on 7/11/18, the applicant informed Council of a matter requiring clarification that was outlined within the report.
90. The applicant advised that the vehicle numbers were incorrectly calculated.
91. When officers estimated the expected vehicle numbers we based it on two people per vehicle, however did not make this clear within the report, simply stating that *the applicant* had estimated 4 people per vehicle.
92. The RTA Guide to Traffic Generating Developments 2002 uses a mean car occupancy of 2.30 for Markets (which is the closest comparable land use).
93. There are many assumptions required to estimate traffic generation. It is considered that the estimate (averaging 2 people per vehicle) made using the applicant's visitor numbers and knowing that there was inclement weather on that weekend, provides an appropriate approximation of traffic that could be attending any future event. This is slightly lower than the RTA guide (resulting in more generated traffic) but with the potential popularity of subsequent events it is considered a reasonable traffic estimate.
94. Regardless of the actual number of vehicles that attended a previous event, there is no way that has been identified to actually control these numbers. It is quite conceivable that a successful event would attract a larger number than estimated.
95. The following modifications are recommended to be made within the body of the Council item:

~~8 The event ran from 10am to 4pm on Saturday 27th and Sunday 28th January 2018. The applicant stated that the event attracted 270-350 people over two days. It was estimated by the applicant that this equated to approximately 90 vehicles visiting the site per day (based on 4 people per vehicle). This equated to approximately 15 vehicles per hour, or 30 movements per hour.~~

8 The event ran from 10am to 4pm on Saturday 27th and Sunday 28th January 2018. The applicant stated that the event attracted approximately 270-350 people over two days (175 people per day). It was estimated by the applicant that this equated to approximately 30 – 40 vehicles per day (however based on the figures provided by the applicant and 4 people per vehicle, this equates to approximately 90 movements per day). It is considered that 4 people per vehicle is a high estimated average, and 2 people per vehicle is considered more appropriate. Based on 2 people per vehicle, this equates to 87.5 vehicles per day or 175 vehicle movements per day, which averages 30 movements per hour. In the peak time, the rate of vehicular traffic would be significantly higher.

~~30 The applicant anticipates that there will be 270-350 people attending over the two days (this is based on actual numbers from a previous event held in January 2018). The applicant estimated that approximately 90 vehicles visited the site per day (based on 4 people per vehicle). This equates to approximately 15 vehicles per hour (or 30 movements per hour).~~

30 The event held on Saturday 27th and Sunday 28th January 2018 ran from 10am to 4pm. The applicant stated that the event attracted approximately 270-350 people over two days (175 people per day). It was estimated by the applicant that this equated to approximately 30 – 40 vehicles per day (however based on the figures provided by the applicant and 4 people per vehicle, this equates to approximately 90 movements per day). It is considered that 4 people per vehicle is a high estimated average, and two people per vehicle is considered more appropriate. Based on two people per vehicle, this equates to 87.5 vehicles per day or 175 vehicle movements per day, which equals 30 movements per hour. In the peak time the rate of vehicular traffic would be significantly higher.

**DIS136: PLANNING AND BUILDING REPORTS OCTOBER 2018**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports October 2018  
**Report Prepared By** : Administration Officer – Planning (J Ferrell)  
Administration Officer – Development Services (Z Sewell)  
**Responsible Officers:** : Executive Director Development Services (P Camins)

**RECOMMENDATION**

**DIS136: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council NOTE the Planning and Building Reports for October 2018.**

**CARRIED 12-0**

**LEMC016: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY  
MANAGEMENT COMMITTEE – JUNE 2018**

**Proponent** : City of Albany  
**Attachment** : LEMC Minutes 28 June 2018  
**Report Prepared By** : Administration Coordinator-Rangers & Emergency Services  
(S Lees)  
**Responsible Officer(s):** : Executive Director Planning & Development (P Camins)

**In Brief:**

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 28 June 2018.

**RECOMMENDATION**

**LEMC016: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLLINGWORTH**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 28 June 2018 be RECEIVED.**

**CARRIED 12-0**

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS Nil**
17. **MEETING CLOSED TO PUBLIC**

DIS131: PURCHASE OF LOTS 877, 893 & 91 AND PART LOT 76 HANRAHAN ROAD, ALBANY.

18. **CLOSURE**

There being no further business the Mayor declared the meeting closed at 7.19pm.



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Dennis W Wellington  
**MAYOR**

