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# MINUTES

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## COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 12 March 2024

6.00pm

Council Chambers

UNCONFIRMED MINUTES

The Five Strategic Pillars



**Community & Corporate Services Committee**  
**Terms of Reference**

**Function:**

This Committee is responsible for:

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

It accomplishes this by:

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

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

**Membership:** Open to all elected members

**Meeting Schedule:** Monthly Meeting Location: Council Chambers

**Directorates:** Corporate & Commercial Services and Community Services

**Executive Officer(s):**

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

**Delegated Authority:** None

COMMUNITY AND CORPORATE SERVICES COMMITTEE  
MINUTES –12/03/2024

**TABLE OF CONTENTS**

Details		Pg#
1.	<b>DECLARATION OF OPENING</b>	5
2.	<b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b>	5
3.	<b>RECORD OF APOLOGIES AND LEAVE OF ABSENCE</b>	5
4.	<b>DISCLOSURES OF INTEREST</b>	6
5.	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	6
6.	<b>PUBLIC QUESTION TIME</b>	6
7.	<b>PETITIONS AND DEPUTATIONS</b>	6
8.	<b>CONFIRMATION OF MINUTES</b>	6
9.	<b>PRESENTATIONS</b>	6
10.	<b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</b>	6
REPORTS		
CCS607	MONTHLY FINANCIAL REPORT – JANUARY 2024	7
CCS608	LIST OF ACCOUNTS FOR PAYMENT FEBRUARY 2024	10
CCS609	DELEGATED AUTHORITY REPORTS –16 JANUARY TO 15 FEBRUARY 2024	13
CCS610	ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 JANUARY 2024	14
CCS611	PROPOSED NEW LEASES – REGIONAL DEVELOPMENT AUSTRALIA GREAT SOUTHERN WA INC. – CO-OP BUILDING	17
CCS612	PROPOSED NEW LEASE – ROBERT VITALE AND KEN OLDHAM – HANGAR SITE 34, ALBANY REGIONAL AIRPORT	22
CCS613	COMMUNICATIONS & ENGAGEMENT STRATEGY PROGRESS REPORT – DECEMBER 2023	26
11.	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	29
12.	<b>MEETING CLOSED TO PUBLIC</b>	29
13.	<b>CLOSURE</b>	29

COMMUNITY AND CORPORATE SERVICES COMMITTEE  
MINUTES –12/03/2024

1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6.00pm

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

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

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

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

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

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

**Staff:**

Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services Manage Community Relations	M Gilfellon E van Gorp

Meeting Secretary	H Bell
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**Apologies:**

Councillor	L McLaren
Executive Director Community Services	N Watson

COMMUNITY AND CORPORATE SERVICES COMMITTEE  
MINUTES –12/03/2024

4. **DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>
Councillor Malcolm Traill	CCS611	<b>Impartiality:</b> Councillor Traill has been employed at UWA Albany as a tutor since 2016. Councillor Traill remained in the Chamber and participated in the discussion and vote for this item

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**

**RESOLUTION**

**MOVED: DEPUTY MAYOR TERRY  
SECONDED: COUNCILLOR TRAILL**

**THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 13 February 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 10-0**

9. **PRESENTATIONS Nil**

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

## CCS607: MONTHLY FINANCIAL REPORT – JANUARY 2024

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Monthly Financial Report – January 2024
<b>Report Prepared By</b>	: Manager Finance (S van Nierop)
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services (M Gilfellon)

### STRATEGIC IMPLICATIONS

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

### IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity that is presented to Council.
- Under changes to the Regulations in June 2023, a local government is now required to also prepare monthly a statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 31 January 2024 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 January 2024 is preliminary and has not yet been audited.

### RECOMMENDATION

#### CCS607: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR STOCKS**

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

**CARRIED 10-0**

#### CCS607: AUTHORISING OFFICER RECOMMENDATION

**THAT the Monthly Financial Report for the period ending 31 January 2024 be RECEIVED.**

### DISCUSSION

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
  - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
  - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
  - (c) Basis of Preparation
  - (d) Explanation of material variances to year-to-date budget;
  - (e) Net Current Asset & Funding Position;
  - (f) Investment Portfolio Snapshot;

- (g) Receivables; and
  - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS545, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

### STATUTORY IMPLICATIONS

6. The Local Government (Financial Management) Regulations 1996 were amended (SL2023/106) and published on 30 June 2023. The changes, effective from 1 July 2023, have an impact on the reporting of the financial activity statement required each month (Section 34). The below outlines the new reporting requirement under Section 34:
- 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for the previous month (the "relevant month") in the following detail:
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the relevant month; and
  - (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.
- 34(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).
- 34(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.
- 34(2) Each statement of financial activity is to be accompanied by documents containing-
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- 34(3) The information in a statement of financial activity may be shown according to nature classification.
- 34(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; and
  - (b) recorded in the minutes of the meeting at which it is presented.

- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.
7. An amendment to the *Local Government (Financial Management) Regulations 1996*, effective from 1 August 2023, is the addition of Regulation 35, with Local Governments now required to report a financial position statement each month. The additional Regulation 35 is as follows:
- 35(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —
- (a) the financial position of the local government as at the last day of the previous financial year; or
  - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- 35(2) A statement of financial position must be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
  - (b) recorded in the minutes of the meeting at which it is presented.

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 January 2024 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

#### LEGAL IMPLICATIONS

12. Nil.

#### ENVIRONMENTAL CONSIDERATIONS

13. Nil.

#### ALTERNATE OPTIONS

14. Nil.

#### CONCLUSION

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

<b>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number</b>	:	FM.FIR.7

**CCS608: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2024**

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

**STRATEGIC IMPLICATIONS**

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

**IN BRIEF**

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

**RECOMMENDATION**

**CCS608: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 10-0**

**CCS608: AUTHORISING OFFICER RECOMMENDATION**

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2024 totalling \$7,928,219.70 be RECEIVED.

**DISCUSSION**

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

Fund	Transaction Type	Amount (\$)
Municipal	Credit Cards	\$16,906.00
Municipal	Payroll	\$1,970,681.11
Municipal	Cheques	\$0.00
Municipal	Electronic Funds Transfer	\$5,939,697.59
Trust	N/A	\$0.00
<b>TOTAL</b>		<b>\$7,928,219.70</b>

4. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$18,798.42.
5. The table below summaries the total outstanding creditors as at 15 February 2024.

<b>Aged Creditors</b>	<b>Amount (\$)</b>
Current	\$1,101,460.90
30 Days	\$111,891.96
60 Days	\$0.00
90 Days	-\$1,331.76
<b>TOTAL</b>	<b>\$1,212,021.10</b>
Cancelled Cheques	Nil

### STATUTORY IMPLICATIONS

6. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
7. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
8. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.
9. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

#### 13A. Payments by employees via purchasing cards

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

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

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

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

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

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

**LEGAL IMPLICATIONS**

13. Nil

**ENVIRONMENTAL CONSIDERATIONS**

14. Nil

**ALTERNATE OPTIONS**

15. Nil

**CONCLUSION**

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

17. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

<b>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number</b>	:	FM.FIR.2

UNCONFIRMED MINUTES

**CCS609: DELEGATED AUTHORITY REPORTS – 16 JANUARY 2024 to 15 FEBRUARY 2024**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Executed Document and Common Seal Report
<b>Report Prepared By</b>	: PA to Mayor and Councillors (D Clark)
<b>Authorising Officer:</b>	: 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**

**CCS609: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR CRUSE**  
**SECONDED: COUNCILLOR BAESJOU**

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

**CARRIED 10-0**

**CCS609: AUTHORISING OFFICER RECOMMENDATION**

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

**BACKGROUND**

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

**CCS610: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 31 JANUARY 2024**

**Proponent** : City of Albany  
**Attachments** : Budget Review for the period ending 31 January 2024  
**Report Prepared by** : Business Analyst/Management Accountant (D Harrison)  
**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:**

- Local governments are required to conduct a budget review between 1 January and last day in February each financial year in accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996.
- This review is for the period ending 31 January 2024, and achieves a Balanced Budget (nil surplus or deficit as at 30 June 2024) inclusive of the proposed Budget Review allocations

**RECOMMENDATION**

**CCS610: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GRIMMER**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 10-0**

**CCS610: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Budget Review for the period ending 31 January 2024 be ADOPTED.**

**BACKGROUND**

2. The Department of Local Government, Sport and Cultural Industries (“DLGSCI”) recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual. This was completed by the City in September 2023 under agenda item CCS563.
3. Under legislation (regulation 33A(1) of the Local Government (Financial Management) Regulations 1996, Local Governments are required to conduct a budget review between 1 January and the last day of February each financial year.
4. Council adopted the FY2023/24 budget on 25 July 2023 (CCS545). The total adopted budget expenditure of \$142.2m was comprised of:
  - a. \$52.4m capital works;
  - b. \$1.8m debt reduction; and
  - c. \$88.0m in operating expenditure.

5. The current budget (inclusive of budget amendments already endorsed by Council throughout FY2023/24) has expenditure totalling \$146.4m.

### DISCUSSION

6. Key elements of this proposed budget review include:
- a. To fund the required \$1.348m to complete the proposed amendments is sourced as follows:
    - i. \$1.941m: Reduction in expenditure
    - ii. \$(0.485)m: Reduction in grants and general revenue.
    - iii. \$(0.108)m: Reduction in reserves funding required.The total of which is \$1.348m.
  - b. This Review Maintains Council's Budget in a Balanced Position as at 30 June 2024.
  - c. Total expenditure of \$145.8m in FY2023/24, comprised of:
    - i. \$54.0m capital works;
    - ii. \$1.8m debt reduction; and
    - iii. \$90.0m in operating expenditure.
7. A detailed copy of the budget review for the period ending 31 January 2024 is attached.
8. Budget adjustments thereafter will be brought to Council as an item to be discussed when required and actioned outside of this review.

### GOVERNMENT & PUBLIC CONSULTATION

9. Department of Local Government guidelines were followed in the preparation of this report.
10. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

### STATUTORY IMPLICATIONS

11. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- a. is incurred in a financial year before the adoption of the annual budget by the local government
  - b. is authorised in advance by a resolution (absolute majority required) or;
  - c. is authorised in advance by the mayor in an emergency.
12. 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 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed.
13. The voting requirement of Council is **Absolute Majority**.

### POLICY IMPLICATIONS

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Organisation’s Operations.</b> Non approval of the budget review may result in significant delays to achieving deliverables.	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>In the short term the existing Annual Budget would apply and proposed amendments would not apply. Adopt the Budget Review with amendments (as specified by Council).</i>
<b>Opportunity:</b> Provides Council with an additional opportunity to review the City’s current budget position				

**FINANCIAL IMPLICATIONS**

16. Please refer to the attachment: Budget Review for the period ending 31 January 2024.

**LEGAL IMPLICATIONS**

17. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

18. Nil.

**ALTERNATE OPTIONS**

19. For the period ending 31 January 2024, Council may consider to:
- a. Adopt the Budget Review as recommended; or
  - b. Adopt the Budget Review with amendments (as specified by Council)

**SUMMARY CONCLUSION**

20. That the Responsible Officer’s Recommendation to adopt the Budget Review for the period ending 31 January 2024 be supported.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Adopted Budget 2023/2024</li> <li>• Local Government Act 1995</li> </ul>
<b>File Number</b>	<ul style="list-style-type: none"> <li>• FM.BUG.12</li> </ul>
<b>Previous Reference</b>	<ul style="list-style-type: none"> <li>• Adopted Budget 2023/2024 – OCM 25/07/2023 Resolution CCS545</li> <li>• Budget Review Period Ending 31 July 2023 - OCM 26/09/2023 Resolution CCS563</li> <li>• Budget Review Period Ending 31 October 2023 - OCM 19/12/2023 Resolution CCS585</li> </ul>

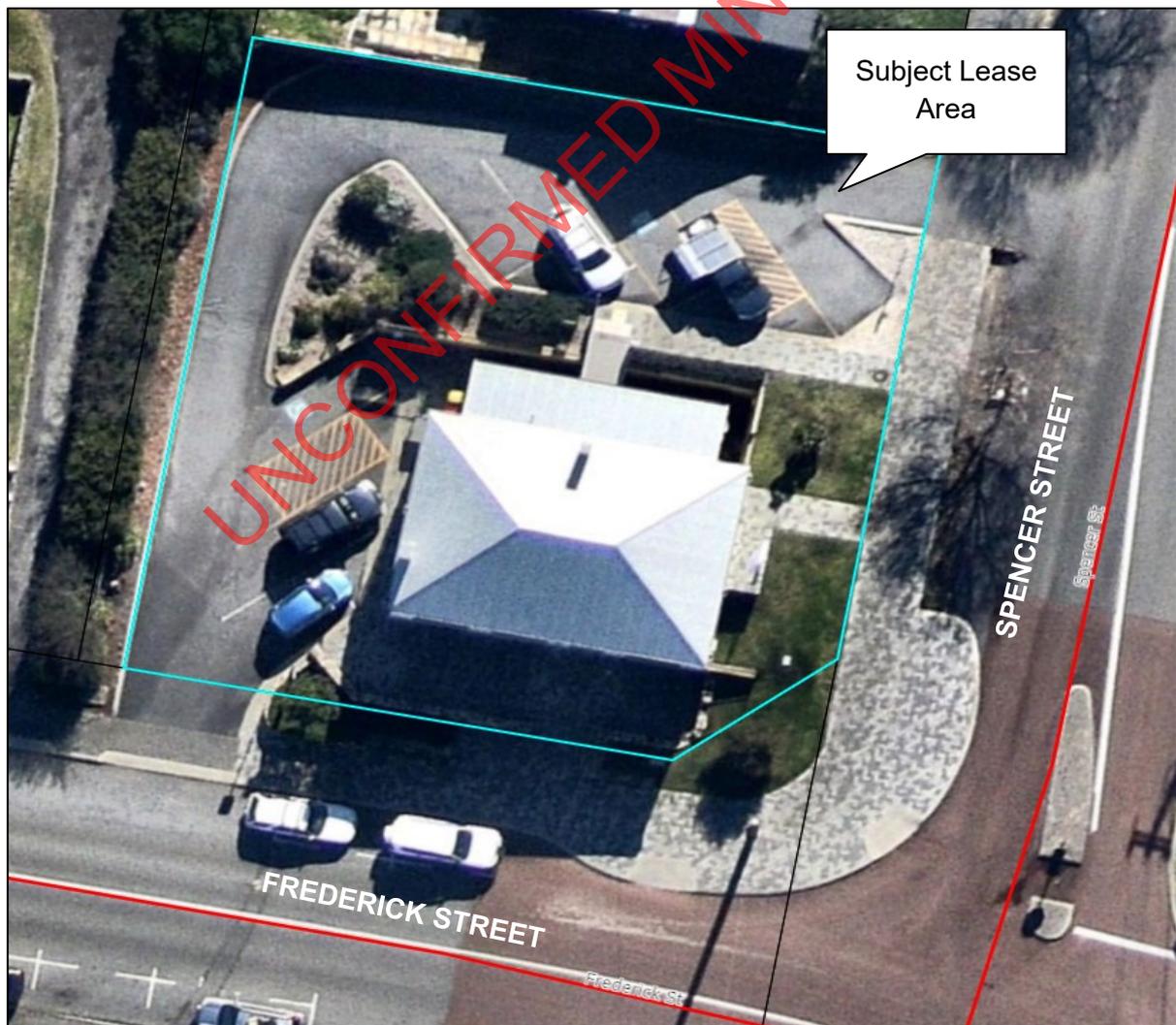
**CCS611: PROPOSED NEW LEASES – REGIONAL DEVELOPMENT AUSTRALIA GREAT SOUTHERN WA INC. – CO-OP BUILDING**

<b>Land Description</b>	: Crown Reserve 42401, Lot 1411 on Deposited Plan 26101, the subject of Certificate of Title LR3123 Folio 712, Albany
<b>Proponent</b>	: Regional Development Australia – Great Southern WA Inc.
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property & Leasing (T Catherall)
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services (M Gilfellon)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Prosperity.
  - **Outcomes:** A strong, diverse and resilient economy with work opportunities for everyone.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider two new leases to Regional Development Australia Great Southern WA Inc. (RDA) over the former Albany Co-operative Society Building (Co-op building) located within Crown Reserve 42401, Frederick Street.
- These leases will allow the continued use of the property as a Regional University Centre (RUC).
- Currently RDA holds two leases over this property. One lease for the ground floor and another for the first floor, due to expire on 22 April 2024.
- In October 2023, RDA formally requested the renewal of both leases on similar terms to support the ongoing use of the property as an RUC.
- It is recommended that the proposed new leases be approved.

**RECOMMENDATION**

**CCS611: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR STOCKS**

**SECONDED: COUNCILLOR BAESJOU**

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

**CARRIED 10-0**

**CCS611: AUTHORISING OFFICER RECOMMENDATION**

THAT Council APPROVES the two new leases to Regional Development Australia – Great Southern WA Inc. over Crown Reserve 42401, 46 Frederick Street, subject to the terms and conditions outlined in section 13 of this report.

**BACKGROUND**

2. The Co-op building is at 46 Frederick Street, Albany situated on Crown Reserve 42401 and holds significance on various heritage registers.
3. Extensive renovations were carried out in 2016 to restore the building's functionality.
4. Following an Expression of Interest process in 2017, Council approved a new lease and licence to RDA for an initial term of 3 years with an option for an additional 3 years.
5. In August 2020, RDA successfully secured Commonwealth funding to establish a RUC in Albany. RDA proposed utilising the ground floor of the Co-Op Building for this purpose.
6. Originally, RDA's initial lease term was due to expire April 2021. RDA expressed intent to exercise the option for an additional 3-year term, involving changes to remove the licence over the ground floor and facilitate a new lease to establish the Albany RUC.
7. In response Council at its meeting in October 2020, approved a variation to RDA's existing lease and granted a new lease for the ground floor to establish the RUC.
8. The new ground floor lease was approved at a peppercorn rent to support the Albany RUC.
9. Both leases (ground floor and first floor) are due to expire on 22 April 2024.

**DISCUSSION**

10. In October 2023, RDA requested to renew their two leases to accommodate the continued use of the RUC. The RUC recently expanded to the first floor, in addition to the ground floor, due to an increase in students using the centre.
11. RDA has requested to maintain the current split rent arrangement, where the first floor has a market valuation rent and the ground floor maintains a peppercorn rent.

12. Recognising RDA's investment and commitment in advancing tertiary education in Albany and surrounding region, the City expressed preliminary support for renewing and maintaining the existing rent arrangement, pending Council approval.
13. The table below summarises the key terms of the proposed leases:

Item	Details
Tenant	Regional Development Australia Great Southern WA Inc.
Land Description	Crown Reserve 42401, Lot 1411 on Deposited Plan 26101, the subject of Certificate of Title LR3123 Folio 712, Albany
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Ground floor - Approx. 160m <sup>2</sup> First floor, carpark and surrounds - Approx. 906m <sup>2</sup>
Permitted Use	Operate a Regional University Centre, in accordance with and limited by the Management Order over the land
Rent	<ul style="list-style-type: none"> <li>• Ground floor - \$10 + GST per annum</li> <li>• First floor - \$26,800.00 plus GST per annum. Reviewed every three years by market valuation with CPI applied for intervening years</li> </ul>
Term	3 + 3 years commencing 23 April 2024
Outgoings & Utilities	Tenant responsible for all outgoing & utilities, including insurance
Maintenance	<ul style="list-style-type: none"> <li>• Tenant responsible for maintenance and repair of leased area</li> <li>• City responsible for all structural maintenance and damp response</li> <li>• All works subject to State Heritage provisions</li> </ul>
Special Conditions	<ul style="list-style-type: none"> <li>• Early termination if Federal Government funding ceases</li> <li>• Heritage Building Maintenance requirements</li> <li>• Acknowledgement of ground floor damp matters with right to terminate</li> </ul>

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

#### GOVERNMENT & PUBLIC CONSULTATION

15. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the process by which the City can dispose of property. Leasing a property is considered a form of disposal.
16. Section 30 of the *Local Government (Functions and General) Regulations 1996* outlines exemptions Section 3.58. These exemptions include disposal to organisations with charitable, benevolent, religious, cultural, educational, recreational, sporting or similar objectives.
17. Based on above criteria, the proposed lease falls under exemptions and is considered exempt from public notice requirements of 3.58.

#### STATUTORY IMPLICATIONS

18. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased or licensed land and buildings.
19. Section 18 of the *Land Administration Act 1997* provides that individuals cannot assign, sell, transfer or otherwise deal with interests in Crown land, create, or grant an interest in Crown land without prior written approval from the Minister for Lands.
20. The proposed leases align with the requirements governing the disposal of property and dealings with Crown land.

#### POLICY IMPLICATIONS

21. The City's Property Management (Leases and Licences) Policy aims to support the equitable access and effective management of City owned and managed properties in line with statutory procedures.

22. The Policy provides that commercial lease rents should be determined by market valuation.
23. RDA has proposed to continue paying a market rent for the first floor and a peppercorn rent for the ground floor as per the current arrangement. Council's support for this request is sought considering the broader community benefit associated with the RUC.
24. All other terms of the lease agreements 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
<b>Reputation:</b> New leases not approved – perceived lack of support for tertiary education in region	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
<b>Reputation:</b> New leases not approved – RDA seeking another place for the RUC	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction
<b>Financial:</b> New leases not approved – no rental income	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction to retain income
<b>Opportunity:</b> To continue providing support for tertiary education and students studying online.				
<b>Opportunity:</b> The leases support the City's Strategic Community Plan 2032 objective which aims to facilitate access to quality education, training and work opportunities.				
<b>Opportunity:</b> The leases support the City's commitment to growing Albany as a university town				

### FINANCIAL IMPLICATIONS

26. All costs for lease documentation will be covered by RDA.

### LEGAL IMPLICATIONS

27. The lease documentation will be prepared by City's lawyers to ensure enforceable terms to minimise risks to the City and Minister for Lands.

### ENVIRONMENTAL CONSIDERATIONS

28. The Co-op building is listed on the State Heritage Register and City's Local Heritage Survey, known as the Albany Co-operative Society Building (former).
29. RDA is aware of the building's heritage status, and any proposed works will be subject to heritage approval. End of term lease provisions will consider any heritage requirements.

### ALTERNATE OPTIONS

30. Council may:
  - a. Approve the leases to RDA; or
  - b. Support some elements of the new leases; or
  - c. Decline the lease requests.
31. Should Council decline the leases, finding a new location may be challenging due to the required space and budget constraints. This current location is conveniently located near the CBD, student accommodation and the UWA campus.
32. Should Council decline the request, RDA may need to reassess their options in providing a RUC in Albany. Consequently, impacting Albany's identity as a university town.

**CONCLUSION**

33. RDA existing two leases over the Co-op Building expire on 22 April 2024.
34. RDA seeks to renew both leases on similar terms, ensuring the continued operation of the RUC in Albany.
35. The proposal requests two leases for a 3-year term with an option to extend for another 3 years, maintaining the existing split rent arrangement.
36. The ground floor rent is proposed at \$10 plus GST pa while the rent for first floor is determined by market rent, initially \$26,800.00 plus GST pa, as provided by a licensed Valuer.
37. RDA’s commitment aligns with the City’s objectives for education opportunities in Albany and surrounding region.
38. The proposed leases support the City’s Strategic Community Plan 2032, which aims to facilitate access to quality education, training and work opportunities.
39. It is recommended to approve the two new leases to RDA.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Property Management (Lease and Licences) Policy</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number</b>	:	PRO416 & PRO462, A137623
<b>Previous Reference</b>	:	OCM 28/11/2017 – CCS004 OCM 27/10/2020 – CCS297

UNCONFIRMED MINUTES

## CCS612: PROPOSED NEW LEASE – ROBERT VITALE AND KEN OLDHAM – HANGAR SITE 34, ALBANY REGIONAL AIRPORT

<b>Land Description</b>	: Portion of Lot 214 on Deposited Plan 402105 the subject of Certificate of Title Volume 2861 Folio 954, Drome.
<b>Proponent</b>	: Robert Vitale and Ken Oldham
<b>Owner</b>	: City of Albany
<b>Report Prepared By</b>	: Team Leader Property and Leasing (T Catherall)
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services (M Gilfellon)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar:** Prosperity.
  - **Outcomes:** A strong, diverse and resilient economy with work opportunities for everyone.

### Maps and Diagrams:



### In Brief:

- Council is requested to consider a new lease for Robert Vitale and Ken Oldham over vacant airport hangar site 34 at Albany Regional Airport.
- The purpose of the lease is to provide aircraft hangar space for 10 years with an option for an additional 10 years.
- The tenant proposes to construct a hangar on the site for aircraft storage.
- It is recommended that the proposed new lease be approved.

**RECOMMENDATION**

**CCS612: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 10-0**

**CCS612: AUTHORISING OFFICER RECOMMENDATION**

THAT Council APPROVES a new lease over hangar site 34, located on portion of Lot 214, 35615 Albany Highway, Drome at Albany Regional Airport to Mr Robert Vitale and Mr Ken Oldham, subject to the terms and conditions outlined in section 7 in this report.

**BACKGROUND**

2. The City currently leases 27 hangar sites at the Albany Airport for aircraft hangarage and has two sites, 34 & 35, available for development.
3. In November 2023, a formal request was received from Mr Vitale and Mr Oldham seeking a lease for vacant site 34 to build a new hangar.
4. The City's Executive and Airport team support the lease request conditional on Mr Vitale and Mr Oldham securing Development Approval for the hangar construction.
5. Development Approval P2230516 was granted allowing to Mr Vitale and Mr Oldham to proceed with securing a lease to develop site 34.

**DISCUSSION**

6. As tenants, Mr Vitale and Mr Oldham will be obligated to comply with the *Civil Aviation Act 1998 (WA)* and the City's, Albany (Harry Riggs) Regional Airport & John Bell Terminal Conditions of Use publication.
7. The table below summarises the key terms of the proposed lease.

Item	Details
Tenant	Robert Vitale and Ken Oldham
Land Description	Portion of Lot 214 on Deposited Plan 402105 the subject of Certificate of Title Volume 2861 Folio 954, Drome
Lease Area	Approx. 327m <sup>2</sup>
Land Ownership	City of Albany
Permitted Use	Aircraft Hangar for Aircraft Hangarage Only
Term of Lease	10 + 10 Years
Rent	Rental is to be determined by current market valuation and reviewed every three years with CPI applied in intervening years. Currently \$10.00 + GST per m <sup>2</sup> of lease area per annum.
Outgoings	Tenant responsible for all outgoings & utilities, including insurance
Special Conditions	<ul style="list-style-type: none"> <li>• Tenant must comply with the <i>Civil Aviation Act 1998 (WA)</i> and the City's, Albany (Harry Riggs) Regional Airport &amp; John Bell Terminal Conditions of Use publication.</li> <li>• Tenant development works to be completed within two years of the development approval.</li> </ul>

8. Mr Vitale and Mr Oldham have agreed in principle to the above terms, subject to Council approval.

### GOVERNMENT & PUBLIC CONSULTATION

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

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

11. 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

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

### POLICY IMPLICATIONS

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

### 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
<b>Reputation:</b> New lease not approved	Unlikely	Minor	Low	Key terms of the lease have been agreed by both parties. Seek to negotiate terms to Council satisfaction.
<b>Reputation:</b> New lease not approved – no rental income	Unlikely	Minor	Low	Seek to negotiate terms to Council satisfaction.
<b>Opportunity:</b> The lease supports the development of a vacant hangar site at tenant cost with no cost to the City.				
<b>Opportunity:</b> The lease supports 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.				

**FINANCIAL IMPLICATIONS**

17. All costs for lease documentation will be covered by the tenant.

**LEGAL IMPLICATIONS**

18. The lease will be prepared by the City’s lawyers to ensure enforceable terms to minimise any risk to the City is appropriately mitigated.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

20. Council may:

- a. Approve the new lease;
- b. Support some parts of the new lease although not in its entirety; or
- c. Not agree to the new lease request.

21. Should Council decline the lease, the site will remain undeveloped until an Expression of Interest for lease of the vacant hangar site is initiated.

**CONCLUSION**

22. Mr Vitale and Mr Oldham have requested a new lease over hangar site 34 at the Albany Airport to construct a hangar for aircraft hangarage.

23. Development Approval for a new hangar was granted to Mr Vitale and Mr Oldham over hangar site 34 on 19 January 2024.

24. The City’s Airport team have been consulted and support the proposed new hangar lease.

25. The lease supports 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.

26. It is recommended the proposed new lease be approved.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Property Management (Leases and Licences) Policy</li> <li>• Albany (Harry Riggs) Regional Airport &amp; John Bell Terminal Conditions of Use publication</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> <li>• <i>Civil Aviation Act 1998 (WA)</i></li> </ul>
<b>File Number</b>	:	PRO480 / A64802
<b>Previous Reference</b>	:	N/A

**CCS613: COMMUNICATIONS & ENGAGEMENT STRATEGY  
PROGRESS REPORT – DECEMBER 2023**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: City of Albany Communications & Engagement Strategy 2022-2023 Progress Report (December 2023)
<b>Report Prepared By</b>	: Community Development Coordinator (T Flett) Communications Coordinator (L Condon)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

**STRATEGIC IMPLICATIONS**

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

**In Brief:**

- Note the City of Albany Communications & Engagement Strategy December 2023 progress report.

**RECOMMENDATION**

**CCS613: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TRAILL  
SECONDED: COUNCILLOR GRIMMER**

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

**CARRIED 10-0**

**CCS613: AUTHORISING OFFICER RECOMMENDATION**

**THAT the City of Albany Communications & Engagement Strategy progress report for December 2023 and its endorsement by the Communications & Engagement Advisory Group be NOTED.**

**BACKGROUND**

2. Council adopted the Communications & Engagement Strategy at the May 2019 OCM. The Strategy sets a clear direction for communication and engagement activities by the City. The Strategy is underpinned by an Action Plan.
3. The Strategy implementation and annual action plan is overseen by a Communications and Engagement Advisory Group comprising community representatives, Elected Members and City officers. The Advisory Group meets quarterly to review and endorse the progress report.

**DISCUSSION**

Progress Report

4. The Advisory Group met and endorsed the progress report for December 2023 (Q4) following its meeting on Thursday 14 December 2023.
5. Discussion was also held on the ongoing review of the Communications and Engagement Strategy and next steps.

6. The City’s Community Development Coordinator and Communications Coordinator presented the revised draft strategy, based on feedback received from the Advisory Group and outlined the key draft changes and improvements.
7. The Advisory Group supported the proposed revised draft strategy to be circulated for further review and to provide new committee members with the opportunity to review the draft strategy before it is workshopped with Elected Members.
8. The City’s Community Development Coordinator and Communications Coordinator presented a framework for discussion with the Advisory Group regarding the criteria for communications and engagement projects to be taken to the group for review. In its draft format, the framework was accepted in-principle.
9. Further discussion took place relating to a potential opportunity for Advisory Group members to report back to the group regarding community sentiment and feedback in relation to matters of community significance in the municipality. This was accepted as a valuable addition to the current meeting structure.
10. A comprehensive presentation and discussion on the strategy review is scheduled for the Elected Member Strategic Workshop in March.
11. This current report includes 65 actions, 45 which have been completed, 16 remain ongoing or underway, and 4 are on hold.

**GOVERNMENT & PUBLIC CONSULTATION**

12. Extensive community consultation was undertaken during the development of the Communications & Engagement Strategy and at the time achieved the highest reach of any engagement project undertaken by the City.
13. The progress report has been reviewed and supported by the Advisory Group, which includes members representing community.

**STATUTORY IMPLICATIONS**

14. Nil

**POLICY IMPLICATIONS**

15. This item aligns with the Council’s adopted policy position: Community Engagement Policy.

**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
<i>Reputational: Community engagement expectations are not met due to budget, viability, funding agreements, safety, or legislative constraints.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Clearly define and communicate to community instances where project engagement is constrained by non-negotiable factors.</i>
<i>Reputational: Communications or engagement activity is ad-hoc, untimely, inaccurate, or untargeted.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Low</i>	<i>Follow best practice engagement framework and provide timely, informative, and accurate communications to the community through effective channels as outlined in the Communications &amp; Engagement Strategy.</i>
<i>Operational: Some aspirations of the Strategy may not be fully realised due to budget, funding, or resource constraints.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Prioritise budget allocation where necessary and explore all options to achieve objectives.</i>

**FINANCIAL IMPLICATIONS**

17. Nil.

**LEGAL IMPLICATIONS**

18. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

19. Nil.

**ALTERNATE OPTIONS**

20. Nil.

**CONCLUSION**

21. The Communications & Engagement Strategy is overseen by an Advisory Group comprising the community, Elected Members and City staff.
22. Community representation on the Advisory Group ensures that community needs and priorities remain central to the implementation of the Communications and Engagement Strategy.
23. Regular progress reports of achievements against the Strategy are endorsed by the Advisory Group and submitted to Council for information. The progress report against the Strategy's Action Plan for December 2023 (Q4) is submitted to Council for noting.
24. A review of the Communications and Engagement Strategy is underway, and Elected Members will receive a full briefing on progress and have further opportunity to provide input and feedback on the Strategy at the Elected Member Strategic Workshop in March.

<b>Consulted References</b>	:	City of Albany Communication and Engagement Strategy 2019 Council Policy – Community Engagement
<b>File Number</b>	:	CR.MEE.52
<b>Previous Reference</b>	:	OCM 28 November 2023, Resolution CCS579

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** – Nil.

12. **MEETING CLOSED TO THE PUBLIC**

13. **CLOSURE**

There being no further business the Chair declared the meeting closed at **6.47pm**.

*(Unconfirmed Minutes)*

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Councillor Thomas Brough  
**CHAIR**

UNCONFIRMED MINUTES