



AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 11 July 2023

6.00pm

Council Chambers



Community & Corporate Services Committee
Terms of Reference

Functions: The Committee is responsible for the following functions:

The Community and Corporate Services Committee is responsible for the following functions:

- **Community Services** – delivery of the outcomes defined in the Strategic Community Plan 2032 under the **People Pillar** and the **Leadership Pillar**:
 - Diverse and inclusive community;
 - Happy, healthy and resilient community; and
 - A well-informed and engaged community.
- **Corporate Services** – delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Leadership Pillar** and **Prosperity Pillar**:
 - A safe community;
 - A resilient community that can withstand, adapt to and recover from natural disasters;
 - A strong diverse and resilient economy with work opportunities for everyone;
 - A highly sought after tourist destination;
 - Proactive, visionary leaders who are aligned with community needs and values; and
 - Strong workplace culture and performance.
- Monitoring and commenting on the financial health and strategies of the City.
- Service Complaint Internal Review.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

| | |
|------------------------------|--|
| Membership: | Open to all elected members |
| Meeting Schedule: | Monthly |
| Meeting Location: | Council Chambers |
| Directorates: | Corporate & Community Services |
| Executive Officer(s): | Executive Director Corporate & Commercial Services, Executive Director Community Services |
| Delegated Authority: | None |

COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA – 11/07/2023

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COMMUNITY AND CORPORATE SERVICES COMMITTEE
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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

A Cruse

Breaksea Ward

P Terry (Chair)

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith (Deputy Chair)

West Ward

S Grimmer

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

Staff:

Chief Executive Officer

A Sharpe

Executive Director Community Services

N Watson

Acting ED Infrastructure, Development and Environment

J Freeman

Manage Finance

S van Nierop

Business Analyst/Management Accountant

D Harrison

Meeting Secretary

H Bell

Apologies:

Executive Director Corporate & Commercial Services

M Gilfellon

COMMUNITY AND CORPORATE SERVICES COMMITTEE
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4. DISCLOSURES OF INTEREST

| Name | Committee/Report Item Number | Nature of Interest |
|------|---------------------------------|--------------------|
| | | |

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME

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

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

7. PETITIONS AND DEPUTATIONS Nil.

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 13 June 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS537: FINANCIAL ACTIVITY STATEMENT – MAY 2023

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 May 2023 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 31 May 2023 is preliminary and has not yet been audited.

RECOMMENDATION

CCS537: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 May 2023 be RECEIVED.

DISCUSSION

2. 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.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS457, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.

5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for 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); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) 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; and
 - (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.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
 - 34(4) 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.
 - 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

8. The City's 2022/23 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 May 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

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

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

CCS538: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2023

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

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - Pillar:** Leadership.
 - Outcome:** Strong workplace culture and performance.

IN BRIEF

- Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

RECOMMENDATION

CCS538: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2023 totalling \$8,559,832.22 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2023. Please refer to the Attachment to this report.

| Municipal Fund | |
|---------------------------|------------------------------|
| Trust | \$0.00 |
| Credit Cards | \$26,330.26 |
| Payroll | \$2,500,308.81 |
| Cheques | \$287.40 |
| Electronic Funds Transfer | \$6,032,905.75 |
| TOTAL | <u>\$8,559,832.22</u> |

- The table below summaries the total outstanding creditors as at 15 June 2023.

| | |
|-------------------|----------------------------|
| Current | \$237,964.14 |
| 30 Days | \$419,492.23 |
| 60 Days | \$0.00 |
| 90 Days | \$(1,331.18) |
| TOTAL | <u>\$656,125.19</u> |
| Cancelled Cheques | Nil |

STATUTORY IMPLICATIONS

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. 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

8. Expenditure for the period to 15 June 2023 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 June 2023 has been incurred in accordance with the 2022/2023 budget parameters.

LEGAL IMPLICATIONS

10. Nil

ENVIRONMENTAL CONSIDERATIONS

11. Nil

ALTERNATE OPTIONS

12. Nil

CONCLUSION

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

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

CCS539: DELEGATED AUTHORITY REPORTS – 16 MAY 2023 TO 15 JUNE 2023

Proponent / Owner : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared By : PA to Mayor and Councillors (D Clark)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS539: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 May 2023 to 15 June 2023 be RECEIVED.

BACKGROUND

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

CCS540: CORPORATE SCORECARD - April to June 2023 Quarter

Attachments : Attachment – ‘CS Dashboard Q4 2022-23’
Report Prepared By : Business Planning and Performance Coordinator
(A Olszewski)
Authorising Officer: : Acting Manager People & Culture (D Waugh)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany’s Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:

- **Pillar:** Leadership.
- **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2021-2025 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council’s priority commitments to the community.
- The Corporate Scorecard (CS) Dashboard concept was developed to provide a quarterly update to Council on the status of these actions.

RECOMMENDATION

CCS540: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard for the April to June 2023 quarter be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. These actions are monitored through Business Unit Plans, which define (on a minimum quarterly basis) associated service levels and enable assignment of a simple ‘traffic light’ status to each action.
4. The first iteration of the CS Dashboard was presented to Council at the November 2021 CCS Committee meeting for feedback, and subsequently endorsed at the December OCM.

DISCUSSION

5. The ‘CS Dashboard Q4 2022-23’ (attached) provides an update on the status of CBP actions for the April to June 2023 quarter, identifying those actions potentially ‘at-risk.’
6. ‘At-risk’ actions include those assigned with a traffic light status of either:
- Red (a service *not meeting* its service level, or a project *not on track*), or
 - Orange (a service *under strain*, or a project that has *stalled*).
7. Commentary on any ‘at-risk’ actions is provided at the conclusion of the CS Dashboard.

GOVERNMENT & PUBLIC CONSULTATION

8. N/A.

STATUTORY IMPLICATIONS

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

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

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

POLICY IMPLICATIONS

10. N/A.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

12. N/A.

LEGAL IMPLICATIONS

13. N/A.

ENVIRONMENTAL CONSIDERATIONS

14. N/A.

ALTERNATE OPTIONS

15. Council may choose not to review progress of commitments made in the CBP through the proposed CS Dashboard, and delegate this oversight to the City's Executive.

CONCLUSION

16. It is recommended the CS Dashboard be noted.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | <ul style="list-style-type: none">• <i>Local Government Act 1995, s5.56</i>• <i>Local Government (Administration) Regulations 1996, Reg. 19D</i>• <i>IPR Framework and Guidelines 2019</i> |
| File Number (Name of Ward) | : | All Wards |
| Previous Reference | : | <ul style="list-style-type: none">• OCM 26/04/2023 - Report Item CCS521 |

CCS541: PROPOSED TWO NEW COMMUNITY LEASES - ALBANY TENNIS CLUB INC. FOR LAWLEY PARK TENNIS SITE AND ALBANY TENNIS CENTRE SITE, CENTENNIAL PARK

| | |
|-----------------------------|---|
| Land Description | : 1. Lawley Park site: Portion Crown Reserve 6596, Lot 1570 on Diagram 38810 and being whole of the land contained in Certificate of Title Volume LR3142 and Folio 792 |
| | : 2. Centennial Park site: Portion Crown Reserve 405, Lot 1359 on Diagram 185302 and being whole of the land contained in Certificate of Title Volume LR3009 and Folio 774 and Portion Lot 32 North Road on Diagram 43670 and being whole of the land contained in Certificate of Title Volume 1370 and Folio 154 |
| Proponent | : Albany Tennis Club Inc. |
| Owner | : Crown (City of Albany under Management Order) and City of Albany freehold land |
| Report Prepared By | : Team Leader Property & Leasing (T Catherall) |
| Authorising Officer: | : Executive Director Corporate & Commercial Services (M Gilfellow) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People.
 - **Outcomes:** A happy, healthy and resilient community.

Maps and Diagrams:



In Brief:

- Council is requested to consider granting two new leases to the newly formed Albany Tennis Club Inc. (ATC) for their tennis activities. These leases are for two sites:
 - a. The existing Lawley Park tennis site, Brunswick Road; and
 - b. The proposed new Albany Tennis Centre site in the Eastern Precinct, Centennial Park.
- Council has shown its support for the ATC project in meetings held on 22 September 2020, 28 September 2021 and 27 September 2022.

- The first stage of the project aims to build six tennis courts and introduce an online “Book a Court” system for making court reservations. Funding for this stage has been secured.
- Lawley Park Tennis Club and Merrifield Park Tennis Club have amalgamated to form ATC.
- ATC have requested new leases for Lawley Park and Centennial Park sites. ATC needs to be able to occupy the Lawley Park site until all 10 courts at the Albany Tennis Centre are built.
- It is recommended that the proposed new leases be approved.

RECOMMENDATION

CCS541: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVES new leases to Albany Tennis Club Inc. for two sites.

- 1. The existing Lawley Park tennis lease site on Portion of Crown Reserve 6596, Lot 1570 on Diagram 38810, subject to the terms and conditions outlined in section 12 in this report.**
- 2. The Albany Tennis Centre site on Portion of Crown Reserve 405, Lot 1359 on Diagram 185302 and Portion of Lot 32 North Road on Diagram 43670, subject to the terms and conditions outlined in section 18 in this report.**

BACKGROUND

Albany Tennis Centre

2. The proposed Albany Tennis Centre project has been considered by City staff and Council on multiple occasions as briefly reflected in the below timeline table.

| Date | Matter |
|----------------|--|
| February 2019 | Council briefing on the feasibility study for the Albany Tennis Centre project and site options. |
| December 2019 | Strategic Workshop was held to discuss the preferred model and site for the project. |
| March 2020 | Council requested the project be revised to be more affordable but still meets the community needs. |
| September 2020 | Council approved a revised proposal for the project, which included building 16 courts at Centennial Park. |
| September 2021 | Community Sporting and Recreation Facilities Fund (CSRFF) application proposing to reduce the number of courts from 16 to 10. Council supported the project and noted the financial commitment approved for the project of \$542,000 cash contribution and \$100,000 worth of in-kind contribution for project management. |
| September 2022 | Council supported a change in the project scope in response to rising costs. It will now be done in two stages. <ul style="list-style-type: none"> • Stage 1 will include building six courts and an online ‘Book a Court’ system for court reservations. The approved funding for this stage is \$1,466,000 plus GST. • Stage 2 will include building four more courts, adding lighting to the stage one courts and extending the existing precinct pavilion for clubrooms and storage. |

Albany Tennis Club Inc. (ATC)

3. In 2020, both Merrifield Park Tennis Club and Lawley Park Tennis Club showed their support for the project by signing a Memorandum of Understanding to relocate and amalgamate their clubs into a new entity called Albany Tennis Club Inc. (ATC).
4. The amalgamation was finalised in June 2023 with ATC officially incorporated.
5. The lease agreement with Lawley Park Tennis Club expired 31 May 2022. The club has continued to occupy the Lawley Park tennis site under holding over provisions until the amalgamation was completed and a new lease with ATC commences.
6. The City is not responsible for the current Merrifield Park Tennis Club site, as they occupy the land with a private landowner.
7. ATC have requested new leases for Lawley Park and Centennial Park sites. ATC needs to be able to occupy the Lawley Park tennis site until all 10 courts at the Albany Tennis Centre are built.

DISCUSSION

Proposed Lease – Lawley Park Tennis Site

8. The Lawley Park tennis site is located on Crown Reserve 6596, Brunswick Road Albany. It has clubrooms, sheds and six courts previously maintained by the Lawley Park Tennis Club. The facilities are quite old and starting to show signs of wear and tear.
9. The reserve is a 'C' class reserve under a Management Order issued to the City of Albany with the power to lease or licence for the purpose of "Recreation" for a term not exceeding 21 years subject to the consent of the Minister for Lands.
10. The Lawley Park tennis site is part of the Lawley Park location which is listed on the City's Local Heritage Survey. The park has historical significance because it is connected to important events, people and sites of buildings that played a role in the settlement and development of Albany.
11. The proposed lease with ATC over the Lawley Park tennis site will allow them to use the site until the 10 courts at the Albany Tennis Centre are built. After that, ATC will surrender the lease and operate solely from the Albany Tennis Centre.
12. The table below summarises the essential terms of the proposed lease to ATC.

| Item | Details |
|--------------------|--|
| Tenant | Albany Tennis Club Inc. |
| Land Description | Portion Crown Reserve 6596, Lot 1359 on Diagram 38810 and being the whole of the land contained in Certificate of Title Volume LR3142 and Folio 792 |
| Lease Area | Approx 9,391m ² |
| Land Ownership | Crown (City of Albany under Management Order) |
| Permitted Use | Tennis Club and Associated Activities |
| Term of Lease | Until 10 courts are built at the Albany Tennis Centre or 20 years, whichever comes first |
| Rent | \$10.00 plus GST per annum |
| Maintenance | Tenant responsible for all cleaning and maintenance of the facilities |
| Outgoings | Tenant responsible for all outgoings, including insurance |
| Utilities | Tenant responsible for all utility costs |
| Special Conditions | <ul style="list-style-type: none"> • Lease will be surrendered when the 10 tennis courts at the Albany Tennis Centre are built. • End of lease term provisions will take into account any heritage considerations. |

13. ATC has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

Proposed Lease – Albany Tennis Centre Site

14. The Albany Tennis Centre will be built on portion of Crown Reserve 405 and portion of Lot 32 North Road, Centennial Park.
15. The reserve is a 'C' class reserve under a Management Order issued to the City of Albany with the power to lease or licence for the purpose of "Recreation and Showground" for a term not exceeding 21 years subject to the consent of the Minister for Lands.
16. The City's main responsibilities in the Albany Tennis Centre development are project management and granting a lease to ATC.
17. Post construction, ATC will be the owner of the infrastructure and be fully responsible for the management, operation and maintenance of the facility. The City strongly recommends that ATC establish a Maintenance and Renewal Fund (Sinking Fund) to ensure the facilities future upkeep.
18. The table below summarises the essential terms of the proposed lease to ATC.

| Item | Details |
|--------------------|--|
| Tenant | Albany Tennis Club Inc |
| Land Description | Portion Crown Reserve 405, Lot 1359 on Diagram 185302 and being the whole of the land contained in Certificate of Title Volume LR3009 and Folio 774 and Portion Lot 32 North Road on diagram 43670 and being the whole of the land contained in Certificate of Title Volume 1370 and Folio 154 |
| Lease Area | Approx 6,153m ² subject to survey |
| Land Ownership | Crown (City of Albany under Management Order) and City of Albany freehold land |
| Permitted Use | Tennis Club and Associated Activities |
| Term of Lease | 20 years from commencement date |
| Rent | \$10.00 plus GST per annum |
| Maintenance | Tenant responsible for all cleaning and maintenance of the facilities, including structural maintenance and renewal as required |
| Outgoings | Tenant responsible for all outgoings, including insurance |
| Utilities | Tenant responsible for all utilities |
| Special Conditions | <ul style="list-style-type: none"> • Tenant to establish a Maintenance and Renewal Fund (Sinking Fund) • Lease is subject to Development Approval |

19. ATC has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

Current Project Status

20. The City is currently working on the design of the project and waiting for the site survey to be completed. This will confirm locations of underground services. Once we have that information the layout and design of the Albany Tennis Centre, in consultation with ATC, can be finalised.
21. Once the final plan has been agreed the necessary applications will be submitted to the Development Services team to obtain Development Approval (DA).
22. Once Development Approval is obtained the tender will be released for construction of Stage 1.

GOVERNMENT & PUBLIC CONSULTATION

23. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Lands.
24. The Department of Planning, Lands and Heritage has been consulted and provided in-principal consent. The Department will be further consulted and provided the final lease documentation to obtain Minister for Lands approval.

25. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease of a property is considered to be a disposal.
26. Clause 30(2)(c) of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from section 3.58 of the Act. This includes disposal to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
27. On the above basis, the proposed lease is considered exempt from public notice requirements.
28. No general public consultation on the leases has occurred, as the discussions between the City and ATC were specific to the club.

STATUTORY IMPLICATIONS

29. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased/licensed land and buildings.
30. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|---|
| Reputation: New Leases not approved | Unlikely | Moderate | Medium | Seek to negotiate terms to Council satisfaction |
| Reputation: New Leases not approved – new facility not built | Unlikely | Severe | High | Seek to negotiate terms to Council satisfaction |
| Reputation & Financial: New Leases not approved – Development funding at risk | Unlikely | Severe | High | Seek to negotiate terms to Council satisfaction |
| Opportunity: Centralisation of tennis activities at the Centennial Park Sporting Precinct | | | | |
| Opportunity: Expand the capacity of tennis and increase participation in the region | | | | |
| Opportunity: The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to improve access to sport, recreational and fitness facilities and programs | | | | |

FINANCIAL IMPLICATIONS

34. All costs associated with the development and finalisation of the lease documentation will be met by ATC.

LEGAL IMPLICATIONS

35. The lease documentation will be prepared by City's lawyers with terms and conditions that can be enforced to minimise any potential risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

36. The Lawley Park site is listed on the City's Local Heritage Survey.

37. ATC are aware of the heritage status and the end of term lease provisions will consider any heritage requirements.

ALTERNATE OPTIONS

38. Council may:
- Approve the new lease requests; or
 - Support some parts of the new leases although not in its entirety; or
 - Not agree to the proposed new lease requests.
39. If Council does not agree to the new leases, it could prevent the project from progressing. This means that the secured funding for the project and any potential future funding opportunities could be at risk.

CONCLUSION

40. Council has provided support for the Albany Tennis Centre project at Centennial Park.
41. Funding of \$1,466,000 has been secured for Stage 1 of the project, which includes building six courts and an online booking system called 'Book a Court'.
42. Both Merrifield Park and Lawley Park Tennis Clubs have demonstrated their commitment to the project by amalgamating to form Albany Tennis Club Inc.
43. Two new leases are proposed to be established with ATC. One lease is for the current Lawley Park tennis site, allowing the Club to operate while the Albany Tennis Centre is being built. The other lease is for the Albany Tennis Centre site in Centennial Park, where the Albany Tennis Centre will be established and operated.
44. Once 10 tennis courts are built at the new Albany Tennis Centre, the lease for the Lawley Park tennis site will be surrendered and ATC will solely operate from the new Albany Tennis Centre in Centennial Park.
45. The proposed leases align with the City's Strategic Community Plan 2032 objective, which aims to improve access to sport, recreation and fitness facilities and programs. The leases also support the funding commitments made by both the City and State Government.
46. It is recommended that the proposed new leases be approved.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | <ul style="list-style-type: none"> Property Management (Lease and Licences) Policy <i>Local Government Act 1995</i> <i>Land Administration Act 1997</i> |
| File Number (Name of Ward) | : | PRO062, PRO473, A74368, A92318, A96087 (Frederickstown Ward) |
| Previous Reference | : | OCM 24/03/2020 Item CCS233 OCM 22/09/2020 Item CCS291 OCM 28/09/2021 Item CCS381 OCM 27/09/2022 Item CCS471 |

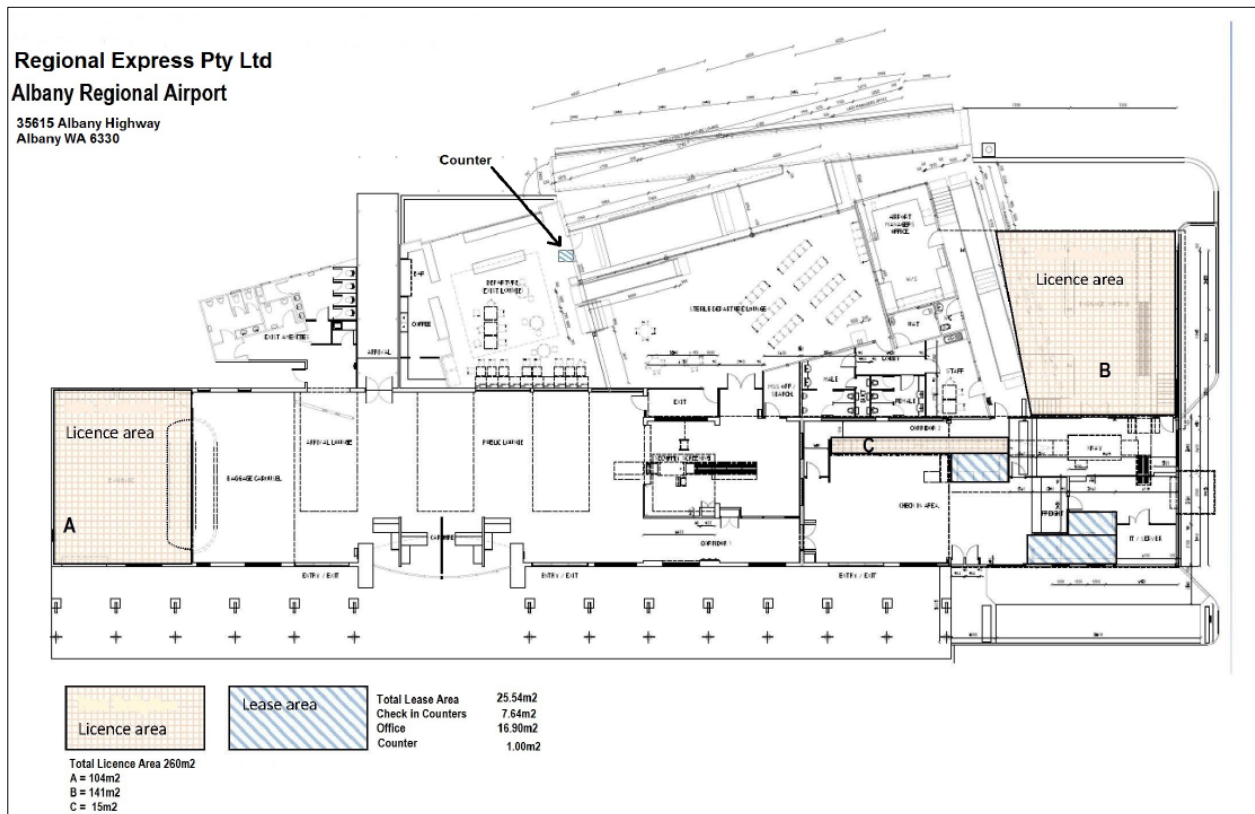
CCS542: NEW COMMERCIAL LEASE AND LICENCE – REGIONAL EXPRESS PTY LTD – PORTION OF ALBANY REGIONAL AIRPORT

| | |
|-----------------------------|---|
| Land Description | : Lot 5643 on Deposited Plan 157458 and Lot 4861 on Plan 157338, the subject of Certificate of Title Volume 2088 Folio 492, Drome |
| Proponent | : Regional Express Pty Ltd (REX) ACN 101 325 642 |
| Owner | : City of Albany |
| Report Prepared By | : Team Leader Property and Leasing (T Catherall) |
| Authorising Officer: | : Executive Director Corporate & Commercial Services (M Gilfellon) |

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - Pillar:** Prosperity.
 - Outcomes:** A highly sought-after tourist destination.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease and licence to Regional Express Pty Ltd (REX) for a portion of the Airport terminal. This will allow REX to continue providing Regular Public Transport (RPT) airline services.
- The proposed lease and licence will be for a term of five years, aligning with the expected commencement of the RPT agreement between REX and the Department of Transport (DoT) in October 2023. While the City has not received official notification regarding the RPT operator, it is generally assumed that REX is the chosen operator.

- The approval of any new lease and licence will depend on the signing of the RPT agreement between REX and the Department of Transport.
- REX has been occupying the Airport terminal under their current lease and licence since 2016, which will expire on 30 June 2023.
- The City's Executive Management Team support the lease and licence to ensure uninterrupted RPT services by REX.
- It is recommended that the proposed new lease and licence be approved.

RECOMMENDATION

CCS542: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a new lease and licence to Regional Express Pty Ltd over part of the Albany Regional Airport terminal located at 35615 Albany Highway, Drome, subject to the terms and conditions outlined in section 15 in this report.

BACKGROUND

2. The City of Albany owns and operates the Albany Regional Airport located at 35615 Albany Highway, Drome.
3. At Ordinary Council Meeting on 15 December 2015, Council was informed that the State Government had appointed REX to operate the Perth to Albany RPT air route under a new agreement. The previous agreement with Virgin, the former operator had expired. In that meeting, Council agreed to waive the lease rental since REX already incurs landing fees and charges.
4. At Ordinary Council Meeting on 22 March 2016, Council approved a new lease and licence to REX as the successful RPT operator, allowing them to use the Airport Terminal facilities for term to align with the State Government RPT agreement. The rent was waived as per previous Council decision in December 2015.
5. The current lease and licence with the City will expire on 30 June 2023. Until new arrangements are finalised, REX will continue operating under holding over provisions.
6. In response to the RPT agreement between the State Government and REX, which is due to expire in October 2023, the Department of Transport recently conducted a competitive tender process to select an operator for the Perth to Albany RPT air service route. It is anticipated that the new operator will commence in October 2023 and the contract will be for five years.
7. The City has received a request from REX for a new lease and licence to continue use of the Airport terminal to provide RPT services for a period of five years.
8. At the time of compiling this report, the City has not received official notification regarding the RPT operator, however it is presumed that REX will be the successful the operator. Since the City is entering into Council election caretaker mode it is considered necessary to ensure that REX's tenure is secured to continue providing RPT services.

DISCUSSION

9. The proposed new lease and licence will be subject to a signed Deed of Agreement between the DoT and REX.
10. REX can only continue using the Airport terminal if they maintain exclusive rights to operate RPT services to Albany.
11. The lease area includes the flight reception area with two customer check in service desks, an office space and an exit gate counter.

12. The licence area includes the area where baggage is handled, both for incoming and outgoing flights, including the conveyor belt.
13. REX staff and contractors must comply with all regulations and procedures applicable to air transportation required by law and use of the Albany Airport facilities.
14. Consultation has taken place with the Airport team who support the new lease and licence.
15. The table below summarises the essential terms of the proposed lease and licence.

| Item | Details |
|--------------------|--|
| Tenant | Regional Express Pty Ltd. |
| Land Description | Lot 5643 on Deposited Plan 157458 and Lot 4861 on Plan 157338, the subject of Certificate of Title Volume 2088 Folio 492, Drome |
| Lease Area | Approx 25m ² |
| Licence Area | Approx 260m ² |
| Land Ownership | City of Albany |
| Permitted Use | <ul style="list-style-type: none"> Lease: Airline reception, office space and associated airline operations to accommodate the Albany Regular Public Transport air service Licence: Transfer terminal, baggage handling and associated airline activities to accommodate the Albany Regular Public Transport air service |
| Term of Lease | 5 years to align with the Regular Public Transport Agreement |
| Rent | \$1.00 plus GST payable on demand |
| Outgoings | Tenant responsible for all outgoings, including insurance |
| Special Conditions | <ul style="list-style-type: none"> Lease and Licence will be conditional on the signing of the RPT agreement between REX and the Department of Transport REX remains the exclusive operator of the Regular Public Transport route to retain the lease and licence |

16. REX has agreed in-principle to the above terms, subject to Council approval.

GOVERNMENT & PUBLIC CONSULTATION

17. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the process by which the City can dispose of property. For the purposes of this section, a lease is considered to be a disposal. The Act requires the following:
 - a. 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.

18. The proposed lease will be advertised to comply with the requirements of the Act.
19. The City owns the land being disposed of in freehold title and therefore no approval from the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

20. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased/licenced land and buildings, including advertising requirements.

POLICY IMPLICATIONS

21. The City's Property Management (Leases and Licences) Policy aims to support the equitable access, and the efficient management of City owned and managed properties in line with statutory procedures.
22. Under this policy, rent reviews be conducted annually, with market valuations of the lease every three years and CPI increases in between.

23. Council has previously agreed to waive lease rental for REX under the current lease and licence agreement. Council's continued support of this variation for REX is requested.
24. All other terms of the lease and licence agreement will be in line with the policy.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|------------|-------------|---------------|--|
| Reputation: New Lease and Licence not approved – disruption to RPT services | Unlikely | Major | Medium | Seek to negotiate terms to Council satisfaction |
| Reputation: RPT Agreement between DoT and REX not signed | Unlikely | Major | Medium | New lease and licence with REX not initiated. Liaise with DoT to understand reasons for delay or establish a new RPT operator |
| Opportunity: Support the City and State Government commitment to provide a RPT service from Perth to Albany | | | | |
| Opportunity: The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to improve access to marine, rail and aviation transport to support population growth, tourism and economic development. It also contributes to creating a competitive and sustainable tourism offering. | | | | |

FINANCIAL IMPLICATIONS

26. All costs associated with the development, execution and completion of the lease and licence documentation will be met by the City in support of the RPT service.

LEGAL IMPLICATIONS

27. The Deed of Lease and Licence will be prepared by City's lawyers with terms and conditions that can be enforced to minimise any potential risks to the City.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

29. Council may:
 - a. Approve the new lease and licence;
 - b. Support some parts of the new lease and licence although not in its entirety; or
 - c. Not agree to the new lease and licence request.
30. If Council does not agree to the new lease and licence, it could cause disruptions to RPT services.
31. REX will need to work with the City to find another location within the terminal to continue offering flight reception and baggage handling services. However there is a possibility that REX may not be able to provide all necessary terminal services during this process.

CONCLUSION

32. REX currently operate the RPT Perth to Albany air service route under an agreement with the DoT. They also hold a lease and licence with the City for using the Airport terminal facilities. However, both of these arrangements are due to expire.
33. Although the City has not received official notification about the new RPT operator to date, it is generally assumed that REX has been selected as the operator for the Perth to Albany air service route.
34. For a new lease and licence to be approved, it will be subject to a signed agreement between the REX and Department of Transport.

35. REX has requested a new lease and licence to continue using the Airport terminal to provide RPT services for the next five years to align with the RPT agreement with DoT.
36. The proposed lease and licence supports the City's Strategic Community Plan 2032 objective to create a competitive and sustainable tourism offer and to improve access to marine, rail and aviation transport to support population growth, tourism and economic development.
37. Council is requested to support the granting of a new lease and licence to REX, in accordance with the terms and conditions outlined in this report.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none">• Property Management (Leases and Licences) Policy• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i> |
| File Number (Name of Ward) | : | PRO415, A64802 (Kalgan Ward) |
| Previous Reference | : | OCM 15.12.2015 Item ED029 OCM 22.03.2016 Item CSF227 |

CCS543: QUARTERLY REPORT – TENDERS AWARDED – APRIL TO JUNE 2023

| | |
|----------------------------|--|
| Proponent | : City of Albany |
| Attachments | : Quarterly Report – Tenders Awarded – April to June 2023 |
| Report Prepared by | : Senior Procurement Officer (H Hutchinson) |
| Authorising Officer | : Executive Director Corporate & Commercial Services (M Gilfellow) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS543: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – April to June 2023 be RECEIVED.

CCS544: WRITE-OFF GENERAL DEBT REPORT AS AT 30 JUNE 2023

| | |
|----------------------------|---|
| Proponent | : City of Albany |
| Attachments | : General Debtors Write-Off Report |
| Report Prepared by | : Financial Services Coordinator (P Martin) |
| Authorising Officer | : Executive Director Corporate and Commercial (M Gilfellow) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS544: AUTHORISING OFFICER RECOMMENDATION

THAT the General Debtors Write Off Report as at 30 June 2023 be RECEIVED.

CCS545: 2023-24 BUDGET ADOPTION

| | |
|----------------------------|--|
| Proponent | : City of Albany |
| Attachments | : Draft 2023-24 Budget |
| Report Prepared by | : Business Analyst/Management Accountant (D Harrison) |
| Authorising Officer | : Chief Executive Officer (A Sharpe) Executive Director Corporate & Commercial Services (M Gilfellow) |

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance.
 - **Outcome:** A well informed and engaged community.
2. This proposed budget aligns with the City's Corporate Business Plan where possible:

IN BRIEF:

- Approve the 2023/2024 budget, noting that the proposed budget is a result of a series of elected member and staff workshops.

RECOMMENDATION

CCS545: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council ADOPT the following municipal rates in the dollar on gross rental valuations and unimproved valuations and minimum rate values for the 2023/2024 financial year:

(1) Rating Category 1 – GRV General

- The General Rate on Gross Rental Values for the 2023/2024 financial year on Rating Category (1) including all GRV rateable land be 10.6660 cents in the dollar.

(2) Rating Category 3 – UV

- The General Rate on current unimproved values for the 2023/2024 financial year on Rating Category (3) including all UV rateable land be 0.3124 cents in the dollar.

(3) Minimum Rate

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$1,175.00
- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,270.00

CCS545: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council APPROVES the following Waste Collection charges for the City of Albany (including general waste collection, bulk green waste, collection of recyclables and fogo waste) be adopted for the 2023/2024 financial year:

(1) Residential Services

- | | |
|------------------------------------|--|
| • Full Residential Waste Service | \$402.00 |
| • Waste Collection 140 Ltr MGB | Fortnightly |
| • Recycling Collection 240 Ltr MGB | Fortnightly |
| • FOGO Waste Collection 240Ltr MGB | Fortnightly (and weekly between mid December and mid February) |

(2) Additional Services

Additional Services (up to a maximum of two but can only include one collection type) with a full residential waste service.

- | | |
|--|--|
| • Waste Collection 140 Ltr MGB (Inc GST) | Fortnightly \$130.00 |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$73.00 |
| • FOGO Waste Collection 240Ltr MGB (Inc GST) | Fortnightly \$73.00 (and weekly between mid December and mid February) |

(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the *Local Government Act 1995*. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$58.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$58.00
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$58.00

CCS545: AUTHORISING OFFICER RECOMMENDATION 3

THAT Council ADOPTS:

- (1) Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2023/2024 financial year which includes the following:
- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$16,170,187
 - Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$16,170,187
 - Statement of Cash Flows showing cash & cash equivalents at year-end of \$10,880,017 on page (vii)
 - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$44,305,190
 - Notes to and Forming Part of the Budget on pages (1 to 56)
 - Fees and Charges and Capital Works Schedule as detailed on pages (57 to 96)
 - Transfers to / from Reserve Accounts as detailed in pages (44 to 49)
- (2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 44 to 49 of the budget):
- Airport Reserve
 - Albany's Bicentennial Reserve
 - Albany Daycare Centre Reserve
 - Albany Entertainment Centre Reserve
 - Albany Heritage Park Infrastructure Reserve
 - Albany Leisure And Aquatic Centre – Synthetic Surface "Carpet" Reserve
 - Albany Town Hall Reserve
 - Bayonet Head Infrastructure Reserve
 - Building Restoration Reserve
 - Capital Seed Funding for Sporting Clubs Reserve
 - Centennial Park Stadium and Pavilion Renewal Reserve
 - Cheyne Beach Reserve
 - Parking, Bridges & Marine Infrastructure Reserve
 - Coastal Management Reserve
 - Debt Management Reserve
 - Destination Marketing & Economic Development Reserve
 - Emu Point Boat Pens Development Reserve
 - Emu Point Marina Reserve 42964 Reserve
 - Great Southern Contiguous Local Authorities Group Reserve
 - Information Technology Reserve
 - Land Acquisition Reserve
 - Master Plan Funding Reserve
 - National Anzac Centre Reserve
 - Parks, Recreation Grounds and Trails Reserve
 - Plant & Equipment Reserve
 - Public Open Space Reserve
 - Refuse Collection & Waste Minimisation Reserve
 - Roadwork's, Drainage & Paths Reserve
 - Developer Contributions (Non-Current) Reserve
 - Unspent Grants Reserve
 - Waste Management Reserve

CCS545: AUTHORISING OFFICER RECOMMENDATION 4

THAT Council APPROVES the due dates for payment of Rates and Waste Collection Charges for 2023/2024 be as follows:

- (1) Pay rates in full 21st September 2023.**
- (2) Pay by two instalments:**
 - (a) First Instalment Payment 21st September 2023; and**
 - (b) Second Instalment: 22nd January 2024.**
- (3) Pay by four instalments:**
 - (a) First Instalment Payment 21st September 2023;**
 - (b) Second Instalment: 21st November 2023;**
 - (c) Third Instalment: 22nd January 2024; and**
 - (d) Fourth Instalment: 21st March 2024.**

CCS545: AUTHORISING OFFICER RECOMMENDATION 5

THAT Council IMPOSES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Waste Collection and General Debtor Collection charges during the 2023/2024 financial year:

- (1) Instalment Plan Administration Fee**
In accordance with section 6.45(3) of the Local Government Act 1995, an Instalment Plan Administration fee of \$6.50 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.
- (2) Late Payment Interest Charge**
In accordance with section 6.51(1) of the Local Government Act 1995, a charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 7% p.a will be calculated daily at 0.01918% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.
- (3) Instalment Plan Interest Charge**
In accordance with section 6.45(3) of the Local Government Act 1995, an interest rate of 5.5% p.a will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.
- (4) Late Payment Interest Charge (Excluding Rates & Charges)**
In accordance with section 6.13 of the Local Government Act 1995, a charge of 7% p.a interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2023. In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

Waivers

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$2.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

CCS545: AUTHORISING OFFICER RECOMMENDATION 6

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2023/2024 Budget) be adopted effective from 26th July 2023.

CCS545: AUTHORISING OFFICER RECOMMENDATION 7

THAT Council SETS the Elected Member Sitting Fees and Allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- (1) Councillor Meeting Attendance Fee: \$32,960**
- (2) Mayoral Meeting Attendance Fee: \$49,435**
- (3) Councillor and Mayoral ICT Allowance: \$3,500**
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50**
- (5) Total Mayoral Allowance is: \$93,380**
- (6) Deputy Mayoral Allowance: \$23,345 - being 25% of the Mayoral Allowance**

CCS545: AUTHORISING OFFICER RECOMMENDATION 8

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.

BACKGROUND

- 3. Council has considered strategic and operational issues which will impact on the 2023/24 budget.
- 4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2023/24 financial year.

DISCUSSION

- 5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget, while ensuring compliance with Local Government legislation, work health and safety requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
- 6. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future.
- 7. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.

GOVERNMENT & PUBLIC CONSULTATION

- 8. The Department of Local Government, Sport and Cultural Industries is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

PUBLIC CONSULTATION / ENGAGEMENT

- 9. Budget information will be published on the City of Albany website.

STATUTORY IMPLICATIONS

10. This item directly relates to, and contributes to achievement of, the Strategies within the Community Strategic Plan – Albany 2023.

POLICY IMPLICATIONS

11. Nil.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-----------------|----------------|----------------|--|
| Financial & Reputation: <i>Council does not endorse the 2023/24 Budget, with the consequential risk of deferred cash flow, and thus inability to meet financial commitments.</i> | <i>Unlikely</i> | <i>Extreme</i> | <i>Extreme</i> | <i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement.</i> <i>Reconsideration of the budget paper at a Council meeting prior to 31 August 2023.</i> |

FINANCIAL IMPLICATIONS

13. The 2023/24 Budget sets the parameters for expenditure of City resources.
14. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

LEGAL IMPLICATIONS

15. Nil.

ALTERNATE OPTIONS

16. Council adopt the 2023/24 Annual Financial Budget with changes.

SUMMARY CONCLUSION

17. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2023 until 30 June 2024.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none"> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996.</i> |
| File Number (Name of Ward) | : | FM.BUG.12 |
| Previous Reference | : | <ul style="list-style-type: none"> <i>Budget Workshop – 17 May 2023</i> <i>Budget Workshop – 21 June 2023</i> <i>OCM July 2022 Resolution CCS457</i> |

CCS546: C23012 - PANEL OF SUPPLIERS – VEGETATION MAINTENANCE WORKS

| | |
|-----------------------------|--|
| Proponent | : City of Albany |
| Attachments | : Confidential Attachment Under Separate Cover |
| Report Prepared By | : Developed Reserves Supervisor (<i>W Turner</i>) |
| Authorising Officer: | : Executive Director Infrastructure, Development & Environment (<i>P Camins</i>) |

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Planet
 - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

In Brief:

- Tender to appoint preferred contractors to provide vegetation maintenance services to the City of Albany.
- The contract shall be for a period of two (2) years from 27th August 2023 to 31st August 2025

RECOMMENDATION

CCS546: AUTHORISING OFFICER RECOMMENDATION

ACCEPT the tendered rates for Contract C23012 - Panel of Suppliers – Vegetation Maintenance to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. The City of Albany (“the City”) is seeking to establish a “Panel of Suppliers” for the supply of vegetation maintenance services in the municipality.
3. This Panel shall be Council’s preferred suppliers and requests for supply of shall be directed to members of this Panel before all others.

DISCUSSION

4. A total of twenty one (21) tender documents were issued.
5. Under the panel contract, tenderers were invited to provide rates for maintenance equipment to enable them to undertake vegetation maintenance works across the municipality including, but not limited to:
 - Vegetation/tree removal;
 - Vegetation/tree pruning;
 - Western Power pruning (both High and Low voltage);
 - Mulching;
 - Chipping;
 - Stump grinding;

- QTRA assessments;
 - Arboriculture reports; and
 - Slashing/mulching.
6. Should there be a requirement for a service not on the preferred supplier listing, then standard procurement procedures will apply.
7. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

| Criteria | % Weight |
|-------------------------------------|------------|
| Cost | 35 |
| Relevant Experience | 15 |
| Key Personnel Skills and Experience | 15 |
| Tenderer's Resources | 20 |
| Demonstrated Understanding | 10 |
| Corporate Social Responsibility | 5 |
| Total | 100 |

8. Nine (9) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City's intention was to appoint up to four (4) Contractors to the Panel of Suppliers.
9. The following table summarises the weighted scores of the received tenders. The cost scoring was evaluated based on the schedule of rates received. The rates for supply have not been included in the table as these are "commercial in confidence" and will not be made publicly available. Tenderers A, B, C and D are recommended to be placed on the panel.

| Tenderer | Average Weighted Score |
|------------|------------------------|
| Tenderer A | 705.73 |
| Tenderer B | 641.01 |
| Tenderer C | 619.65 |
| Tenderer D | 619.65 |
| Tenderer E | 600.89 |
| Tenderer F | 590.10 |
| Tenderer G | 526.87 |
| Tenderer H | 508.33 |
| Tenderer I | 332.30 |

GOVERNMENT & PUBLIC CONSULTATION

10. A request for tenders was published in the West Australian on Wednesday 24 May 2023 and the Albany Extra on Friday 26 May 2023.

STATUTORY IMPLICATIONS

11. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the Contract is, or is expected to be, more, or worth more, than \$250,000.00.
12. Regulation 18 of the Regulations outline a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

14. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
15. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|------------|---------------|---------------|---|
| Organisation's Operations. Council does not award this Contract delays in achieving the capital works and maintenance program may result. | Unlikely | Major | High | This Contract is awarded so products can be purchased. |
| Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor. | Unlikely | Major | High | No single Contractor would be able to supply the varied products list. This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes. |
| Legal & Compliance. Non-compliance with Contract or business failure | Unlikely | Moderate | Medium | General conditions of contract allow for contract termination on the basis of failure to supply goods and services. |
| Reputation. The community's expectation of completion of capital works or maintenance programs. | Possible | Insignificant | Low | Community are advised of any work delays. |
| Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery. | | | | |

FINANCIAL IMPLICATIONS

17. The estimated value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
18. Tenderers were required to provide a schedule of rates for the products. The supply of products is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

19. Nil

ENVIRONMENTAL CONSIDERATIONS

20. Nil

ALTERNATE OPTIONS

21. Council can accept or reject the tenders as submitted.

CONCLUSION

22. The City has undergone a competitive process in line with the relevant legislation and established policies.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference) |
| File Number (Name of Ward) | : | C23012 |
| Previous Reference | : | |

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