



AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 13 February 2024

6.00pm

Council Chambers

The Five Strategic Pillars



Community & Corporate Services Committee
Terms of Reference

Function:

This Committee is responsible for:

- Community Services: Achieving the outcomes outlined in the Strategic Community Plan, focusing on a diverse and inclusive community, happiness, health, and resilience, and community engagement.
- Corporate & Commercial Services: Delivering the outcomes outlined in the Strategic Community Plan, emphasizing safety, resilience, economic strength, tourism, visionary leadership, and workplace culture.
- Monitoring the City's financial health and strategies.
- Conducting internal reviews of service complaints.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

Chairperson: City of Albany elected member, elected from the Committee.

Membership: Open to all elected members

Meeting Schedule: Monthly Meeting Location: Council Chambers

Directorates: Corporate & Commercial Services and Community Services

Executive Officer(s):

- Executive Director Corporate & Commercial Services
- Executive Director Community Services

Delegated Authority: None

COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA –13/02/2024

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1. **DECLARATION OF OPENING** The Deputy Chair declared the meeting open at

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

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

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

We would also like to pay respect to Elders past, present and emerging”.

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

Mayor	G Stocks
Councillor	T Brough (Chair)
Councillor	A Cruse
Councillor	M Traill
Councillor	D Baesjou
Councillor	S Grimmer (Deputy Chair)
Councillor	R Sutton
Councillor	C McKinley
Councillor	L McLaren
Councillor	M Lionetti
Councillor	P Terry

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	M Gilfellon
Executive Director Community Services	N Watson

Meeting Secretary	H Bell
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Apologies:

COMMUNITY AND CORPORATE SERVICES COMMITTEE
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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

In accordance with *City of Albany Standing Orders Local Law 2014* (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

7. PETITIONS AND DEPUTATIONS Nil.

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 14 November 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS595: MONTHLY FINANCIAL REPORT – DECEMBER 2023

Proponent / Owner	: City of Albany
Attachments	: Monthly Financial Report – December 2023
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

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:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity that is presented to Council.
- Under changes to the Regulations in June 2023, a local government is now required to also prepare monthly a statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 31 December 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 December 2023 is preliminary and has not yet been audited.

RECOMMENDATION

CCS595: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 31 December 2023 be RECEIVED.

DISCUSSION

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
 - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
 - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
 - (c) Basis of Preparation
 - (d) Explanation of material variances to year-to-date budget;
 - (e) Net Current Asset & Funding Position;
 - (f) Investment Portfolio Snapshot;
 - (g) Receivables; and
 - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS545, Council approved that a variance between actual and budget-to-date of greater

than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.

4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted 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

6. The Local Government (Financial Management) Regulations 1996 were amended (SL2023/106) and published on 30 June 2023. The changes, effective from 1 July 2023, have an impact on the reporting of the financial activity statement required each month (Section 34). The below outlines the new reporting requirement under Section 34:

34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for the previous month (the "relevant 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); and
- (b) budget estimates to the end of the relevant month; and
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
- (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 relevant month and a note containing a summary explaining the composition of the net current assets.

34(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

34(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

34(2) Each statement of financial activity is to be accompanied by documents containing-

- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

34(3) The information in a statement of financial activity may be shown according to nature classification.

34(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and
- (b) recorded in the minutes of the meeting at which it is presented.

34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

7. An amendment to the *Local Government (Financial Management) Regulations 1996*, effective from 1 August 2023, is the addition of Regulation 35, with Local Governments now required to report a financial position statement each month. The additional Regulation 35 is as follows:
- 35(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —
- (a) the financial position of the local government as at the last day of the previous financial year; or
 - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- 35(2) A statement of financial position must be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
 - (b) recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2023/24 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 December 2023 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

15. The Authorising Officer's recommendation be adopted.
16. It is requested that any questions regarding this report are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS596: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2023

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services (M Gilfellon)

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:
 - **Pillar/Priority:** Leadership.
 - **Outcome:** Strong workplace culture and performance.

IN BRIEF

2. 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.

RECOMMENDATION

CCS596: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2023 totalling \$10,648,852.39 be RECEIVED.

DISCUSSION

3. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 15 December 2023. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)
Municipal	Credit Cards	\$33,228.75
Municipal	Payroll	\$2,578,018.49
Municipal	Cheques	\$1,288.99
Municipal	Electronic Funds Transfer	\$8,036,316.16
Trust	N/A	\$0.00
TOTAL		<u>\$10,648,852.39</u>

4. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$24,012.07.

5. The table below summaries the total outstanding creditors as at 15 December 2023.

Aged Creditors	Amount (\$)
Current	\$771,943.87
30 Days	\$1,049,268.73
60 Days	\$11,602.91
90 Days	-\$3,443.07
TOTAL	\$1,829,372.44
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

6. 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.
7. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
8. 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.
9. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment;*
- (d) sufficient information to identify the payment.*

(2) A list prepared under subregulation (1) must be

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

10. Regulation 13(A) comes into operation from 1 September 2023.

POLICY IMPLICATIONS

11. Expenditure for the period to 15 December 2023 has been incurred in accordance with the 2023/2024 budget parameters.

FINANCIAL IMPLICATIONS

12. Expenditure for the period to 15 December 2023 has been incurred in accordance with the 2023/2024 budget parameters.

LEGAL IMPLICATIONS

13. Nil

ENVIRONMENTAL CONSIDERATIONS

14. Nil

ALTERNATE OPTIONS

15. Nil

CONCLUSION

16. That the list of accounts have been authorised for payment under delegated authority.

17. 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.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS597: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 2024

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services (M Gilfellow)

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:
 - **Pillar/Priority:** Leadership.
 - **Outcome:** Strong workplace culture and performance.

IN BRIEF

2. 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.

RECOMMENDATION

CCS597: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2024 totalling \$6,945,701.19 be RECEIVED.

DISCUSSION

3. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 15 January 2024. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)
Municipal	Credit Cards	\$16,213.84
Municipal	Payroll	\$1,844,720.10
Municipal	Cheques	\$0.00
Municipal	Electronic Funds Transfer	\$5,084,767.25
Trust	N/A	\$0.00
TOTAL		<u>\$6,945,701.19</u>

4. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$1,713.14.

5. The table below summaries the total outstanding creditors as at 15 January 2024.

Aged Creditors	Amount (\$)
Current	\$450,375.02
30 Days	\$770,173.24
60 Days	\$20,948.50
90 Days	-\$2,700.63
TOTAL	\$1,238,796.13
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

6. 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.
7. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
8. 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.
9. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment;*
- (d) sufficient information to identify the payment.*

(2) A list prepared under subregulation (1) must be

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

10. Regulation 13(A) comes into operation from 1 September 2023.

POLICY IMPLICATIONS

11. Expenditure for the period to 15 January 2024 has been incurred in accordance with the 2023/2024 budget parameters.

FINANCIAL IMPLICATIONS

12. Expenditure for the period to 15 January 2024 has been incurred in accordance with the 2023/2024 budget parameters.

LEGAL IMPLICATIONS

13. Nil

ENVIRONMENTAL CONSIDERATIONS

14. Nil

ALTERNATE OPTIONS

15. Nil

CONCLUSION

16. That the list of accounts have been authorised for payment under delegated authority.

17. 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.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS598: DELEGATED AUTHORITY REPORTS – 16 NOVEMBER 2023 to 15 JANUARY 2024

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared By	: PA to Mayor and Councillors (D Clark)
Authorising 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:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS598: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 November 2023 to 15 January 2024 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - **Delegation: 006** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

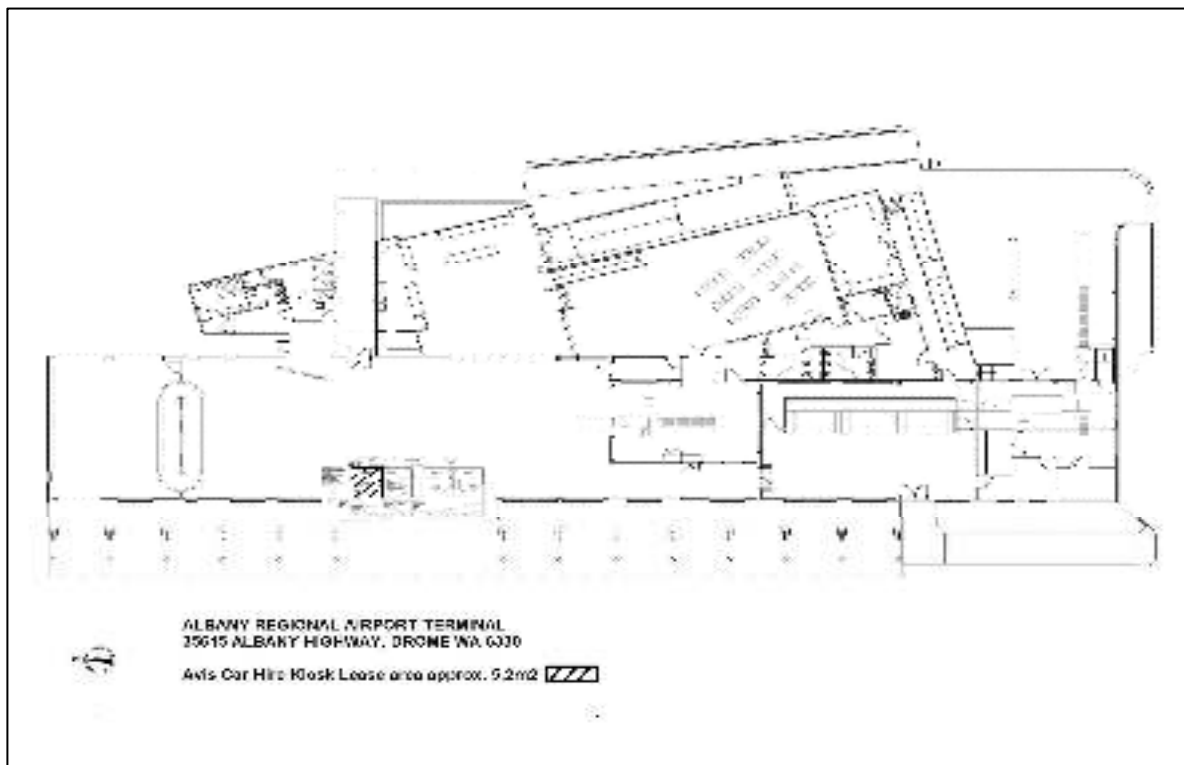
CCS599: PROPOSED NEW LEASE – WARREN PORTER (AVIS ALBANY) – ALBANY REGIONAL AIRPORT – TERMINAL KIOSK

Land Description	: Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome.
Proponent	: Warren Neil Porter
Business Name	: Avis Albany (ABN 44 661 782 583)
Owner	: City of Albany
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease with Warren Neil Porter (Avis Albany) to continue the car hire kiosk service at the Airport terminal.
- The lease includes the use of four parking bays within the overflow car park.
- The existing lease expired on 20 November 2023 and the tenant remains in occupation under holding over provisions.
- It is recommended that the proposed new lease be approved.

RECOMMENDATION

CCS599: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVES a new lease to Warren Neil Porter (Avis Albany) located at the Albany Regional Airport Terminal subject to the terms and conditions outlined in section 10 in this report.

BACKGROUND

2. Car hire operations have formally operated from the Airport under lease agreements since 2001. Currently Avis and Budget Car Rental operate from the Airport.
3. The current lease for the terminal kiosk expired on 20 November 2023, and the tenant currently continues to occupy under holding over provisions.
4. The lease area for car hire services includes a kiosk space with a customer service desk, covering an area of approximately 5.2m² within the terminal, along with four parking bays in the overflow carpark.
5. Previously the City has informally permitted the use of additional parking area exceeding the four designated bays in the kiosk lease. City staff are proposing to formalise the use of the additional parking area under a separate commercial lease arrangement, subject to Council approval.

DISCUSSION

6. The Albany Airport serves as a major regional hub for visitors travelling to Albany and the Great Southern region, encompassing both business and tourism. Due to its distance from Albany’s central area, transportation services like taxis and car rental companies are essential for accessibility.
7. The ongoing presence of car hire companies at the Airport allows airline passengers to readily hire vehicles upon arrival and return them conveniently before their departure flight.
8. Mr Porter has formally requested a new lease for the terminal kiosk and the associated four parking bays to continue providing car hire services to both travellers and the local Albany community.
9. A recent market valuation provided by a licensed valuer has determined that the market rent for the lease be \$6,500.00 plus GST per annum.
10. The table below summarises the key terms of the proposed lease.

Item	Details
Tenant	Warren Neil Porter
Business Name	Avis Albany
Land Description	Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome.
Lease Area	Approx. 5.2m ²
Land Ownership	City of Albany
Permitted Use	Car Hire Operation
Term of Lease	5 + 5 years
Rent	\$6,500.00 plus GST per annum and reviewable annually in accordance with the lease
Outgoings	Tenant responsible for all outgoings & utilities, including insurance
Special Conditions	Use of four parking bays in the overflow parking

11. The City's Airport Team has been consulted and they are in support of a new lease.
12. Mr Porter has agreed in principle to the above terms, subject to Council approval.

Formalising commercial use of Airport land

13. City officers have been in discussion with Mr Porter regarding formalising the commercial use of Airport land for car hire businesses, specifically Avis and Budget Rent a Car. This includes considering additional parking, a dedicated wash-down area and office facilities.
14. Any proposal regarding tenure for this purpose will be presented as a separate agenda item to Council for consideration and decision.

GOVERNMENT & PUBLIC CONSULTATION

15. Section 3.58 of the *Local Government Act 1995* (Act) outlines the processes by which the City can dispose of property. For the purposes of this section, a lease is considered to be a disposal. The Act requires the following:
 - A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - Any submissions are to be considered by Council and their decisions are to be recorded on the minutes.
 - A local government can then proceed with the lease.
16. The proposed lease will be advertised to comply with the requirements of the Act.
17. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise the proposed lease in local newspapers and the City's website inviting submissions from the public.	Two weeks following Council endorsement of the agenda item.	Open	Section 3.58 of the <i>Local Government Act 1995</i> .

18. The City owns the land being disposed of in freehold title and therefore no approval from the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

19. Section 3.58 of the *Local Government Act 1995* (Act) allows for the disposal of property, including leased/licensed land and buildings, including advertising requirements.
20. The lease proposal aligns with the requirements governing the disposal of property.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: New lease not approved – limited car hire services for Airport users and visitors.	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction.
Financial: New lease not approved – no rental income.	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction.
Opportunity: The lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to create a competitive and sustainable tourism offering.				

FINANCIAL IMPLICATIONS

24. All costs associated with the development of the lease documentation will be met by the tenant.

LEGAL IMPLICATIONS

25. The lease will be prepared by the City’s lawyers with enforceable terms and conditions to ensure any risk to the City is appropriately mitigated.

ENVIRONMENTAL CONSIDERATIONS

26. There are no environmental considerations related to this report.

ALTERNATE OPTIONS

27. Council may:
- Ⓐ. Approve the new lease;
 - Ⓑ. Support some parts of the new lease although not in its entirety; or
 - Ⓒ. Not agree to the new lease request.
28. Should Council not support the new lease the Avis car hire service will be required to vacate the Airport terminal and find an alternate location should they seek to continue offering car hire services to airline passengers. This relocation may inconvenience travellers.

CONCLUSION

29. Warren Neil Porter (Avis Albany) is requesting a new lease for the terminal kiosk and associated four parking bays to continue providing car hire services at the Airport.
30. The previous lease expired on 20 November 2023, and Avis Albany continues to occupy the space under holding over provisions.
31. The presence of car hire services at the Airport significantly benefits tourism and businesses. It offers convenient services for both airline passengers and the local Albany community, complementing the Airport’s facilities.
32. It is recommended the proposed new lease be approved.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Leases and Licences) Policy • <i>Local Government Act 1995</i>
File Number (Name of Ward)	:	PRO184, A210239
Previous Reference	:	OCM 20.11 2007 Item 13.5.30 OCM 19.12.2017 Item CCS018

**CCS600: PROPOSED NEW GROUND LEASE FINAL APPROVAL –
LMS ENERGY PTY LTD – HANRAHAN ROAD WASTE FACILITY**

Land Description	: Crown Reserve 52474, Lot 1135 on Deposited Plan 208775, the subject of Certificate of Title LR3167 Folio 459, Mt Melville
Proponent	: LMS Energy Pty Ltd (ACN 059 428 474) Chairman: John Falzon Director: Greg Pritchard
Owner	: Crown (City of Albany under Management Order)
Attachments	: Schedule of Submission
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Planet.
 - **Outcomes:** Shared responsibility for climate action.

Maps and Diagrams



In Brief:

- Council, at its meeting on 28 November 2023 supported a new ground lease proposal to LMS Energy Pty Ltd (LMS) for the establishment of a gas utilisation facility at Hanrahan Road Waste Facility site.
- The proposed lease was advertised for public comment for three weeks closing on 5 January 2024. Only one submission was received.
- Council is requested to consider the submission before determining whether to grant final approval of the lease to LMS.

RECOMMENDATION

CCS600: AUTHORISING OFFICER RECOMMENDATION

THAT Council GRANTS the final approval for the new ground lease to LMS Energy Pty Ltd over portion of Crown Reserve 52474, located at the Hanrahan Road Waste Facility, in line with the previous resolution of 28 November 2023, and as detailed in section 7 of this report. This decision considers the submission received during the advertising period.

BACKGROUND

2. Crown Reserve 52474 is under Management Order issued to the City for the purpose of 'Waste Management Facility' with power to lease for a term not exceeding 21 years, subject to the prior approval of the Minister for Lands.
3. A closure plan for the landfill at the Hanrahan Road Waste Facility has been developed to manage environmental compliance at the site. The plan includes the provisions of an effective landfill gas management system.
4. LMS successfully secured the City's quotation process for implementing landfill biogas capture and abatement services at the site.
5. Following Council's endorsement at its meeting on 28 November 2023, the proposed lease to LMS was advertised for public comment for three weeks inviting submissions, closing on 5 January 2024. Only one submission was received.
6. A summary of the submission received during the public consultation period is provided in the Schedule of Submission (refer Attachment 1).
7. The table below summarises the key terms of the proposed ground lease:

Item	Details
Tenant	LMS Energy Pty Ltd
Land Description	Crown Reserve 52474, Lot 1135 on Deposited Plan 208775 being the whole of the land described in Certificate of Title LR3167 Folio 459
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Approx. 114m ² , subject to survey
Permitted Use	'Gas utilisation facility site' as specified in the Contract, in accordance with and limited by the Management Order over the land
Fee	\$10 + GST per annum
Term	To align with the Contract - the earlier of: a) 20 years and 364 days after the commencement date; or b) Six (6) months after the expiry or earlier termination of the Contract.
Outgoings & Utilities	Tenant responsible for all outgoings & utilities, including insurance
Maintenance	LMS will be responsible for installing, maintaining and operating the biogas buildings and infrastructure

Special Conditions	<ul style="list-style-type: none"> • Construction, ownership and liability for biogas buildings and infrastructure remains with the Tenant throughout the lease. • All biogas buildings and infrastructure below the landfill surface will become the property of the Landlord upon expiry or early termination. • If the Contract is terminated early, the lease term will expire 6 months thereafter (allowing LMS time to perform their contracted decommissioning activities). • The lease is subject to Development Approval.
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8. LMS has agreed in-principle with the above terms, subject to Council and Minister for Lands approval.

DISCUSSION

9. The Hanrahan Road Waste Facility’s landfill site has an estimated further lifespan of around 10 years. The City will continue to manage the site for considerable years to meet environmental standards.
10. Provisions have been included in the City’s closure plan for the landfill site for the establishment of an effective landfill gas management system, ensuring compliance with environmental regulations.
11. If the City were to undertake the gas extraction itself, it is projected the City would require investment of over \$1.3 million for gas extraction equipment, piping, along with additional costs for monitoring infrastructure.
12. If LMS, the successful contractor chosen through City’s quotation process, is granted a lease approval, all costs associated with the supply and installation of the biogas buildings and infrastructure (including utility costs) will be the responsibility of LMS, without any financial burden on the City.
13. Notwithstanding the received comment and submission, it is recommended, based on the above factors, to proceed with granting final approval for the lease to LMS.

GOVERNMENT & PUBLIC CONSULTATION

14. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests in Crown land without the prior written approval of the Minister for Lands.
15. The Department of Planning, Lands and Heritage has been consulted and has provided in-principle consent to a lease with the tenant, subject to final approval from the Minister for Lands as per Section 18 of the *Land Administration Act 1997*.
16. The provisions of Section 3.58 of the *Local Government Act 1995* (Act) require that public advertising be undertaken for the disposal of property. For the purposes of this section, a lease is considered to be a disposal.
17. The proposed lease was advertised for three weeks inviting submissions closing on 5 January 2024.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertising of proposed lease in local newspaper and City’s website inviting submissions from the public	A three-week period of advertising closed on 5 January 2024	One submission was received as a result of advertising	Section 3.58 of the <i>Local Government Act 1995</i>

18. One submission was received. It has been acknowledged, indicating that a further item will be presented to the February Council meeting.

STATUTORY IMPLICATIONS

19. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property such as leased/licenced land and buildings and associated advertising requirements.
20. Section 18 of the *Land Administration Act 1997* provides that individuals cannot assign, sell, transfer or otherwise deal with interests in Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
21. The lease proposal aligns with the requirements governing the disposal of property and interests in Crown land.

POLICY IMPLICATIONS

22. The Property Management (Leases and Licences) Policy aims to support fair access and the effective management of City owned and managed properties in line with statutory procedures.
23. Under this policy, commercial lease rent should be determined by market valuation provided by a licensed Valuer.
24. LMS had proposed a peppercorn rent, supported by Council at the 28 November 2023 meeting, considering LMS's substantial investment in project construction.
25. Council is requested to support this proposal once more.
26. All other terms of the lease agreement will be in line with the policy.

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
Reputation: New lease not approved – perceived lack of support for the environment.	Unlikely	Moderate	Medium	Key terms of the lease have been agreed by both parties. Seek to negotiate terms to Council satisfaction.
Business Operation: New lease not approved – delay in meeting EPA compliance.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Business Operation: New lease not approved – potential loss of royalty earnings.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Opportunity: This lease supports the City's Strategic Community Plan 2032 objective to work towards net zero greenhouse gas emissions.				
Opportunity: This lease helps the City in fulfilling environmental responsibilities including EPA compliance for the landfill site.				
Opportunity: It aligns with the State Government's commitment to transition to net zero emissions and actively manage climate risks.				

FINANCIAL IMPLICATIONS

28. All costs associated with the supply and installation of the biogas buildings and infrastructure including utility costs will be the responsibility of LMS.
29. All costs associated with the development and finalisation of the new ground lease documentation will be met by the City to support environmental requirements.

LEGAL IMPLICATIONS

30. The lease documentation will be prepared by City's lawyers with enforceable terms and conditions.
31. Additionally, LMS Energy will enter into a separate contract with the City as the chosen contractor for capturing and reducing landfill biogas. The contract will provide the terms and conditions governing the extraction and use of biogas from the landfill site.

ENVIRONMENTAL CONSIDERATIONS

- 32. There are no specific environmental obligations related to the lease, but there are obligations associated with the overall project.
- 33. The closure plan for the Hanrahan Road landfill site requires the establishment of a reliable gas management system. LMS is required to comply with all the relevant environmental conditions as part of their responsibilities.

ALTERNATE OPTIONS

- 34. Council may:
 - a. Approve the lease to LMS; or
 - b. Support certain elements of the new lease although not in its entirety; or
 - c. Decline the lease request.
- 35. Should Council decline the lease, the City could initiate a new competitive process to identify other qualified contractors.
- 36. Alternatively, the City can choose to undertake the gas extraction itself to meet EPA requirements. This undertaking is estimated to require investment exceeding \$1.3 million for gas extraction equipment and piping, along with additional costs for monitoring infrastructure.

CONCLUSION

- 37. A closure plan for the landfill at the Hanrahan Road Waste Facility incorporates the implementation of an effective landfill gas management system as a measure to ensure environmental compliance at the site.
- 38. The proposed lease with LMS presents an opportunity to fulfill the responsibilities of landfill management.
- 39. Council previously supported a new ground lease with LMS Energy Pty Ltd at its meeting on 28 November 2023.
- 40. During the advertising period for public comment, a single submission was received, objecting to the LMS lease proposal.
- 41. After thorough consideration of the submission, it is recommended that Council grants final approval for the new ground lease to LMS Energy Pty Ltd.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Lease and Licences) Policy • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number	:	PRO475, A111037
Previous Reference	:	OCM 28 November 2023 Item CCS580

CCS601: CORPORATE SCORECARD - OCTOBER TO DECEMBER 2023 QUARTER

Attachments	: Action Performance and Timeframe Report: Q2 2023-24
Report Prepared By	: Business Planning and Performance Coordinator (A Olszewski)
Authorising Officer:	: Manager Finance (S Van Nierop)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany's Strategic Community Plan 2032 or Corporate Business Plan 2023-2027 informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2023-2027 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council's priority commitments to the community.
- This update represents the first iteration of the CAMMS-based Corporate Scorecard, the 'Action Performance and Timeframe Report' (the Report).

RECOMMENDATION

CCS601: AUTHORISING OFFICER RECOMMENDATION

THAT the 'Action Performance and Timeframe Report: Q2 2023-24' for the October to December 2023 quarter be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. Delivery of these actions are monitored through Business Unit Plans, which define the associated project milestones and enable reporting against them.
4. The first iteration of this Corporate Scorecard was presented to Council at the November 2021 Community & Corporate Services Committee meeting for feedback, and subsequently endorsed at the December 2021 Ordinary Council Meeting.
5. The Corporate Scorecard has been subject to ongoing improvement since its inception, with the transition to CAMMS (newly acquired reporting software) this past quarter being the most significant enhancement.

DISCUSSION

6. The new Report (attached) provides an update on the status of CBP actions for the October to December 2023 quarter.
7. In previous Corporate Scorecards, commentary was provided by exception for all 'at-risk' actions, which were those assigned with a 'traffic light' status of either:
 - Red (a service *not meeting* its service level, or a project *not on track*), or
 - Orange (a service *under strain*, or a project that has *stalled*).

8. This Report retains the general traffic-light model, but with the following threshold specifications:
 - 'Off Track' (red) actions are less than 70% complete relative to the established project milestone.
 - 'Monitor' (amber) actions are more than 70% but less than 90% complete relative to the established project milestone.
 - 'On Track' (green) actions are 90% or more complete relative to the established project milestone.
 - 'No Target Set' actions are yet to commence.
 - Completed actions are subsumed within the 'On Track' actions.
9. In keeping with the effort to develop a report with a more 'strategic' focus (per the Council Strategic Workshop of 12 December 2023), all actions have been reframed wherever possible as 'projects'; that is, discretionary actions with limited temporal scope designed to improve or expand upon City services.
10. 'Services' and corresponding 'service levels' will be subordinated to a separate, operational-level report provided to the Executive Management Team.
11. CAMMS is planning a major upgrade of their strategy module over the next several months and has invited the City to advise on this process. This provides a unique opportunity for the City to continue to develop the Report to accommodate its requirements going forward.

GOVERNMENT & PUBLIC CONSULTATION

12. N/A.

STATUTORY IMPLICATIONS

13. There are no direct statutory implications, however the Report supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in *accordance with section 5.56*, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*

- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.**
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

POLICY IMPLICATIONS

14. N/A.

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
Reputational/Business Operations: Loss of reputation from not following through on commitments outlined in CBP.	Likely	Minor	Moderate	Staff to review and address areas of concern prior to reconsideration by Council.
Opportunity: Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.				

FINANCIAL IMPLICATIONS

16. N/A.

LEGAL IMPLICATIONS

17. N/A.

ENVIRONMENTAL CONSIDERATIONS

18. N/A.

ALTERNATE OPTIONS

19. Council may choose not to review progress of commitments made in the CBP through the Report , and delegate this oversight to the City’s Executive.

CONCLUSION

20. It is recommended the ‘Action Performance and Timeframe Report: Q2 2023-24’ be noted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995, s5.56 Local Government (Administration) Regulations 1996, Reg. 19D IPR Framework and Guidelines 2019
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 26/04/2023 - Report Item CCS540

CCS602: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO DECEMBER 2023

Proponent	: City of Albany
Attachments	: Quarterly Report – Tenders Awarded – October to December 2023
Report Prepared by	: Manager Finance (S van Nierop)
Authorising Officer	: Executive Director Corporate & Commercial Services (M Gilfellow)

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:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS602: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – October to December 2023 be RECEIVED.

CCS603: SUNDRY DEBTOR WRITE OFF

Business Entity Name	: Virgin Australia Regional Airlines Pty Ltd
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

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:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance.

In Brief:

- This report outlines a write-off of debt owed to the City of Albany (“the City”) from Virgin Australia Regional Airlines Pty Ltd (“VARA”).
- VARA, part of the Virgin Australia Group, went into voluntary administration in 2020, with amounts owing to the City totalling \$66,571.56.
- Dividends have been paid out to creditors, with \$4,174.03 paid to the City of Albany, the equivalent of 6.27 cents in the dollar. \$62,397.53 remains outstanding.
- Under the City’s Delegation Register, amounts for write-off greater than \$10,000 are required to go to Council for approval.

RECOMMENDATION

CCS603: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the write-off of the detailed sundry debt under section 6.12(1) of the Local Government Act 1995 as recommended in this report.

BACKGROUND

2. On 20 April 2020, several partners from accounting firm Deloitte were appointed as Joint and Several Administrators (“Voluntary Administrators”) to Virgin Australia Holdings Ltd and subsidiary entities (collectively, “the Virgin Group”, or “Virgin”).
3. The appointment of Voluntary Administrators was due to the financial position of Virgin (at the time, carrying \$5.3 billion in debt) and its ability to operate profitably. Virgin had faced financial challenges due to high debts, competition, and the COVID pandemic severely impacted global aviation, leading to a sharp decline in air travel demand.
4. The purpose of the appointment was to allow for the Voluntary Administrators to take control of and investigate the affairs of Virgin, and preferably, secure the future of Virgin by finding a suitable buyer or investor.
5. Several parties, including private equity firms and airlines, expressed an interest in acquiring Virgin Australia Group. Bain Capital emerged as the preferred bidder in June 2020, and was subsequently approved by the creditors to acquire Virgin.
6. Bain completed the purchase of Virgin by a Deed of Company Arrangement structure, allowing for the continued operations of the Virgin Group. As part of the purchase, a Creditor’s Trust was set up to deal with the claims of and pay a distribution to the Virgin Group creditors.
7. At the time of Virgin going into voluntary administration, the City of Albany was owed \$66,571.56 by one of Virgin’s subsidiary entities, Virgin Australia Regional Airlines Pty Ltd.

8. The fees owing to the City relate to airport landing fees, part of an agreement with Rio Tinto for weekly return flights from Albany to Newman. The fees were for landing fees incurred in February 2020, March 2020, and the period 1st to 20th April 2020.
9. Total admitted outstanding debt claims to the Virgin Group for the interim dividend totalled \$6.01 billion.
10. An interim dividend was paid by Virgin to the City on 15 September 2022 totalling \$3,541.27 (5.32% rate of return), reducing the amount outstanding to the City to \$63,030.29.
11. On 19 October 2023, an update to creditors was circulated stating the trustees of the Creditor’s Trust were able to declare and pay a final dividend on 14 December 2023.
12. Total funds available for the final dividend totalled \$57.8m, and based on total claims of \$6.085 billion, a dividend rate of return payable of 0.9% was made.
13. A final dividend of \$632.76 was paid to the City on 14 December 2023.
14. In total \$4,174.03 was paid to the City (out of a total claim of \$66,571.56), equating to 6.27 cents in the dollar.

DISCUSSION

15. The residual amount owing to the City of Albany from VARA, that is the subject of this write-off approval request, totals \$62,397.53.

GOVERNMENT & PUBLIC CONSULTATION

16. Nil

STATUTORY IMPLICATIONS

17. The Local Government Act 1995 gives Council the power to write off any amount of money owing to the City;

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

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

* *Absolute majority required.*

18. The Local Government Act 1995 gives Council the power to write off any amount of money owing to the City.

POLICY IMPLICATIONS

19. The City of Albany Register of Delegation and Authorisation provides the CEO and the Executive Director of Corporate & Commercial Services (sub delegated to the Manager Finance) authority to write off individual sundry debts up to \$10,000. All sundry debts in excess of \$10,000 are to be written off by Council resolution.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance & Reputation <i>Risk: Non-compliance with delegated authority.</i>	Rare	Moderate	Low	<i>Compliance with Councils delegated authority condition that amounts above \$10,000 are to be approved by Council.</i>

<p>Financial Future risk of losing funds from Virgin in a similar manner (payments made in arrears)</p>	<p>Possible</p>	<p>Minor</p>	<p>Medium</p>	<p>Continued pursuance of outstanding amounts from debtors. No mitigating measures put in place with payments still made in arrears from Virgin (a risk of doing business). Currently one month in arrears. Unlikely to cease flight arrangements with Virgin if landing fees are not paid on time.</p>
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FINANCIAL IMPLICATIONS

21. The amount proposed to be written off is \$62,397.53.
22. The City has allowed for the impairment of receivables on its balance sheet. As at the date of this report, the balance for the impairment of receivables was \$88,687.33. The impairment balance for the City has been estimated considering the known write-off of debt owed by VARA.
23. The practice of regularly reporting such matters and obtaining Council approval for debt write off enables sound corporate governance.

LEGAL IMPLICATIONS

24. Nil

ENVIRONMENTAL CONSIDERATIONS

25. Nil

ALTERNATE OPTIONS

26. Nil

CONCLUSION

27. It is recommended that Council approve the Authorising Officer’s recommendation.

Consulted References	:	Local Government Act 1995, Section 6.12(1)(c)
File Number	:	FM.DEB.11
Previous Reference	:	Not applicable.

CCS604: NATIONAL ANZAC CENTRE – Q2 2023-24 REPORT

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 2 (Q2) 2023/24 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.
 - **Objective:** Create a competitive and sustainable tourism offer.

In Brief:

- To provide Council with an update on Q2 2023/24 performance of the NAC.

RECOMMENDATION

CCS604: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q2 2023/24 be RECEIVED.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for May 2024.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Visitation in Q2 of 2023/24 took overall total visitation to the NAC to 557,411 since opening in November 2014. This equates to an average annual visitation of 61,368 visitors per year.
10. NAC visitation of 12,989 for Q2 is a decrease of 1,927 compared with the same period in 2022/23 which recorded 14,916.
11. October NAC visitation numbers of 5,372 were lower performing figures compared with the same period in 2022/23 but a slight increase of 57 on 2021/22.
12. Overall Q2 visitation was an increase of 1,775 from the previous period of Q1 2023/24.
13. December NAC visitation numbers of 3,945 were slightly lower performing figures compared with same period in 2022/23 which recorded 4,086.
14. The visitation in Q2 for 2023/24 from the Great Southern region totalled 553 people, equating to 8.7% of Western Australia's overall visitation of 6,355 (a decrease of 2.1% on the previous quarter).
15. The total visitation in Q2 2023/24 originated from Western Australia (49%), interstate (40%) and international (8%) and code not recorded (3%).
16. Visitors from other States and Territories consisted of 33% from NSW, 26% from VIC, 24% from QLD, 10% from SA, followed by ACT, TAS and NT all on 1-3%.
17. Interstate visitation of 5,219 (45% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
18. Revenue generated in Q2 of 2023/24 by the NAC was \$19,524 less compared to the same quarter in 2022/23, however YTD revenue remains only marginally behind budget.
19. The Forts Store revenue of \$103,011 was \$28,094 less than the same period in 2022/23 but is offset by savings in stock purchase.
20. As at the end of Q2 2023/24, 9,636 households hold memberships to the NAC League of Local Legends program, an increase of 393 from the previous quarter.
21. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

GOVERNMENT & PUBLIC CONSULTATION

22. Not Applicable.

STATUTORY IMPLICATIONS

23. Not Applicable.

POLICY IMPLICATIONS

24. Not Applicable.

RISK IDENTIFICATION & MITIGATION

25. Nil.

FINANCIAL IMPLICATIONS

26. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as of December 31, 2023.

27. Full year operating expenditure budget includes:

- a. \$209,627 of costs from accounts that are “shared” across the AHP. A total of \$812,907 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$812,907 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs, marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2023/24 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$410,934	\$410,180	(754)
Operating Expenditure	\$(575,829)	\$(246,293)	\$(254,792)	(8,499)
Net Operating Income/(Expense) before Indirect Costs	\$274,171	\$164,641	\$155,388	(9,253)
Shared Costs of the Precinct	\$(209,627)	\$(92,895)	\$(91,115)	\$1,780
Internal Service Delivery	\$(31,651)	\$(15,827)	\$(15,827)	\$0
Net Operating Income/(Expense)	\$32,893	\$(55,919)	\$48,447	(7,473)
Capital Expense	\$(176,383)	\$(88,158)	\$(0)	\$88,158
Total	\$(143,490)	\$(32,239)	\$48,447	\$80,685

28. The \$176,383 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh.
29. The balance of the drawdown as of 30 June 2023 being \$176,383 has been carried forward to the 2023-2024 Budget to continue the refresh program as previously discussed with Council.

LEGAL IMPLICATIONS

30. Nil.

ENVIRONMENTAL CONSIDERATIONS

31. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

33. Overall, Q2 2023/24 has shown slightly lower visitation to the NAC compared to the same time in 2022/23.
34. Q2 has continued a positive trend of the return of international visitors, with 1,047 visitors representing 8% of visitation for the quarter, 4% more than the previous quarter.
35. Great Southern visitation to the NAC was 8.7% of overall WA visitation during the October – December period in Q2 2023/24.
36. This is 2.1% lower than the previous quarter (Q1 of 2022/23) but remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
37. Interest in the Princess Royal Fortress and exhibitions continues with 1015 people taking part in 112 Princess Royal Fortress Tours.

38. Overall Q2 generated slightly lower visitation figures compared to Q2 in 2022/23 and 2021/22 (but only marginally). This demonstrates a trend of steady visitation.
39. NAC revenue of \$220,966 for Q2 2023/24 was a decrease of \$19,524 compared to the same quarter in 2022/23, but an increase of \$31,753 from Q1 2023/24.
40. Fort Store revenue of \$103,011 for Q2 2023/24 was a decrease of \$28,094 compared to the same quarter in 2022/23, but an increase of \$7,145 from Q1 2023/24.

Consulted References	:	Nil.
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM 28/11/2023 – Report Item CCS581

CCS605: RETAIL TRADING HOURS

Proponent / Owner	: <i>City of Albany</i>
Attachments	: Essential supporting documents or evidence of correspondence - Document titles to be listed.
Report Prepared By	: <i>Personal Assistant to Executive Director Corporate & Commercial Services (H Bell)</i> <i>Executive Director Corporate & Commercial Services (M Gilfellon)</i>
Authorising Officer:	: <i>Executive Director Corporate & Commercial Services (M Gilfellon)</i>

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:
 - **Pillar:** Leadership.
 - **Outcomes:** A well-informed and engaged community.

In Brief:

- The community and media regularly display interest in trading hours for General Retail Shops in Albany.
- The Retail Trading Hours Act 1987 sets out the trading hours and rules covering various categories of retail outlets and allows Regional Local Governments to apply to Consumer Protection to extend the trading hours for General Retail Shops however consultation is required
- This item is presented to allow Council to decide if they wish to commence a consultation process on extended trading hours for General Retail Shops.

RECOMMENDATION

CCS605: AUTHORISING OFFICER RECOMMENDATION

That Council:

- 1) **Instruct the Chief Executive Officer to**
 - a) **consult the community to determine the level of support for and against the permanent extension of trading hours for General Retail Shops;**
 - b) **provide a financial contribution to the Albany Chamber of Commerce and Industry to undertake consultation of the business community within the City of Albany;**
 - c) **provide a report to Council on the outcomes of the consultation;**
- 2) **Give preference to the Western Australian Electoral Commission undertaking the survey.**
- 3) **Authorise budget expenditure for the survey(s), financial contribution and advertising.**

BACKGROUND

2. General retail trading hours in Albany are governed by the *Retail Trading Hours Act 1987* (WA) (the Act) in conjunction with the Council's Temporary/Short Term Extended Trading Hours policy adopted April 2014 (current policy detailed at attachment 2)
3. The Act defines four categories of retail shops: General Retail, Small Retail, Special Retail, and Filling Stations. All shops are regarded as General Retail shops unless they fall under any one of the other categories.
4. The trading hours of restaurants, cafes and takeaway food shops are not covered by the Act.
5. Small Retail, Specialty Retail and Filling Station businesses have their own respective trading hour provisions and definitions.
 - A Small Retail shop has no restrictions on trading hours and may be open at any time. It is defined as owned by up to six people who operate no more than four retail shops, in which up to 25 people work at any one time. They may sell any goods other than motor vehicles. Traders must apply to the Department for a certificate to trade as a small retail shop. Shops in this category can trade 24 hours per day, every day of the year.
 - A Specialty Retail shop is considered necessary for emergency, convenience or recreation goods and include pharmacies, garden nurseries, hardware, newsagencies, bookshops, video, souvenir, boating, and motor vehicle spare parts shops. Traders must apply to the Department for a certificate to trade as a Special Retail shop. Trading hours are 6am – 11.30pm every day of the year.
 - A Filling Station is defined as any business that sells motor fuel and has no restrictions on trading hours and may be open at any time.
6. Small Retail and Specialty Shops must apply for certification from the Department of Energy, Mines, Industry Regulation and Safety (the Department) in relation to that place in accordance with the regulations. Compliance is enforced by the Department and not the City of Albany.
7. Regional/Non-Metropolitan Local Governments, such as the City of Albany may apply to the Department of Energy, Mines, Industry Regulation and Safety (Consumer Protection) to extend the trading hours for local General Retail shops beyond those stipulated in the Act.
8. The community have previously been consulted in regards to the permanent extension of trading hours for General Retail Shops in 2005 and 2012.
9. Council approved a Temporary and Short Term Extended Trading Hours Policy in April 2014 and updated the policy in 2016. The policy clearly defines Peak Visitor times and Special Circumstances periods where Temp/Short Term applications can be made. In the absence of permanent extended trading the City is required to apply for temp/short term adjustments on an ongoing basis.

DISCUSSION

10. For the Department of Energy, Mines, Industry Regulation and Safety to approve an application for extended trading hours across the City of Albany, the Department will need to be assured that various consultation steps have been taken.
11. Essentially, the City has to satisfy the Department that it has undertaken "appropriate consultation" with "local trader organisations" (not defined), "tourism interests" (not

defined) and local members of State Parliament, and that there has been opportunity for local community consultation.

12. The proposed consultation timeline for the consultation is:

- March – Organise the consultation;
- April/May – Undertake the consultation;
- June – Analyse consultation results, brief Council and prepare agenda report;
- July – Council to make decision.

GOVERNMENT & PUBLIC CONSULTATION

13. The City of Albany has consulted with the Western Australian Government’s Department of Energy, Mines, Industry Regulation and Safety on necessary requirements for deregulated trading.

14. The Albany Chamber of Commerce and Industry have been consulted in regards to undertaking consultation of the business community.

STATUTORY IMPLICATIONS

15. Non-metropolitan Local Government may apply to the Department of Energy, Mines, Industry Regulation and Safety (Consumer Protection) to extend the trading hours for local general retail shops beyond those stipulated in the Retail Trading Hours Act 1987.

POLICY IMPLICATIONS

16. There is no policy implication for this decision as the recommendation is to only proceed with consultation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>The community may not have full confidence in the consultation process.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Ensure that the consultation methods chosen reach all sectors of the community.</i>
Opportunity: <i>Comprehensive consultation with all members of the community will provide an opportunity for Council to understand the community’s viewpoint on the deregulation of Retail Trading Hours.</i>				

FINANCIAL IMPLICATIONS

18. The costs of conducting a referendum and additional consultation will be funded from existing budget lines.

LEGAL IMPLICATIONS

19. The consultation of the survey must be undertaken in a manner that will be considered sufficient to meet the requirements of the Act.

ENVIRONMENTAL CONSIDERATIONS

20. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

21. Council can agree to proceed with undertaking the consultation but may have an alternate preference to which organisation undertakes the survey.

22. Council may choose to not undertake any consultation.

CONCLUSION

23. Should Council wish to consider deregulated trading hours within the municipality, it is strongly recommended that consultation occur to ascertain the level of support from various sections of the community.
24. Adoption of the Authorising Officer Recommendation will facilitate the process of consulting with the community.

Consulted References	:	<i>Retail Trading Act 1987</i>
File Number	:	<i>ED.PRM.12</i>
Previous Reference	:	OCM19/03/2002 Report Item 12.7.2 OCM 20/08/2002 Report Item 12.2.1 Audit and Finance Committee 26/03/2012 Report Item 5.8 OCM October 2012 Report Item 1.1 OCM 18/12/2012 Report Item 1.1

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