



AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

11 September 2018

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

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 Services,
Executive Director Community Services

Delegated Authority: None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Member	P Terry (Chair)
Member	R Hammond
Member	G Stocks
Member	R Stephens
Member	B Hollingworth
Member	E Doughty (Deputy Chair)
Member	J Shanhun
Member	S Smith
Member	A Moir
Member	T Sleeman
Member	R Sutton
Member	A Goode JP

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Community Services	S Kay
Executive Director Works & Services	M Thomson
Manager Finance	D Olde

Meeting Secretary	H Bell
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Apologies:

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 Community and Corporate Services Committee held on 14 August 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS084: FINANCIAL ACTIVITY STATEMENT – JULY 2018

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

RECOMMENDATION

CCS084: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 JULY 2018.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 July 2018 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 2017/18 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 July 2018 has been incurred in accordance with the 2017/18 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.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS085: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2018

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Financial Accountant (S Van Nierop)
Responsible Officers: : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS085: 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 August 2018 totalling \$5,841,772.62.

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 August 2018. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$12,870.60
Credit Cards	\$24,870.60
Payroll	\$1,543,328.35
Cheques	\$50,037.27
Electronic Funds Transfer	\$4,235,536.40
TOTAL	\$5,841,772.62

As at 15 August 2018, the total outstanding creditors, stands at \$669,458.44 and made up as follows:-

Current	\$667,538.13
30 Days	\$1,987.49
60 Days	\$0.00
90 Days	-\$67.18
TOTAL	\$669,458.44
Cancelled Cheques	1

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 August 2018 has been incurred in accordance with the 2018/2019 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 August 2018 has been incurred in accordance with the 2018/2019 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.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS086: DELEGATED AUTHORITY REPORTS – JULY TO AUGUST 2018

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

RECOMMENDATION

CCS086: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 July 2018 to 15 August 2018.

CCS087 LOCAL LAW REVIEW DISCUSSION PAPER

Land Description : (All Wards)
Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officers: : 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: 1.** Leadership.
 - **Objective: 1.1.** To establish and maintain sound business and governance structures
 - **Community Priority: 1.1.2** 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.

In Brief:

- To seek Council’s approval to either repeal, amend or remake a Local Law:

RECOMMENDATION

CCS087: RESPONSIBLE OFFICER RECOMMENDATION

That:

- (1) **The Local Law Review 2018 Discussion Paper be RECEIVED; and**
- (2) **The Chief Executive Officer prepare the following local laws in accordance with the action listed:**

Local Law Title	Action
<ul style="list-style-type: none"> • Activities on Thoroughfares & Public Places and Trading Local Law 2011 • Animals Local Law 2001 • Dog Local Law 2017 • Extractive Industries Local Law 2009 • Fencing Local Law 2010 • Health Local Laws 2001 • Jetties, Bridges & Boat Pens Local Law 2005 (As amended) • Keeping and Welfare of Cats Repeal Local Law 2014 • Local Government Property Local Law 2011 • Local Law Relating to the Former Perth 2001 • Parking & Parking Facilities Local Law 2012 (As amended) • Sand Drift Prevention and Abatement Local Law 2009 • Signs Amendment Local Law 2008 Local Law • Standing Orders Local Law 2014 (As amended) • Waste Local Law 2017 	<ul style="list-style-type: none"> • Amend • Remake • Nil • Nil • Amend • Remake • Remake • Nil • Nil • Nil • Nil • Remake • Nil • Nil • Nil • Amend

BACKGROUND

2. On 27 Feb 2018, Council resolved to undertake a review of all of its Local Laws in accordance with the *Local Government Act s3.16* and to give state-wide and local public notice of its intent to undertake the review, in order to ascertain if current local laws required amendment or repeal.

DISCUSSION

3. The Local Law Discussion Paper that summarises submissions received and provides an Officer recommendation.
4. Post review, Council may resolve to either:
 - a. Not change a Local Law - no further action is required and the review process is finalised; or
 - b. Repeal, amend or remake a Local Law - then the process to do so must be undertaken in the same manner as adoption of a new Local Law, as required under s3.12 of the *Local Government Act 1995* (the Act).
5. Post the review of the local law review discussion paper, it is recommended that Council list the local laws that require action by resolution.
6. Officers' will then present amended and/or new local laws for Council Committee review.
7. Council will then formally initiate the local law MAKING process; which will then seek additional public and government consultation.

GOVERNMENT & PUBLIC CONSULTATION

8. **Stakeholder engagement:** The review process enabled members of the public to have their say on the current local laws and their relevance within the community.
9. This opportunity also provided the opportunity to identify new matters that could be dealt with through the development of, or amendment to a local law.
10. Public Notices of the review was posted on the City's:
 - a. Website and social media feeds; and
 - b. Public Library Notice Boards.
11. In accordance with the Act, local government notices were advertised in The West, April 7 to 8, 2018, Page 100; and the Great Southern Weekender.
12. Consultation: All local laws were advertised for comment, with two submissions received during the consultation period.
13. To complement the review historic inquiries and comments specific to the City of Albany's existing local laws have been included.
14. An additional review of similar local laws across the sector was also conducted.

STATUTORY IMPLICATIONS

15. Section 3.16 of the Local Government Act requires periodic reviews of Local Laws.
16. A local government is to carry out a review of a Local Law to determine whether it considers that, it should remain unchanged, be repealed or amended. The review is to be conducted within 8 years from the day each Local Law commenced, or from when a report of a review of the Local Law was accepted under s3.16

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance & Reputation. A local government is to carry out a review of the local law to determine whether it considers that it should be repealed or amended every 8 years. If Council does not initiate this process, the Department of Local Government may direct that a review is conducted.	Likely	Moderate	High	By meeting the requirement to review its Local Laws within 8 years of the commencement of a local law or when a report to review a local law was accepted, Council are mitigating potential compliance, service interruption and reputational risks.
Opportunity: Seek comment from both the public and appropriate stakeholders to ensure the local laws meet their purpose.				

FINANCIAL IMPLICATIONS

19. An appropriate budget line exists for the cost of giving public notice, advertising and gazettal of local laws.

LEGAL IMPLICATIONS

Legislative Environment

20. In Western Australia Local Governments are created by, and are subject, to State law. Statutes are laws passed by the Parliament of Western Australia, a number of which are implemented by Local Governments.
21. In addition, many Acts of State Parliament also contain provision for subsidiary legislation (Regulations or Local Laws) to be made.
22. Regulations are intended to deal with the administrative detail or implementing a particular provision of an Act, or in an area that is not contentious such as setting of fees and charges.
23. Local Laws (which were once known as 'By Laws') are also subsidiary legislation, made by Local Governments. Local Laws must not contravene any State or Federal Act or Regulation, and in the event of any inconsistency, the Act or Regulation will override the Local Law to the extent of the inconsistency.

ENVIRONMENTAL CONSIDERATIONS

24. Environmental considerations are an essential criteria, in particular those laws relating to the protection of our natural environment.

ALTERNATE OPTIONS

25. Nil

CONCLUSION

26. It is recommended that the local law discussion paper is received and the listed actions be endorsed.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Local Government Operational Guidelines Number 16 – November 2011 - Local Laws
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	<ul style="list-style-type: none"> OCM 27/02/2018 Resolution AR034 Audit & Risk Committee – December 2017

Proposed Future Actions

Process	Detail	Date
Ordinary Council Meeting	Report to Council with recommendations to repeal, amend or re-make Local Laws, with consideration of any submissions	September 2018
Making Local Laws		
Administration	Staff to prepare proposed amended or re-made Local Laws	Completed – September 2018
Administration	Prepare individual reports to Council for each Local Law listed requiring action.	Commencing October 2018 – June 2019
Ordinary Council Meeting	Consider to MAKE each Local Law.	Commencing October 2018 – June 2019
Administration	Consultation with relevant Ministers and Department of Local Government	
Ordinary Council Meeting	Consider to ADOPT each Local Law.	
Administration	Send copy to State Law Publisher and copy of Gazette to be sent to relevant Ministers.	
Administration	Explanatory Memorandum to be send to the Joint Standing Committee on Delegated Legislation – signed and sealed by CEO and Mayor.	
Administration	Project Completion	30 June 2019

CCS088: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2018

Proponent	: City of Albany
Attachments	: Budget Review for the period ending 31 July 2018
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: Executive Director Corporate Services (M Cole)

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. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
- This review is for the period ending 31 July 2018 and reports a surplus of \$41,027 Budget inclusive of the proposed Budget Review allocations.

RECOMMENDATION

CCS088: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 July 2018.

BACKGROUND

2. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.

DISCUSSION

3. Council adopted the 2018/2019 Budget on 24 July 2018. The total adopted budget of \$106.8 M comprised:
 - a. \$36.3 M capital works;
 - b. \$ 2.2 M debt reduction; and
 - c. \$68.3 M in operating expenditure.

4. This Budget Review identifies expenditure of \$1,001,529 for general works, variations and new projects.
5. The funding of \$1,017,971 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and the movement opening funds has been identified in this review to maintain a budget in a surplus position.
6. An adjustment for carry forward works has been made (pages 10 to 16 in the attached copy of the Budget Review for the period ending 31 July 2018 reducing the amount required from \$11,632,870 to \$10,430,375 to complete 2017/18 projects, listed on pages 51 to 54 of the 2018/2019 Annual Budget.
7. This budget review shows the 2018/2019 budget is in a surplus position of \$41,027 at 30th June 2018.
8. A copy of the Budget Review for the period ending 31 July 2018 is attached.
9. 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

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

STATUTORY IMPLICATIONS

12. 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.
13. The voting requirement of Council is Absolute Majority.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Organisation’s Operations. Non approval of the budget review, may result in significant delays to achieving deliverables.</p> <p>Opportunity: 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 JULY 2018		
This Review Maintains Council's Budget in a Surplus Position		
		\$
GENERAL WORKS/VARIATIONS. (Additional Funds Required)		(1,001,529)
FUNDED BY		
- Reduction in Expenditure	55,000	
- Adjustment in Grant/Contributions Funding	565,259	
- Adjustment in Revenue	332,221	
- Restricted Cash Adjustments	65,491	1,017,971
Balance		<u>16,442</u>
Budgeted Opening Position	2,921,457	
- NB - Adjustments From 2017/18 Financial Year (Pg's 10 - 16)	(530,808)	
	<u>2,390,649</u>	
Actual Opening Position	2,415,234	24,585
2018/19 Budgeted Closing Position		<u>41,027</u>

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. For the period ending 31 July 2018, 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

19. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 July 2018 be supported.

Consulted References	:	Adopted Budget 2018/2019 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	Annual Budget – OCM 24/07/2018 Resolution CCS073

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