



---

# AGENDA

---

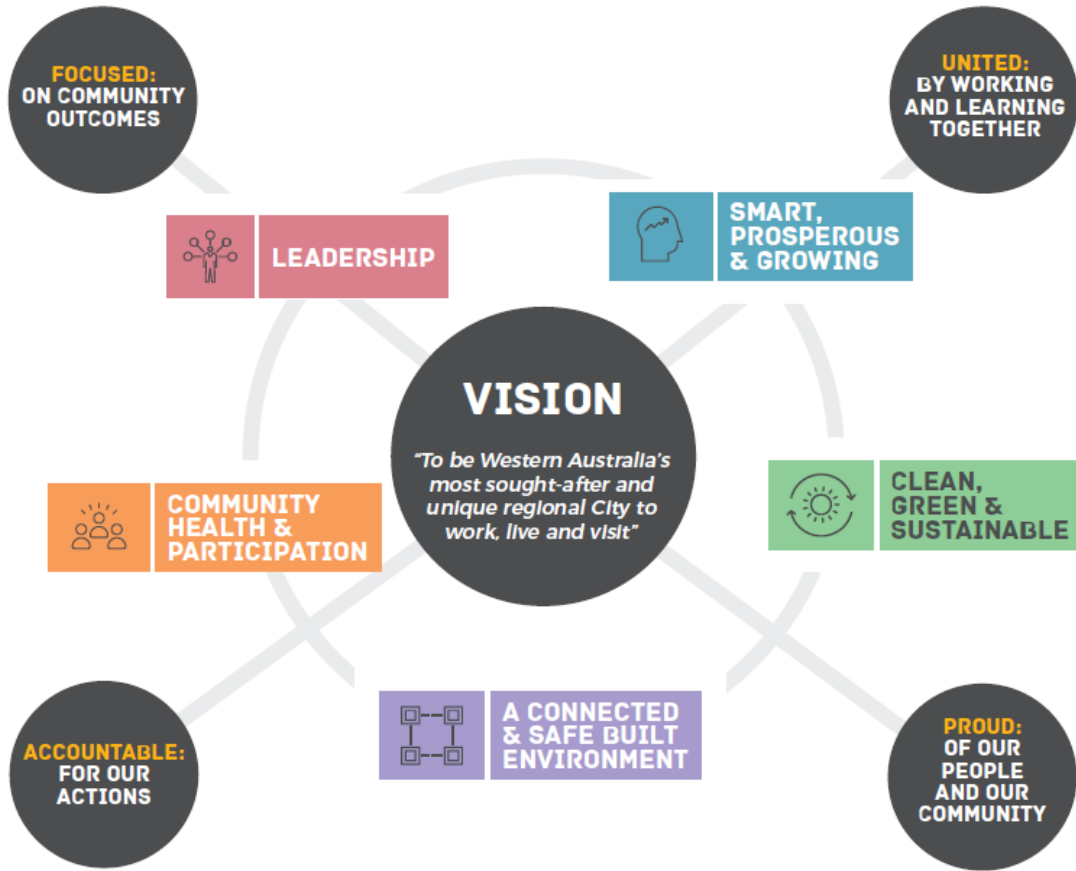
## COMMUNITY AND CORPORATE SERVICES COMMITTEE

**Tuesday 1 December 2020**

6.00pm

Council Chambers

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



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

**Functions:** The Committee is responsible for the following functions:

**Community Services:**

The delivery of “*Community Health & Participation Objectives*” contained in the City of Albany Strategic Plan:

- To build resilient and cohesive communities with a strong sense of community spirit.
- To create interesting places, spaces and events that reflect our community’s identity, diversity and heritage.
- To develop and support a healthy inclusive and accessible community.

**Corporate Services:**

Monitoring and commenting on the financial health and strategies of Council.

The delivery of “*Leadership Objectives*” contained in the City of Albany Strategic Plan:

- To establish and maintain sound business and governance structures.
- To provide strong, accountable leadership supported by a skilled & professional workforce.
- To engage effectively with our community.

**Economic Development:**

Considering and recommending to Council ways to strengthen the local Albany economy.

The delivery of “*Smart, Prosperous and Growing Objectives*” contained in the City of Albany Strategic Plan:

- To strengthen and grow our region’s economic base.
- To develop a smart city that supports economic growth.
- To develop and promote Albany as a unique and sought-after visitor location.

**Governance:**

- Review of Council's policies;
- Supporting Elected Members in their governance role;
- Developing amendments to existing, or new, local laws;
- Consideration of the Council's draft Strategic Plan;
- Consideration of the Council's draft Annual Report;
- Matters pertaining to the conduct of the Council's Annual General Meeting;
- Consideration of the proposed meeting schedule for Council and its Committees;
- Receiving reports from Council representatives on outside bodies, and from other bodies as determined by Council; and
- Considering matters not falling within the terms of reference of any other Council committee.

**Service Complaint Internal Review:**

- Responsible for reviewing unresolved service complaints, in accordance with the Service Complaints Policy.

**It will achieve this by:**

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

**Membership:** Open to all elected members

**Meeting Schedule:** Monthly

**Meeting Location:** Council Chambers

**Directorates:** Corporate & Community Services

**Executive Officer(s):** Executive Director Corporate & Commercial Services,  
Executive Director Community Services

**Delegated Authority:** None

**TABLE OF CONTENTS**

|     | Details  | Pg# |
|-----|--|-----|
| 1.  | <b>DECLARATION OF OPENING</b>                                | 5   |
| 2.  | <b>PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS</b> | 5   |
| 3.  | <b>RECORD OF APOLOGIES AND LEAVE OF ABSENCE</b>              | 5   |
| 4.  | <b>DISCLOSURES OF INTEREST</b>                               | 6   |
| 5.  | <b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b> | 6   |
| 6.  | <b>PUBLIC QUESTION TIME</b>                                  | 6   |
| 7.  | <b>PETITIONS AND DEPUTATIONS</b>                             | 6   |
| 8.  | <b>CONFIRMATION OF MINUTES</b>                               | 6   |
| 9.  | <b>PRESENTATIONS</b>   | 6   |
| 10. | <b>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</b>            | 6   |

| <b>REPORTS</b> |  |           |
|----------------|--|-----------|
| CCS309         | FINANCIAL ACTIVITY STATEMENT- OCTOBER 2020   | 7         |
| CCS310         | DELEGATED AUTHORITY REPORTS – OCTOBER TO NOVEMBER 2020   | 9         |
| CCS311         | NEW LICENCE – THE NORTHSIDE RADIO ASSOCIATION INC. – MT<br>MELVILLE TELECOMMUNICATION FACILITY | 11        |
| CCS312         | LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2020   | 15        |
| CCS313         | JETTIES, BRIDGES, BOAT PENS AND SWIMMING STRUCTURES<br>AMENDMENT LOCAL LAW 2021                | 17        |
| CCS314         | REGIONAL EVENTS SPONSORSHIP 2020-2021  | 24        |
| CCS315         | ORDINARY COUNCIL MEETING AND COUNCIL COMMITTEE MEETING<br>CALENDAR 2021                        | 29        |
| CCS316         | ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31<br>OCTOBER 2020                         | 34        |
| 11.            | <b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>   | <b>37</b> |
| 12.            | <b>MEETING CLOSED TO PUBLIC</b>  | <b>37</b> |
| 13.            | <b>CLOSURE</b>   | <b>37</b> |

**1. DECLARATION OF OPENING**

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

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

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

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

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

|                     |                         |
|---------------------|-------------------------|
| Mayor               | D Wellington            |
| <b>Councillors:</b> |                         |
| Member              | R Hammond               |
| Member              | P Terry (Chair)         |
| Member              | G Stocks (Deputy Mayor) |
| Member              | R Stephens              |
| Member              | M Benson-Lidholm JP     |
| Member              | E Doughty               |
| Member              | J Shanhun               |
| Member              | T Sleeman               |
| Member              | S Smith (Deputy Chair)  |
| Member              | A Goode JP              |
| Member              | C Thomson               |
| Member              | R Sutton                |

**Staff:**

|  |          |
|--|----------|
| Chief Executive Officer                            | A Sharpe |
| Executive Director Corporate & Commercial Services | D Olde   |
| Acting Executive Director Community Services       | N Watson |

|                   |        |
|-------------------|--------|
| Meeting Secretary | H Bell |
|-------------------|--------|

**Apologies:**

**4. DISCLOSURES OF INTEREST**

| <b>Name</b>   | <b>Committee/Report<br/>Item Number</b> | <b>Nature of Interest</b>  |
|---|---|--|
| Mayor Wellington,<br>Councillor Terry,<br>Councillor Thomson<br>and Councillor Stocks | CCS314                                  | <b>Impartiality.</b> Member of the assessment panel. The Assessment Panel assessed each application based on the funding criteria, information supplied and applicant presentations. |

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.**

**6. PUBLIC QUESTION TIME**

**7. PETITIONS AND DEPUTATIONS - Nil.**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the unconfirmed minutes of the Community and Corporate Services Committee held on 10 November 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS Nil.**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

**CCS309: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2020**

|                            |   |
|----------------------------|---|
| <b>Proponent</b>           | : City of Albany  |
| <b>Attachments</b>         | : Statement of Financial Activity                             |
| <b>Report Prepared by</b>  | : Manager Finance (S Van Nierop)                              |
| <b>Responsible Officer</b> | : Executive Director Corporate & Commercial Services (D Olde) |

**RECOMMENDATION**

**CCS309: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Financial Activity Statement for the period ending 31 October 2020 be RECEIVED.**

**COVID-19 IMPACT**

- Impacts to the financial performance of the City are detailed in the ‘Explanation of Material Variances to the YTD Budget in Excess of \$100,000’ (Note 1) of the Attachment to this report (Statement of Financial Activity).

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 October 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 \$100,000 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 2020/21 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 2020 has been incurred in accordance with the 2020/21 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (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.

|                                   |                      |
|-----------------------------------|----------------------|
| <b>File Number (Name of Ward)</b> | FM.FIR.7 - All Wards |
|-----------------------------------|----------------------|



**CCS310: DELEGATED AUTHORITY REPORTS – OCTOBER to  
NOVEMBER 2020**

|                            |  |
|----------------------------|--|
| <b>Proponent</b>           | : City of Albany   |
| <b>Attachments</b>         | : Executed Document and Common Seal Report                                 |
| <b>Report Prepared by</b>  | : Personal Assistant to the ED Corporate & Commercial<br>Services (H Bell) |
| <b>Responsible Officer</b> | : Chief Executive Officer (A Sharpe)                                       |

**BACKGROUND:**

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

**RECOMMENDATION**

**CCS310: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 October 2020 to 15 November 2020 be RECEIVED.**

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**CCS311: NEW LICENCE – THE NORTHSIDE RADIO ASSOCIATION INC. – MT MELVILLE TELECOMMUNICATION FACILITY**

|                              |   |
|------------------------------|---|
| <b>Land Description</b>      | : Crown Reserve 2681, portion of Lot 1469 on Deposited Plan 219955, the subject of Certificate of Title Volume LR3110 Folio 839, Mt Melville. |
| <b>Proponent</b>             | : The Northside Radio Association Inc. ABN 98879883156  |
| <b>Owner</b>                 | : Crown (City of Albany under Management Order)   |
| <b>Report Prepared By</b>    | : Team Leader Property and Leasing (T Catherall)  |
| <b>Responsible Officers:</b> | : Executive Director Corporate and Commercial Services (D Olde)   |

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new licence to The Northside Radio Association Inc. (NRA) to formalise current use of the Mt Melville telecommunication facility for the purpose of a UHF CB Repeater Radio Network.
- NRA are a small community organisation run by volunteers who own and maintain UHF CB Radio Repeaters for local communities throughout WA.
- It is recommended the new licence is approved.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**RECOMMENDATION**

**CCS311: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE a new licence to The Northside Radio Association Inc. over the City's Mt Melville telecommunication facility on portion of Crown Reserve 2681, subject to:**

- a) Licence purpose being “maintaining and operating a UHF CB Repeater Radio Network in accordance with and limited by the Management Order over the Land”.**
- b) Licence term being 5 years with a 5 year further term option, commencing as soon as practicable.**
- c) Licence areas being approximately 0.36m<sup>2</sup> to accommodate small equipment rack located within the bunker area and a portion of the telecommunication mast of the Mt Melville telecommunication facility.**
- d) Initial Licence rent being \$1,051.00 plus GST per annum being the equivalent to Minimum Rate as set by Albany City Council each year.**
- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.**
- f) All costs associated with the ongoing operations of the licence property being payable by the tenant.**
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the tenant.**
- h) Licence being consistent with Council Policy – Property Management (Leases and Licences).**

**BACKGROUND**

2. Reserve 2681 is under Management Order H603437 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Public Park and Telecommunications” for any term not exceeding 21 years and subject to the consent of the Minister for Planning, Lands and Heritage.
3. Reserve 2681 an area of 56.32 hectares is located at Lot 1469 Serpentine Road, Mt Melville.
4. The City owned telecommunication facility located within the reserve is commonly referred to as the Mt Melville Lookout or Sparkplug. The telecommunication tower was originally constructed by Optus with ownership passing to the City (then Town) once completed.
5. NRA have occupied a small portion of the Mt Melville telecommunication facility since 2014 after purchasing the repeater licence and equipment from the previous holder without formal agreement with the City. NRA were under the impression the arrangement with the City would automatically transfer to them.
6. City officers recently became aware that the occupation by NRA had not been formalised with the City. NRA have since requested a new licence in the current location to continue the activities of servicing the CB radio community.

7. NRA also hold a similar community licence agreement with the City of Swan for UHF CB Repeater Radio Network.

**DISCUSSION**

8. NRA are a small community organisation run by volunteers who own and maintain around 14 UHF CB Radio Repeaters throughout WA, an area spanning from Bindoon in the North to Albany in the South.
9. NRA hold the necessary radio communications licences governed by the Australian Communications and Media Authority (ACMA) and appropriate public liability insurance.
10. The Repeaters allow UHF CB Radio users increased coverage by hundreds of kilometres.
11. Users such as 4 wheel drivers, caravan and campers, agricultural and the like benefit from the services of CB radio facilities which includes an emergency channel designated for emergency circumstances only.
12. It is understood the radio repeater services have been operating from Mt Melville facility for many years.
13. Since purchasing the licence and equipment from the previous holder, NRA have enhanced and modernised the equipment, tidied the area and labelled equipment with contact details.
14. NRA advise they have no intention of installing any new equipment on City's facility.
15. City Officers have been in discussion with NRA regarding licence terms. Parties have agreed in-principle to the following summarised terms and conditions subject to Council and Minister for Lands approvals.

| ITEM                     | DETAILS  |
|--------------------------|--|
| Tenant                   | Northside Radio Association Inc.   |
| Land Description         | Portion Crown Reserve 2681 Lot 1469 on Deposited Plan 219955, the subject of Certificate of Title Volume LR3110 Folio 839, Mt Melville   |
| Area                     | Approximately 0.36m <sup>2</sup> to accommodate small equipment rack within bunker and portion on the mast   |
| Land Ownership           | Crown (City of Albany under Management Order)  |
| Infrastructure Ownership | City of Albany   |
| Permitted Use            | Maintaining and operating a UHF CB Repeater Radio Network  |
| Term                     | 5 years with a 5 year further term option  |
| Rent                     | Minimum rate as set by Council each year, currently \$1,051 plus GST per annum recognising the not for profit status of the NRA and the community type service provided                    |
| Outgoings & Utilities    | Tenant responsibility as applicable  |
| Insurance                | Public Liability Policy for a minimum of \$20 million  |
| Indemnity                | Indemnify the City and Minister for all claims resulting from any damage, loss, death or injury in connection with the Council Property, unless such claims arise out of City's negligence |
| Maintenance              | Tenant responsible for own maintenance   |
| Costs                    | All costs associated with the development and implementation of any new licence document will be at the tenant cost  |

## GOVERNMENT & PUBLIC CONSULTATION

16. The Department of Planning, Lands and Heritage will be consulted as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Ministers consent is obtained.
17. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings.
18. Regulation 30(2)(b) of the *Local Government (Functions & general) Regulations 1996* describes the disposition as exempt when the land is disposed to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
19. The licence to NRA is exempt from the public advertising provision of Section 3.58 of the *Local Government Act 1995* as it is considered a not-for-profit recreational Association.

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

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

| Risk  | Likelihood | Consequence | Risk Analysis | Mitigation  |
|---|------------|-------------|---------------|---|
| <b>Reputation:</b> new licence not approved   | Unlikely   | Minor       | Low           | Key licence terms have been agreed in-principle.<br>Seek to negotiate terms to Council satisfaction |
| <b>Reputation:</b> new licence not approved – perceived lack of support for CB users and provision of emergency channel   | Unlikely   | Minor       | Low           | Seek to negotiate terms to Council satisfaction   |
| <b>Opportunity:</b> To provide support for the not for profit volunteer association that maintains and manages the radio repeater services for the local community. |            |             |               |   |
| <b>Opportunity:</b> To provide support for the providers of the CB radio emergency channel facility   |            |             |               |   |

**FINANCIAL IMPLICATIONS**

25. All costs associated with the development and finalisation of the licence documentation will be met by the tenant.

**LEGAL IMPLICATIONS**

26. The Deed will be prepared by City's lawyers with enforceable terms and conditions, at the tenant's cost.

**ENVIRONMENTAL CONSIDERATIONS**

27. There are no environmental implications.

**ALTERNATE OPTIONS**

28. Council may:
- a. Approve the new licence request; or
  - b. Decline the request.
29. Should Council decline the request, NRA will need to consider alternate suitable telecommunication facilities within Albany to continue operations. It is understood this may be challenging as limited suitable facilities are available and NRA will need to consider own budget restraints.

**CONCLUSION**

30. Northside Radio Association have requested a new licence over existing areas occupied at the Mt Melville telecommunication facility.
31. The proposed licence to NRA will formalise current use in order to continue servicing the UHF CB radio local community including an emergency channel.
32. It is recommended the new licence to NRA is supported.

|                                   |   |   |
|-----------------------------------|---|---|
| <b>Consulted References</b>       | : | <ul style="list-style-type: none"><li>• Council Policy – Property Management (Leases and Licences)</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li></ul> |
| <b>File Number (Name of Ward)</b> | : | PRO461, A193726 (Frederickstown Ward)   |
| <b>Previous Reference</b>         | : | N/A   |

**CCS312: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2020**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (S Van Nierop)  
**Responsible Officers:** : Executive Director Corporate and Commercial Services  
(D Olde)

**RECOMMENDATION**

**CCS312: RESPONSIBLE OFFICER RECOMMENDATION**

**That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2020 totalling \$4,967,664.61.**

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**BACKGROUND**

1. 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**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2020. Please refer to the Attachment to this report.

| <b>Municipal Fund</b>     |                       |
|---------------------------|-----------------------|
| Trust                     | \$0.00                |
| Credit Cards              | \$5,180.05            |
| Payroll                   | \$1,375,617.57        |
| Cheques                   | \$203,699.67          |
| Electronic Funds Transfer | \$3,383,167.32        |
| <b>TOTAL</b>              | <b>\$4,967,664.61</b> |

As at 15 November 2020, the total outstanding creditors stands at \$57,244.53 and is made up as follows;

|                          |                    |
|--------------------------|--------------------|
| Current                  | \$36,159.64        |
| 30 Days                  | \$17,602.72        |
| 60 Days                  | \$3,644,03         |
| 90 Days                  | -\$161.86          |
| <b>TOTAL</b>             | <b>\$57,244.53</b> |
| <b>Cancelled Cheques</b> | <b>Nil</b>         |

**STATUTORY IMPLICATIONS**

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. 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**

6. Expenditure for the period to 15 November 2020 has been incurred in accordance with the 2020/2021 budget parameters.

**FINANCIAL IMPLICATIONS**

7. Expenditure for the period to 15 November 2020 has been incurred in accordance with the 2020/2021 budget parameters.

**CONCLUSION**

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

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| <b>File Number (Name of Ward)</b> | : | FM.FIR.2 - All Wards |
|-----------------------------------|---|----------------------|



**CCS313: JETTIES, BRIDGES, BOAT PENS AND SWIMMING STRUCTURES AMENDMENT LOCAL LAW 2021**

|                              |  |
|------------------------------|--|
| <b>Land Description</b>      | : City of Albany                                 |
| <b>Proponent / Owner</b>     | : City of Albany                                 |
| <b>Attachment</b>            | : Principle Local Law with marked up amendments. |
| <b>Report Prepared By</b>    | : Manager Governance & Risk (S Jamieson)         |
| <b>Responsible Officers:</b> | : Chief Executive Officer (A Sharpe)             |

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
  - **Community Priority:** Provider positive leadership that delivers community outcomes.

**In Brief:**

- On 11/11/2020 Council resolved to accept an undertaking requested by the Joint Standing Committee on Delegated Legislation (the Committee).
- Council is requested to progress the undertaking, by amending the principle local law.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**RECOMMENDATION**

**CCS313: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council resolves to MAKE the following City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021:**

**LOCAL GOVERNMENT ACT 1995  
CITY OF ALBANY  
JETTIES, BRIDGES, BOAT PENS AND SWIMMING STRUCTURES  
AMENDMENT LOCAL LAW 2021**

**1. Citation**

**This local law may be cited as the *City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021*.**

**2. Commencement**

**This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.**

**3. Principal local law amended**

**In this local law, the *City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Local Law 2020*, as published in the *Government Gazette* on 6 October 2020 is referred to as the principal local law. The principal local law is amended.**

**4. Clause 2.2 amended**

In clause 2.2, delete each occurrence of the words 'the jetties' and replace them with the words 'a jetty'.

**5. Clause 1.5 amended**

In clause 1.5, insert the definition of 'Land', and a definition of 'Ellen Cove Jetty'.

*land* means that part of the earth's surface that is not covered by water, for the purpose of this local law land vested in the care and control of the local government above the mean high water mark;

*Ellen Cove Jetty* means the structure located at, and extends from the coastal boundary of Lot 651, 2 Flinders Parade, Middleton Beach WA.

**6. Clause 1.5 amended:**

In clause 1.5 amend definition of 'designated area' delete reference to clause '4.6' and insert 4.5

**7. Clause 2.3 amended**

In clause 2.3(2), delete '3.2(2)(a)' and insert 3.5.

**8. Clause 3.8 amended**

In clause 3.8(1), delete '4.8' and insert 4.7.

**9. Clause 3.9 amended**

In clause 3.9 the time frames in which a vessel must be removed to be amended from 7 days to 28 days.

**10. Clause 2.19 amended**

In clause 2.19, delete the word 'filth'.

**11. Clause 4.4 amended**

Delete clause 4.4, renumber following clauses accordingly.

**12. Clause 5.2 amended**

In clause 5.2(3), insert the words 'by resolution' after the word 'decide'.

**13. Clause 5.2 amended**

In clause 5.2, insert the following sub-clauses:

(9) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).

(10) The prohibition of animals in or on any part of the pen system does not apply to assistance animals.

## BACKGROUND

2. The Local Government Act 1995 enables Western Australian local governments to make local laws considered necessary for the good government of their districts.
3. The Council provided an undertaking to the Committee on Thursday 12 November 2020.

## DISCUSSION

4. Specific amendments made to address the Committee's concerns:
  - a. Clause 2.2 amended

Now reads:

### 2.1 Mooring of Vessels

- (1) A person shall not moor to or berth a vessel at a jetty, or moor or berth a vessel on the Land—
  - (a) unless the mooring or berthing of the vessel is authorised or permitted by the local government either by way of a sign affixed by the local government to a jetty or by written consent of the local government; and
  - (b) other than in accordance with any conditions imposed by the local government under clause 3.5(1)(m).
- (2) Subclause (1) does not apply to—
  - (a) a person who needs to moor to or berth a vessel at a jetty, or on the Land in an emergency;
  - (b) a vessel in distress such as that repairs are required and then only to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
  - (c) a person who uses a jetty under and in accordance with a written agreement with the local government; and
  - (d) a person who has been exempted from subclause (1) by the local government.
- (3) A person shall not—
  - (a) moor a vessel to a bridge,
  - (b) moor a vessel to a jetty or any part of a jetty except to such moorings or mooring piles as are provided; or
  - (c) permit a vessel to remain alongside a jetty unless the vessel is so moored or fastened.

- b. Clause 2.3 amended

In clause 2.3(2), delete '3.2(2)(a)' and insert 3.5.

Clause 2.3(2) now reads:

- (2) Where the local government considers the mooring line of a vessel to be noncompliant with a requirement under a written law or a condition imposed under clause 3.5, or to be faulty or unfit for the purpose for which it is used or to be used, the local government may issue a written direction to the owner of a vessel requiring within a specific timeframe—
  - (a) the replacement of any mooring line;
  - (b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government; or
  - the removal of the vessel from the Land.

c. Clause 2.3 amended

Clause 2.3 Mooring Lines now reads:

**2.3 Mooring Lines**

(1) The owner of a vessel must—

(a) provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring or berthing of the vessel; and

(b) annually inspect the mooring lines and replace any mooring lines which are unfit for their intended purpose, so as to ensure that the mooring lines comply with any requirement under a written law or any condition imposed under clause 3.5.

(2) Where the local government considers the mooring line of a vessel to be noncompliant with a requirement under a written law or a condition imposed under clause 3.5 or to be faulty or unfit for the purpose for which it is used or to be used, the local government may issue a written direction to the owner of a vessel requiring within a specific timeframe—

(a) the replacement of any mooring line;

(b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government; or

(c) the removal of the vessel from the Land.

d. Clause 2.19 amended

Clause 2.19 now reads in part:

**2.19 Polluting surrounding area**

A person shall not—

(a) throw or cause to be thrown any glass, stone or other object, or any ~~filth~~, dirt, rubbish, or other matter of a similar nature from a jetty or bridge;

e. Clause 3.9 amended

Clause 3.9(3) now reads:

(3) Upon the expiration or earlier termination of a licence granted under clause 3.1(1), the licensee shall remove the vessel from the pen within **28 days**. If the licensee fails to remove the vessel within **28 days**, the local government may remove and store the vessel and the costs of removing and storing the vessel shall be a debt due to the local government payable by the licensee.

f. Clause 2.19 amended

In clause 2.19, the word 'filth', deleted, now reads:

A person shall not—

(a) throw or cause to be thrown any glass, stone or other object, or any ~~filth~~, dirt, rubbish, or other matter of a similar nature from a jetty or bridge;

g. Clause 4.4 amended

Clause 4.4 deleted, requiring the renumbering of the following clauses and references:

- ARRANGEMENT, PART 4 – GENERAL PROVISIONS now reads:

**PART 4—GENERAL PROVISIONS**

- 4.1 Fees and charges
- 4.2 Recovery of debt due
- 4.3 Offences and Penalties
- ~~4.4 Costs of repair~~
- 4.4 Appointment of an authorised person
- 4.5 Designated areas
- 4.6 Breach/Termination Notice
- 4.7 When an authorised person can act
- 4.8 Objection and appeal rights

5 Clause 1.5 Definitions, now reads:

**designated area** means an area set aside and appropriately identified by an authorised person to be used for particular purposes pursuant to clause 4.5 of this Local Law;

6 Clause 3.8 Removal of vessel, now reads:

- (1) An authorised person may, in any of the circumstances mentioned in Clause 4.7, move or cause to be moved any vessel located within a pen

h. Clause 5.2 amended

In clause 5.2(3), the words 'by resolution' inserted after the word 'decide'. Clause now reads:

- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide **by resolution** to—

i. Clause 5.2 amended

The following exemption to the prohibition of animals in or on any part of the pen system has been inserted to allow for assistance animals:

- (9) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).
- (10) The prohibition of animals in or on any part of the pen system does not apply to assistance animals.

**GOVERNMENT & PUBLIC CONSULTATION**

- 5. Internal consultation has been conducted with the Leasing Team in preparation of this report.
- 6. Public submissions will be open for a period not less than 6 weeks from the date of public notice.
- 7. Guidance will be sought from relevant state departments, specifically the Department of Local Government, Sport and Cultural Industries and Department of Transport.

**Role of the department**

The department monitors and provides advice to assist local governments in making their local laws. It works closely with the Western Australian Local Government Association and the Joint Standing Committee on Delegated Legislation to ensure that proposed local laws comply with legislative requirements.

The Act requires that copies of proposed laws be forwarded to the Minister for Local Government and other relevant State ministers to fulfil these requirements. The department examines the proposed local laws on behalf of the minister and gives specific consideration to:

- whether the proposed local law is adopted under the correct Act of Parliament
- whether the proposed local law conflicts with the Act and any other law
- matters raised previously by the Joint Standing Committee on Delegated Legislation, and
- State government policy issues.

**STATUTORY IMPLICATIONS**

8. Amending a local law needs to be done in accordance with section 3.12 of the Act which is the same procedure for ‘making’ a local law. This is because an amendment local law is a new law in itself and must follow the full statutory process.
9. Section 3.12 of the Local Government Act 1995 (the Act) requires the person presiding at a Council meeting is to ensure the purpose and effect of the proposed amendment local law is given.

**Purpose:** *The purpose of this local law is to amend the principle Jetties, Bridges, Boat Pens and Swimming Structures Local Law 2020 in order to comply with the undertaking with the Joint Standing Committee on Delegated Legislation.*

**Effect:** *City of Albany compliance with the legal undertaking to amend the principle local law.*

10. The resolution of Council to MAKE the local law must be carried by **Absolute Majority**.

**POLICY IMPLICATIONS**

11. Nil.

**RISK IDENTIFICATION & MITIGATION**

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

| Risk  | Likelihood      | Consequence     | Risk Analysis | Mitigation                           |
|---|-----------------|-----------------|---------------|--------------------------------------|
| <b>Legal &amp; Compliance.</b><br><i>If amendment local law is not progressed to adoption, the principle local law may be disallowed.</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Make the amendment local law.</i> |
| <b>Opportunity:</b> <i>Support of the Committee’s request will mitigate disallowance of the Local Law.</i>                                |                 |                 |               |                                      |

**FINANCIAL IMPLICATIONS**

13. Minor administration costs will be incurred.

**LEGAL IMPLICATIONS**

14. There is no direct legal implication related to this report; however, it is a legal requirement that the undertakings are formalised through the amendment local law process.

**Role of the Joint Standing Committee on Delegated Legislation**

The Joint Standing Committee on Delegated Legislation is a committee of the Western Australian Parliament consisting of eight members, with equal representation from the Legislative Council and Legislative Assembly.

Once a local law is gazetted, it is referred to the committee to consider under its terms of reference. Where the committee finds that a local law offends one or more of its terms of reference, it will usually seek a written undertaking from the local government to amend or repeal the instrument in question.

Where a local government does not comply with the committee’s request for an undertaking, the committee may, as a last resort, resolve to report to the Parliament recommending the disallowance of the instrument in the Legislative Council.

A local law will cease to have effect from the date on which it is disallowed. Where the local law amended or repealed another local law the earlier local law will be revived on and after the day of disallowance.

**ENVIRONMENTAL CONSIDERATIONS**

15. Not applicable to this report.

**ALTERNATE OPTIONS**

16. No alternate options are proposed.

**CONCLUSION**

17. It is recommended that Council resolve to MAKE the amended local law; in order to implement the undertaking previously resolved by Council.

|                                   |   |  |
|-----------------------------------|---|--|
| <b>Consulted References</b>       | : | <ul style="list-style-type: none"> <li>• Local Government Act 1995</li> <li>• <a href="https://www.dlgsc.wa.gov.au/local-government/local-governments/local-laws">https://www.dlgsc.wa.gov.au/local-government/local-governments/local-laws</a></li> </ul> |
| <b>File Number (Name of Ward)</b> | : | All Wards  |
| <b>Previous Reference</b>         | : | SCM 11/11/2020 Resolution SCM019   |

## CCS314: REGIONAL EVENTS SPONSORSHIP 2020-2021

|                               |   |
|-------------------------------|---|
| <b>Proponent</b>              | : City of Albany  |
| <b>Report Prepared By</b>     | : Events Coordinator (S Klose)<br>A/Manager Community Development & Engagement<br>(R Param) |
| <b>Responsible Officer(s)</b> | : A/Executive Director Community Services<br>(N Watson)                                     |

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Smart, Prosperous and Growing.
  - **Objective:** To develop and promote Albany as a unique and sought-after visitor location.
  - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.

### In Brief:

- Review and endorse the proposed Regional Event Sponsorship Assessment Panel recommendations.

### COVID-19 IMPACT

- COVID-19 impact detailed in the discussion section of the report.

### RECOMMENDATION

#### CCS314: RESPONSIBLE OFFICER RECOMMENDATION

**That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 22 – Table 1 of this report.**

### BACKGROUND

2. The City of Albany's Regional Events Sponsorship (RES) program is designed to attract and support the staging of events that are regional economic drivers for Albany as a destination.
3. A Regional Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$80,000 in its 2020-2021 budget for RES. This represented an increase of \$13,000 on previous years and was part of a strategy to have budget capacity to support community and regional events in a recovering economy.

### DISCUSSION

#### Program Overview

5. A review of the RES structure and assessment process was undertaken in 2019 to re-align funding contracts with financial years, rather than calendar years as it had been previously, creating more effective budget management.
6. Applications for RES funded activity from 1 January 2021 to 30 June 2021 was opened for applications on 6 July 2020.



7. The RES program 2020 objectives include:
  - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact);
  - b. Involve and inspire the local community (social benefits);
  - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact);
  - d. Demonstrate continuity and potential to engage the community in the future (sustainability).
8. The program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
9. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

#### COVID19 Impact

10. The pandemic has had a profound impact on the events sector as the Western Australian and Australian governments introduced measures to limit public gatherings, causing events locally and elsewhere to be cancelled.
11. The timeline for advertising RES and eligible activities was impacted by Covid-19.
12. After advertising RES for events being held from 1 January 2021 to 30 June 2021, only one application was received, likely due to the ongoing uncertainty of Covid-19 restrictions, and the challenges associated with organising and delivering a major event within a six-month window following the significant impact the events industry suffered.
13. With the low number of applications received, officers expanded eligible applications for events falling in the 2021-22 financial year to achieve a better outcome. This allowed event organisers more time to plan for events, taking into account new guidelines for Covid-19 safe events.
14. The program was re-promoted and the application period extended until 30 October 2020. As a result, a total of five applications were received for activity taking place between 1 January 2021 and 30 June 2022.

#### Assessment

15. Applicants were encouraged to shape their proposed activities to the funding and event sponsorship criteria, and officers gave guidance to applicants who did not meet the eligibility criteria.
16. One application did not fit the criteria for RES. This application will be assessed through the Community Event Grants which better aligns with the event's objectives.
17. An assessment panel comprising Mayor Wellington, Councillor Terry, Councillor Thomson and Councillor Stocks received an overview of applications including guidance from City officers.
18. The application assessment process included a pitch from the applicants. All applicants presented their events to the assessment panel on 17 November, and applications were evaluated by City officers using an event assessment tool developed to measure the economic value, visitor numbers and financial sustainability of each application.
19. The Assessment Panel supported each application based on the funding criteria, information supplied and applicant presentations.

20. A total of four eligible applications for RES were received for funding with requests totalling \$68,090 with \$80,000 available for allocation.
21. The panel recommended supporting all four (4) of the applications.

Panel Recommendations

22. A summary of applications recommended for funding is outlined in Table 1.

**Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations**

|               | <b>Applicant / Event</b>  | <b>Event Type</b>  | <b>Panel Comments</b>  | <b>Amount Requested</b> | <b>Panel Recommendation</b> |
|---------------|---|--|--|-------------------------|-----------------------------|
| 1.            | <b>Albany Speedway Club Inc.:</b> <i>Bert Vosbergen Memorial for Super Sedans</i>           | <b><u>Motorsport Event</u></b><br>National Speedway Event.   | Easter peak period. Need to support events during this time to add to visitor experience. Competitor numbers have increased since borders relaxed. | \$10,000                | \$10,000                    |
| 2.            | <b>ArtSouth WA Inc.:</b> <i>2021 Southern Art and Craft Trail</i>                           | <b><u>Arts/Culture Event</u></b><br>Art and Craft trail across Great Southern.                             | Showcases entire southern region. Supports local artists, venues and businesses. Established, strong regional event brand.                         | \$20,000                | \$15,000                    |
| 3.            | <b>Ultra Series WA:</b> <i>Delirious W.E.S.T (Western Endurance Scenic Trail) 200 Miler</i> | <b><u>Sporting Event</u></b><br>New event for Albany featuring a 200 mile trail run along Bibbulmun Track. | Shoulder period event. Potential to grow and attract more competitors once borders relaxed. Good community engagement program.                     | \$18,090                | \$18,000                    |
| 4.            | <b>Albany Mountain Bike Club:</b> <i>Southern Peaks</i>                                     | <b><u>Sporting Event</u></b><br>Australia's only urban downhill race.                                      | Great event. Well supported. Recognisable brand, unique to Albany. Activation of new City assets.  | \$20,000                | \$20,000                    |
| <b>Totals</b> |   |  |  | <b>\$68,090</b>         | <b>\$63,000</b>             |

23. The table of panel recommendations is for cash support only and does not include in-kind support. Additional in-kind support requests will be considered in line with existing Council cash sponsorship and subject to Council endorsed operational budgets, and may not be supported.

**GOVERNMENT & PUBLIC CONSULTATION**

24. Not applicable.

**STATUTORY IMPLICATIONS**

25. Nil.

**POLICY IMPLICATIONS**

26. Approval of RES funding recommendations is required by Council.
27. Funded applications are required to enter into a Funding Contract with the City.
28. Funded applicants are required to submit an Event Approval Application to the City no later than 3 months prior to their event.

**RISK IDENTIFICATION & MITIGATION**

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

| <b>Risk</b>  | <b>Likelihood</b> | <b>Consequence</b> | <b>Risk Analysis</b> | <b>Mitigation</b>  |
|--|-------------------|--------------------|----------------------|--|
| <b>Reputation:</b> Funding recommendations not endorsed may result in negative feedback from the community and/or applicants.            | <i>Unlikely</i>   | <i>Minor</i>       | <i>Low</i>           | <i>A rigorous application and assessment process has been applied to ensure Council has confidence in assessment panel funding recommendations.</i>  |
| <b>Reputation:</b> Negative feedback from applicants declined for funding.   | <i>Possible</i>   | <i>Minor</i>       | <i>Medium</i>        | <i>Communicate the justification and reasoning to unsuccessful applicants.</i>   |
| <b>Financial:</b> A further COVID outbreak could lead to events not occurring once funds have been distributed to successful applicants. | <i>Possible</i>   | <i>Major</i>       | <i>High</i>          | <i>Funding Agreements include a Force Majeure and appropriate Covid clauses, and milestone payment schedule that provide security to the City’s interests.</i>   |
| <b>Community:</b> Community safety is put at risk by not following appropriate health directions.  | <i>Possible</i>   | <i>Major</i>       | <i>High</i>          | <i>Adherence to State or Federally mandated pandemic advice is part of the Event Approval Application to be submitted to the City. Officers will communicate with event organisers about mandated Covid-19 risk mitigation and strategies.</i> |

**FINANCIAL IMPLICATIONS**

- 30. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Services Team, within existing allocated budgets.
- 31. Council has allocated \$80,000.00 for RES in 2020-2021.
- 32. Due to expanding the eligibility period to attract additional applications and support recovery of local events, an amount of funding will need to be carried forward to the 2021-2022 Budget to fulfil contracted payments for events delivered next financial year.

**LEGAL IMPLICATIONS**

- 33. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

- 34. Nil.

**ALTERNATE OPTIONS**

- 35. Council could make alternative recommendations for funding including substitute dollar amounts for recommended applicants. This is not recommended given the rigorous assessment process undertaken which has carefully considered each application on its merits.

**SUMMARY CONCLUSION**

36. The process for RES Application Assessment is considered transparent and equitable.

37. It is recommended that the Responsible Officer’s recommendation be endorsed.

|                                   |   |   |
|-----------------------------------|---|---|
| <b>Consulted References</b>       | : | <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• Council adopted budget 2020-2021 Resolution CCS271</li> <li>• <a href="#">City of Albany Regional Events Sponsorship Guidelines</a></li> </ul> |
| <b>File Number (Name of Ward)</b> | : | CR.SPO.44 (All Wards)   |
| <b>Previous Reference</b>         | : | <ul style="list-style-type: none"> <li>• Regional Event Sponsorship Assessment Panel Recommendations – 17 November 2020.</li> </ul>   |

**CCS315: ORDINARY COUNCIL MEETING AND COUNCIL COMMITTEE MEETING CALENDAR 2021**

**Report Prepared By** : Council Liaison Officer (J Williamson)  
Manager Governance and Risk (S Jamieson)

**Responsible Officer:** : Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

**Theme:** Leadership

**Objectives:**

- To establish and maintain sound business and governance structures.
- To engage effectively with our community.

**Community Priorities:**

- Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
- Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

**In Brief:**

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting schedule for 2021, in accordance with the *Local Government Act 1995* and the associated Regulations.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**RECOMMENDATION**

**CCS315: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council, for the purpose of giving Public Notice:**

- APPROVE** the following Committee Meeting schedule for 2021:

| Community & Corporate Services Committee (CCS) | Development & Infrastructure Services Committee (DIS) |
|--|---|
| <i>No Meetings Scheduled for January 2021</i>  |   |
| Tuesday 09 February 2021                       | Wednesday 10 February 2021                            |
| Tuesday 09 March 2021                          | Wednesday 10 March 2021                               |
| Tuesday 13 April 2021                          | Wednesday 14 April 2021                               |
| Tuesday 11 May 2021                            | Wednesday 12 May 2021                                 |
| Tuesday 08 June 2021                           | Wednesday 09 June 2021                                |
| Tuesday 13 July 2021                           | Wednesday 14 July 2021                                |
| Tuesday 10 August 2021                         | Wednesday 11 August 2021                              |
| Tuesday 14 September 2021                      | Wednesday 15 September 2021                           |
| Tuesday 12 October 2021                        | Wednesday 13 October 2021                             |
| Tuesday 09 November 2021                       | Wednesday 10 November 2021                            |
| Tuesday 30 November 2021                       | Wednesday 1 December 2021                             |

|                                |
|--------------------------------|
| <b>Audit and Risk</b>          |
| <b>Tuesday 2 February 2021</b> |
| <b>Tuesday 4 May 2021</b>      |
| <b>Tuesday 3 August 2021</b>   |
| <b>Tuesday 2 November 2021</b> |

2. **APPROVE** the proposed **Ordinary Council Meeting** schedule for 2021:
  - **Tuesday 23 February 2021**
  - **Tuesday 23 March 2021**
  - **Tuesday 27 April 2021**
  - **Tuesday 25 May 2021**
  - **Tuesday 22 June 2021**
  - **Tuesday 27 July 2021**
  - **Tuesday 24 August 2021**
  - **Tuesday 28 September 2021**
  - **Tuesday 26 October 2021**
  - **Tuesday 23 November 2021**
  - **Tuesday 14 December 2021**
3. **AFFIRM** that all Council and Council Committee meetings commence at 6.00pm.

## **BACKGROUND**

2. Ordinary Council Meetings are held monthly, except January which has no meeting.
3. Ordinary Council Meetings commence at 6.00pm in the Council Chambers.
4. The Council Meeting Calendar is available on the City's website.

## **DISCUSSION**

5. Responsible Officer Reports (that form the Agenda for Ordinary Council meetings) are first presented to Council Committees for review and recommendation to Council.
6. These Committees are open to the public and held prior to the Ordinary Council meetings to provide the public the opportunity to address Council on matters that affect them personally or their community.
7. Meetings of Council which are open to the public commence at 6.00pm to help facilitate attendance by working members of the public and councillors.
8. Council may consider this an appropriate opportunity to review the frequency and start time of meetings.

## **GOVERNMENT & PUBLIC CONSULTATION**

9. **Meeting Start Times:** Previous community feedback requested that meetings be held at no earlier than 6.00pm.
10. Council may choose to engage with the community in order to receive feedback on the start time of meetings, and whether there is a desire within the community to hold meetings at a different time.
11. It should also be noted that there have been recent changes to the times frames prescribed for the publication of unconfirmed minutes of meetings (*Local Government (Administration) Regulations 1996, Regulation 13*):

**13. Publication of unconfirmed minutes of meetings (Act s. 5.25(1)(i))**

(1) *The CEO must publish on the local government's official website —*

*(a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and*

*(b) if a council or committee meeting is closed to members of the public — that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.*

*(2) The unconfirmed minutes of a council meeting must be published within **14 days** after the meeting is held.*

*(3) The unconfirmed minutes of a committee meeting must be published within **7 days** after the meeting is held.*

[Regulation 13 inserted: SL 2020/213 r. 18.]

12. In addition, the requirement to attend meetings in person has also been updated to accommodate persons with disabilities (*Local Government (Administration) Regulations 1996, Regulation 14A*):

**14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))**

*(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

*(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*

*(b) the person is in a suitable place; and*

*(c) the council has approved\* of the arrangement.*

*(2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*

*(3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

**STATUTORY IMPLICATIONS**

13. 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.
14. In accordance with *Local Government Act 1995*, section 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:

**12. Publication of meeting details (Act s. 5.25(1)(g))**

*(1) In this regulation —*

**meeting details**, for a meeting, means the date and time when, and the place where, the meeting is to be held.

*(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*

*(a) ordinary council meetings;*

*(b) 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.*

*(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.*

*(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.*

*[Regulation 12 inserted: SL 2020/213 r. 18.]*

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

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

| Risk   | Likelihood      | Consequence     | Risk Analysis | Mitigation   |
|--|-----------------|-----------------|---------------|--|
| <b>Legal and Compliance.</b><br><i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings and Council Committee Meetings will be held.</i> | <i>Unlikely</i> | <i>Moderate</i> | <i>Medium</i> | <i>Staff work with Council to set the forecast meeting calendar and provide public notice prior to January 2021.</i> |
| <b>Opportunity.</b> <i>Council has the opportunity to review the current meeting calendar.</i>   |                 |                 |               |  |

**FINANCIAL IMPLICATIONS**

18. A budget line exists for the cost of Local Public Notice and advertising.

**LEGAL IMPLICATIONS**

- 19. Local Public Notice must be given to ensure legislative compliance.
- 20. Changes to dates and times must also be advertised publically.

**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, committee meeting order and timings.



**SUMMARY CONCLUSION**

23. It is recommended that the proposed meeting schedule is approved.

|                                   |   |  |
|-----------------------------------|---|--|
| <b>Consulted References</b>       | : | <ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Local Government (Administration) Regulations 1996 (as at 7 November 2020)</i></li></ul> |
| <b>File Number (Name of Ward)</b> | : | All Wards  |
| <b>Previous Reference</b>         | : | <ul style="list-style-type: none"><li>• OCM 17/12/2019 Resolution CCS20.</li></ul>   |

**CCS316: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 31 OCTOBER 2020**

|                            |   |
|----------------------------|---|
| <b>Proponent</b>           | : City of Albany  |
| <b>Attachments</b>         | : Budget Review for the period ending 31 October 2020         |
| <b>Report Prepared by</b>  | : Business Analyst/Management Accountant (D Harrison)         |
| <b>Responsible Officer</b> | : Executive Director Corporate & Commercial Services (D Olde) |

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme 1:** Leadership.
  - **Objective 1.1:** To establish and maintain sound business and governance structures.
  - **Community Priority1.1.1:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

**In Brief:**

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the Local Government (Financial Management) Regulations 1996. In addition to the Department's recommendation to review the budget early in the financial year to amend carry forward projects from forecast to actual, due to the disruption of covid-19 we have compiled an additional review for the period ending 31 October 2020.
- This review is for the period ending 31 October 2020 and reports a **Balanced Budget** inclusive of the proposed Budget Review allocations.

**RECOMMENDATION**

**CCS316 RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ADOPT the Budget Review for the period ending 31 October 2020.**

**DISCUSSION**

2. Council adopted the 2020/2021 Budget on 28 July 2020. The total adopted budget of \$108.7M comprised:
  - a. \$37.3M capital works;
  - b. \$ 2.7M debt reduction; and
  - c. \$68.7M in operating expenditure.
3. This Budget Review identifies expenditure of \$3,447,071 for general works, variations and new projects.

4. The funding of \$3,447,071 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding, the movement in opening funds and the elimination to draw down on proposed loan number 47 of \$2mil has been identified in this review to maintain a balanced budget.
5. This budget review maintains the 2020/2021 in a balanced position as at the 30<sup>th</sup> June 2021.
6. A copy of the Budget Review for the period ending 31 October 2020 is attached.
7. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

#### GOVERNMENT & PUBLIC CONSULTATION

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

#### STATUTORY IMPLICATIONS

10. 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.
11. The voting requirement of Council is Absolute Majority.

#### POLICY IMPLICATIONS

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

#### RISK IDENTIFICATION & MITIGATION

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

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

**FINANCIAL IMPLICATIONS**

**BUDGET REVIEW FOR THE PERIOD ENDING 31 OCTOBER 2020**

This Review Maintains Council's Budget in a Balanced Position

|   |             |                    |
|---|-------------|--------------------|
| <b>GENERAL WORKS/VARIATIONS. (Additional Funds Required)</b>  |             | <b>\$</b>          |
|   |             | <b>(3,447,071)</b> |
| <b>FUNDED BY</b>  |             |                    |
| - Reduction in Expenditure  | 1,078,199   |                    |
| - Adjustment in Grant/Contributions Funding   | 1,430,228   |                    |
| - Adjustment in Revenue   | 2,373,228   |                    |
| - Adjustment Loan Funding   | (2,000,000) |                    |
| - Restricted Cash Adjustments (Transfer To)/Transfer From   | (386,488)   | 2,495,167          |
| <b>ADJUSTMENT IN DEPRECIATION (Non Cash Transactions)</b>   |             | <b>781,241</b>     |
| <b>Balance</b>  |             | <b>(170,663)</b>   |
| - Current 20/21 Budgeted Closing funds  | 22,141      |                    |
| - Adjustment to opening funds from forecast to actual 30 June 2020<br>(Being adjustments at the conclusion of the annual Audit) | 148,522     |                    |
| - Revised 20/21 Budgeted closing funds  |             | -                  |

**LEGAL IMPLICATIONS**

14. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

15. Nil.

**ALTERNATE OPTIONS**

16. For the period ending 31 October 2020, Council may consider to:
- a. Adopt the Budget Review as recommended; or
  - b. Adopt the Budget Review with amendments (as specified by Council)

**SUMMARY CONCLUSION**

17. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 October 2020 be supported.

|                                   |   |
|-----------------------------------|---|
| <b>Consulted References</b>       | : Adopted Budget 2020/2021<br><a href="#">Local Government Act 1995</a>                                     |
| <b>File Number (Name of Ward)</b> | : FM.BUG.12   |
| <b>Previous Reference</b>         | : Annual Budget – OCM 28/07/2020 Resolution CCS271<br>July Budget Review – OCM 24/09/2020 Resolution CCS179 |

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