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# MINUTES

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## **CORPORATE SERVICES AND FINANCE COMMITTEE MEETING**

**8 DECEMBER 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:** Councillor

**(4) Membership:** *Mayor Wellington, Councillor Goode, Councillor Stocks, Councillor Mulcahy, Councillor Hollingworth, Councillor Shanahun, Councillor Hammond, Councillor Terry, Councillor Dowling, Councillor Price, Councillor Smith*

**(5) Meeting Schedule:** 2<sup>ND</sup> Tuesday of the Month

**(6) Meeting Location:** Council Chambers

**(7) Executive Officer:** Executive Director Corporate Services

**(8) Delegated Authority:** None

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**1. DECLARATION OF OPENING**

[5:30:47 PM](#) The Chair 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 (Member)

**Councillors:**

Member

G Stocks

Member

R Hammond

Member

P Terry

Member

A Goode JP

Member

J Shanhun

Member

S Smith

Member

J Price

Member

N Mulcahy

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

D Olde

Executive Director Works and Services

M Thomson

Manager Governance, Risk Management  
& ICT Services

S Jamieson

Meeting Secretary

J Williamson

**Apologies:**

Member

C Dowling (Leave of Absence)

Member

B Hollingworth (Leave of Absence)

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest
Councillor Terry	CSF211	<b>Impartiality.</b> The nature of the interest being that Councillor Terry is a member of the Princess Royal Sailing Club. Councillor Terry remained in the Chamber and participated in the discussion and vote.
Councillor Stocks	CSF211	<b>Impartiality.</b> The nature of the interest being that Councillor Stocks is a member of a club listed as being a recipient of the current rating subsidy. Councillor Stocks remained in the Chamber and participated in the discussion and vote.
Councillor Price	CSF214	<b>Impartiality.</b> The nature of the interest being that Councillor Price is an ordinary member of the Albany Agricultural Society with membership valid until 30 June 2016. Councillor Price remained in the Chamber and participated in the discussion and vote.
Councillor Hammond	CSF214	<b>Impartiality.</b> The nature of the interest being that Councillor Hammond is a member of the Albany Agricultural Society. Councillor Hammond remained in the Chamber and participated in the discussion and vote.
ED Corporate Services - D Olde	CSF214	<b>Impartiality.</b> The nature of the interest being that Mr Olde is a member of the Albany Agricultural Society.
Councillor Mulcahy	CSF211	<b>Impartiality.</b> The nature of the interest being that Councillor Mulcahy's son is a member of Scouts Association WA. Councillor Mulcahy remained in the Chamber and participated in the discussion and vote.
Councillor Smith	CSF211	<b>Impartiality.</b> The nature of the interest being that Councillor Smith's spouse is a member of the Albany Golf Club. Councillor Smith remained in the Chamber and participated in the discussion and vote.

5. **RESPONSE TO QUESTIONS TAKEN ON NOTICE Nil**
6. **PUBLIC QUESTION TIME Nil**
7. **PETITIONS AND DEPUTATIONS Nil**
8. **CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE**

**SECONDED: COUNCILLOR SHANHUN**

**THAT the minutes of the Corporate Services and Finance Meeting held on 10 November 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 9-0**

**9. PRESENTATIONS:**

Albany Agricultural Society Presentation-this presentation will take place behind closed doors.

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR SMITH**

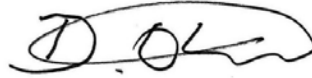
**THAT Item CSF214: Albany Agricultural Society – Future Use and Tenure in Centennial Park, be considered as the last item of business.**

**CARRIED 9-0**

**CSF206: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2015**

**Attachment** : Financial Activity Statement  
**Responsible Officer** : Acting Executive Director Corporate Services (D Olde)

**Responsible Officer's Signature:**



**CSF206: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR PRICE**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 9-0**

**CSF206: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2015.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 October 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 October 2015 has been incurred in accordance with the 2015/16 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 2015/16 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.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF207: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2015**

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

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF207: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON**  
**SECONDED: COUNCILLOR PRICE**

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

**CARRIED 9-0**

**CSF207: RESPONSIBLE OFFICER RECOMMENDATION**

That Council receive the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2015 totalling \$5,922,232.36.

**BACKGROUND**

- 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**

- The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2015. Please refer to the Attachment to this report.

**Municipal Fund**

Trust	\$1,280.00
Credit Cards	\$16,822.17
Payroll	\$1,203,109.38
Cheques	\$78,439.25
Electronic Funds Transfer	\$4,622,581.56
<b>TOTAL</b>	<b><u>\$5,922,232.36</u></b>

- As at 15 November 2015, the total outstanding creditors, stands at \$629,874.10 and made up as follows:-

Current	\$187,022.10
30 Days	\$444,979.11
60 Days	\$43.43
90 Days	-\$2,170.54
<b>TOTAL</b>	<b><u>\$629,874.10</u></b>

Cancelled cheques: 30889 – cheque reissued on cheque numbers 30895 and 30896.  
30893 – incorrect creditor used, cancelled and reprocessed to correct creditor.

#### 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 November 2015 has been incurred in accordance with the 2015/2016 budget parameters.

#### FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 November 2015 has been incurred in accordance with the 2015/2016 budget parameters.

#### SUMMARY CONCLUSION

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CSF208: 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 (A Sharpe)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF208: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MULCAHY**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 9-0**

**CSF208: RESPONSIBLE OFFICER RECOMMENDATION**

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

**CSF209: APPOINT THE WAEC TO CONDUCT ORDINARY AND EXTRA  
ORDINARY ELECTIONS**

**Proponent** : City of Albany  
**Attachments** : ICR15203849-Letter from Electoral Commissioner  
**Report Prepared By:** : Manager Governance & Risk Management (S Jamieson)  
**Responsible Officer** : Chief Executive Officer (A Sharpe)

**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 Objectives:**
    - 5.1. To establish and maintain sound business and governance structures.
    - 5.3 To engage effectively with our community.
  - c. **Strategic Initiative:** 5.3.2. Improve community engagement processes and platforms

**In Brief:**

- Agree to conduct ordinary and extraordinary elections by postal vote.
- Declare that the WA Electoral Commissioner be responsible for the conduct of all elections until the end of 2017.

**RECOMMENDATION**

**CSF209: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR PRICE**

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

**CARRIED 9-0**

**CSF209: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- DECLARE in accordance with section 4.20(4) of the Local Government Act 1995 (the Act), that the Electoral Commissioner be responsible for the conduct of all elections until the end of 2017.
- DECIDE, in accordance with section 4.61(2) of the Act, that the method of conducting the elections during this period will be postal.

**BACKGROUND**

2. The current agreement between the City of Albany and the Electoral Commissioner to conduct postal elections for the City expires at the end of 2015.

**DISCUSSION**

3. The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts elections on request under the Local Government Act 1995 (the Act).
4. By making the Western Australian Electoral Commission (WAEC) responsible for the extraordinary and future elections, the City of Albany can ensure that the election is conducted by professional, experienced staff that are independent and impartial.
5. Other advantages for the City of Albany having the election conducted by the WAEC:
  - a. Ensures that all statutory requirements are fulfilled, noting that it is not the core business of the CEO to run elections;
  - b. A full election report (including statistics) is prepared by the WAEC for presentation to Council;
  - c. The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the appointed election Project Manager; and
  - d. Processes, materials and equipment used meet contemporary electoral standards.
6. Declaring the Electoral Commissioner to be responsible for the conduct of all elections until the end of 2017 is appropriate to ensure that Council does not need to go through this process again should a vacancy arise prior to the 2017 Ordinary Election.

**GOVERNMENT & PUBLIC CONSULTATION**

7. There is no requirement to conduct public consultation for this item.
8. Noting section 4.20(4) of the Act (see Statutory Implications), approval was sought from the WA Electoral Commissioner, with approval being received on 23 November 2015.

**STATUTORY IMPLICATIONS**

9. Section 4.20(4) of the Act states: *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

***\*Absolute majority required.***

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

11. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance</b> <i>Appointment of the WAEC to conduct the elections is not supported</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The Election would be run by City of Albany staff.</i>

### FINANCIAL IMPLICATIONS

12. The cost for the WAEC to conduct the ordinary election is approximately \$90,000, and extra ordinary elections being approximately \$18,000.
13. Costs not incorporated in the estimate include (approximately \$2,000):
  - a. non-statutory (i.e. additional advertisements in community newspapers and promotional advertising);
  - b. any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
  - c. one local government staff member to work in the polling place on election day.

### LEGAL IMPLICATIONS

14. There are no legal implications related to this report except for compliance with specific provisions of the *Local Government Act 1995*.

### ENVIRONMENTAL CONSIDERATIONS

15. There are no direct environmental considerations related to this report.

### ALTERNATE OPTIONS

16. **Option One.** “postal election” which is an election in which the method of casting votes is to be posting or delivering them to an electoral officer on or before election day; or
17. **Option Two.** “voting in person election” which is an election in which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with the regulations.

### SUMMARY CONCLUSION

18. That the WA Electoral Commissioner be appointed to conduct ordinary and extraordinary elections by postal vote until the end of 2017.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 18/12/2012 Item 1.3 OCM 6/12/2011 Item 6.2 SCM 27 November 2013 Item SCM004

**CSF210: NEW LEASES – WAYNE CORNELL BIRSS – ANDREW GORDON CRUICKSHANK – DAVID KEVAN WHEATCROFT – 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

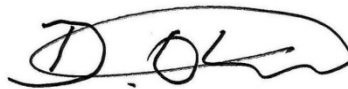
**Proponent** : Wayne Cornell Birss  
Andrew Gordon Cruickshank  
David Kevan Wheatcroft

**Owner** : Crown

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

**Responsible Officer** : Executive Director Corporate Services (D Olde)

**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 the following three leases in order to continue the existing use of accommodation associated with the commercial fishing industry at Cheyne Beach:
  - a. Wayne Cornell Birss over lot 8 Cheyne Road for a term of 10 years with an option for a further 10 year term.
  - b. Andrew Gordon Cruickshank over lot 9 Cheyne Road for a term of 10 years with an option for a further 10 year term.
  - c. David Kevan Wheatcroft over lot 11 Cheyne Road for a 10 year term with an option for a further 10 year term.
- All structures and buildings are the liability of the lessee and the Lease is for the land only.
- The recommendation proposes that Council approve the three new leases.

**RECOMMENDATION**

**CSF210: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR HAMMOND**

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

**CARRIED 9-0**

**CSF210: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council APPROVE the following leases on portion of Reserve 878 to:

1. Wayne Cornell Birss over Lot 8 Cheyne Road, Cheyne Beach.
2. Andrew Gordon Cruickshank over Lot 9 Cheyne Road, Cheyne Beach.
3. David Kevan Wheatcroft over Lot 11 Cheyne Road, Cheyne Beach.

Subject to:

- a) Lease purpose being “Accommodation associated with the Commercial Fishing Industry” in accordance with the Management Order for the reserve.
- b) 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.
- c) Lease areas being approximately 1826m<sup>2</sup> to be confirmed by survey.
- d) Lease rent being \$2,500 plus GST per annum as determined by market valuation provided by a licensed Valuer.
- e) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.
- f) Lease term being 10 years with an option for a further 10 years.
- g) Lease commencement date being 1 February 2016.
- h) All costs associated with the ongoing operations of the lease property being payable by the lessee.

- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the lessee.
- j) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.
- k) The proposed leases being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.
- l) Cheyne Beach Planning Policy will apply to future development approvals.
- m) 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. 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 associated Fishing licence for access to the waterfront for fish loading operations.
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. Cheyne Beach Holiday Accommodation leases are located along Baxteri Road, Cheynes.
7. The Cheyne Beach Caravan Park was originally part of Reserve 878 but this has been excised and is now freehold land adjacent to the 16 surveyed lots reserved for fishing accommodation land.
8. In February 1996 the former Shire of Albany entered into lease agreements with Wayne Cornell Birss, Andrew Gordon Cruickshank (Snr) and David Kevan Wheatcroft enabling the commercial fishermen to formalise their fishing accommodation needs at Cheyne Beach.
9. Commercial fishermen have been fishing the Cheyne Beach area in excess of 60 years and it is understood the families of the three proponents have a long term association with the Cheyne Beach fishing industry.
10. The leases for a term of 10 years, commenced 1 February 1996, with a 10 year further term option exercised, are due to expire 31 January 2016. Current lease rental payable to the City, reviewed every second year by market valuation is \$2,350.00 plus GST per annum.

11. The lease for Lot 9 was assigned to the current lessee, Andrew Gordon Cruickshank (Jnr) from the Estate of Andrew Gordon Cruickshank (Snr) in August 2008.
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 three lease sites have been developed by each lessee with dwellings to accommodate their needs during the fishing season.
14. Council has recently renewed lease and licence over waterfront lots 2 and 3 Cheyne Road to Westerberg Bros for accommodation associated with the fishing industry and fish loading operations for term of 10 years. The term was based on waterfront land with special lease conditions around erosion on foreshore boundaries demising the useable lease area and potential damage to existing lessee infrastructure.
15. It is noted the proposed three leases for lots 8, 9 and 11 Cheyne Road are not located on waterfront land.

## **DISCUSSION**

16. The three lessees have requested approval to a renewal of their leases for a 10 year term with an option for a further 10 year term to allow them continue their commercial fishing activities from Cheyne Beach.
17. A term of 10 years with an option for a further 10 year term is consistent with existing Cheyne Beach commercial fishing leases not located on waterfront land and Council Policy – Property Management (Leases and Licences).
18. A lease can be considered with commercial fishermen seeking accommodation at Cheyne Beach, provided they are actively engaged in the fishing industry at Cheyne Beach and hold a current commercial fishing licence issued by the Department of Fisheries Western Australia.
19. The lessee may also be required to provide evidence of submitted catch information each year. Evidence should be capable of independent verification by production of licences and submitted catch information. Should any of these requirements not be met in any year holding the lease, the lease may be terminated.
20. It is noted that each lessee has provided a current commercial fishing licence.
21. The lessee will be required to use the location for own or direct employee accommodation only.
22. The three lessees have met the obligations of their previous lease including payment of rent and outgoings and holding required licences.
23. The proposed leases will be developed in line with Council Policy – Property Management (Leases and Licences).

## **GOVERNMENT & PUBLIC CONSULTATION**

24. 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.
25. 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.
26. The new leases will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

## **STATUTORY IMPLICATIONS**

27. 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.
28. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.
29. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings including advertising requirements. The proposed leases will be advertised.
30. 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.
31. In past discussions with the local Noongar community regarding the Cheyne Beach area, including visits on site, it is known to staff that there are areas in this locality of significance to the Noongar community. A full Aboriginal Heritage Survey was recently undertaken to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage.
32. Any future development needs to be considered in the context of the recommendation of the Heritage Survey.

## **POLICY IMPLICATIONS**

33. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
34. 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.

35. The recommendation is consistent with Council Policy – Property Management (Leases and Licences).

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Reputation: Renewal of leases 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 leases 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 leases not approved – lessees to remove buildings and make good the land – may lead to closure of fishing operations</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City to manage lessee's reaction in a measured way and ensure open communication with lessees.</i>

### FINANCIAL IMPLICATIONS

37. All costs associated with the development, execution and completion of the lease documentation will be met by the lessees.
38. Lease rental being \$2,500 plus GST per annum as determined by market valuation provided by a licensed Valuer.
39. The new lease rental will be placed into the Cheyne Beach Improvement Reserve for the purpose of facilitating community maintenance and enhancement projects in the Cheyne Beach locality.

### LEGAL IMPLICATIONS

40. The Deed will be prepared by City's lawyers, at the lessee's expense.

### ENVIRONMENTAL CONSIDERATIONS

41. There are no environment considerations.

### ALTERNATE OPTIONS

42. Council may:
- a. Approve the proposed new leases; or
  - b. Decline the leases.
43. Should Council decline the leases, alternate accommodation may be sought by the lessees should they wish to reside at Cheyne Beach to undertake commercial fishing operations. This may prove difficult given limited land available for development within the reserve.

44. Should Council decline the leases, lessees may be required to vacate the property, demolish and remove all buildings and improvements and make good the land.

**SUMMARY CONCLUSION**

45. The current Cheyne Beach Commercial Fishermans Accommodation leases for Wayne Cornell Birss, Andrew Gordon Cruickshank and David Kevan Wheatcroft over lots 8, 9 and 11 Cheyne Road, Cheyne Beach are due to expire on 31 January 2016.
46. The three lessees have requested to renew their leases for a term of 10 years with an option for a further 10 year term so they may continue their commercial fishing activities at Cheyne Beach.
47. All three lessees hold current commercial fishing licences.
48. It is understood all three lessees have long term family connections with the Cheyne Beach fishing industry.
49. It is recommended that the proposed renewal of leases be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management (Leases and Licences)</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO196, A225795 (Kalgan Ward) PRO198, A52441 (Kalgan Ward) PRO210, A52455 (Kalgan Ward)
<b>Previous Reference</b>	:	OCM 14.07.2015 Item CSF181 OCM 11.07.2015 Item CSF188

**CSF211: RATING SUBSIDY POLICY – SPORTING & COMMUNITY GROUPS**

**Business Entity Name** : City of Albany  
**Attachments** : Draft Council Policy: Rating Subsidy – Sporting and Community Organisations  
**Report Prepared by** : Executive Director Corporate Services (D. Olde)  
**Responsible Officer** : Executive Director Corporate Services (D. Olde)

**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:** Nil

**In Brief:**

- Consider adoption of the Rating Subsidy – Sporting and Community Organisations policy position.

**RECOMMENDATION**

**CSF211: PROCEDURAL MOTION BY COUNCILLOR GOODE**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: MAYOR WELLINGTON**

**THAT this item be deferred for consideration at the February 2016 Corporate Services and Finance Committee meeting.**

**CARRIED 9-0**

**Reason:** To allow staff to conduct further research, and the findings be presented to the February 2016 Corporate Services and Finance Committee meeting.

**CSF211: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ADOPT the Rating Subsidy – Sporting and Community Organisations Policy.**

**BACKGROUND**

2. For a number of years, the City has offered a subsidy on rates for a select group of sporting and community organisations.
3. No legislative requirement exists requiring any subsidy to be offered, unlike the exemption claimed by charitable organisations.

**DISCUSSION**

4. No policy or formal program currently exists for the allocation of rating subsidies.
5. A program has existed for a number of years giving rating subsidies to community and sporting groups. The origins of this program are unclear. In the past, this subsidy has been part of various community financial assistance programs. Regardless of the precise nature of any program, a rating subsidy has been given to various organisations since 1999.
6. A draft Council policy position has been drafted for Council consideration for the purpose of:
  - a. transparency and accountability; and
  - b. for providing an opportunity to eligible organisations to receive the subsidy.
7. The policy outlines the type of organisations that would be considered eligible to receive a rates subsidy; and the evidence that may be required to make an informed and transparent assessment.
8. To ensure that Council is fully informed on the total cost of the subsidy an estimate of the subsidy and the list of recipients will be presented for endorsement and approval as part of the budget approval process.
9. This policy will be effective from 1 July 2016.
10. For the 2015/16 subsidy, item CSF195 was endorsed at the Ordinary Council meeting held on 22 September 2015.
11. The following table lists the organisations currently receiving a rating subsidy.

**Table 1**

<b>Assess No.</b>	<b>Community / Sporting Group Name</b>
A133873	ALBANY ATHLETICS GROUP
A179378	ALBANY BOATING & OFFSHORE FISHING CLUB
A161280	ALBANY BOWLING CLUB
A161537	ALBANY BRIDGE CLUB INC
A149179	ALBANY CLUB INC (1932)
A204735	ALBANY ENTERPRISE GROUP
A174427	ALBANY EQUESTRIAN CENTRE
A124369	ALBANY GIRL GUIDES ASSN
A136770	ALBANY GOLF CLUB
A14758	ALBANY HARNESS RACING CLUB INC
A14780	ALBANY ITALIAN CLUB
A82145	ALBANY KINDERGARTEN
A156611	ALBANY LIGHT OPERA & THEATRE COMPANY
A130471	ALBANY MARITIME FOUNDATION
A204721	ALBANY MODEL AERO CLUB
A140446	ALBANY MODEL RAILWAY
A79732	ALBANY PLAY GROUP INCORPORATED
A6791	ALBANY RACING CLUB INC
A64947	ALBANY ROWING CLUB
A187399	ALBANY SPEEDWAY CLUB
A171336	ALBANY SPRINT KART CLUB
A185660	ALBANY TAOIST TAI CHI SOCIETY
A97368	ALBANY WOMEN'S' INSTITUTE



A30213	CITY OF ALBANY BAND INC
A155029	EMU POINT SPORTING CLUB
A96087	GREAT SOUTHERN SOCCER ASSOCIATION
A65539	GREEN RANGE COUNTRY CLUB
A162430	JAYCEES WHALEWORLD (DISCOVERY BAY)
A65999	KING RIVER HORSE & PONY CLUB
A6037	KING RIVER RECREATION CENTRE
A74368	LAWLEY PARK TENNIS CLUB
A136225	LOWER GREAT SOUTHERN HOCKEY ASSOC
A227280	LOWER KING COMMUNITY KINDERGARTEN
A50479	MERRIFIELD PARK TENNIS CLUB
A84446	MIDDLETON BEACH BOWLING CLUB
A116479	NORTH ALBANY FOOTBALL CLUB
A64820	PRINCESS ROYAL SAILING CLUB
A92223	RAILWAYS FOOTBALL CLUB
A64799	RIVERVIEW COUNTRY CLUB
A92354	ROYALS FOOTBALL CLUB
A74354	SCOUT ASSOC OF WA
A104446	SENIOR CITIZENS CENTRE
A64785	SOUTH COAST COUNTRY MUSIC CLUB INC
A157843	SPECTRUM THEATRE INC
A176287	STIRLING CLUB INC
A96429	TS VANCOUVER NAVAL CADETS
A64866	WA VETERAN CAR CLUB

12. All organisations currently receiving a rating subsidy will be requested to submit information as detailed in the policy. This will allow an assessment to be made on the eligibility to receive the subsidy.
13. If an organisation that is currently receiving the subsidy is found to not satisfy the criteria, a phasing in period will apply until no subsidy is allowed. This phasing in will be over a number of years, as detailed in the table below:

**Table 2**

<b>Financial Year</b>	<b>Subsidy offered</b>
2016/17	75%
2017/18	50%
2018/19	25%
2019/20	Nil

14. By phasing out the subsidy over a number of years, any impacted organisation will have time to adjust budgets and financial impact.

**GOVERNMENT & PUBLIC CONSULTATION**

15. All of the organisations currently receiving the subsidy will be contacted upon policy endorsement. Rates for the 2016/17 year will not be raised until August 2016, and not due until mid to late September 2016. By adopting this policy in 2015, City officers will have at least six months to contact and work with the various organisations to address the eligibility criteria.

## STATUTORY IMPLICATIONS

16. The *Local Government Act 1995* does not provide a definition of what constitutes a charitable purpose, or for a public purpose.
17. Using case law precedence, each local government has the responsibility to assess and decide on applications from organisations seeking an exemption from paying rates. No application has been found from these organisations requesting exemption, and the case law precedence would indicate that the organisations listed would not be eligible for this exemption.

## POLICY IMPLICATIONS

18. No policy currently exists. Adoption of this policy will ensure transparency and accountability is established.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Community &amp; Organisational Operations.</b> Failure to adopt the policy leaves some uncertainty amongst community organisations and City officers regarding eligibility and amount of subsidy.	Possible	Minor	Medium	Support the officer's recommendation and adopt the policy.
<b>Reputation.</b> Failure to adopt the policy may result in some dissatisfaction within sporting & community groups not currently receiving any subsidy.	Possible	Minor	Medium	Support the officer's recommendation and adopt the policy.

## FINANCIAL IMPLICATIONS

20. The total value of the subsidy for 2015/16 was \$202,190.26. It is anticipated that this amount will change in line with the annual change in rates.
21. A number of these groups lease land from the City, and pay a lease or licence fee for the use of City owned or managed assets. Any lease or licence fee is covered by *Council Policy: Property Management (Leases and Licences)*.

## ALTERNATE OPTIONS

22. That no rating subsidy policy for sporting and community organisations is adopted.

## SUMMARY CONCLUSION

23. For a number of years, a number of sporting and community groups have been receiving a rating subsidy with no policy framework in place.
24. To address this, it is recommended that Council resolve to adopt the proposed policy position attached.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• Council Property: Property Management (Leases and Licences)</li> </ul>
<b>File Number (Name of Ward)</b>	:	Nil (All wards)
<b>Previous Reference</b>	:	OCM 22/09/2015 Resolution CSF195

**CSF212: ORDINARY COUNCIL MEETING DATES AND COMMITTEE  
PLANNING MEETING CALENDAR**

**Proponent** : City of Albany  
**Attachments** : Council and Committee Meeting Schedule 2015-16  
**Report Prepared By** : Manager Governance and Risk Management (S Jamieson)  
**Responsible Officer** : Chief Executive Officer (A Sharpe)

**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 Objectives:**
    - 5.1. To establish and maintain sound business and governance structures.
    - 5.3 To engage effectively with our community.
  - c. **Strategic Initiative:** 5.3.2. Improve community engagement processes and platforms

**In Brief:**

- Council is requested to review the Ordinary Council Meeting and Committee meeting dates and timings set by Council at the Ordinary Council Meeting held on 28 April 2015; and
- Adopt the proposed meeting schedule for the following 12 months (up to December 2016).

**RECOMMENDATION**

**CSF212: COMMITTEE RECOMMENDATION**

**THAT Council, for the purpose of public notice:**

- (1) **REAFFIRM the Council decision of 28 April 2015 that fixed the following Council Committee days and times:**
  - (a) **First week of the month**
    - **Tuesday:** Community Services Committee (6.00pm)
    - **Tuesday:** Economic Development Committee (6.45pm)
    - **Wednesday:** Planning & Development Committee (6.00pm)
  - (b) **Second week of the month**
    - **Tuesday:** Corporate Services & Finance Committee (6.00pm)
    - **Wednesday:** Works & Services Committee (6.00pm)
  - (c) **Third week of the month**
    - **No meetings**
  - (d) **Fourth week of month**
    - **Tuesday:** Ordinary Council Meeting (6.00pm)

*(Note: The exception being the months of January and December)*

**(2) APPROVE the proposed meeting dates for ordinary meetings of Council, for the next 12 months:**

- **January 2016 (No meetings scheduled)**
- **23 February 2016**
- **22 March 2016**
- **26 April 2016**
- **24 May 2016**
- **28 June 2016**
- **26 July 2016**
- **23 August 2016**
- **27 September 2016**
- **25 October 2016**
- **22 November 2016**
- **14 December 2016 (third Tuesday)**

**(3) APPROVE the attached Council Committee Meetings Calendar, amended accordingly.**

**CSF212: AMENDMENT BY COUNCILLOR MULCAHY**

**MOVED: COUNCILLOR MULCAHY  
SECONDED: COUNCILLOR PRICE**

**THAT the Responsible Officer Recommendation be AMENDED to state that:**

- 1. The Community Services Committee, Planning and Development Committee, Corporate Services and Finance Committee and Works and Services Committee meetings commence at 6.00pm.**
- 2. The Economic Development Committee meeting commence at 6.45pm.**

**CARRIED 8-1**

**Record of Vote**

Against the Motion: Councillor Shanhun

**Reason:**

The 6.00pm start time is in line with community feedback to enable attendance by Councillors and interested members of the public.

**CSF212: AMENDMENT BY COUNCILLOR MULCAHY**

**MOVED: COUNCILLOR MULCAHY**  
**SECONDED: COUNCILLOR STOCKS**

**THAT the Responsible Officer Recommendation be AMENDED to include an Ordinary Council Meeting to be held on 19 January 2016.**

**LOST 1-8**

**Record of Vote**

For the Motion: Councillor Mulcahy

**Reason:**

To avoid the requirement to call Special Council Meetings and late items being presented straight to the December Ordinary Council Meeting without going through the committee system.

**CSF212: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council, for the purpose of public notice:

(1) REAFFIRM THE Council decision of 28 April 2015 that fixed the following Council Committee days and times:

(a) First week of the month

- Tuesday: Community Services Committee (5.30pm)
- Tuesday: Economic Development Committee (6.15pm)
- Wednesday: Planning & Development Committee (5.30pm)

(b) Second week of the month

- Tuesday: Corporate Services & Finance Committee (5.30pm)
- Wednesday: Works & Services Committee (5.30pm)

(c) Third week of the month

- No meetings

(d) Fourth week of month

- Tuesday: Ordinary Council Meeting (6.00pm)

*(Note: The exception being the months of January and December)*

(2) APPROVE the proposed meeting dates for ordinary meetings of Council, for the next 12 months:

- January 2016 (No meetings scheduled)
- 23 February 2016
- 22 March 2016
- 26 April 2016
- 24 May 2016
- 28 June 2016
- 26 July 2016
- 23 August 2016
- 27 September 2016
- 25 October 2016

- 22 November 2016
- 14 December 2016 (third Tuesday)

(3)APPROVE the attached Council Committee Meetings Calendar.

## BACKGROUND

2. At the Ordinary Council Meeting held on 29 October 2013, Council established a new Council Committee Structure (Standing Committees) to act as a conduit for proposed and reviewed strategy and policy positions.
3. At the Ordinary Council Meeting held on 24 February 2015, Council resolved to cease holding Agenda Briefing Sessions effective March 2015.
4. The current City of Albany Ordinary Council and Committee Meeting Calendar was approved at the Ordinary Council meeting held on 28 April 2015; However, Council resolved to ratify the dates and timings after October 2015 Ordinary Local Government Elections.

## DISCUSSION

5. The Agenda for the Ordinary Council Meetings are comprised of reports presented to Council Committees. In order to facilitate the timely presentation of these reports to Council for decision making, Council Committee meetings are scheduled to be held prior to the ordinary council meeting.
6. This scheduling enables all Council Committee report items to be presented to Council in the same month as the Committee meetings have occurred.
7. Currently ordinary meetings of Council are scheduled at 6.00pm on the basis that all meetings should be held outside of normal working hours to enable attendance by all Councillors and interested members of the public, however, Council may consider this is an appropriate time to review these timings, noting that Council Committee meetings generally start at 5.30pm, with the exception of the Economic Development Committee that start at 6.15pm.

## GOVERNMENT & PUBLIC CONSULTATION

8. The proposed meeting dates and times are based on current practice.
9. Feedback from the Community has requested that meetings that are open to the public are not held prior to 6.00pm.
10. The proposed date for the Ordinary Council Meeting for the month of October has been scheduled to not conflict with local government elections that are historically held on the third weekend of October and state and national public holidays.

## STATUTORY IMPLICATIONS

11. It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.
12. *Local Government Act 1995*, s 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).

13. Voting requirement for this item is **Simple Majority**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance.</b> <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Reaffirm current meeting day and dates, prior to giving local public notice.</i>  <i>Noting and times are subject to change.</i>

**FINANCIAL IMPLICATIONS**

16. A budget line exists for the cost of giving public notice and advertising.

**LEGAL IMPLICATIONS**

17. Local public notice must be given to ensure legislative compliance, detailing changes to the forecast ordinary meeting schedule.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

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

**SUMMARY CONCLUSION**

20. It is recommended that the proposed amended 2015-16 Meeting Calendar be approved.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	(All Wards) <ul style="list-style-type: none"> <li>• Airport Emergency Committee – ES.MEE.5</li> <li>• Audit and Risk Committee - FM.MEE.3</li> <li>• Bush Fire Advisory Committee – ES.MEE.1</li> <li>• Community Services Committee – CS.MEE.9</li> <li>• Corporate Services &amp; Finance Committee – CM.MEE.9</li> <li>• Economic Development Committee – ED.MEE.10</li> <li>• Local Emergency Management Committee – ES.MEE.5</li> <li>• Ordinary Council Meeting - GO.COM.3</li> <li>• Planning &amp; Development Committee – LP.MEE.1</li> <li>• Works &amp; Services Committee – RD.MEE.6</li> </ul>
<b>Previous References</b>	:	OCM 19/02/2013 Report Item 1.3 OCM 27/08/13 Report Item CSF003 OCM 24/02/2015 Report Item CSF142 OCM 28/04/2015 Report Item CSF160



**CSF213: FEE FOR MICROCHIPPING OF DOGS AND CATS**

**Proponent** : City of Albany  
**Report Prepared by** : Manager Ranger & Emergency Services (T Ward)  
**Responsible Officer** : Executive Director Planning & Development (D Putland)

**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.

**In Brief:**

- State legislation requires dogs and cats to be microchipped unless exempt.
- Local governments are empowered to insert microchips in impounded dogs and cats and recover reasonable charges.
- Penalties apply for transfer of ownership on non-microchipped dogs and cats.
- A fee is proposed to recoup reasonable costs.

**RECOMMENDATION**

**CSF213: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON**  
**SECONDED: COUNCILLOR MULCAHY**

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

**CARRIED 9-0**

**CSF213: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. Adopt a fee of \$60.00 to recover costs incurred from microchipping impounded dogs and cats prior to their release
2. Advertise the proposed fee by public notice; and
3. Introduce the new fee as from 1 February 2016

## BACKGROUND

2. Current practice has been to allow owners of impounded non-microchipped animals, within 14 days from the release date of their animal from the pound, to arrange microchipping. This involved the owner signing a declaration and Ranger staff following up to ensure compliance.
3. Changes to the *Dog Act 1976* which came into effect on 1 November 2015 mean that this arrangement is no longer an option, as all dogs must now be microchipped in order to be registered.

## DISCUSSION

4. Both the *Dog Act 1976* and the *Cat Act 2011* allow local governments to have non-microchipped animals that enter the pound microchipped at the owner's expense prior to release.
5. The qualifications required to become a microchip implanter are defined in the *Dog Regulations 2013* and the *Cat Regulations 2012*. The City of Albany currently employs one Ranger who holds the required qualifications and is in the process of having a second Ranger trained.
6. The proposed fee would cover the expenses incurred by the City of Albany associated with the microchipping procedure and be comparable to the lower end of fees charged by this procedure by the local veterinary clinics.
7. The introduction of a fee would allow the City of Albany to charge the animal owner for the cost of microchipping at the time of release (along with other associated fees).
8. The alternative action would involve a Ranger transferring a dog to a veterinary clinic for the procedure to be carried out by a vet and the City on-billing the costs of the procedure to the animal owner through the issue of a creditor invoice.

## STATUTORY IMPLICATIONS

9. Under the *Dog Act 1976*, it is a requirement that as at 1 November 2015 all dogs are microchipped (unless under the age of three months or a veterinary surgeon has provided a certificate of exemption).
10. The Act allows for the operator of a dog management facility to do anything necessary to ensure that a dog kept at the facility is microchipped before the dog is reclaimed or otherwise transferred from the facility and to charge the owner of the dog reasonable costs associated with the implantation of a microchip.
11. Under the *Cat Act 2011*, it is a requirement that all cats are microchipped (unless under the age of three months or a veterinary surgeon has provided a certificate of exemption).
12. The Act allows for the operator of a cat management facility to have cat microchipped and sterilised before the cat is reclaimed or otherwise transferred from that facility and to charge the owner the reasonable costs associated with the implantation of the microchip.
13. The City of Albany currently employs a Ranger who currently holds the qualifications required under the *Cat Regulations 2012* and *Dog Regulations 2013* to implant microchips in cats.
14. The setting of the level of fees and charges is governed by s.6.17 of the Local Government Act. The recoverable costs for the implantation of a microchip is estimated to be \$60 which is comparable to the lower end of the price range for this service provided by local veterinary services.

15. Local Government Act 1995, section 6.19, section states: “Local government to give notice of fees and charges.

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

*(a) its intention to do so; and*

*(b) the date from which it is proposed the fees or charges will be impose.*

*Fees and charges are to be imposed when adopting the annual budget but may be —*

*(a) imposed\* during a financial year; and*

*(b) amended\* from time to time during a financial year.*

*\* Absolute majority required.*

## POLICY IMPLICATIONS

16. Nil.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal &amp; Compliance.</b> <i>Dog or cat released from pound without a microchip in breach of the Dog Act 1976 or Cat Act 2011</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Suitably qualified Ranger to insert microchip prior to releasing any non-microchipped animal from the Pound.</i>

## FINANCIAL IMPLICATIONS

18. The following costs have been used to calculate the \$60.00 fee for the microchipping of an animal:

a. Microchip device	\$12.50
b. Ranger time (1 hour @ \$36.17per hour – inc overheads)	\$36.17
c. Administration (0.5 hour @ \$33.34 per hour – inc overheads)	\$16.67

## LEGAL IMPLICATIONS

19. The City of Albany risks contravening the *Dog Act 1976* and the *Cat Act 2011* if it releases non-microchipped animals to owners.

## ALTERNATE OPTIONS

20. Option 1 - Rangers insert the microchip at the pound (preferred option); or
21. Option 2 - Rangers transfer the animal to a vet clinic, wait for the animal to have the chip implanted and return the animal to the pound for release to the owner.

**SUMMARY CONCLUSION**

22. That the Responsible Officer Recommendation be adopted, noting that the introduction of a fee for microchipping dogs and cats prior to release from the Animal Management Facility (Pound) would allow the City of Albany to recover the associated costs incurred in the compliance with state legislation requiring dogs and cats to be microchipped.

<b>Consulted References</b>	:	<i>Dog Act 1976, Cat Act 2011, Local Government Act 1995, Dog Regulations 2013, Cat Regulations 2012</i>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	2015/2016 Budget Adoption

**CSF214: ALBANY AGRICULTURAL SOCIETY – FUTURE USE AND TENURE IN CENTENNIAL PARK**

- Land Description** : **Eastern Precinct**  
Reserve 405 Lot 1359 Lockyer Avenue, Centennial Park  
Lot 305 Lockyer Avenue, Centennial Park  
Lot 32 North Road, Centennial Park  
**Central Precinct**  
Lot 5 North Road, Centennial Park  
Lot 6 and Lot 1003 North Road, Centennial Park  
Lot 115 North Road, Centennial Park
- Proponent** : Albany Agricultural Society
- Owner** : City of Albany (as freehold, through Crown Grant in Trust or as Management Body of Crown Reserve)
- Attachments** : OCM 22 July 2014 Item CSF177  
**Items Attached under CONFIDENTIAL cover: The Deed of Agreement in accordance with section 5.23(2)(c) of the Local Government Act 1995, being a contract which may be entered into.**  
- **Draft Deed of Agreement**
- Supplementary Information & Councillor Workstation:** : Albany Agricultural Society: Centennial Park Infrastructure Proposal
- Report Prepared by** : Senior Land Officer (N Crook)  
Executive Director Works & Services (M Thomson)
- Responsible Officer** : Chief Executive Officer (A Sharpe)

**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:**
    3. A Connected Built Environment
    4. A Sense of Community.
  - b. **Strategic Objective:**
    - 3.2 To develop community amenities that support people of all ages and backgrounds.
    - 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
    - 4.3 To develop and support a healthy inclusive and accessible community.
  - c. **Strategic Initiative:**
    - 3.2.2 By developing facilities and activities that enable active and passive recreation.
    - 3.2.3 By developing an integrated approach to planning and development.
    - 4.2.2 By improving the amenity of community spaces to promote participation and wellbeing.
    - 4.3.1 Develop a range of activities and facilities that are appropriate for all ages.
    - 4.3.2 Encourage and support volunteers and community groups.

**Maps and Diagrams:**



**DRAFT MOTION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR GOODE**

**THAT the meeting go behind closed doors to discuss CSF214: Albany Agricultural Society- Future Use and Tenure in Centennial Park.**

**CARRIED 9-0**

**DRAFT MOTION**

**MOVED: COUNCILLOR HAMMOND**  
**SECONDED: COUNCILLOR GOODE**

**THAT the meeting come out from behind closed doors.**

**CARRIED 9-0**

**In Brief:**

- In recent months, City officers have undertaken extensive negotiations with the Albany Agricultural Society regarding their future use and tenure within the Centennial Park Sporting Precinct.
- The Society has submitted an Infrastructure Proposal outlining their terms for the final agreement.

- These terms have been reviewed and the City's acceptable position has then been detailed in a draft Deed of Agreement.
- Council is requested to endorse the Deed of Agreement and the terms therein as the basis for the Albany Agricultural Society's continued use, tenure and operations within the Centennial Park Sporting Precinct.

## RECOMMENDATION

**CSF214: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)**

**MOVED: COUNCILLOR MULCAHY  
SECONDED: COUNCILLOR SMITH**

**THAT Council:**

1. **ENDORSE** the Deed of Agreement (as attached) and the terms therein as the basis for the Albany Agricultural Society's continued use, tenure and operations within the Centennial Park Sporting Precinct;
2. **REQUEST** that the Deed of Agreement is forwarded as a priority to the Albany Agricultural Society for their endorsement and ask that this Deed is signed on or before Tuesday 22 December 2015;
3. **AUTHORISE** the Chief Executive Officer to:
  - a. Finalise any matters with the Albany Agricultural Society that may arise so as to permit the commencement of works in the Centennial Park Sporting Precinct (Eastern Precinct) in January 2016;
  - b. Authorise minor administrative changes to the Deed of Agreement document, though any substantial changes must be presented to Council for further consideration; and
  - c. Execute the new lease documents, as detailed in the Deed of Agreement;
4. **REQUEST** that the Minister of Lands approve the revestment of Lot 1135 on Deposited Plan 208775 as contained on Certificate of Title Volume 546 Folio 156A (Hanrahan Landfill Facility) as a Crown Reserve and issue the management order for this reserve to the City of Albany for waste management purposes.

**CARRIED 9-0**

**CSF214: AMENDMENT BY COUNCILLOR MULCAHY**

**MOVED: COUNCILLOR MULCAHY  
SECONDED: COUNCILLOR PRICE**

**THAT Point 2 of the Responsible Officer Recommendation be AMENDED to read:**

***REQUEST that the Deed of Agreement is forwarded as a priority to the Albany Agricultural Society for their endorsement and ask that this Deed is signed on or before Tuesday 22 December 2015;***

**CARRIED 9-0**

**Reason:**

**Reason:** The Albany Agricultural Society will not meet until Monday 21 December 2015. Amending the response date to Tuesday 22 December will allow the Agricultural Society to meet prior to signing the Deed of Agreement.

**CSF214: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

1. ENDORSE the Deed of Agreement (as attached) and the terms therein as the basis for the Albany Agricultural Society's continued use, tenure and operations within the Centennial Park Sporting Precinct;
2. REQUEST that the Deed of Agreement is forwarded as a priority to the Albany Agricultural Society for their endorsement and ask that this Deed is signed on or before Friday 18 December 2015;
3. AUTHORISE the Chief Executive Officer to:
  - a. Finalise any matters with the Albany Agricultural Society that may arise so as to permit the commencement of works in the Centennial Park Sporting Precinct (Eastern Precinct) in January 2016;
  - b. Authorise minor administrative changes to the Deed of Agreement document, though any substantial changes must be presented to Council for further consideration; and
  - c. Execute the new lease documents, as detailed in the Deed of Agreement;
4. REQUEST that the Minister of Lands approve the revestment of Lot 1135 on Deposited Plan 208775 as contained on Certificate of Title Volume 546 Folio 156A (Hanrahan Landfill Facility) as a Crown Reserve and issue the management order for this reserve to the City of Albany for waste management purposes.

**BACKGROUND**

2. The Albany Agricultural Society (AAS) has used Centennial Park East since the 1900's, however a formal licence agreement was only put in place in 1980. The latest licence expired on 31 December 2010 and AAS have continued to occupy the site under holding-over on the same conditions.
3. On 26 November 2014, the City has issued a termination notice to the AAS and their occupation of the site will terminate on 27 November 2015. Under the terms of the licence and termination notice, AAS must:
  - a. Remove from the Showgrounds all furniture on or before the termination date and reinstate the Showgrounds to the same state and condition as at the commencement of the licence;
  - b. Within 6 months following the termination date, remove AAS buildings as set out on the licence. Following this time, the buildings become the property of the City;
  - c. Given good faith negotiations continue, the City provided written correspondence allowing the AAS to use the McCormick and Goat Pavilions on the same terms as the existing licence. If no agreement is reached, all other matters of the previous Notice of Termination will apply.
4. The AAS was issued a Crown Grant in Trust over Lot 1135 Hanrahan Road in 1966 for the purpose of "Greater Sports Ground and Showground". In February 1971, the City then entered into a lease with the AAS to use this land as a refuse site.



5. The original lease of Lot 1135 Hanrahan Road, commencing on 3 February 1971, had a peppercorn rental amount of \$1 per year, though this was varied in 2002 to be the equivalent of the minimum rate. This lease arrangement will expire on 31 January 2022.
6. Council, at its meeting held on 25 February 2014, resolved:
- “THAT City staff investigate targeted solutions for the Albany Agricultural Society’s current and future needs, and these options be presented at a future Council meeting”.*
7. Council, at its meeting held on 22 July 2014, considered an item which detailed the current status of negotiations with the AAS regarding its ongoing tenure and use within Centennial Park relative to the redevelopment of this sporting precinct. This item considered the impact of these negotiations on the funding milestones associated with the State and Federal grants secured for the redevelopment project. From this meeting, it was resolved:
- “THAT Council:*
- *RECEIVE the Officer’s Report;*
  - *ACKNOWLEDGE the Albany Agricultural Society presentation;*
  - *RECOMMEND to Council:*
    - *City Staff continue to work with the design team to develop a design for the Annual Agricultural Show to remain at Centennial Park;*
    - *City staff to work with the community groups and sporting and recreational clubs that currently conduct activities in the existing Albany Agricultural Society structures to find suitable alternative venues; and*
    - *City staff to work with Albany Agricultural Society current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations.”*
8. In April 2015, the AAS responded to the offers made by the City and stating their requirements, as follows:
- a. Sufficient funds should be provided by the City to construct a 3600m<sup>2</sup> building on an east-west alignment, from design stage through to final completion;
  - b. This building shall be leased to the AAS for 30 years with a 30 year option;
  - c. A 4000m<sup>2</sup> covered car park in the vicinity of the soccer clubhouse, with 2.8m drop sides and gable roof should be constructed to house livestock exhibitions during the Show;
  - d. The City shall refurbish (at the City’s full expense) the Royals clubhouse for the AAS use as an office space and meeting room;
  - e. Use of the Railways football oval for horse arenas during the Show;
  - f. Use of the full Eastern Precinct including stadium and facilities during the Show period;
  - g. Temporary marquees and fencing to be provided by the City as an in-kind contribution;
  - h. No demolition or exclusion of use of the existing buildings shall occur until all new and refurbished buildings are completed and handed to the AAS under the AAS management;
  - i. Lockyer Avenue shall be closed on Show days; and
  - j. Retention of the existing cattle complex.

9. On 8 May 2015 and in response to this position, the City advised the AAS that this position was far greater than what the City has proposed or what could be considered and a revised offer was put forward for consideration. This offer included:
- a. A cash payment of \$750,000 will be made in exchange for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road;
  - b. These funds would enable the construction of a 3,600m<sup>2</sup> building in the vicinity of Knight Street. It is intended that this building would house the AAS administrative functions and the Royals building was excluded from this revised offer;
  - c. The City would undertake or fund site works to a value of \$220,000, including the construction and sealing of an access road and parking spaces, connection to sewer and water and site works for the proposed building;
  - d. The site of the building will be leased to the AAS for a term of 30 years;
  - e. In-kind support up to a value of \$25,000 during the Show period, including use and assembly of temporary fencing and marquees; and
  - f. Negotiated use of the central and eastern precincts for the operation of the Show. In this respect, the City will consider the use of all facilities (not otherwise permanently occupied) subject to the approval of a Show layout plan and cost recovery options. This includes the temporary closure and use of Lockyer Avenue.
10. In June 2015, an item was presented to Council (attached) to seek endorsement of this offer. This item noted that no response had been received from the AAS prior to presenting the matter to Council for consideration. Following consideration of the offers made and the position of the AAS, Council resolved as follows:

*Council:*

- (1) *NOTE that, Council has exhausted all reasonable avenues of consultation with the Albany Agricultural Society in an attempt to resolve this matter.*
- (2) *ENDORSE and APPROVE the following final offer being made to the Albany Agricultural Society for its continued use and operation within the Centennial Park Sporting Precinct:*
  - (a) *A cash payment of \$750,000 will be made in exchange for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road (tip site);*
  - (b) *At no cost, the City will make available Albany Leisure and Aquatic Centre and surrounds for the annual Albany Agricultural Show;*
  - (c) *At no cost, the City will make available Railways Football Oval for the duration of equestrian events associated with the Albany Agricultural Show; and*
  - (d) *The City will continue to offer in-kind support up to a value of \$25,000 during the Show period.*
- (3) *NOTIFY the Albany Agricultural Society that, in the event the above offer is not accepted by 31 July 2015, the following position will apply:*
  - (a) *In order to meet funding deadlines for the Centennial Park redevelopment, Albany Agricultural Society must vacate the Centennial Oval licence area as per the termination notice issued on 26 November 2014;*
  - (b) *The City will no longer pursue the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road;*

- (c) *The City will negotiate with the Albany Agricultural Society, an agreed rental of the Hanrahan Landfill Facility situated at Lot 1135 Hanrahan Road, in line with the requirement and intent of the current lease over this land;*
- (d) *The City will make available the Centennial Park land area to the Society (at no cost) for the annual Albany Agricultural Show;*
- (e) *The City will allow the use of the new Centennial Park buildings during the Annual Show subject to cost recovery;*
- (f) *At no cost, the City will make available Albany Leisure and Aquatic Centre and surrounds for the 2016 annual Albany Agricultural Show; and*
- (g) *The City will continue to offer in-kind support up to a value of \$25,000 during the Show period.*

This resolution was carried by Absolute Majority.

## DISCUSSION

### Response to June 2015 Resolution

11. Council's June 2015 resolution made a time dependent offer, requiring a response from the AAS by 31 July 2015.
12. On 30 July 2015, the City received correspondence from a solicitor, Kott Gunning, acting on behalf of the AAS and seeking an extension to the time period to consider this offer. The City's solicitor, Albany Legal, responded to this letter advising that as the time period was set by a resolution of Council, it could not be varied, however the City remains committed to resolving the matter with the AAS and invited the AAS to provide a response as soon as possible. However, no written response was provided by the AAS at this time.

### Recent Negotiations

13. Given the impasse that was reached in negotiations, staff and Council entered into further discussions with the AAS to determine if a resolution could be reached that was agreeable to both parties. A number of meetings have been held over the last few months to negotiate a resolution.
14. In October 2015, the City provided correspondence to AAS that suggested a list of terms that the AAS might like to consider in their response to the City, based on the discussions that had occurred. While a reply letter was provided by AAS on 4 November, this document remains stamped as a draft and is unsigned.
15. The AAS made a presentation to Council at an informal meeting held on 23 November, which included a written Infrastructure Proposal. The proposal is attached to this report and outlines the terms the AAS would like Council to consider. It has been assumed that this document supersedes the draft letter previously submitted.

### Deed of Agreement

16. These terms have been reviewed by staff and the recommended position is reflected in a Deed of Agreement. The intent is that the Deed will act as an over-arching document for all future dealings with the AAS. The Deed has been provided as a confidential attachment to this item, as it contains commercial in confidence matters. However, the Deed sets the terms for the following matters:
  - a. The AAS obligations to vacate the Centennial premises and the rights for occupation during the construction period;
  - b. The AAS rights to salvage materials and the obligations the City makes in this regard;

- c. The surrender of the Crown Grant in Trust over the Hanrahan Landfill Facility and the termination of the City's lease over this land;
- d. The future lease terms over the Royals building and the obligations by both parties to make improvements to this building;
- e. The future lease terms over the new buildings lease area and the obligations by both parties over the proposed works in this new lease area. This includes details on the financial commitments by both parties; and
- f. Other general requirements that are consistent with a standard commercial land dealing.

#### Future Lease Terms

17. In regard to the terms of the proposed new leases over portion of the Royals Building and the new land area at the corner of Cockburn Road and Symers Street, any term greater than 20 years will be subject to the approval of the Western Australian Planning Commission.
18. The City has maintained in all dealings that a 30 year term would be considered, as any term greater than 21 years is inconsistent with current lease practices. However, it is noted the City has granted two other leases on 30 year terms based on the significant infrastructure involved with those leases, so some precedent exists.
19. The Western Australian Planning Commission has advised the City on the future leases to the AAS, stating that they may not support leases terms (including any option to extend) of greater than 40 years unless there are particular circumstances that warrant a longer term. An application of greater than 40 years is likely to be subject to much greater assessment processes.
20. In view of this advice and the AAS request for a longer lease term, a term of 30 years plus a 10 year option has been generally agreed. The exercise of the option is conditional upon meeting certain requirements, which have been expressed in the Deed of Agreement and if these renewal conditions are not met, the option may not be exercisable.

#### Hanrahan Landfill Facility

21. Throughout all discussions with the AAS, the City has maintained that it would be best if the Hanrahan Landfill Facility was under the City's management on a more permanent basis.
22. The City has had detailed discussions with the Department of Lands regarding how this might be achieved. As early as December 2013, the Department noted that alternative tenure for this site under City management is the best long term outcome. Though it has been their advice that this would be best achieved if the AAS voluntarily surrenders their Crown Grant in Trust over Lot 1135 Hanrahan Road.
23. If the Crown Grant in Trust was surrendered, the City would then have the option of seeking the reversion of Lot 1135 Hanrahan Road under the provisions of the *Land Administration Act 1997* and the issue of the Management Order for the newly created Crown reserve to the City. The Department has advised, in writing, that it is prepared to work with the City and the AAS with the aim that Lot 1135 Hanrahan Road is placed under the management of the City for the following reasons:
  - a. While the current lease arrangements are acknowledged, the use of the site as a waste management facility is not consistent with the purpose for which the land was transferred to the AAS;

- b. Due to the current use and future remediation requirements, the land will not be able to be used for the purpose of the Crown Grant, being “Greater Sports Ground and Showground”;
  - c. Responsibility for waste management rests with the City and it is appropriate that the City has primary responsibility for the land on which this activity occurs; and
  - d. In view of the above, the Department would support the future reservation of Lot 1135 for the purpose of “Waste Management Facility” or similar and the grant of a management order to the City for this purpose. This action would be dependent on the resolution of current tenure situation with AAS.
24. If the tenure of Lot 1135 Hanrahan Road is not transferred to the City, the City’s lease of the land will remain until 2022. This lease states that the rent of the land shall be an amount equivalent to the Gross Rental Value of the Centennial Oval and in the event that AAS does not lease Centennial Oval from the City, then the rent shall be such amount as shall be agreed between the City and AAS from year to year, set annually and subject to GST. The City would need to negotiate with AAS to determine this rental value, though it is understood that the AAS has received a valuation indicating a market rental of \$60,000 per annum.
25. Irrespective of the future tenure of Lot 1135 Hanrahan Road, the City will be responsible for ensuring that the landfill facility is closed and made good in line with a landfill closure plan to be approved by the Department of Environment Regulation. There may also be requirements for ongoing monitoring of groundwater.

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

26. Extensive consultation with the AAS has occurred to date. The City has also discussed options for relocation with various community and sporting groups currently using the AAS buildings and secured new locations for many of these groups, with their full support.
27. All other stakeholder and sporting clubs within the Centennial Park Sporting Precinct have provided written endorsement of the Master Plan and concept design for the precinct redevelopment.
28. The City has also maintained close consultation with the Department of Lands throughout the negotiation process and sought their advice where required.

#### **STATUTORY IMPLICATIONS**

29. Section 11 of the *Land Administration Act 1997* allows the Minister, on behalf of the State, to acquire an estate, interest or other right of land in the public interest by accepting the surrender of land from any person.
30. Section 41 of the *Land Administration Act 1997* allows the Minister to reserve Crown land for one or more purposes in the public interest.
31. Section 46 of the *Land Administration Act 1997* allows the Minister to place the care, control and management of a reserve in a person or agency.
32. Section 136 of the *Planning and Development Act 2005* requires the Western Australian Planning Commission grant approval for any lease term exceeding 20 years on part of a freehold lot.

#### **POLICY IMPLICATIONS**

33. The options to accommodate the AAS may impact on the Centennial Park Sporting Precinct Master Plan previously adopted by Council and could be considered a departure from this plan.

34. Council Policy – Property Management (Leases and Licences) states that the term on City freehold land is at the discretion of Council, with 21 years being the current lease practice. Any decision to grant a lease for longer than this period will be a departure from current practices.
35. Council Policy – Property Management (Leases and Licences) states that community groups who lease City managed buildings shall pay the equivalent to annual minimum rate as their rental. However, it has been agreed that AAS lease for Royals building will be a peppercorn rent.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial.</b> Funding of development lost due to not meeting grant funding conditions and milestones.	Likely	Severe	High	Council adopts a position that will secure the AAS use, tenure and operations within Centennial Park, thereby removing any obstacle to meeting grant funding conditions.
<b>Reputation.</b> If agreement is not reached on a suitable option for AAS occupation within Centennial Park, the termination of current arrangements with AAS will likely attract significant negative attention.	Likely	Major	High	City to manage public reaction in a measured way and make clear the risks of allowing negotiations to remain unresolved.

### FINANCIAL IMPLICATIONS

37. This matter has significant financial implications, which are detailed in the attached Deed of Agreement. It is intended the funds required to execute the Deed commitments will be drawn from both the Waste Reserve and future budget considerations. It is noted that the demolition costs are already covered by the Centennial Park Sporting Precinct project.
38. There is an allocation in the current budget to this project and it is intended any additional funds required will be addressed during the March quarterly budget review.

### LEGAL IMPLICATIONS

39. The City has maintained legal counsel, both generally and on specific matters, throughout the negotiation process to ensure legal compliance. Specific legal advice regarding the termination of the AAS Licence over the Centennial Oval site and on the rental arrangements for Lot 1135 Hanrahan Road has been obtained.
40. The draft Deed of Agreement attached to this item has been prepared by the City's legal counsel.

### ENVIRONMENTAL CONSIDERATIONS

41. The City is responsible for the management of the Hanrahan Landfill Facility under the terms and conditions of the licence granted by the Department of Environment Regulation. Any closure of this facility will be similarly regulated by this agency via an approved closure plan.
42. The *Contaminated Sites Act 2003* will place serious restrictions on the future use of Lot 1135 Hanrahan Road and it is considered unlikely that more sensitive uses (such as recreational uses) will be permitted on the site.

**ALTERNATE OPTIONS**

43. Council may:
- a. Endorse the Deed of Agreement and the terms therein as the basis for the AAS's continued use, tenure and operations within the Centennial Park Sporting Precinct; or
  - b. Make alternate recommendations on the terms contained in the Deed of Agreement document, though resolving to proceed with modification; or
  - c. Resolve not to support the Deed of Agreement as the basis for the AAS's continued use, tenure and operations within the Centennial Park Sporting Precinct and ask that further negotiations occur. This will have significant impacts on the Centennial Park Sporting Precinct project schedule and the commencement of the Eastern Precinct works may not be able to commence in January 2016.

**SUMMARY CONCLUSION**

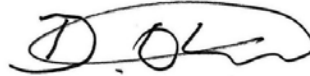
44. The City has been in negotiations with the AAS for some time and while there has been much debate, it is considered that the terms detailed in the Deed of Agreement present a position that is more likely to be agreeable to the AAS.
45. This Deed provides a suitable basis for the AAS's continued use, tenure and operations within the Centennial Park Sporting Precinct, while securing the tenure of the Hanrahan Landfill Facility.
46. It is recommended that Council endorse the Deed of Agreement and the terms therein as the basis for the AAS's continued occupation of Centennial Park and as the guideline for all future dealings on this matter.
47. It is also recommended that Council provide its support for the issue of the management order for the future reserve over the Hanrahan Landfill Facility at this time, as the Deed requires that the AAS surrender this land to the State.

<b>Consulted References</b>	:	Past documentation, correspondence & items to Council Land Administration Act 1997
<b>File Number (Name of Ward)</b>	:	CP.DEC.1; PRO024; PRO025
<b>Previous Reference</b>	:	OCM 22/07/2014 Item CS011 OCM 25/02/2014 Item CS008 OCM 16/07/2013 Item 3.1 OCM 23/07/2015 Item CSF1777

**CSF215: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2015**

**Attachment** : Financial Activity Statement  
**Responsible Officer** : Acting Executive Director Corporate Services (D Olde)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF215: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR PRICE**

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

**CARRIED 9-0**

**CSF215: RESPONSIBLE OFFICER RECOMMENDATION**

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

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 November 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 November 2015 has been incurred in accordance with the 2015/16 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 2015/16 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.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF216: REQUEST FOR NOMINATIONS TO THE GREAT SOUTHERN DEVELOPMENT COMMISSION BOARD**

**Proponent** : City of Albany  
**Attachments** : Nomination Form – For the GSDC Board Position  
**Report Prepared By** : Manager Governance, Risk & IT Services (S Jamieson)  
**Responsible Officers:** : Chief Executive Officer (A Sharpe)

**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 Objectives:**
    - 5.1. To establish and maintain sound business and governance structures.
    - 5.3 To engage effectively with our community.
  - c. **Strategic Initiative:** 5.3.2. Councillor Forums

**In Brief:**

- A vacancy exists on the Great Southern Development Commission (GSDC) Board.
- Nominations must be endorsed by Council and submitted to the GSDC by close of business 18 December 2015.

**RECOMMENDATION**

**CSF216: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR PRICE**  
**SECONDED: COUNCILLOR MULCAHY**

**THAT Council propose the following nominees to be considered for appointment to the Great Southern Development Commission Board:**

- 1.Councillor Price
- 2.Councillor Hollingworth (subject to Councillor Hollingworth’s agreement)

**CARRIED 9-0**

**CSF216: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council propose the following nominees to be considered for appointment to the Great Southern Development Commission Board:**

- 1
- 2.

**BACKGROUND**

2. On 10 November 2015, Council was advised by the Great Southern Development Commission (GSDC), that a vacancy exists on their Board of Management for an elected representative from local government in the region.
3. The Board of Management is the governing body of the Commission and meets regularly to set policy direction, make decisions on major budget and expenditure matters and provide advice to the Minister of Regional Development on regional issues. A formal meeting is held every second month.

**DISCUSSION**

4. The GSDC is seeking two nominations from the City of Albany, and others, to fill a vacant position on the GSDC Board, reserved for local government representation.
5. Council must approve the City of Albany nominees.
6. The following information will be required to be supplied by the nominees:
  - a. Current curriculum vitae, CV to include full name and date of birth;
  - b. Nominee statement of how he/she would like the Great Southern Regional to Develop;
  - c. Nominee statement of how he/she could contribute to the Development of the Great Southern Region through appointment to the board of the GSDC; and
  - d. Nominee statement of what he/she considers to be the key issues impacting on economic & social development in regional WA.
7. The Hon Terry Redman MLA, Minister for Regional Development will make the appointment to the GSDC Board, following consultation with Cabinet.

**GOVERNMENT & PUBLIC CONSULTATION**

8. Not applicable.

**STATUTORY IMPLICATIONS**

9. As the GSDC Board is not a committee of Council, there are no statutory implications.

**POLICY IMPLICATIONS**

10. There are no policy implications related to this item, unless the Terms of Reference to a Committee is amended. (For example: The number of Committee Members).

**RISK IDENTIFICATION & MITIGATION**

11. 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 receive nominations and/or nominees do not supply the requested information.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>City Officer are available to assist nominees administer the required documentation.</i>

**FINANCIAL IMPLICATIONS**

12. GSDC are responsible for sitting fees and travel reimbursement.

**LEGAL IMPLICATIONS**

13. There are no legal implications related to report.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

15. Nil.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Regional Development Commissions Regulations 1994</i></li></ul>
<b>File Number (Name of Ward)</b>	:	(All Wards)
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>• April 2013 OCM, Report 16.1</li></ul>

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** Nil
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil
16. **REPORTS OF CITY OFFICERS** Nil
17. **MEETING CLOSED TO THE PUBLIC**
18. **CLOSURE:** There being no further business the Chair declared the meeting closed at [7:13:26 PM](#)

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Councillor Deputy Mayor Stocks  
**CHAIR**