



AGENDA

CORPORATE SERVICES AND FINANCE COMMITTEE MEETING

7 December 2016

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

TERMS OF REFERENCE

(1) Function:

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

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

(2) It will achieve this by:

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

(3) Chairperson: *Councillor Stocks*

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

(5) Meeting Schedule: 2ND Tuesday of the Month

(6) Meeting Location: Council Chambers

(7) Executive Officer: Executive Director Corporate Services

(8) Delegated Authority: None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Member	G Stocks (Chair)
Member	A Goode JP (Deputy Chair)
Member	P Terry
Member	J Shanhun
Member	R Hammond
Member	J Price
Member	N Mulcahy
Member	C Dowling
Member	A Moir
Member	R Sutton
Member	B Hollingworth
Member	S Smith

Staff:

Chief Executive Officer	A Sharpe
Manager Finance	D Olde

Meeting Secretary	A Paulley
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Apologies:

Executive Director Corporate Services	M Cole
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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

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Corporate Services and Finance Meeting held on 8 NOVEMBER 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CSF283: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2016

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF283: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2016

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 October 2016 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

"Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. budget estimates to the end of the month to which the statement relates;
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. such other supporting information as is considered relevant by the local government.
 - III. The information in a statement of financial activity may be shown –
 - a. according to nature and type classification;
 - b. by program; or
 - c. by business unit.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2016/17 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 October 2016 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF284: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2016

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Senior Accounting Officer (P Martin)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF284: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2016 totalling \$4,768,762.23.

BACKGROUND

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

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2016. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$27,240.00
Credit Cards	\$14,490.21
Payroll	\$1,208,356.91
Cheques	\$60,364.88
Electronic Funds Transfer	\$3,458,310.23
TOTAL	<u>\$4,768,762.23</u>

- As at 15 November 2016, the total outstanding creditors, stands at \$1,296,158.00 and made up as follows:-

Current	\$474,176.38
30 Days	\$806,474.58
60 Days	\$9,237.68
90 Days	\$6,269.36
TOTAL	<u>\$1,296,158.00</u>

Cancelled cheques – Nil.

STATUTORY IMPLICATIONS

4. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

7. Expenditure for the period to 15 November 2016 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 November 2016 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF285: DELEGATED AUTHORITY REPORTS

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to the ED Corporate Services (H Bell)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



RECOMMENDATION

CSF285: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 October 2016 to 15 November 2016.

CSF286: TRANSFER OF LAND TENURE – ALBANY ENTERTAINMENT CENTRE

Land Description : Lot 2 No 2 Toll Place, Albany
Proponent / Owner : City of Albany
Report Prepared By : Senior Lands Officer (N Crook)
Responsible Officers: : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 1 Smart, Prosperous & Growing.
4 A Sense of Community
 - b. **Strategic Objectives:** 1.3 To develop and promote Albany as a unique and sought-after visitor location.
4.1 To build resilient and cohesive communities with a strong sense of community spirit.
 - c. **Strategy:** 1.3.1 Encourage, support and deliver significant events that promote our region.
4.1.1 Facilitate and promote arts and cultural activities for all ages.

Maps and Diagrams:



In Brief:

- In April 2016, Council considered an item discussing the future management of the Albany Entertainment Centre and the operations model put forward by the Department of Culture and the Arts.
- Council resolved to give in-principle agreement for the City to transfer the land on which the AEC is built back to the State Government.
- The City has discussed this option with the Department of Lands and this Department has advised that a formal request is required under the provisions of the *Land Administration Act 1997* in order to transfer the land back to the Crown.
- It is recommended that Council request that the Minister for Lands accept the surrender of Lot 2 No 2 Toll Place held in fee simple by the City of Albany in order to create a Crown Reserve, with a future management order being granted to the Perth Theatre Trust.

RECOMMENDATION

CSF286: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) REQUESTS that the Minister for Lands accept, under Section 11 of the *Land Administration Act 1997*, the surrender of the fee simple for Lot 2 No 2 Toll Place held by the City of Albany under Certificate of Title Volume 2766 Folio 771;**
- (2) REQUESTS that the Minister for Lands reserve Lot 2 No 2 Toll Place to the Crown, under Section 41 of the *Land Administration Act 1997*, for the purpose of Entertainment Centre (or similar purpose as may be preferred by the Department of Lands);**
- (3) ADVISE the Minister for Lands of Council's support that, under Section 46 of the *Land Administration Act 1997*, the management order for this newly created reserve is placed with the Perth Theatre Trust.**

BACKGROUND

2. In September 2007, the City entered into a Memorandum of Agreement with the State of Western Australia for the construction of the Albany Entertainment Centre (AEC). The City made contributions during construction, part of which was to Landcorp for buying the land.
3. In January 2013, the City received correspondence from Landcorp advising that the final payment for the land had been received and in accordance with the Memorandum of Agreement, the land title would be transferred to the City of Albany. This transfer was enacted in February 2013.
4. Since construction of the Albany Entertainment Centre (AEC) was completed in August 2010, the centre was managed firstly by AEG Ogden until 31 December 2014 and then by the Perth Theatre Trust.
5. In July 2015, the Minister for Planning, Culture and the Arts advised that the State Government would manage the AEC for a further five years and that the State Government would work closely with the City to develop an efficient and sustainable operating model for the AEC.
6. The item to Council in April 2016 discussed the management model put forward by the Department of Culture and the Arts and Council agreed to the establishment of an Operations Committee to provide immediate oversight of the operations of the AEC and prepare a business case for a new operational model.
7. As part of this April 2016 resolution, Council provided in-principle agreement for the City to transfer the land on which the AEC is constructed back to the State Government. This report will only deal with this aspect and does not intend on discussing the ongoing management of the AEC.

DISCUSSION

8. The Department of Culture and the Arts has requested that Lot 2 No 2 Toll Place be transferred to the State Government, in favour of the Perth Theatre Trust, with effect before the end of the 2015/16 financial year. This land transfer is to reflect previous agreements that the State Government would continue to contribute towards operational costs and provide management services through the Perth Theatre Trust.
9. Given the Council's general preference that the State Government retain the ongoing management of the AEC, with financial contributions and involvement by the City, rather than the City assuming the full management of the facility, it is recommended that the land transfer be effected.
10. The land in question, Lot 2 No 2 Toll Place, is a 1.02ha lot which is designated as Special Use Zone (SU15) under the *Local Planning Scheme No 1*. This Special Use zone applies to the Albany Princess Royal Harbour Foreshore and sets use and development requirements for the different precincts in this zone. Nothing in the proposed transfer of land impacts on the requirements of the *Local Planning Scheme No 1*.
11. There are a number of easements, restrictive covenants and notifications on title that concern a range of matters i.e. drainage, sewer, electricity, motor vehicle parking, public access, access to Princess Royal Drive, noise impacts, Port operations, etc. These encumbrances on title will carry with the transfer of the land and should remain on title.

GOVERNMENT & PUBLIC CONSULTATION

12. The City has discussed the ongoing management of the land with the Department of Culture and the Arts and other key stakeholders. The transfer of the land has also been discussed with the Department of Lands and this report responds to the concerns raised by this department.

STATUTORY IMPLICATIONS

13. Section 11 of the *Land Administration Act 1997* provides for the Minister of Lands to acquire land in the public interest. This may occur through the surrender of land held in fee simple (freehold).
14. Section 41 of the *Land Administration Act 1997* allows the Minister to reserve land to the Crown for one or more purposes in the public interest.
15. Section 46 of the *Land Administration Act 1997* allows the Minister to place the care, control and management of a reserve in an agency.
16. Section 3.58 of the *Local Government Act 1995* sets the requirements that must be observed to dispose of local government property. This part generally states that land must be sold via public auction or public tender, or otherwise following the public notification of the intent to dispose of land.
17. Regulation 30 of the *Local Government (Functions and General) Regulations 1996* states that land which is to be disposed of to the Crown in right of the State or Commonwealth or land which is disposed of to a department, agency or instrumentality of the Crown in the right of the State or Commonwealth is exempt from compliance with Section 3.58 of the Act.
18. In order to achieve compliance with the above, Council's resolution must reference the provisions of the *Land Administration Act 1997*, though it is noted that there are no requirements of the *Local Government Act 1995* which must be observed as part of this action.

POLICY IMPLICATIONS

19. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Financial. <i>Council rescinds its previous in-principle support to transfer the land, impacting on the existing management structures established with the State Government.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>City continue to negotiate a management agreement with the State Government that is acceptable to all parties.</i>
Reputation. <i>Public perception that the City is disposing of a valuable asset.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>City make clear the financial implications to Council if this asset was retained and managed by the City into the future.</i>

FINANCIAL IMPLICATIONS

21. The City paid an amount of \$1,100,000 (including GST) to Landcorp to purchase Lot 2 No 2 Toll Place. This was part of the City's payment towards the construction of the AEC, as agreed under the 2007 Memorandum of Agreement with the State of Western Australia.

22. There are no financial implications associated with the transfer of the land to the State.

LEGAL IMPLICATIONS

23. Assuming compliance with the relevant legislation is achieved, there are no other legal implications relevant to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

25. Council may rescind its previous in-principle support and decide against the transfer of the land to the State Government. However, this may have implications for the ongoing management of the facility by the State Government and this presents a financial risk to the City.

CONCLUSION

26. Council has previously provided in-principle support to the transfer of Lot 2 No 2 Toll Place, being the site of the Albany Entertainment Centre, to the State Government and indicated a willingness to work cooperatively with the Department of Culture and the Arts on the future management of the facility.

27. This item recommends that the formal processes to transfer this lot to the State be enacted. It is proposed that Council supports the creation of a Crown Reserve, with the management order being granted to the Perth Theatre Trust, as has been requested by the Department of Culture and the Arts.

28. This action supports the City's intent that the State Government remains actively involved with the operation and management of the Albany Entertainment Centre.

Consulted References	:	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i> <i>Local Government (Functions and General) Regulations</i>
File Number (Name of Ward)	:	<i>CS.AGR.4</i>
Previous Reference	:	<i>OCM 27/9/2016 Item CSF021 (Confidential Item)</i> <i>OCM 26/4/2016 Item CSF237 (Confidential Item)</i>

CSF287: NEW LEASE – TREVOR WHEATCROFT – CHEYNE ROAD, CHEYNE BEACH

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

Proponent : Trevor Wheatcroft

Owner : City of Albany

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

Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease for Trevor Wheatcroft over Lot 7 Cheyne Road, for a term of 21 years in order to continue the existing use of accommodation associated with the commercial fishing industry at Cheyne Beach.
- All buildings and structures are the liability of the lessee and the Lease is for the land only.
- The recommendation proposes that Council approve the new lease.

RECOMMENDATION

CSF287: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to Trevor Wheatcroft over Lot 7 Cheyne Road, Cheyne Beach, subject to:

- a) Lease purpose being “Accommodation associated with the Commercial Fishing Industry” in accordance with the Management Order for the reserve.**
- b) Lease is conditional upon the lessee continuing to operate under a commercial fisherman’s licence for the Cheyne Beach area issued by the Department of Fisheries Western Australia.**
- c) Lease area being approximately 1876m² to be confirmed by survey.**
- d) Lease rent to be determined by market valuation provided by a licensed Valuer.**
- e) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.**
- f) Lease term being 21 years.**
- g) Lease commencement date being 1 January 2017.**
- h) All costs associated with the ongoing operations of the lease property being payable by the lessee.**
- i) All costs associated with the preparation, execution and completion of the lease documentation being payable by the lessee.**
- j) Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.**
- k) The proposed lease being advertised to comply with Section 3.58 of the *Local Government Act 1995* requirements.**
- l) Cheyne Beach Planning Policy will apply to future development approvals.**
- m) Lease being consistent with Council Policy – Property Management (Leases and Licences).**

BACKGROUND

2. Crown Reserve 878 is under management order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station" for any term not exceeding 21 years subject to the consent of the Minister for Lands.
3. Crown Reserve 878, with an area of approximately 115 hectares, is located at Cheyne Beach. The reserve is surrounded by approximately 3,500 hectares of National Park under the management of the Department of Parks and Wildlife.
4. The reserve currently hosts 29 holiday accommodation leases along Baxteri Road, seven leases for accommodation associated with the commercial fishing industry and one commercial fishing licence for access to the waterfront for fish loading operations, along Cheyne Road, Cheyne Beach.
5. In total there are 16 surveyed lots within Reserve 878 along Cheyne Road that are gazetted for the purpose of accommodation associated with the Cheyne Beach fishing industry. The City of Albany fire shed is situated on Lot 15 within this gazetted area. Only lots 2 and 3 are located on waterfront land.
6. The Cheyne Beach Caravan Park was originally part of Reserve 878 with this area being excised and is now freehold land adjacent to the 16 surveyed lots reserved for fishing accommodation land.
7. In January 1997 the former Shire of Albany entered into a lease agreement with Trevor Wheatcroft enabling him to formalise his fishing accommodation needs at Cheyne Beach.
8. The lease for a term of 10 years, commenced 1 January 1997 with a 10 year further term option exercised, is due to expire 31 December 2016. Current lease rental payable to the City, reviewed every second year by market valuation is \$2,500.00 plus GST per annum.
9. The lease granted for commercial fishing accommodation allowed the lessee to construct buildings and infrastructure on the land to support the commercial fishing activities. The lessee is responsible for providing adequate electricity supply, adequate potable water supply, an effluent disposal system and parking.
10. Commercial fishermen have been fishing the Cheyne Beach area in excess of 60 years and it is understood the family of the lessee have a long term association with the Cheyne Beach fishing industry.
11. Council in December 2015 approved new leases over lots 8, 9 and 11 Cheyne Road for accommodation associated with the commercial fishing industry for a term of 10 years with an option for a further 10 years.

DISCUSSION

12. The lessee has requested a new lease for a 21 year term in order to retain the existing buildings on the lease site to continue his commercial fishing activities from Cheyne Beach.

13. A term of 21 years is consistent with other Cheyne Beach commercial fishing leases not located on waterfront land and consistent Council Policy – Property Management (Leases and Licences).
14. A lease can be considered with commercial fishermen seeking accommodation at Cheyne Beach, provided they meet the following requirements:
 - a. the lessee is actively engaged in the fishing industry at Cheyne Beach;
 - b. the lessee holds a current commercial fishing licence issued by the Department of Fisheries Western Australia; and
 - c. the lessee will use the location for accommodation associated with the commercial industry for own or staff accommodation only.
15. It is noted that the lessee has provided a statutory declaration and provided a copy of the current commercial fishing licence in order to comply with the pre-conditions to lease.
16. In addition the lessee has met the obligations of the previous lease including payment of rent and outgoings and holding the required licences.
17. The proposed commercial fishing accommodation lease for Trevor Wheatcroft will have no impact on the City's Cheyne Beach Improvement Plan, as all of the proposed improvements under the Plan are outside of any existing lease area.
18. The proposed lease will be developed in line with Council Policy – Property Management (Leases and Licences).

GOVERNMENT & PUBLIC CONSULTATION

19. The Department of Lands will be consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister for Land's consent is obtained.
20. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease/licence.
21. The new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

22. Section 18 the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
23. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.

24. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings including advertising requirements. The proposed lease will be advertised.
25. The *Aboriginal Heritage Act 1972* applies to any place or object of importance to persons of Aboriginal descent and Section 17 of this Act makes it an offence to destroy, damage or alter in any way an Aboriginal site or object. This Act applies to known and unknown sites.
26. In past discussions with the local Noongar community regarding the Cheyne Beach area, including visits on site, it is known to staff that there are areas in this locality of significance to the Noongar community. A full Aboriginal Heritage Survey was recently undertaken to consider a range of future proposals in the Cheynes locality to manage any risk of disturbing Aboriginal cultural heritage.
27. Any future development needs to be considered in the context of the recommendation of the Heritage Survey.

POLICY IMPLICATIONS

28. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
29. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
30. The recommendation is consistent with Council Policy – Property Management (Leases and Licences).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
Reputation: Renewal of lease not approved.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Reputation: If new lease is not approved – accommodation for the Cheynes fishing industry will be limited.	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Reputation: New lease not approved – lessee to remove buildings and make good the land – may lead to closure of fishing operations.	Possible	Moderate	Medium	City to manage lessee reaction in a measured way and ensure open communication with lessee.

FINANCIAL IMPLICATIONS

32. All costs associated with the development, execution and completion of the lease documentation will be met by the lessee.
33. Lease rental to be determined by market valuation provided by a licensed Valuer.
34. The new lease rental will be placed into the Cheyne Beach Improvement Reserve for the purpose of facilitating community maintenance and enhancement projects in the Cheyne Beach locality.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

36. There are no environment considerations.

ALTERNATE OPTIONS

37. Council may:
 - a. Approve the proposed new lease; or
 - b. Decline the lease.
38. Should Council decline the lease, alternate accommodation may be sought by the lessee should they wish to reside at Cheyne Beach to undertake commercial fishing operations. This may prove difficult given limited land available for development within the reserve.
39. Should Council decline the lease, lessee may be required to vacate the property, demolish and remove all buildings and improvements and make good the land.

SUMMARY CONCLUSION

40. The current Cheyne Beach Commercial Fishermans Accommodation lease for Trevor Wheatcroft over lot 7 Cheyne Road, Cheyne Beach is due to expire on 31 December 2016.
41. The lessee has requested a new lease for a term of 21 years, so he may continue his commercial fishing activities at Cheyne Beach.
42. The lessee is actively engaged in the commercial fishing industry at Cheyne Beach and holds the required commercial fishing licences.
43. It is recommended that the proposed new lease be supported.

Consulted References	:	<ul style="list-style-type: none">• Council Policy – Property Management (Leases and Licences)• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO227, A5603 (Kalgan Ward)
Previous Reference	:	OCM 14.07.2015 Item CSF181 OCM 15.12.2015 Item CSF210

**CSF288: PROPOSED RENAMING OF RESERVES 24616 AND 32688
CLIFF AND VIEW STREETS, KNOWN AS “COOINDA PARK”**

- Land Description** : Reserve 24616 No 2-6 View Street, Albany
Reserve 32688 No 5 Cliff Street, Albany
- Proponent** : Ms Carol Pettersen (via the Noongar Consultation Committee
and via email 21 September 2016)
- Owner** : State of WA, management order with City of Albany
- Attachments** : 1. **Items Attached under CONFIDENTIAL cover: Public
Submissions Received in accordance with section
5.23(2)(b) of the Local Government Act 1995, being the
personal affairs of any person.**
2. Supporting Information – evidence of Wandinyil
Associations with Albany Region
- Report Prepared By** : Senior Lands Officer (N Crook)
- Responsible Officers:** : Executive Director Corporate Services (M Cole)

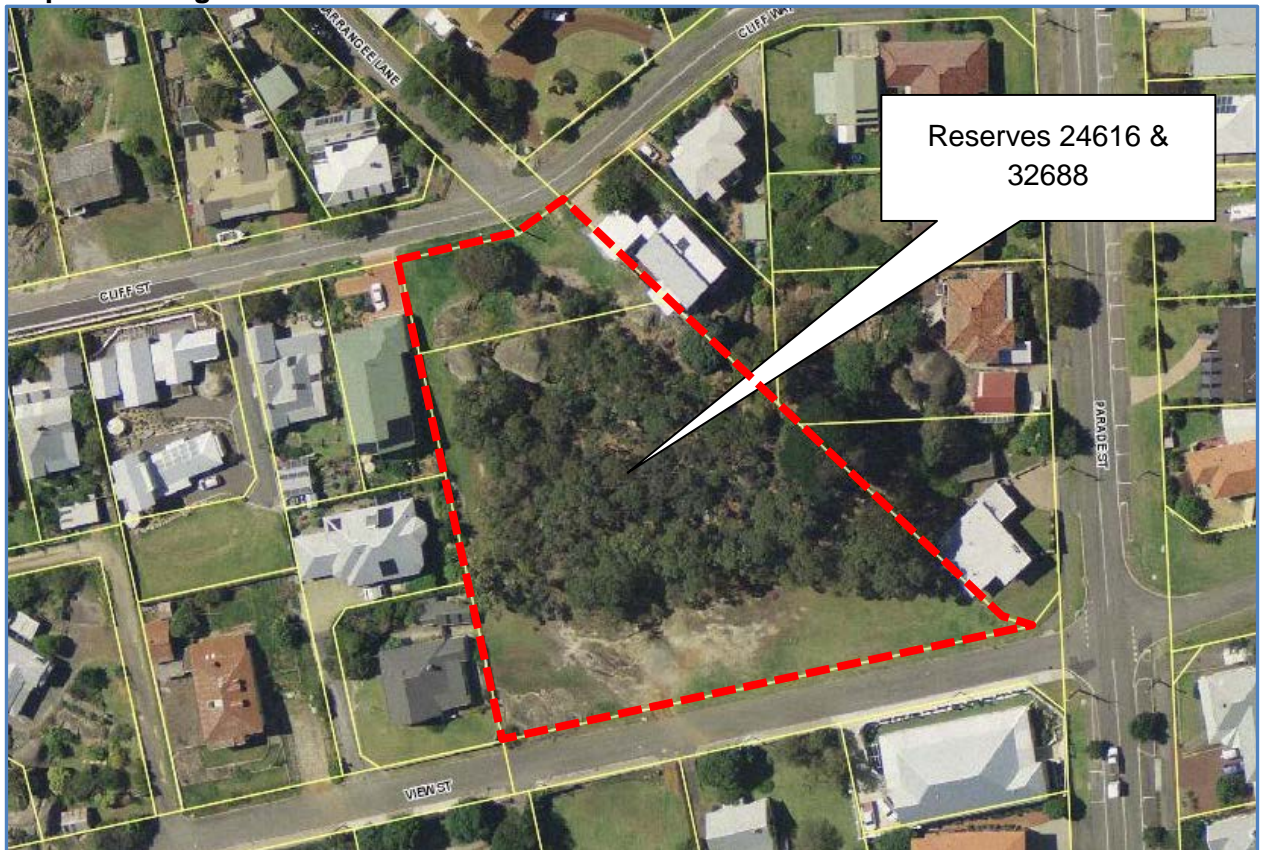
Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5 Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
5.3 To engage effectively with our community.
 - c. **Strategy:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.
5.3.1 Develop structures and processes that engage the community

Maps and Diagrams:



In Brief:

- Council has received a request to rename Reserves 24616 and 32688, both under the management of the City, from “Cooinda Park” to “Wandinyil (Tommy King) Reserve”.
- It is a requirement of the Geographic Names Committee that prior to the renaming of any reserve, that the proposal be advertised for public comment. This public consultation period has been observed and 14 submissions have been received. Eight (8) submissions supported the proposal and six (6) submissions objected to the proposed renaming. One of the objections was a petition signed by 51 persons.
- One of the conditions of the Geographic Names Committee for the use of an Aboriginal name for a feature is that there must be majority support from all Indigenous groups in the area. In view of the feedback received during the public advertising period, this does not appear to have been achieved.
- It has been recommended that Council not support the proposed renaming, while reiterating its general support of dual naming actions where the requirements of the Geographic Names Committee can be achieved.

RECOMMENDATION

CSF288: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **RESOLVE not to support the proposed renaming of “Cooinda Park”, being Reserves 24616 and 32688 Cliff Street and View Street, to “Wandinyil (Tommy King) Reserve” because majority support has not been obtained and the requirements of the Geographic Names Committee cannot be achieved;**
2. **ADVISE all respondents that Council generally supports the use of Aboriginal names for features and the dual naming of significant features, provided that the requirements of the Geographic Names Committee can be achieved.**

BACKGROUND

2. In 1994/95, a Friends group was formed by local residents to assist with the rehabilitation of Cooinda Park. This group worked with City officers on developing a management plan for this park, undertook weed control works and planting of native species, and hosted a naming competition for the park amongst local schools.
3. Council, at its meeting held on 23 May 1995, considered the names suggested in the competition and resolved to apply the name “Cooinda” to the park located between Cliff and View Streets.
4. The renaming of Cooinda Park was originally raised as a General Business item at the Noongar Consultation Committee held on 1 March 2016. The City undertook to report on the status of the park name at the next meeting.
5. At the Noongar Consultation Committee held on 15 June 2016, the City reported that Cooinda Park is not officially named by the Geographic Names Committee, though noting there is a sign on site with the name “Cooinda Park”. The process for changing a park name was advised. At this meeting, the Committee asked if the name “Wandinyil (Tommy King) Reserve might be considered.
City officers were not aware of the actions from 1994/95 until this was raised in the public consultation period, as this data is not stored electronically.
6. City officers made further enquiries with the Geographic Names Committee on whether the alternate name might be considered and this agency advised that provided it received majority support of the Noongar community and the public consultation process was observed, it could be considered.
7. The proposed renaming was again raised at the Noongar Consultation Committee held on 12 September 2016, though several of the key members were not present at the meeting. It was decided to defer the matter until those members were able to be present. City officers did note that the Geographic Names Committee could accept this name with appropriate evidence of associations and following consultation with the community.
8. In September 2016, members of the Noongar community raised this renaming proposal directly with the City, both in favour of the proposal and objecting to the proposed name. The City decided at this time to initiate broader public consultation to seek further input on the proposed name.

DISCUSSION

9. The naming of roads, parks and any topographic features is governed by the Geographic Names Committee, operating under the delegation of the Minister for Lands. At the outset of considering this request, the City contacted the Committee to determine the process to

formally name this park. It was their advice that the following must occur in order for the request to be considered:

- a. The Aboriginal name has to have majority support from all Aboriginal groups in the area;
 - b. There needs to be wider community consultation for the proposed name;
 - c. The name needs to have some verifiable evidence of its origin and source documents are mandatory;
 - d. Further input from an anthropologist / linguist who has support from the local community may be required to determine suitable pronunciation.
10. The proponent has submitted extensive evidence of Wandinyil's associations with Albany. This supporting information is attached to this item. It is recognised that Wandinyil (Tommy King) was a notable character in Albany's history and there appears to be sufficient evidence of his association with the Albany region.
11. The public consultation period for the proposed renaming commenced on 13 October 2016 and completed on 11 November 2016. Fourteen submissions were received, which included one petition with 51 signatories. The outcomes of the consultation are summarised as follows:

In Support

- a. Eight (8) submissions supported the proposed renaming;
- b. Some of the submissions note that "Cooinda" is not an appropriate name, given that it is a casual use of an Aboriginal word which has been often used to describe a place or thing, though is not often relevant to the Aboriginal cultural beliefs and history of the place to which it is applied. This submission notes that it is not relevant to the local Menang community, as the origins of this word are in New South Wales;
- c. One of the supporting submissions was from South Coast Natural Resource Management and it was discussed in their Aboriginal Reference Group. It could be assumed that this one submission supports the views of the people present at this meeting, given it was a resolution of this Group to make a supporting submission; and
- d. Four of the submissions specifically support the name of "Wandinyil", as a Noongar person with Menang ancestry, noting this renaming would pay respect to Noongar ancestors. Wandinyil is remembered as an entertainer, a warrior and a campaigner for Noongar rights.

Objections

- e. Six (6) submissions objected to the proposed renaming, though one of these submissions is a petition signed by 51 persons, so 57 people have objected to the proposed renaming;
- f. The petition states that Tommy King is not recognised from Menang Country, as there is no history of this person's birth place. Those persons signing the petition do not recognise Tommy King's legacy and his associations with the Albany Noongar people;
- g. Three of the submissions note the work done by the Friends group in the past and the previous naming competition that occurred. The name of "Cooinda Park" was unveiled in July 1995 in a ceremony hosted by the then Mayor, Annette Knight;
- h. One submission notes that this is a well-established name in the neighbourhood, having been in place for over 20 years;
- i. One of the submissions objects to the naming of features after people, given that it has the potential to create a sense of ownership by that person's family. The submission supports the use of Menang Noongar names, though preferring the use of animal or bird names; and
- j. One objection would like to keep the name of Cooinda, whilst also supporting the use of the name Wandinyil.

12. While it is not possible to know the ancestry of those people having signed the petition, many have the surname of the prominent Noongar families within Albany. It could be reasonably determined that majority support of the Aboriginal groups in the area has not been obtained.
13. In view that majority support of the Aboriginal groups has not been obtained, it is highly unlikely that the Geographic Names Committee would support this renaming proposal. It is noted that the name of "Cooinda Park" does have associations with the local community and has previously been supported by Council.
14. The petition also raises concerns with the composition of the Noongar Consultation Committee. This Committee was formed in early 2015 as an interim measure for consultation with the Noongar community, pending the finalisation of the South West Settlement. The City previously referred matters to the South West Aboriginal Land and Sea Council, though in early 2015 this organisation was largely consumed with Native Title matters and was finding it difficult to also comment on the City's projects and works.
15. The Noongar Consultation Committee confirmed the interim status of this committee and determined the membership of the group, being all those members of the Working Party (the decision making group of the South West Aboriginal Land and Sea Council) who were resident in Albany. Both City officers and the Committee have been clear that once a Regional Body is formed, as is proposed under the South West Settlement, the City's committee will cease and the City will defer to the Regional Body.
16. City officers are aware of the concerns regarding the membership of the Committee, though use of the Working Party membership appears to be a fair approach and is consistent with past practices, given it is these members that would have been commenting on City works when matters were referred to the South West Aboriginal Land and Sea Council. City officers are reviewing this position on a regular basis and taking advice on the progress of the Native Title Settlement. It is likely that the Regional Body will be operative in mid-2017.

GOVERNMENT & PUBLIC CONSULTATION

17. The procedure for amending the name of a park has been clarified with the Geographic Names Committee of Landgate.
18. A public consultation programme on the proposed renaming has been undertaken, including:
 - a. Direct mail out to adjoining and nearby residents;
 - b. Direct mail out to the members of the Noongar Consultation Committee;
 - c. Advertisements in the local newspaper; and
 - d. Signs on site (adjoining the existing Cooinda Park sign).

STATUTORY IMPLICATIONS

19. Clause 26 (2) of the Land Administration Act 1997 allows the Minister of Lands to name, rename and cancel the name of any topographical feature, road or reserve.

POLICY IMPLICATIONS

20. The Geographic Names Committee has produced a document called *Policies and Standards for Geographical Naming in Western Australia (2015)* which sets the policies to be applied to the naming of features. This requirements detailed in this document are referenced throughout this item.
21. There are no Council policies relating to the naming of features and the City defers to the requirements of the Geographic Names Committee, as the agency responsible for approving the naming of features.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Council supports the proposed renaming in light of substantial public objection.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City indicate its support of naming actions that reflect the City's local Noongar history.</i>
<i>Reputation. Council does not support the proposed renaming and this may be perceived as a lack of support for the local Noongar community.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>City must adhere to the requirements of the Geographic Names Committee and needs to convey these requirements to affected parties.</i>

FINANCIAL IMPLICATIONS

23. There is a sign on site at present that, in the event the park is renamed, would require replacement. The City's Reserves team has indicated that this sign is aging and would likely require replacement in the future regardless of the renaming action. This would be done as part of the Developed Reserves line item.

LEGAL IMPLICATIONS

24. There are no legal implications related to this item.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

26. Council may:
- Support the proposal to rename Coinda Park to "Wandinyil (Tommy King) Reserve and seek approval from the Geographic Names Committee;
 - Support the proposal to rename Coinda Park, though seeking an alternate Aboriginal word that is relevant to the local Noongar community and would achieve majority support; or
 - Not support the proposal to rename Coinda Park given the historic associations this name has for the local community and that the requirements of the Geographic Names Committee are unlikely to be achieved.

CONCLUSION

27. The naming of Coinda Park was determined by Council in 1995, following a competition held amongst local primary schools. Based on the submissions received, it is clear that this name has some historic associations for local residents.
28. The proposal to rename the park to "Wandinyil (Tommy King) Reserve" has received a substantial number of objections. As such, it is unlikely that this proposed name would meet the requirements of or be supported by the Geographic Names Committee.
29. Generally, the use of Aboriginal language for the naming or dual naming of features should be supported to recognise the importance of the Menang Noongar ancestry of this region, though names must receive the majority support of the Noongar community.
30. It is recommended that Council not support the proposed renaming action.

Consulted References	:	<i>Land Administration Act 1997 Policies and Standards for Geographical Naming in Western Australia (2015)</i>
File Number (Name of Ward)	:	PR.NAM.1
Previous Reference	:	OCM 23 May 1995 Item 7.39.8

CSF289: ORDINARY COUNCIL MEETING DATES AND COMMITTEE PLANNING MEETING CALENDAR

Proponent : City of Albany
Attachments :

- Attachment 1 – Council and Committee Meeting Schedule 2017
- Attachment 2 – Elected Member Committee Membership as at 28/11/2016

 : Manager Governance and Risk (S Jamieson)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Objective:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. **Strategy:**
 - 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.
 - 5.3.1 Develop structures and processes that engage the community.
 - 5.3.2 Improve community engagement processes and platforms.

In Brief:

- Council is requested to adopt the proposed ordinary council meeting and committee meeting schedule for 2017.

RECOMMENDATION

CSF289: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, for the purpose of public notice:

- (1) APPROVE the following meeting dates for Committee meetings for 2017:**

Commercial, Community & Corporate Services	Development & Infrastructure Services
<i>No Meetings Scheduled for January 2017</i>	
Tuesday 14 February 2017	Wednesday 15 February 2017
Tuesday 14 March 2017	Wednesday 15 March 2017
Tuesday 11 April 2017	Wednesday 12 April 2017
Tuesday 9 May 2017	Wednesday 10 May 2017
Tuesday 13 June 2017	Wednesday 14 June 2017
Tuesday 11 July 2017	Wednesday 12 July 2017
Tuesday 8 August 2017	Wednesday 9 August 2017
Tuesday 12 September 2017	Wednesday 13 September 2017
Tuesday 10 October 2017	Wednesday 11 October 2017
Tuesday 14 November 2017	Wednesday 15 November 2017
Tuesday 5 December 2017	Wednesday 6 December 2017

- (2) **APPROVE** the proposed meeting dates for ordinary meetings of Council, for the next 12 months:
- **January 2017 (No meetings scheduled)**
 - **28 February 2017**
 - **28 March 2017**
 - **26 April 2017 (Tuesday 25 April is ANZAC Day Public Holiday)**
 - **23 May 2017**
 - **27 June 2017**
 - **25 July 2017**
 - **22 August 2017**
 - **26 September 2017**
 - **24 October 2017**
 - **28 November 2017**
 - **19 December 2017 (third Tuesday)**
- (3) **APPROVE** the attached Council and Committee Meetings Calendar.

BACKGROUND

2. At the Ordinary Council Meeting held on 24 February 2015, Council resolved to cease holding Agenda Briefing Sessions effective March 2015.
3. At the Ordinary Council Meeting held on 22 November 2016 Council dissolved the previous standing committees, with the new committee structure commencing on 1 February 2017.
4. The Commercial, Community and Corporate Services Committee and the Development and Infrastructure Services Committee were established and their respective Terms of Reference adopted.

DISCUSSION

5. The Agenda for the Ordinary Council Meetings is comprised of reports presented to Council Committees. In order to facilitate the timely presentation of these reports to Council for decision making, Council Committee meetings are scheduled to be held prior to the ordinary council meeting.
6. Currently ordinary meetings of Council and committee meetings are scheduled at 6.00pm on the basis that all meetings should be held outside normal working hours to enable attendance by all Councillors and interested members of the public. However, Council may consider this is an appropriate time to review the start time of meetings.

GOVERNMENT & PUBLIC CONSULTATION

7. The proposed date for the Ordinary Council Meeting for the month of October has been scheduled to not conflict with local government elections that are historically held on the third weekend of October.
8. ANZAC Day falls on Tuesday 25 April 2017, and is a Public Holiday. The Ordinary Council Meeting due to be held on that date has been rescheduled to Wednesday 26 April 2017.

STATUTORY IMPLICATIONS

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

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

(a) the ordinary council meetings; and

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

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

11. Appointment of elected members to a committee requires an **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal and Compliance. <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Noting date and times may be subject to change, the proposed Council and Committee Meeting times and dates are approved for the purpose of public advertising.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

15. Local public notice must be given to ensure legislative compliance.

16. Changes to dates and times must also be advertised publically.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

19. It is recommended that the proposed 2017 Meeting Calendar be approved, noting that dates can be changed if required.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	(All Wards) <ul style="list-style-type: none"> • Airport Emergency Committee – ES.MEE.5 • Audit and Risk Committee - FM.MEE.3 • Bush Fire Advisory Committee – ES.MEE.1 • Local Emergency Management Committee – ES.MEE.5 • Ordinary Council Meeting - GO.COM.3 • Commercial, Community & Corporate Services Committee CR.MEE.12 • Development and Infrastructure Services Committee CR.MEE.13
Previous References	:	OCM 15/12/2015 Report Item CSF212 OCM 22/11/2016 Report Item CSF280

- 12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. REPORTS OF CITY OFFICERS**
- 15. MEETING CLOSED TO THE PUBLIC**
- 16. CLOSURE**