



MINUTES

CORPORATE SERVICES AND FINANCE COMMITTEE MEETING

14 July 2015

5.30pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

TERMS OF REFERENCE

(1) Function:

The Corporate Services and Finance Committee will monitor and comment on the financial health and strategies of Council and will be responsible for the delivery of the following Civic Leadership Objectives contained in the City of Albany Strategic Plan:

- (a) To establish and maintain sound governance structures;
- (b) To provide strong, accountable leadership supported by a skilled and professional workforce;
- (c) To engage effectively with our community.

(2) It will achieve this by:

- (a) Monitoring and commenting on the financial health and strategies of Council;
- (b) Developing policies and strategies;
- (c) Establishing ways to measure progress;
- (d) Receiving progress reports;
- (e) Considering officer advice;
- (f) Debating topical issues;
- (g) Providing advice on effective ways to engage and report progress to the Community; and
- (h) Making recommendations to Council.

(3) Chairperson: Deputy Mayor, Councillor Stocks

(4) Membership: All elected members

(5) Meeting Schedule: As required

(6) Meeting Location: Council Chambers

(7) Executive Officer: Deputy Chief Executive Officer

(8) Delegated Authority: None

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1. DECLARATION OF OPENING

[5:35:46 PM](#) The Presiding Member declared the meeting open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	Mayor D Wellington
Councillors:	
Member	G Stocks (Chair)
Member	R Sutton
Member	B Hollingworth
Member	N Mulcahy (Deputy Chair)
Member	C Dowling
Member	A Hortin JP
Member	S Bowles
Member	J Price
Member	A Goode JP
Member	G Gregson
Staff:	
Chief Executive Officer	A Sharpe
Deputy CEO	G Adams
Manager Finance	D Olde
Manager Works & Services	M Thomson
Meeting Secretary	H Bell
Apologies:	
Member	V Calleja JP
Member	R Hammond
Outgoing Chief Executive Officer	G Foster

DISCLOSURES OF INTEREST

NIL

Name	Committee/Report Item Number	Nature of Interest

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

5. PUBLIC QUESTION TIME

[5:39:24 PM](#) Tony Westerberg – CSF188

6. PETITIONS AND DEPUTATIONS

NIL

7. CONFIRMATION OF MINUTES

RESOLUTION

MOVED CR HORTON

SECONDED CR GREGSON

THAT the minutes of the Corporate Services and Finance Meeting held on 14 July 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 10/0

8. PRESENTATIONS

NIL

9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

NIL

Cr Mulcahy entered the chamber [5:54:32 PM](#)

CSF185: FINANCIAL ACTIVITY STATEMENT – JUNE 2015

Attachment : Financial Activity Statement
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



CSF185: COMMITTEE RECOMMENDATION

**MOVED COUNCILLOR GREGSON
SECONDED COUNCILLOR BOWLES**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10/0

CSF185: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 June 2015.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 June 2015 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 \$50,000 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.

FINANCIAL IMPLICATIONS

8. Expenditure for the period ending 30 June 2015 has been incurred in accordance with the 2014/15 proposed budget parameters. Details of any budget variation in excess of \$50,000 (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.

POLICY IMPLICATIONS

9. The City’s 2014/15 Annual Budget provides a set of parameters that guides the City’s financial practices.
10. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF186: LIST OF ACCOUNTS FOR PAYMENT – JULY 2015

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Financial Accountant (S Beech)
Responsible Officer : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



RECOMMENDATION

CSF186: COMMITTEE RECOMMENDATION

**MOVED COUNCILLOR HOLLINGWORTH
SECONDED MAYOR WELLINGTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11/0

CSF186: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 JULY 2015 totalling \$7,063,357.66.

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 July 2015. Further details of the Members Report/Information Bulletin.

Municipal Fund

Trust	\$7,100.00
Credit Cards	\$23,525.73
Payroll	\$1,137,617.41
Cheques	\$86,481.94
Electronic Funds Transfer	\$5,808,632.58

TOTAL

\$7,063,357.66

3. As at 15 July 2015, the total outstanding creditors, stands at \$1,189,724.98 and made up as follows:-

Current	\$431,850.59
30 Days	\$758,772.82
60 Days	\$182.00
90 Days	-\$1,080.43
TOTAL	\$1,189,724.98

Cancelled cheques: 30629 incorrect amount, 30628 incorrect amount, 30692 paid by eft, 30683 incorrect amount.

STATUTORY IMPLICATIONS

4. 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.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. 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

7. Expenditure for the period to 15 July 2015 has been incurred in accordance with the 2014/2015 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 July 2015 has been incurred in accordance with the 2014/2015 budget parameters.

SUMMARY CONCLUSION


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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF187: DELEGATED AUTHORITY REPORTS

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to the DCEO (H Bell)
Responsible Officer : Chief Executive Officer (G Foster)

Responsible Officer's Signature:



RECOMMENDATION

CSF187: COMMITTEE RECOMMENDATION

**MOVED COUNCILLOR DOWLING
SECONDED MAYOR WELLINGTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11/0

CSF187: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 July 2015.

CSF188: NEW LEASE AND LICENCE – WESTERBERG BROS – CHEYNE ROAD, CHEYNE BEACH

Land Description : Portion of Crown Reserve 878 Lot 7442 on Deposited Plan 214689, the subject of Head Certificate of Title Volume LR3082 Folio 959, Cheyne Beach

Proponent : Beach Fishing Pty Ltd (ACN 008 883 109) trading as Westerberg Bros
Directors being Tony David Westerberg and Jeffrey Neil Westerberg as Guarantors

Owner : Crown

Report Prepared by : Team Leader Property and Leasing (T Catherall)

Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

Maps and Diagrams:



IN BRIEF

- Council is requested to consider the renewal of lease and non exclusive licence to Beach Fishing Pty Ltd trading as Westerberg Bros over lots 2 and 3 Cheyne Road, Cheyne Beach for a 10 year term to continue the existing use of accommodation associated with commercial fishing activities.
- Council is requested to consider relaxing the Property Management (Leases and Licences) Policy provision for the renewal of commercial fishing accommodation leases and licences for a maximum 5 year period and grant a 10 year term.
- Lots 2 and 3 are located on foreshore land where significant erosion is evident.
- The lessee acknowledges and agrees that structures including buildings may be damaged by erosion on the foreshore boundaries and the useable area of the sites may diminish during the 10 year term.
- All structures and buildings are the liability of the lessee and the Lease and Licence is for the land only.
- Indemnification clauses will be included such that the City is not liable for any damage to existing structures and buildings as a result of continued erosion.
- The recommendation proposes that Council approve the new lease and licence.

RECOMMENDATION

CSF188: COMMITTEE RECOMMENDATION

**MOVED MAYOR WELLINGTON
SECONDED COUNCILLOR DOWLING**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11/0

CSF188: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new lease over Lot 3 Cheyne Road and a non exclusive licence over lot 2 Cheyne Road, Cheyne Beach on portion of Reserve 878 to Beach Fishing Pty Ltd trading as Westerberg Bros, subject to:

- a) Lease purpose being "Accommodation associated with the Fishing Industry" in accordance with the Management Order for the reserve.
- b) Licence purpose being for 'Storage of fishing equipment including nets owned by the Licensee and fish loading operations'.
- c) Lease is conditional upon the lessee continuing to operate under a commercial fisherman's licence for the Cheyne Beach area issued by the Department of Fisheries Western Australia.
- d) Lease area being approximately 7918m² to be confirmed by survey.
- e) Licence area being approximately 3789m² to be confirmed by survey.
- f) Lease rent being determined by a current market valuation provided by a licensed Valuer.
- g) Licence rent being 50% of the minimum rate determined by Council each year.
- h) Lease and Licence term being 10 years.
- i) Lease and Licence commencement date being 1 December 2015.
- j) Lease special condition to document the lessee occupies the sites at their own risk and indemnifies the City against any loss or claims resulting from the lessee's occupation of the site. No works are to be conducted on or adjacent the site for the purposes of

protecting the site or diminishing erosion on the site. The lessee agrees at its cost to make safe or remove any structure or building that has been adversely effected by erosion, in the opinion of the City. Further indemnification clauses will be included such that the City is not liable for any damage to existing structures and buildings as a result of erosion.

- k) All costs associated with the ongoing operations of the lease and licence property being payable by the lessee.
- l) All costs associated with the preparation, execution and completion of the lease and licence documentation being payable by the lessee.
- m) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
- n) Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
- o) Lease and Licence being consistent with Council Policy – Property Management (Leases and Licences).
- p) Recommend that both parties may commence negotiations up to 24 months prior to the lease expiring for renewal of the lease.

BACKGROUND

2. Crown Reserve 878 is under management order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station” for any term not exceeding 21 years subject to the consent of the Minister for Lands.
3. Crown Reserve 878, with an area of approximately 115 hectares, is located at Cheyne Beach. The reserve is surrounded by approximately 3,500 hectares of National Park under the management of the Department of Parks and Wildlife.
4. The reserve currently hosts 29 Holiday Accommodation leases, seven accommodation associated with the Fishing Industry leases and one Fishing licence.
5. In total there are 16 surveyed lots within Reserve 878 along Cheyne Road that are gazetted for the purpose of accommodation associated with the Cheyne Beach fishing industry. The City of Albany fire shed is situated on Lot 15 within this gazetted area. Only Lots 2 and 3 are located on waterfront land.
6. The Cheyne Beach Caravan Park was originally part of Reserve 878 but this has been excised and is now freehold land adjacent the 16 surveyed lots reserved for fishing accommodation land.
7. In December 1995 the former Shire of Albany entered into a lease with the Westerberg Bros which allowed the commercial fishermen to formalise their fishing accommodation needs at Cheyne Beach. Commercial fishermen, including the Westerberg family, have been fishing the Cheyne Beach area in excess of 60 years.
8. The lease for a term of 10 years, commenced 1 December 1995, with a 10 year further term option exercised, is due to expire 30 November 2015. Current lease rental payable to the City, determined every second year by market valuation is \$2,750.00 plus GST per annum.

9. The present non exclusive licence is ongoing and may be terminated at any time after the expiration of the first year of the term by either party giving to the other not less than three months written notice.
10. Current licence rental payable to the City is \$448.00 plus GST per annum. Licence rental is determined by applying 50% of the current minimum rate as set by Council every second year.
11. The current licence area is the designated work site for the Cheyne Beach herring fishermen, with the fishing trucks loaded and equipment stored in the area during the season. It is understood this area has been utilised this way for over seven decades.
12. The leases granted to the commercial fishermen allowed them to construct buildings and infrastructure on the land to support them in their commercial fishing activities. The lessees are responsible for providing adequate electricity supply, adequate potable water supply, an effluent disposal system and parking.
13. The lease area of site 3 has been developed with three dwellings to accommodate the families of the lessee, and additional workers as required during the season; plus three large sheds used to store fishing equipment. This storage area is utilised by other professional fishermen during the salmon and herring seasons at Cheyne Beach.
14. Since the commencement of the lease in 1995, the lease has been assigned to other Westerberg family members. The lease was assigned to the current partners Tony David Westerberg and Jeffrey Neil Westerberg t/as Westerberg Bros in August 2010.
15. In July 2001 Council received a request from Westerberg Bros to lease an additional 2 hectares of land within Reserve 878 to develop commercial plant facilities to accommodate the freezing and packaging of salmon and herring.
16. This request was not supported by Council at OCM on 18 September 2001, as the former Department of Land Administration advised they would not approve a lease for this purpose. The Department recommended that no additional lots not already gazetted within Reserve 878 should be released without a comprehensive structure plan being undertaken for Cheyne Beach.

DISCUSSION

17. In line with Council Policy Property Management (Leases and Licences), City officers met with representatives for the Westerberg Bros to discuss the renewal of the waterfront lease and the potential relocation to available alternate sites not located on the waterfront.
18. Council Policy Property Management (Leases and Licences) adopted in 2012 provides that:
 - a. No new Commercial Fishing Accommodation leases or licences will be granted on waterfront property.

- b. Existing waterfront Commercial Fishing Accommodation leases and licences will be reviewed 12 months prior to expiry allowing environmental protection to be considered prior to any existing lease or licence renewal.
 - c. Any renewal of existing leases and licences will be for a maximum 5 year term.
- 19. The lessee advised the existing buildings on site 3 would not withstand relocation to an alternate site due to age. The option of building new structures on an alternate site is not considered financially viable by the lessee and may lead to the early closure of their fishing business.
- 20. The lessee has requested a new 10 year lease term and that Council consider relaxing the policy with regards to the 5 year renewal term. It was suggested that the salmon and herring industry operating on the south coast of WA may struggle to survive past this 10 year term due to ongoing regulatory restrictions and costs associated with the fishing industry.
- 21. A lease can be considered with commercial fishermen seeking accommodation at Cheyne Beach, provided they are actively engaged in the fishing industry and hold a current commercial fishing licence issued by the Department of Fisheries Western Australia.
- 22. It is noted the lessee has provided a current commercial fishing licence for Cheyne Beach.
- 23. It is proposed there be a lease special condition detailing the lessees structures including buildings on the site as follows:
 - a. The lessee acknowledges and agrees that structures including buildings on the site maybe damaged or destroyed by the action of tides and swell on the foreshore boundary and the useable area of the site will continue to diminish. All structures and buildings are the liability of the tenant and the Lease/Licence is of the land only.
 - b. No works are to be conducted on or adjacent to the site for the purposes of or with the intent of protecting the site or diminishing erosion of the site.
 - c. No works are to be conducted on or adjacent to the site, whether remedial or otherwise, without the permission of the City.
 - d. The tenant agrees at its cost to render safe and, if requested by the City, immediately remove any structure or building that has or may be adversely affected by the action of tides or swell or lack proper structural support or that have or will become unsafe, in the opinion of the City.
 - e. The tenant will indemnify the City against any loss or claim resulting from the tenant's occupation on the site.
- 24. Should Council approve a lease renewal term of 10 years, it is recommended there be a special condition within the lease and licence that upon termination, no renewal will be offered for sites 2 and 3 Cheyne Road and relocation to lots not on the waterfront be considered.
- 25. It is noted in March 2015 Council endorsed the Cheyne Beach Improvement Plan which proposes a number of improvements including a public day use area off Cheyne Road adjoining the licence area. The lessee has been consulted and is supportive of the plan.

GOVERNMENT & PUBLIC CONSULTATION

26. The Department of Lands will be consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister for Land's consent is obtained.
27. 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.
28. The new lease and licence will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

29. Section 18 the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
30. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
31. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings including advertising requirements. The proposed lease and licence will be advertised.
32. The *Aboriginal Heritage Act 1972* applies to any place or object of importance to persons of Aboriginal descent and Section 17 of this Act makes it an offence to destroy, damage or alter in any way an Aboriginal site or object. This Act applies to known and unknown sites.
33. In past discussions with the local Noongar community regarding the Cheynes Beach area, including visits on site, it is known to staff that there are areas in this locality of significance to the Noongar community. The City is proposing a full Aboriginal Heritage Survey to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage. This will include the potential development of the undeveloped fishermans' leases south of Cheyne Beach Road.

POLICY IMPLICATIONS

34. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
35. 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.
36. The Policy provides that any lease renewal for Commercial Fishing Accommodation will be for a maximum 5 year term.

37. The Lessee has requested a 10 year lease renewal term. The longer term provides the Lessee with further confidence in their fishing enterprise at Cheyne Beach and reduces costs to lessee of a new lease in 5 years time.
38. It is recommended that Council relax the policy with regards to the 5 year renewal term and consider a new 10 year lease term. This is on the basis the current lessee has sizeable investment within the site that could not easily be relocated, the family occupying the sites for in excess of sixty years and the benefit of the sites offered to other Cheyne Beach commercial fisherman.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Reputation: Renewal of lease and licence not approved.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: If new lease and licence are not approved – accommodation for the Cheynes fishing industry will be limited.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: New lease not approved – Current lessee forced to relocate if alternate site is available – may lead to closure of fishing business</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City to manage lessee reaction in a measured way. Consider relocation assistance to an alternate site at Cheyne Beach.</i>

FINANCIAL IMPLICATIONS

40. All costs associated with the development, execution and completion of the lease and licence documentation will be met by the lessee.
41. The new lease rental will be determined by market valuation proved by a licensed Valuer.
42. The new lease rental will be placed into the Cheyne Beach Improvement Reserve.

LEGAL IMPLICATIONS

43. The Deed will be prepared by City's lawyers, at the lessee expense.
44. The licence does not grant any rights of exclusive use or occupation over the land or within the licensed area.

ENVIRONMENTAL CONSIDERATIONS

45. Lots 2 and 3 are located on foreshore land where significant erosion is evident. With the trend of rising sea levels and increased extreme storm events, it is envisaged that this erosion will continue into the future and this may impact on the structural integrity of the existing buildings on Lots 2 and 3.

46. It is proposed to include special conditions in the lease to ensure no works are undertaken with the intent of protecting the site or diminishing erosion of the site. So no active interference by the lessee is permitted. Further, indemnification clauses will be included such that the City is not liable for any damage to the existing buildings as a result of continued erosion.

ALTERNATE OPTIONS

47. Council may:
- a. Approve the lease and licence for a 10 year term and relax the policy; or
 - b. Approve the lease and licence as per policy with a 5 year term; or
 - c. Decline the lease.
48. Should Council decline the lease, Westerberg Bros will need to work with the City to find an alternative location if they wish to continue to reside at Cheyne Beach to undertake commercial fishing operations. This may result in early closure of its fishing operations given the cost involved to relocate. However Council may consider some sort of assistance with relocation.
49. Westerberg Bros may be required to vacate the property, demolish and remove all infrastructure including buildings and make good the land.

SUMMARY CONCLUSION

50. It is understood the Westerberg family business has occupied lots 2 and 3 Cheyne Road for the past sixty years and have been the motivating force behind the Cheyne Beach fishing industry.
51. While Westerberg Bros are seeking Council approval to remain on the lots for a further 10 years, it is recognised that the lots foreshore boundaries are under pressure from coastal erosion. This may result in the erosion of the useable lease area and it is possible that existing buildings on site may be damaged.
52. The lessee acknowledges and agrees that no works are to be conducted on or adjacent to the site for the purposes of or with the intent of protecting the site or diminishing erosion of the site.
53. It is recommended that Council consider relaxing the Property Management (Leases and Licences) Policy provision for the renewal of commercial fishing accommodation leases and licences for a maximum 5 year period and grant the requested 10 year term.
54. Westerberg Bros anticipate the fishing industry at Cheyne Beach may not be viable for economic reasons into the future past this 10 years year period.
55. It is recommended that the proposed renewal of lease and licence to Westerberg Bros at Cheyne Beach for a 10 year term be supported.

Consulted References	:	<ul style="list-style-type: none">• Council Policy – Property Management (Leases and Licences)• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO230, A72350 (Kalgan Ward)
Previous Reference	:	OCM 18.09.2001 Item 11.3.2 OCM 18.09.2012 Item 1.1 OCM 26.11.2013 Item CSF034

**CSF189: NEW LEASES – CHEYNE BEACH HOLIDAY ACCOMMODATION
– CROWN RESERVE 878, CHEYNE BEACH**

Land Description : Portion of Crown Reserve 878 Lot 7442 on Deposited plan 214689 the subject of Head Certificate of Title Volume LR3082 Folio 959, Cheyne Beach

Proponent : City of Albany

Owner : Crown

Attachments : Standard Cheyne Beach Holiday Accommodation Lease

Supplementary Information & Councillor Workstation: :

- Schedule of Submissions dated 02/12/2013
- Schedule of Submissions dated 15/05/2015

Report Prepared by : Team Leader Property and Leasing (T Catherall)

Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - **Key Theme:** Civic Leadership
 - **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

Maps and Diagrams:



In Brief:

- Council is requested to consider the proposed 29 Cheyne Beach Holiday Accommodation Leases for sites currently occupied on portion of Crown Reserve 878.
- Current leases are due to expire 31 December 2015.
- The recommendation proposes that Council approve the new leases using the standard Cheyne Beach Holiday Accommodation Lease Agreement.

RECOMMENDATION

CSF189: COMMITTEE RECOMMENDATION

**MOVED COUNCILLOR HORTIN
SECONDED COUNCILLOR GREGSON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11/0

CSF189: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. APPROVE the following new Cheyne Beach Holiday Accommodation leases on Baxteri Road, Cheyne Beach being portion of Reserve 878, for the following:

Site Number	Name	Lease area (m2)
1	Gaetano and Robyn Lee D'Aprile	1000
2	Cornelis (JNR) and Katarina Wals	1000
3	Graeme Geoffrey Castlehow	1083
4	James Gerald Kelly and Yvonne Winifred Attwell	1000
5	Stanley John and Christine Elizabeth McCoy	1000
6	John Stewart and Shirley Anne Gibbons	1000
7	Geoffrey Allan and Dianna Lucille Lodge	1000
8	Kevin William and Judy Marie Roney	1000
9	Brian Ernest and Colleen Jean Sinclair Hammer	1000
10	Julian Charles Smith	1000
11	David Andrew and Ann Marie Holland	1000
12	Richard Turpin	906
13	Charles Lister and Maureen Carmel Gilbert	825
14	Michael Douglas and Denise Irene King	831
15	Shane John Jackman	1202
16	David Joseph and Kim Therese Killey	935
17	Peter Allan and Raeline Joanne Smith	993
18	Robyn Jillian Blight	953
19	Ian Thomas Neil and Elsie Kristina Smith	860
20	Brian Lee and Jeanette May Fuller	860
21	Tom Ellis Bowering	860
22	Paul Nathan and Chantel Margaret Lawson	860
23	The Estate of Kenneth Reginald King	860
24	Stanley Graham and Patricia Mary Wallis	860
25	Geoffrey Norman and Anne Marie Thomas	860
26	Steven Edward and Maxine Zoe Augustson	860
27	Marlene Evelyn Lenstra, Sylvia Deman, Eric Ronald Brouwer, Jillian Cynthia Brouwer, Dorothea Helen Brouwer, Maree Wilma Deimel, John Christian Brouwer	860
28	Kevin Francis and Moira Johnston Hazel	865
29	John Anthony and Dianne Elizabeth Ciprian	860

2. ENDORSE the following lease conditions to be applied:

- a. The format and conditions of the Standard Cheyne Beach Holiday Accommodation Lease Agreement to be used for the approved leases.
- b. Lease term being a maximum of 21 years commencing 1 January 2016.
- c. Lease permitted use being 'Holiday Accommodation' in accordance with the terms of the Lease and the Management Order for the reserve.
- d. Lease commencement rent being \$2,500 plus GST per annum, as provided by licensed Valuer.
- e. Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.
- f. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the lessee.
- g. All costs associated with the ongoing operations of lease property being payable by the lessee.
- h. The proposed lease being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- i. Pursuant to Section 18 of the Land Administration Act 1997, the Minister for Lands consent being obtained.
- j. Lease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

2. Crown Reserve 878 is under management order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station " for any term not exceeding 21 years subject to the consent of the Minister for Lands.
3. Crown Reserve 878, with an area of approximately 115 hectares is located at Cheyne Beach at the southern end of Hassell Beach. The Reserve is surrounded by approximately 3,500 hectares of National Park under the management of the Department of Parks and Wildlife.
4. The reserve currently hosts 29 Holiday Accommodation Leases, seven Accommodation associated with the Fishing Industry Leases with one Fishing licence. It is noted the Caravan Park was originally part of the reserve but this has been excised and is now freehold land.
5. Each of the 29 holiday accommodation leasehold sites are located in Baxteri Road. There are 11 sites located on the high side of Baxteri Road, with the remaining sites located on the ocean side of the road. The sites are generally similar in size and shape ranging from 825m² to 1202m².

Creation of leasehold sites

6. It is understood the Cheyne Beach area was initially settled by commercial fishermen. Historically the local farming community also visited and had their holidays in the area. Shacks were constructed to accommodate longer term stays.

7. In the 1960's the former Department of Lands and Surveys took steps to address illegal squatting along the entire WA coast and the removal of illegal shacks. As a result in March 1972 the former Shire of Albany requested that portion of Reserve 878 be set aside for holiday chalets to allow for relocation of illegal squatters shacks.
8. In September 1980 land was vested for Holiday Accommodation, with the power to lease for a maximum of 21 years.
9. In 1983 the then Shire sought and received endorsement of the Department of Lands and Surveys to Council proposal to lease 29 sites for holiday chalets for a term of 21 years.
10. It was proposed these lots would cater for the demand from people living in the surrounding rural areas for holiday accommodation at Cheynes, and assist with the relocation of existing squatters shacks.

Leases

11. In the 1988 and 1989 the leasehold sites were tendered out on the following conditions, in summary:
 - Minimum cost of leasehold tender being \$5,000.
 - Term of 21 years.
 - Holiday accommodation only – permanent occupancy is not permitted.
 - Lessee responsible for services such as rainwater collection, on-site effluent disposal system and connection to electricity supply.
 - Building improvements to be built within two years of lease agreement.
 - No animals or birds allowed.
12. It is noted that amounts between \$5,000 and \$7,300 were paid by the successful tenders for the original 21 year lease. The initial lease rental of \$145.00 per annum was set as the equivalent to Minimum Land Rate at the time set by Council and reviewed every 2 years.
13. The lessees have constructed buildings and improvements on the leased land which are the sole responsibility of lessees.
14. The original lease permitted short term stay holiday accommodation limiting occupancy of leasehold properties to no more than three months within any one year and permanent occupation was not permitted.
15. The leases expired in 2009. In October 2010 Council approved new holiday accommodation leases for terms of up to five years expiring 31 December 2015. This was deemed sufficient time for LandCorp to consider the expansion of the Cheyne Beach town site and conversion of leasehold sites to freehold.

Possible leasehold sites being converted to freehold

16. Council had previously supported the Cheyne Beach leasehold sites being converted to freehold. At its meeting on 18 September 2001 the City resolved to write to the State Government requesting LandCorp prepare a detailed structure plan over Reserve 878 and consider converting the leases into freehold titles at Cheyne Beach.
17. At that time, LandCorp were unable to commit to undertaking the structure planning work and freeholding of the leasehold sites.

18. In August 2005 Council again resolved to advocate with LandCorp to convert the leases to freehold and expand the settlement of Cheyne Beach. A petition signed by the lessees in support of freeholding was also referred to LandCorp identifying that the community was supportive of the request.
19. Again Landcorp who were managing a number of priority projects across the state could not commit to doing further feasibility studies and the preparation of the structure plan.
20. In March 2011, on advice from LandCorp, the City lodged a Regional Development Assistance Program (RDAP) application for an initial feasibility study to determine the likely infrastructure costs and environmental impacts of expanding the town site, including considering leasehold sites being converted to freehold.
21. In April 2012 an update from LandCorp was provided to the City with regard to the RDAP application, noting:
 - The Board determined the assessment would not be funded this year but remained “active”.
 - The proposal had significant servicing issues, such as water supply, sewerage and power supplies.
 - The proposal had problems due to the long lead time to actual development as was not able to be implemented quickly.
 - The assessment would be influenced by the outcome of the Department of Health Country Towns Sewerage Policy and WA planning Commission’s Lower Great Southern Strategy.
 - The proposal would be represented to the Board again for a decision.
22. In April 2013 LandCorp advised the City the Cheyne Beach proposal had not been successful due to unproven demand for land as a result of the Grange project being placed on hold.
23. LandCorp suggested that the City discuss converting the leasehold sites to freehold with the (former) Department of Regional Development and Lands who advised they may consider a proposal from the City subject to the purchase of the land as a single lot.
24. The purchase of land proposal would require support from the WA Planning Commission to subdivide the land to create individual lots for each of the current leases. The City was advised that substantial infrastructure upgrade would be required to progress at considerable cost to Council.
25. Preliminary investigations into costs involved in the purchase of the land, required infrastructure upgrades, extension of services such as power supply and a sewerage treatment plan, indicated that it would not be viable to establish individual freehold lots.
26. Given the difficulties in the conversion to freehold, including; the new set backs on coastal development which would likely require the 18 ocean side sites be moved, the enormous cost involved in purchasing a super lot and subdividing, the financial burdens that would be placed on both the City of Albany and lessees as a result, the City determined it is unable to recommend to Council to further pursue freeholding of leasehold sites.

DISCUSSION

27. In November 2014, the City met with lessee’s in a community forum to discuss all lease matters past lease expiry on 31 December 2015. The lessee’s were provided with an

update on planning matters regarding the conversion of leasehold land to freehold titles and future lease options were discussed.

28. Lessees were invited to provide comment and complete a prepared survey on the future lease options. 22 responses were received. The feedback, statutory obligations and City policies were taken into consideration when developing the new standard Cheyne Beach Holiday Accommodation Lease Agreement.
29. In summary, key aspects of the proposed standard lease are:
 - Each lease needs to be approved by the Minister for Lands;
 - Lease term being a maximum of 21 years;
 - Lease rental being \$2,500 plus GST per annum, provided by a Licensed Valuer based on the unimproved market land rental value;
 - Rent reviews by market valuation every three years with CPI applied for intervening years;
 - Lease permitted use being 'Holiday Accommodation';
 - Leased property must not be used as the primary place of residence;
 - Leased property and the locality are not suitable for permanent accommodation;
 - Leased property cannot be rented, hired or let;
 - Camping permitted in line with the Caravan & Camping Ground Regulations 1997;
 - Buildings are the sole responsibility of tenant;
 - On termination buildings and improvements are to be removed and the land restored unless otherwise notified by the Landlord;
 - Each tenant shall provide adequate electricity supply services, potable water supply and shall maintain a rain water storage tank of at least 55,000 litres, adequate effluent disposal system and parking;
 - No pets allowed;
 - Special environmental conditions detailing clearing arrangements and weed control; and
 - Cheyne Beach Planning Policy will apply to future development approvals.
30. The Department of Lands has provided preliminary Minister's consent to the proposed standard lease.
31. In April 2015, the proposed standard lease was forwarded to lessees for comment. All six comments received raised no concerns with the lease.
32. The proposed standard lease was presented to the Elected Members Strategic Workshop on 16 June 2015 for comments prior to negotiating individual leases that are subject to Council approval and Minister for Lands consent.

GOVERNMENT & PUBLIC CONSULTATION

33. The Department of Lands has been consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister for Land's consent is obtained. Section 18 preliminary consent has been granted.
34. 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.

35. Any new Cheyne Beach Holiday Accommodation lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

- 36. 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 or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands. The Minister's consent has been granted for the proposed new standard deed.
- 37. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings including advertising requirements. The proposed leases will be advertised.
- 38. The *Aboriginal Heritage Act 1972* applies to any place or object of importance to persons of Aboriginal descent and Section 17 of this Act makes it an offence to destroy, damage or alter in any way an Aboriginal site or object. This Act applies to known and unknown sites.
- 39. The City is proposing a full Aboriginal Heritage Survey to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage.

POLICY IMPLICATIONS

- 40. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: Council does not approve proposed standard lease terms & conditions</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: New lease is not approved – Lessee to remove buildings and make good the land</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>City to manage lessee reaction in a measured way and ensure open communication with lessees.</i>
<i>Community: New lease is not approved – Lessee to remove buildings and make good the land</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City to work with lessee to minimise any disruption to the nearby community.</i>

FINANCIAL IMPLICATIONS

- 42. All costs associated with the licence documentation of approximately \$450 plus GST will be met by the lessee.
- 43. The City has agreed to meet the survey and advertising costs totalling approximately \$7,200 plus GST.

44. It is proposed the new lease rental of \$2,500 plus GST per annum from each lessee be placed in a Reserve Fund for the sole purpose of facilitating community maintenance and enhancement projects in the Cheyne Beach locality.

LEGAL IMPLICATIONS

45. The proposed standard deed has been prepared by City's lawyer, at lessee expense.

ENVIRONMENTAL CONSIDERATIONS

46. There are no environmental considerations.

ALTERNATE OPTIONS

47. Council may:
- a. Approve the proposed new leases; or
 - b. Decline the leases.
48. Should Council decline the leases, Council may direct that lessees continue to occupy on monthly holding over arrangements until lease matters are addressed to Council satisfaction.
49. Should Council decline the leases, lessees could be required to demolish and remove all buildings and improvements and make good the land to its original condition. Council could invite expressions of interest to construct holiday accommodation and enter into new lease arrangements with a new lessee.

SUMMARY CONCLUSION

50. The current Cheyne Beach Holiday Accommodation leases are due to expire on 31 December 2015.
51. For a number of years the City explored the expansion of the Cheyne Beach town site and the associated possibility of leasehold sites being converted to freehold title. However, it has since been determined by the City, that development conditions and major costs associated with freeholding sites would be prohibitive.
52. A standard lease has been developed with updated terms and conditions to be used for new leases.
53. It is recommended that the new 21 year leases to current lessees be supported.

Consulted References	:	<ul style="list-style-type: none"> • Council Policy – Property Management (Leases and Licences) 2012 • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO264, A174625 (Kalgan Ward)
Previous Reference	:	OCM 18/09/2001 Item 11.3.2 OCM 16/08/2005 Item 11.1.1 OCM 19/10/2010 Item 2.7

CSF190: POLICY OPTIONS FOR INCREASING ELECTED MEMBER PARTICIPATION IN TRAINING

Attachments	: Discussion Paper: <i>Policy Options to Increase Elected Member Training Participation</i> .
Report Prepared by	: Manager Governance & Risk Management (S Jamieson)
Responsible Officer	: Chief Executive Officer (G Foster)

Responsible Officer's Signature:**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.1 Develop informed and transparent decision making processes.

In Brief:

- To guide WALGA's future policy development and advocacy, Council consideration and feedback is requested on the attached Discussion Paper: *Policy Options to Increase Elected Member Training Participation*.
- Feedback, including general comments as well as answers to the questions on pages 30 - 31 of the attached paper, by **Friday, 13 November 2015**
- Following feedback from the sector, WALGA will prepare an item for future Zone and State Council consideration.

RECOMMENDATION**CSF190: COMMITTEE RECOMMENDATION****MOVED COUNCILLOR HOLLINGWORTH
SECONDED COUNCILLOR SUTTON****THAT the Responsible Officer Recommendation be ADOPTED.****CARRIED 11/0****CSF190: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- (1) RECEIVE the attached WALGA discussion paper titled: "*Discussion Paper: Policy Options to Increase Elected Member Training Participation*".
- (2) With the assistance of the Chief Executive Officer, prepare a Council response to the following questions:
 - Best Practice Induction Programs – does Council support Local Governments adopting and delivering a structured and thorough Council induction program? If so, should legislation be changed for this to be a requirement, or should it remain voluntary?
 - Training and Development Policy – does Council support legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election?

- Candidate Requirements – does Council support legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election?

BACKGROUND

2. The Minister for Local Government, the Department of Local Government and Communities, and other stakeholders have, over recent years, suggested that participation in Elected Member training should be mandatory or incentivised.
3. In response the Western Australian Local Government Association (WALGA), have prepared the attached discussion paper.
4. The discussion paper provides an opportunity for the Local Government sector to proactively shape the debate in relation to increased Elected Member participation in training prior to Government policy or legislative change.
5. The discussion paper comprises four sections:
 - a. Section One discusses the role of WALGA, outlines the importance and benefits of training, and explores the policy context in Western Australia and interstate;
 - b. Section Two outlines the existing training framework for Local Government Elected Members, including Council induction programs and accessibility features of the formal training framework;
 - c. Section Three explores policy options to increase Elected Member participation in training including options to compel or incentivise training; and
 - d. Section Four summarises the policy options and outlines a process for Local Government and stakeholder feedback.

DISCUSSION

6. Calls for greater Elected Member training are predicated on the belief that Elected Members who undertake training and professional development are better able to perform their role as an Elected Member and are able to offer greater strategic contributions to the Council's decision making processes.
7. The desire of state governments for increased Elected Member participation in training is not unique to Western Australia.
8. For instance, the New South Wales Local Government Independent Review Panel recommended the introduction of mandatory Elected Member training in its 2013 report. Further, in 2014, training for Elected Members became mandatory for newly elected Members in South Australia.
9. The discussion paper explores policy options for increasing Elected Member participation in training in this context of calls for Elected Member participation in training to be increased, six policy options have been explored:
 - a. Enhance desirability of training offerings;
 - b. Delivery of best practice Council induction programs;
 - c. Require Councils to adopt a training policy;
 - d. Require candidates to attend training prior to nominating for election;
 - e. Incentivise training through the remuneration framework; and
 - f. Mandate training for newly elected Elected Members.
10. While the submission of general comments is welcome, the following questions have been prepared to assist in eliciting comparable information from Local Governments:
 - a. Best Practice Induction Programs – does Council support Local Governments adopting and delivering a structured and thorough Council induction program? If so,

should legislation be changed for this to be a requirement, or should it remain voluntary?

- b. Training and Development Policy – does Council support legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election?
- c. Candidate Requirements – does Council support legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election?

GOVERNMENT & PUBLIC CONSULTATION

11. Following feedback from the sector, WALGA will prepare an item for future Zone and State Council consideration.
12. No additional public or public consultation has been conducted in preparation of this report.
13. Local Governments are invited to provide feedback on any and all of the policy options explored in this paper, and any other relevant matter, including their preferred policy framework by Friday, 13 November 2015.

STATUTORY IMPLICATIONS

14. There are no current statutory implications related to this report.
15. The state government and other stakeholders, in Western Australia, have suggested policy or legislative change to increase Elected Member participation in training.

POLICY IMPLICATIONS

16. The discussion paper proposes a number of options.
17. Council may also consider it appropriate to formally adopt the City's current Elected Member training and induction program implemented in October 2013.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Council consideration and feedback is not provided.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>City Officers facilitate feedback from individual Elected Members.</i>

FINANCIAL IMPLICATIONS

19. Nil.

LEGAL IMPLICATIONS

20. Nil.

ENVIRONMENTAL CONSIDERATIONS

21. Nil.

ALTERNATE OPTIONS

22. Council may chose to provide a response either as an elected group; individual; or both.
23. Council may chose to explore other options and provide additional feedback.

SUMMARY CONCLUSION

24. It is recommended that Elected Members provide feedback to the Chief Executive Officer, who will in turn prepare an Officer Report and Recommendation for Council consideration.

Consulted References	:	Nil
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

**CSF191: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 JULY 2015**

Attachments : Budget Review for the period ending 31 July 2015
Report Prepared by : Business Analyst/Management Accountant (D Harrison)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objective:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.3_Integrated Planning Framework.

In Brief:

1. Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the Local Government (Financial Management) Regulations 1996. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
2. This review is for the period ending 31 July 2015 and will be followed by a proposed further review for the period ending 31 January 2016. Budget adjustments of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of these reviews.

RECOMMENDATION

CSF191: COMMITTEE RECOMMENDATION

**MOVED COUNCILLOR BOWLES
SECONDED COUNCILLOR PRICE**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11/0

CSF191: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 July 2015

BACKGROUND

2. Council adopted the 2015/2016 Budget on 28 July 2015 (total budget of \$104.8M comprising \$39.5M capital works, \$1.8M debt reduction and \$63.5M in operating expenditure).
3. This Budget Review identifies expenditure of \$1,346,244 for general works, variations and new projects. Funding of \$1,539,846 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and increase in opening funds has been identified in this review to maintain a surplus budget.

This budget review shows the 2015 -16 budget in a surplus position of \$193,602.

Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

A copy of the Budget Review for the period ending 31 July 2015 is attached.

GOVERNMENT & PUBLIC CONSULTATION

4. Nil.

STATUTORY IMPLICATIONS

5. Under the Local Government Act 1995, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a) is incurred in a financial year before the adoption of the annual budget by the local government
 - b) is authorized in advance by a resolution (absolute majority required) or;
 - c) is authorized in advance by the mayor in an emergency.
6. Numbered paragraph.

POLICY IMPLICATIONS

7. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial: Council does not approve the Budget Review</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The existing Annual Budget would apply and proposed amendments would not apply.</i>

FINANCIAL IMPLICATIONS

BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2015

This Review Maintains Council's Budget in a Surplus Position

GENERAL WORKS/VARIATIONS. (Additional Funds Required)		\$
		(1,346,244)
FUNDED BY		
- Reduction in Expenditure	-	
- Adjustment in Grant/Contributions Funding	736,249	
- Adjustment in Revenue	27,500	
- Restricted Cash Adjustments	<u>359,100</u>	<u>1,122,849</u>
Balance		<u><u>(223,395)</u></u>
- Adjustment to opening funds from forecast to actual 30 June	155,344	
- Carry Forward Adjustment From 2014/15 Financial Year	261,653	
2015/16 Budgeted Surplus		<u><u>193,602</u></u>

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil.

ALTERNATE OPTIONS

11. Adopt the Budget Review for the period ending 31 July 2015 with amendments (as specified by Council)

SUMMARY CONCLUSION

12.

Consulted References	:	Adopted Budget 2014-15 Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.2
Previous Reference	:	Annual Budget – Ordinary Council Meeting 28th July 2015

12. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
13. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
14. **REPORTS OF CITY OFFICERS**
15. **CLOSURE** [6:23:51 PM](#) there being no further business the Chair declared the meeting closed.

(Unconfirmed Minutes)

Councillor G Stocks
CHAIR