



Council Policy

Property Management - Leases

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1. Objective

To ensure leasing of land under the ownership or control of the City of Albany is dealt with in a fair and equitable manner.

2. Scope

To allow for short and long term leasing of property owned by the City of Albany and Crown Land under the control of the City of Albany.

3. Definitions

Act	The Local Government Act 1995, as amended
Reserve	A parcel of land belonging to the Crown which have been vested in the City of Albany by way of a Management Order
Lease	An instrument conveying property to another for a definite period, or at will, usually in consideration of rent or other periodical compensation. (<i>Macquarie Dictionary</i>)
Management Order	An authorisation provided by the Crown providing the City with power to manage a parcel of land on behalf of the Crown.
Regulations	Local Government (Function and General) Regulations 1996
Disposal	Disposal of Property is dealt with as per section 3.58 of the Local Govt Act 1995 and clause 30 of the Local Government (Functions and General) Regulations 1996

4. Policy Statement

The City of Albany as legal owner of certain areas of land may from time to time choose to enter into leasing arrangements with other organizations, businesses or individuals. The disposal of land is covered under the Act and Regulations.

The City of Albany also has some control of areas of Crown Land Reserves, specified by the issue of Management Orders provided by Landgate, (formerly the Department of Land Information). Some Reserves are available for leasing purposes for specific periods set by the Crown.

This policy will ensure that all requests for leases for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

This policy recognises the variety and diversity of the leases, and recognises that no one particular style is appropriate for all.

This policy seeks to ensure that this variety and diversity is recognised to allow all Lessees or potential Lessees a quality of service and understanding relevant to their needs.

This policy is supported by the provision of procedural guidelines enabling the City of Albany to deal with requests for property leases uniformly and in a timely manner.

5. Policy Statement

Council adopts the following as policy

- The maximum tenure of a lease granted by Council will be twenty-one years.
- Commercial leases will be offered at a rental determined by an independent valuer taking into account the current value of the business and rental structured in a way which provides maximum return to Council.
- Commercial lessees will be required to provide a bond equivalent to one months rent.
- If a lessee requests a variation to a lease, Council reserves the right to consider the variation only as part of a new lease for the enterprise.
- Incorporated community groups leasing crown land for community purposes will be charged a rental of \$10.00 per annum.
- Incorporated community groups leasing land and buildings will be charged a rental based on the current minimum rate.
- Sporting group leases will attract a rental based on minimum land rate
- Airport Hangers will be charged rental according to a independent valuation
- Cheyne's beach holiday accommodation will attract a rental based on minimum land rate
- The lessee will reimburse all Council's costs associated with the development and implementation of the lease.
- No sub leasing arrangements are to be entered into
- The City will insure the buildings that it owns and recover the cost of the premium from the lessee

6. Legislative and Strategic Context

This Policy relates to Division 3 of the Act which describes how Local Government is to dispose of land. Part 6, section 30 of the Regulations also applies to this Policy.

The City of Albany's 3D Corporate Plan...

Community Vision:

A Thriving City. Albany's community will enjoy economic growth and outstanding opportunities for our youth through

- *dynamic promotion & marketing of Albany's advantages and opportunities,*
- *Innovative development complementing Albany's unique character, natural environment and heritage.*

Mission Statement

The City of Albany is:

- *committed to sustainably managing Albany's municipal assets*
- *and at all times we will respect the Community's aspirations and resources"*

applies to this policy.

7. Review Position and Date

Executive Director Works and Services to review on or before 30/12/2009.

8. Associated Documents

Procedural Guidelines relating to the following individual lease categories:

- Albany Agricultural Society
- Airport Hangar leases
- Commercial Fishermen's Accommodation Leases
- Cheynes Beach Holiday Accommodation leases
- Commercial leases
- Community benefit leases
- Lotteries House leases
- Sporting Association leases
- Telecommunications leases

Standard Lease Agreement pro forma

Standard Extension of Lease pro forma

Standard Sub-Lease Agreement pro forma

Standard Transfer of Lease pro forma

Standard Variation of Lease pro forma

Standard Surrender of Lease pro forma

CEO Authorisation: _____



Date: 15/04/08