



AGENDA

CORPORATE SERVICES AND FINANCE COMMITTEE MEETING

14 April 2015

5.30pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

TERMS OF REFERENCE

(1) Function:

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

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

(2) It will achieve this by:

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

(3) Chairperson: Deputy Mayor, Councillor Stocks

(4) Membership: All elected members

(5) Meeting Schedule: As required

(6) Meeting Location: Council Chambers

(7) Executive Officer: Deputy Chief Executive Officer

(8) Delegated Authority: None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor Mayor D Wellington

Councillors:

Member	G Stocks (Chair)
Member	V Calleja JP (Deputy Chair)
Member	R Sutton
Member	S Bowles
Member	A Goode JP
Member	J Price
Member	B Hollingworth
Member	N Williams
Member	C Dowling
Member	A Hortin JP

Staff:

Chief Executive Officer	G Foster
Deputy CEO	G Adams
Manager Finance	D Olde

Meeting Secretary H Bell

Apologies:

Member	R Hammond
Member	G Gregson

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 10 March 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CSF156: FINANCIAL ACTIVITY STATEMENT – FEBRUARY 2015

Proponent : City of Albany
Attachments : Financial Activity Statement
Report Prepared by : Financial Accountant (S Beech)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



RECOMMENDATION

CSF156: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2015.

BACKGROUND

1. The Statement of Financial Activity for the period ending 28 February 2015 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - (1) 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.
- (2) Each statement of financial activity is to be accompanied by documents containing –
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (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.
- (3) 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
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

- 8. The City's 2014/15 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 28 February 2015 has been incurred in accordance with the 2014/15 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF157: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2015

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

Responsible Officer's Signature:



RECOMMENDATION

CSF157: 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 March 2015 totalling \$5,227,270.21.

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

Municipal Fund

Trust	\$11,375.57
Credit Cards	\$17,321.55
Payroll	\$1,122,095.90
Cheques	\$65,593.39
Electronic Funds Transfer	\$4,010,883.80

TOTAL

\$5,227,270.21

- As at 15 March 2015, the total outstanding creditors, stands at \$515,800.03 and made up as follows:

Current	\$378,857.45
30 Days	\$137,010.01
60 Days	\$0.00
90 Days	-\$67.43

TOTAL

\$515,800.03

Cancelled cheques: 30419 – not required

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 March 2015 has been incurred in accordance with the 2014/2015 budget parameters.

FINANCIAL IMPLICATIONS

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

SUMMARY CONCLUSION

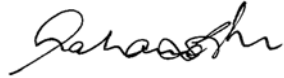
9. That list of accounts have been authorised for payment under delegated authority.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF158: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF158: RESPONSIBLE OFFICER RECOMMENDATION

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

CSF159: REVIEW OF COUNCIL POLICY POSITIONS

Proponent	: City of Albany
Attachments	: Documents hyperlinked: <ul style="list-style-type: none">• Council Policy: Corporate: Code of Conduct (Council Members, Committee Members, Staff and Volunteers)• Council Policy: Corporate: Handling of Complaints By or Against Elected Members Policy and Procedures• Council Policy: Corporate: Handling of Complaints By or Against the Chief Executive Officer
Report Prepared by	: Manager Governance and Risk Management (S Jamieson)
Responsible Officer	: Chief Executive Officer (G Foster)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Council is requested to review the attached policies.

RECOMMENDATION

CSF159: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the reviewed and amended policy positions be ADOPTED as per the Responsible Officer's Report:

- **Council Policy – Code of Conduct (Council Members, Committee Members, Staff and Volunteers);**
- **Council Policy & Procedures – Handling of Complaints By or Against Elected Members; and**
- **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer.**

BACKGROUND

2. It is a role of Council to determine policy positions.
3. On 24 March 2015, Council resolved:
“THAT the City review Section 4 of the Code of Conduct (Conduct of Council Members, Committee Members, Volunteers and Staff) to include provision for respecting and valuing diversity of gender, race and religion.”
4. The attached policies were reviewed by the Executive Management Team and have been presented for review.

DISCUSSION

5. The intent of each policy and how they relate to State legislation and current Council policy positions is still relevant.
6. It is recommended that only minor administrative changes are made.
7. **Council Policy – Code of Conduct (Council Members, Committee Members, Staff and Volunteers)**

a. This policy was adopted by Council on 26/11/2013.

b. **Clause 4.1 Personal Behaviour.**

Clause 4.1(2): It is considered appropriate that Council review clause 4.1(2) of the policy which currently states: *“Council Members will represent and promote the interests of the City, while recognising their special duty to their own constituents.”*

Recommend clause is amended to read: *“Council Members will represent and promote the interests of the City, whilst recognising their special duty to facilitate communication between the community and the council.”*

Reason: Ensure consistency with the *Local Government Act 1995*. s2.10 of the Act, which states, in part, that it is the role of councillors to represent the interest, ratepayers and residents of the district and facilitate communication between the community and the council.

c. **General Comment.** This policy is not written in a prescriptive style. Council Members, Committee Members, City Volunteers and Staff are required to act, and be seen to act, properly and in accordance with the requirements of the law. In particular the *Equal Opportunity Act 1984*, which covers discrimination, harassment, rights and responsibilities.

d. It is considered appropriate that respecting and valuing diversity of gender, race and religion is reinforced in the City of Albany’s adopted *“Our Values...All Councillors, Staff and Volunteers at the City of Albany will be focussed, united, accountable and proud”* for the actions.

Clause 9. Legislation and Associated Documents Relating to this Policy. It is recommended that this clause is amended to include a reference to the *Equal Opportunity Act 1984*.

- e. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

Council Policy & Procedures – Handling of Complaints By or Against Elected Members

- f. This policy was adopted by Council on 11/10/2011.
- g. **General Comment.** It is considered that this policy is relevant and promotes procedural fairness (natural justice).

Note: Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is generally accepted that a decision-maker who follows a fair procedure will reach a fair and correct decision.

Clause 1. Policy Statement. It is recommended that this clause is amended to align with the Code of Conduct.

Currently states: *(2) The City of Albany has adopted a Code of Conduct for **elected members of Council**. In adopting this policy, elected members made a public declaration of the conduct and standards of behaviour that the members of the City of Albany Council have agreed to demonstrate.*

Recommend clause is amended to read: *(2) The City of Albany has adopted a Code of Conduct for **Elected Members, Committee Members, Volunteers and Staff**. In adopting this policy, elected members made a public declaration of the conduct and standards of behaviour that the members of the City of Albany Council have agreed to demonstrate.*

Clause 3. Review: Currently states: *(1) **This policy was adopted on 11 October 2011.** This policy must be reviewed every two years after a general Local Government election, or earlier if Council consider it necessary.*

Recommended clause is amended to read: *This policy must be reviewed every two years after a general Local Government election, or earlier if Council consider it necessary.*

8. Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer

- a. This policy was adopted by Council on 11/10/2011.
- b. No amendments recommended. It is considered that this policy is relevant and promotes procedural fairness (natural justice).

GOVERNMENT AND PUBLIC CONSULTATION

- 9. No public or internal stakeholder consultation has occurred on these matters.

STATUTORY IMPLICATIONS

10. Detailed in the discussion section of the report.

POLICY IMPLICATIONS

11. Clause 2.7 of the *Local Government Act 1995* outlines the role of Council, which specifically includes determining the local government's policies (Clause 2.7(2)(b)).
12. Under section 5.103 of the Act, every local government is to adopt a code of conduct to be observed by council members, committee members and employees.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

15. This item has been prepared in close consultation with relevant legislation, ensuring all requirements are considered and documented.

ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental considerations associated with this report.

ALTERNATE OPTIONS

17. Council may support the review and re-adoption of these policies or not, though if Council would like to effect more amendments, it is recommended that the policies are referred back to Committee.
18. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

SUMMARY CONCLUSION

19. It is recommended that the Responsible Officer's Recommendation is adopted.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Equal Opportunity Act 1984</i> • <i>Council Policy: Corporate: Code of Conduct (Council Members, Committee Members, Staff and Volunteers)</i> • <i>Council Policy: Corporate: Handling of Complaints By or Against Elected Members Policy and Procedures</i> • <i>Council Policy: Corporate: Handling of Complaints By or Against the Chief Executive Officer</i>
File Number (Name of Ward)	:	CM.STD.7
Previous Reference	:	OCM 11/10/2011; OCM 26/11/2013, Report Item CSF039.

CSF160: ORDINARY COUNCIL MEETING DATES AND COMMITTEE PLANNING MEETING CALENDAR

Proponent : City of Albany
Attachments : Nil
Report Prepared By : Manager Governance and Risk Management (S Jamieson)
Responsible Officer(s) : Chief Executive Officer (G Foster)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. **Strategic Initiative:** 5.3.2. Councillor Forums

In Brief:

- Council is requested to set the Ordinary Council Meeting dates for the next 12 months and for planning purposes set the meeting dates for Council Committees.

RECOMMENDATION

CSF160: RESPONSIBLE OFFICER RECOMMENDATION

1. **THAT Council APPROVE the Council meeting schedule for public notice:**
 - (a) **First week of the month**
 - **Tuesday: Community Services Committee (5.30pm)**
 - **Wednesday: Planning & Development Committee (5.30pm)**
 - (b) **Second week of the month**
 - **Tuesday: Corporate Services & Finance Committee (5.30pm)**
 - **Wednesday: Works & Services Committee (5.30pm)**
 - (c) **Third week of the month**
 - **Tuesday: Economic Development Committee (5.30pm)**
 - (d) **Fourth week of month**
 - **Tuesday: Ordinary Council Meeting (6.00pm)**
2. **THAT the dates be represented to Council for ratification after the October 2015 Ordinary Local Government elections.**

3. THAT Council for planning purposes and public notice set the Ordinary Council Meeting dates as follows:

- **28 July 2015**
- **25 August 2015**
- **22 September 2015**
- **27 October 2015**
- **24 November 2015**
- **22 December 2015**
- **No meetings scheduled to be held January 2016**
- **23 February 2016**
- **22 March 2016**
- **26 April 2016**
- **24 May 2016**
- **28 June 2016**

BACKGROUND

2. At the Ordinary Council Meeting held on 29 October 2013, Council established a new Council Committee Structure (Standing Committees) to act as a conduit for proposed and reviewed strategy and policy positions.
3. At the Ordinary Council Meeting held on 24 February 2015, Council resolved to cease holding Agenda Briefing Sessions effective March 2015.
4. 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.
5. The current forward meeting planner (public notice) is valid up until July 2015.

DISCUSSION

6. Currently ordinary meetings of Council are scheduled at 6.00pm on the basis that all meetings should be held outside of normal working hours to enable attendance by all Councillors and interested members of the public.
7. Currently Committee meetings are start at 5.30pm.
8. The Agenda for the Ordinary Council Meetings are comprised of reports presented to Council Committees. In order to facilitate the timely presentation of these reports to Council for decision making, Council Committee meetings are scheduled to be held prior to the ordinary council meeting.
9. This scheduling enables all Council Committee report items to be presented to Council in the same month as the Committee meetings have occurred.

10. Currently all Council meetings are held on the following days, noting the Ordinary Council Meeting is reserved for the last week of the month:

First week of the month

- Tuesday: Community Services Committee
- Wednesday: Planning and Development Committee

Second week of the month

- Tuesday: Corporate Services & Finance Committee
- Wednesday: Works and Services Committee

Third week of the month

- Tuesday: Economic Development Committee

Fourth week of month

- Tuesday: Ordinary Council Meeting

11. The following Committees of Council are scheduled on an as required basis with a minimum of three meetings per calendar year:

- Audit & Risk Management Committee
- Local Emergency Management Committee
- Airport Emergency Committee
- Bushfire Advisory Committee

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

15. In accordance with the *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).

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's Enterprise Risk 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>Implement the proposed City of Albany Ordinary Council and Committee Planner for local public notice advertising, noting that the dates and times are subject to change.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

21. 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

22. Council may consider alternate days, dates or meeting order.

SUMMARY CONCLUSION

23. That the proposed meeting calendar be endorsed and adopted.

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 • Community Services Committee – CS.MEE.9 • Corporate Services & Finance Committee – CM.MEE.9 • Economic Development Committee – ED.MEE.10 • Local Emergency Management Committee – ES.MEE.5 • Ordinary Council Meeting - GO.COM.3 • Planning & Development Committee – LP.MEE.1 • Works & Services Committee – RD.MEE.6
Previous References	:	OCM 19/02/2013 Report Item 1.3 OCM 27/08/13 Report Item CSF003 OCM 24/02/2015 Report Item CSF142

CSF161: NEW LICENCE – THE FEDERATION OF WESTERN AUSTRALIAN POLICE AND COMMUNITY YOUTH CENTRES (INC)

Land Description : Lot 50 on Diagram 6189, the whole of Certificate of Title Volume 1565 Folio 230, at 10 Old Elleker Road, Gledhow WA

Proponent : The Federation of Western Australia Police and Community Youth Centres (Inc)

Owner : City of Albany

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

Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



IN BRIEF

- Council is requested to consider a new licence to The Federation of Western Australia Police and Community Youth Centres (PCYC) to formalise current use of Lot 50 Old Elleker Road, Gledhow by PCYC for recreational purposes.
- Licence area being 2.4787 ha, excluding any buildings and infrastructure.
- Licence rent being \$10 plus GST per annum.
- Licence term being a periodic agreement terminable by either party giving 3 months notice.
- Licence will provide PCYC the capacity to sublicense with City consent.
- It is recommended the new licence be supported.

RECOMMENDATION

CSF162: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new licence to The Federation of Western Australian Police and Community Youth Centres (Inc) over Lot 50 Old Elleker Road, Gledhow subject to:

- a) Licence purpose being 'Recreational Use' consistent with the intent of the proposed Licensee's organisation.**
- b) Licence area being 2.4787 ha, excluding any buildings.**
- c) Licence rent being \$10 plus GST per annum.**
- d) Licence term being a periodic agreement, terminable by either party giving 3 months notice.**
- e) Licence commencement date being as soon as practicable.**
- f) All costs associated with the ongoing operations of the licence property being payable by the proponent.**
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the proponent.**
- h) Licence being consistent Council Policy – Property Management – Leases and Licences.**

BACKGROUND

2. In July 1989, the then Shire of Albany granted permission to PCYC to use Lot 50 Old Elleker Road, Gledhow for youth activities, in order to assist PCYC as a community organisation. The permission excluded access to any building or structure already on the land.
3. Lot 50 Old Elleker Road, Gledhow is City owned freehold land.
4. City officers recently became aware that the access and use arrangements between the Shire and PCYC for the use of the property were never formalised.
5. In addition it has become evident that the partnership of S.K Baesjou & C.L Turner is operating a business trading as 'Albany Laser Scape' (Laser Scape) and carrying out commercial activities on the property.
6. It is noted that the original permission granted by the then Shire to PCYC to use the property did not allow PCYC to grant use to others.

DISCUSSION

7. The City had no record of an application being lodged, or any planning consent issued for Laser Scape use of the property.
8. In December 2014 City officers met with PCYC to discuss the use of the property by PCYC and Albany Laser Scape.
9. PCYC confirmed the Police Rangers use the property for activities including bushcraft, navigation, abseiling, camp outs and leadership programs.
10. The City formally sought evidence of any documentation held that outlined access arrangements between PCYC and Albany Laser Scape, including any payments or in-kind arrangements between the parties.
11. Additionally the City requested Certificates of Currency for the insurance appropriate to the activities conducted on the property. Since this time copies of appropriate insurances have been provided to the City.
12. It became evident that PCYC granted verbal permission for Albany Laser Scape to operate from the property. In return Laser Scape donated vouchers to the PCYC community ball auction and free games for Police Rangers.
13. On 15 January 2015 City officers met with Laser Scape to further discuss use of the property. It became apparent that Laser Scape had been using the property for approximately 12 years and they considered PCYC permission to use the property sufficient. Laser Scape were of the view that planning approval for use of the property was not required.
14. To remedy the immediate use of the property by Laser Scape, the City outlined interim arrangements in correspondence dated 16 January 2015 to both PCYC and Laser Scape.
15. The City permitted PCYC to allow Laser Scape access in the short term subject to a number of terms and conditions. This consent will operate until such time as Council determines the matter, or the City withdraws consent.

The terms and conditions include:

- a. Laser Scape must lodge a planning application with the City for the application use, within 14 days and comply with all conditions of any approval issued;
- b. Use is limited to Lot 50, Old Elleker Road Gledhow and shall not use or enter into any portion of adjoining Reserve 30599 or adjacent properties;
- c. Are not permitted to use or access any building or other structure on the property and that they independently provide all facilities necessary for the activities to be lawfully carried out;
- d. Ensure that the property is safe in all respects and remove or prohibit access to any items to locations of potential hazard;
- e. Fully remediate the site at time it is vacated, or earlier if requested by the City;

- f. Limit activities to those currently undertaken on the site and not further develop or build on the site;
 - g. At all times carry insurances appropriate to the activities conducted, in accordance with best practice; and
 - h. Will not hold or claim any property right over the property greater than a non-exclusive licence, terminable at will.
16. On 18 February 2015 Laser Scape lodged planning application (P2150079) for use of the property. As part of the assessment the application has been referred to the Department of Environment and Regulation for comment given the number of second hand tyres approximately 1500-2000 being used onsite.
17. Any comments received from the Department of Environment and Regulation will be addressed as conditions of any planning approval issued.
18. The proposed licence to PCYC will provide the mechanism to formalise a sublicense with Laser Scape, with City consent. The sublicense will record full back-to-back compliance with the head-licence held by PCYC. It will include indemnities and make-good requirements directly enforceable by the City.
19. It is noted the Chief Executive Officer has delegated authority to approve requests for sublease/sublicence where there is a current lease/licence in place.

GOVERNMENT & PUBLIC CONSULTATION

20. No Government consultation for the Licence is required.
21. 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.
22. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) The land is disposed of to a body, whether incorporated or not –
 - (i) The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and
 - (ii) The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,
23. The Federation of Western Australia Police and Community Youth Centres (Inc) is a not-for-profit charitable organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

24. 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings including advertising requirements. The proposed licence will be advertised.

POLICY IMPLICATIONS

25. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
26. 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.
27. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Reputation: A new licence is not approved.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: A new licence is not approved – PCYC will need to find an alternate location should they wish to continue existing activities</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

FINANCIAL IMPLICATIONS

29. All costs associated with the development, execution and completion of the licence documentation will be met by PCYC.
30. The new licence rental of \$10 plus GST per annum will be directed to Income – Other Leases COA account 1190430.

LEGAL IMPLICATIONS

31. The licence does not grant any rights of exclusive use or occupation over the land or within the licensed area.
32. The licence provides that PCYC must not sublicense the property without the City's written consent. If granted PCYC and the sublicensee must execute a sublicense document with the City a party to the agreement. The sublicense will include full back-to-back-compliance with the head licence held by PCYC.
33. The agreement with PCYC will be a Deed of Licence prepared by the City's lawyers, at PCYC expense.

ENVIRONMENTAL CONSIDERATIONS

34. Planning application (P2150079) for Laser Scape use of the property has been referred to the Department of Environment and Regulation for comment. Comments will be addressed as conditions of any approval issued.

ALTERNATE OPTIONS

35. Council may:
- Approve the licence; or
 - Decline the licence.
36. Should Council decline the licence, PCYC will need to find an alternative location if they wish to continue providing similar recreational activities.
37. Laser Scape will be required to immediately remediate and vacate the property.

SUMMARY CONCLUSION

38. The proposed licence to PCYC will formalise existing use of Lot 50 Old Elleker Road, Gledhow for recreational purposes.
39. The licence will require PCYC to formally document Albany Laser Scape use under a sublicense arrangement, and be forwarded to the City for consent.
40. PCYC will only be able to sublicense the area it licenses. Any sublicense arrangement will record full back-to-back compliance with the head licence held by PCYC. It will include indemnities and make-good requirements directly enforceable by the City.
41. It is recommended the new licence to PCYC be supported.

Consulted References	:	<ul style="list-style-type: none">Council Policy – Property Management – Leases and Licences<i>Local Government Act 1995</i><i>Local Government (Functions and General) Regulations 1996</i>
File Number (Name of Ward)	:	PRO401, A173245 (West Ward)
Previous Reference	:	OCM 26/07/1989

**CSF162: QUARTERLY REPORT – TENDERS AWARDED – JANUARY
TO MARCH 2015**

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – January to March
2015
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



RECOMMENDATION

CSF162: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2015.

**BFA002: NATURAL DISASTER RESILIENCE PROGRAM FUNDING –
IMPLEMENTATION OF TORBAY FIRE MANAGEMENT STRATEGY**

Land Description : Torbay Hill
Proponent : City of Albany
Report Prepared by : Manager Rangers & Emergency Services (T Ward)
Responsible Officer(s): : Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2014-2018](#):
 - a. **Key Theme:** 4. A Sense of Community.
 - b. **Strategic Objective:**
 - 4.1. To build resilient and cohesive communities with a strong sense of community spirit.
 - 4.3 To develop and support a healthy inclusive and accessible community.
 - c. **Strategic Initiative:** 4.3.3 Recognising the importance of, and promoting community safety.

In Brief:

- Accept funding to enable the engagement of a qualified consultant to prepare a Risk Assessment and Fire Management Strategy for Torbay Hill, which is prone for fire incidents.

RECOMMENDATION

BFA002: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the funding and authorise the expenditure of the \$30,000, through the Natural Disaster Resilience Program for the purpose of facilitating the Torbay Hill Risk Assessment and Community Fire Management Strategy.

BACKGROUND

2. In March 2013 the Bornholm Volunteer Bush Fire Brigade Committee compiled a strategy document aimed at improving fire safety for the Torbay Hill community. The recommendations put forward by the Committee received strong community support; however the City of Albany was unable to support a number of the recommendations due to restrictions under existing legislation.
3. The City of Albany submitted an application to the Natural Disaster Resilience Program in September 2014 for funding to engage a qualified consultant to prepare a Fire Management Strategy for the Torbay Hill community.

4. Funding was approved for \$30,000 with the City of Albany providing \$30,000 in-kind contribution. This will be by way of staff hours contributing to project management, provision of meeting venues and administrative assistance.
5. It is expected that the City of Albany will receive \$15,000 in the current 14/15 financial year with the remaining \$15,000 in the 15/16 financial year.

GOVERNMENT & PUBLIC CONSULTATION

6. Consultation with the community and other stakeholders including Department of Fire and Emergency Services (DFES), Office of Bushfire Management (OBRM) and Department of Parks and Wildlife (DPaW) will be integral to the project. Due to the strong community interest, the project will integrate with the current Bushfire Ready program.

STATUTORY IMPLICATIONS

7. 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.

POLICY IMPLICATIONS

8. The Torbay Hill Risk Assessment and Community Fire Management Strategy project aligns with the City's commitment to "*an increased focus on prevention and preparedness for fire emergencies*" as stated in the City of Albany *Strategic Bush Fire Plan 2014-2019*.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety: <i>Public safety is at risk if appropriate resources to address the known bushfire threat are not applied, which would result from project not proceeding due to rejection of funding. .</i>	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Increase community resilience to the effects of bushfire by allowing project to proceed through acceptance of the funding offer, in conjunction with in-kind contribution from Council.</i>

FINANCIAL IMPLICATIONS

10. The City's contribution of \$30,000 to this project compromises in-kind staff time contributing to project management, provision of meeting venues and administrative assistance.
11. There is no expectation of requirement for additional staff.

LEGAL IMPLICATIONS

12. There are no legal implications.

ENVIRONMENTAL CONSIDERATIONS

13. The Strategy will investigate how fire risk can be mitigated without the need for substantial modification of native vegetation, working within the current legislative framework.

ALTERNATE OPTIONS

14. The Council may elect to not accept the funding of \$30,000 from NDRP.

SUMMARY CONCLUSION

15. It is recommended that the available funding be accepted.

Consulted References	:	Nil
File Number (Name of Ward)	:	PR.PLA.7
Previous Reference	:	Nil

CSF163: PROPOSED LAND PURCHASE

Land Description : REDACTED
Proponent : REDACTED
Owner : REDACTED
Attachments : Confidential Business Case
Confidential Maps
Report Prepared by : Senior Lands Officer (N Crook)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



CONFIDENTIAL REPORT

This Report will be considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

14. REPORTS OF CITY OFFICERS Nil

15. MEETING CLOSED TO THE PUBLIC

CSF163: Purchase of Land

16. CLOSURE