

**2.6: CITY OF ALBANY LOCAL GOVERNMENT PROPERTY LOCAL LAW 2011**

**Land Description** : Whole of Municipality  
**Proponent** : City of Albany  
**Attachment** : Draft City of Albany Local Government Property Local Law 2011  
**Responsible Officer** : E/Director Planning & Development Services (G Bride)

**IN BRIEF**

- Council is requested to resolve to adopt the *City of Albany Local Government Property Local Law 2011* that is not significantly different from what was proposed.

**ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council in accordance with Section 3.12 of the *Local Government Act 1995 (as amended)*, agrees—

1. To adopt the *City of Albany Local Government Property Local Law 2011* (as detailed in the appendices) that is not significantly different from what was proposed;
2. Advertise the *City of Albany Local Government Property Local Law 2011* in the *Government Gazette*;
3. Provide a copy of the *City of Albany Local Government Property Local Law 2011* to all relevant Ministers;
4. Give local public notice stating the :
  - (a) title of the local law;
  - (b) summarising the purpose and effect of the local law;
  - (c) specifying the dates the local law; and
  - (d) advising where copies of the local law may be inspected or obtained.

CEO:

RESPONSIBLE OFFICER:

1. Council at its Ordinary Meeting of 15 February 2011 commenced the process to make the *City of Albany Local Government Property Local Law 2011*.
2. As required by s3.12(3) of the *Local Government Act 1995*, state-wide public notice was given for a period commencing 26 March 2011 and concluding on 13 May 2011 stating that:
  - (a) the City was proposing to make the *Local Government Property Local Law 2011* and a summary of its purpose and effect;
  - (b) a copy of the proposed local law could be inspected or obtained at the City's offices; and
  - (c) written submissions about the proposed local law may be made to the City until 13 May 2011.
3. A local public notice was also published in the Great Southern Weekender newspaper.

**DISCUSSION**

4. At the close of the advertising period for community submissions no comment on the proposed *City of Albany Local Government Property Local Law 2011* had been received.
5. A submission from the Department of Local Government provided the following feedback, which has been incorporated into the proposed local law:
  - minor formatting changes to reflect current drafting standards; and
  - recommendations to include the following in the local law:

Clause 1.5	Inclusion of definitions for: <ul style="list-style-type: none"> <li>• Costs;</li> <li>• Local public notice; and</li> <li>• Nuisance</li> </ul>
Clause 2.7(e)	The clause has been expanded to include other modernised toys and propulsion methods.
Clause 4.1	Clause has been amended and subclause (c) has been added.
Clause 4.3	Inclusion of a definition for an "animal"..
Item 18 – Schedule 1	Re-wording of prescribed offence

6. Council can now proceed to adopt the *City of Albany Local Government Property Local Law 2011* as it is considered not significantly different from what was proposed.
7. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed amendment local law.

**Purpose**

8. The purpose of the local law is to regulate the care, control and management of all property of the local government except thoroughfares.

**Effect**

9. The effect of the local law is to establish the requirements with which any person using or being on local government property within the district must comply with.

**GOVERNMENT CONSULTATION**

10. As required by section 3.12(3)(b) of the *Local Government Act 1995*, a copy of the proposed local law was provided to the Minister for Local Government and a submission was received from the Department of Local Government.

**PUBLIC CONSULTATION / ENGAGEMENT**

11. A local and state-wide public notice was published in the Great Southern Weekender and the West Australian newspapers respectively inviting submissions from the community on the proposed *Local Government Property Local Law 2011* by 13 May 2011.
12. At the close of the advertising period for community submissions no comment on the proposed *Local Government Property Local Law 2011* had been received.

**STATUTORY IMPLICATIONS**

13. Section 3.12 of the Local Government Act states—

**“3.12 Procedure for Making Local Laws**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
- a) *give Statewide public notice stating that –*
- i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
- ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

- c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.  
(\* Absolute Majority Required).*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice:*
- a) *stating the title of the local law;*
- b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made*

## **STRATEGIC IMPLICATIONS**

13. This item relates to the following elements from the Albany Insight – Beyond 2020 Corporate Plan:

Community Vision:  
Nil.

### *Priority Goals and Objectives*

*Goal 4: Governance..... The City of Albany will be an industry leader in good governance and service delivery.*

*Objective 4.3 The City of Albany will deliver excellent community services that meet the needs and interests of our diverse communities.*

### *City of Albany Mission Statement*

*At the City of Albany we respect community needs and foster community involvement in decision making.*

## **POLICY IMPLICATIONS**

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

## **RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>(L)</b>	<b>(C)</b>	<b>Risk Rating</b>	<b>Mitigation</b>
<i>If the proposed local law is not adopted the current Local Government Property Local Law 2001 will continue albeit sections are out-of-date.</i>	Possible	Minor	Medium	<i>Adoption of the Local Government Property Local Law 2011 by Council.</i>

**FINANCIAL IMPLICATIONS**

15. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the local law. This cost would be approximately \$1000 in addition to staff time finalising the adoption of the proposed local law.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

16. Council has two options in relation to the adoption of the *Local Government Property Local Law 2011*:
1. Option One: **AGREE** to adopt the *Local Government Property Local Law 2011*;
  2. Option Two: **REFUSE** to adopt the *Local Government Property Local Law 2011*.
18. Section 3.16 of the *Local Government Act 1995* requires that all of the local laws of a local government must be reviewed within an eight year period after their commencement to determine if they should remain unchanged or be repealed or amended.

**SUMMARY CONCLUSION**

19. It is recommended that Council resolve to adopt the *City of Albany Local Government Property Local Law 2011*.

<b>Consulted References</b>	<i>City of Albany Local Government Property Local Law 2001</i>
<b>File Number (Name of Ward)</b>	All Wards
<b>Previous Reference</b>	OCM 15/02/2011 – Item 1.9