



MINUTES

COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 14 July 2020

6.00pm

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 & Commercial Services,
Executive Director Community Services

Delegated Authority: None

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1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6.00pm
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**

Councillors:

Mayor	D Wellington
Member	R Hammond
Member	G Stocks (Deputy Mayor)
Member	M Benson-Lidholm JP
Member	E Doughty
Member	T Sleeman
Member	J Shanhun
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
Manager Governance & Risk	S Jamieson
Manager Recreation Services	S Stevens
A/Manager Community Development & Engagement	R Param
Meeting Secretary	C Crane

Apologies:

Member	R Stephens
Member	P Terry (Chair)

Members of Public

X 5.

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
N Watson	CCS267	Impartiality: Former financial member of Emu Point Tennis Club and remain an active player at the club and use its facilities.

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

6. PUBLIC QUESTION TIME

- Colin Veale – 147 Hare Street, Mt Clarence – President - Emu Point Tennis Club CSRFF- Upgrade to Tennis Pavilion.
- Steve Broad - 26 Gairdner Road, Spencer Park – Riverview Country Club CSRFF – Golf Cart Storage Facility

7. PETITIONS AND DEPUTATIONS - Nil.

8. CONFIRMATION OF MINUTES

MOTION

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE**

THAT the minutes of the Community and Corporate Services Committee held on 9 June 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

9. PRESENTATIONS – Nil.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS – Nil.

To Note: *The following items were brought forward on the agenda:*

CCS267	COMMUNITY SPORTING AND RECREATION FACILITIES FUND 2020/2021 SMALL GRANT ROUND APPLICATIONS
CCS268	SAFER ALBANY PLAN

After this, the normal agenda continued. Councillor Goode left the meeting at 7pm and did not return.

CCS260: FINANCIAL ACTIVITY STATEMENT – MAY 2020

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

RECOMMENDATION

CCS260: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR DOUGHTY**

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

CARRIED 11-0

CCS260: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 May 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 May 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 2019/20 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 May 2020 has been incurred in accordance with the 2019/20 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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CCS260: FINANCIAL ACTIVITY STATEMENT – MAY 2020

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Attachments	: Statement of Financial Activity
Report Prepared by	: Acting Manager Finance (S Van Nierop)
Responsible Officer	: Executive Director Corporate & Commercial Services (D Olde)

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SECONDED: COUNCILLOR DOUGHTY**

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File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS262: BUSH FIRE BRIGADE LOCAL LAW 2020

Proponent / Owner	: City of Albany
Attachments	: Proposed local law (marked up with minor amendments).
Report Prepared By	: Manager Governance and Risk (S Jamieson)
Responsible Officers:	: 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:** 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, reflects the level of associated risk and is adequately explained to the community.

In Brief:

- Council is requested to review the feedback and consider finalising the making of the proposed *City of Albany Bush Fire Brigade Local Law 2020*.
- Section 3.12 of the *Local Government Act 1995* (the Act) requires the person presiding at a Council meeting ensures the purpose and effect of the proposed local law is given.
 - **Purpose:** The purpose of the principal local law is to provide for the regulation, control and management of City of Albany Volunteer Bush Fire Brigades within the district of the City of Albany.
 - **Effect:** Formalise the administrative processes will govern the establishment, management, roles and responsibilities of bush fire brigades.

RECOMMENDATION

CCS262: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR SLEEMAN**

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995* AGREES to ADOPT the *City of Albany Bush Fire Brigades Local Law 2020*, noting the minor amendments detailed in the report that is not significantly different from what was proposed.

CARRIED 11-0

CCS262: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995* AGREES to ADOPT the *City of Albany Bush Fire Brigades Local Law 2020*, noting the minor amendments detailed in the report that is not significantly different from what was proposed.

BACKGROUND

2. In December 2019, Council resolved to make the local law and seek community feedback.
3. Consultation has been conducted over a number of years by City Officers, working with volunteer brigade appointed officers and members.

4. At the request of volunteer bush fire brigade members, public consultation was extended to Friday 27 March 2020.
5. At the submission closing date, the City had received two public submissions, in addition to feedback provided from the Department of Local Government, Sport and Cultural Industries and the Department of Emergency Services & Corrective Services.

DISCUSSION

6. The preparation of this local law was based on comparable local laws that have passed the scrutiny of the Joint Standing Committee on Delegated Legislation (JSCDL).
7. Administrative changes and feedback provide have been consolidated for Council’s review and consideration:

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
1.4	Minister for Emergency Services; Corrective Services Clause 1.4 Definitions <ul style="list-style-type: none"> • Clause 1.4(2)(g) - "Chairperson" is not referenced in Part 3 of the local law. Suggest deleting and referencing "President" only. 	Manager Governance & Risk: Agree, local law amended.
1.4 (2)(h)	Department of Local Government, Sport and Cultural Industries Minor edits <ul style="list-style-type: none"> • Clause 1.4(2)(h): insert the word “or” after the semicolon. 	Manager Governance & Risk: Noted, local law amended.
2.1 (3)(a)	Department of Local Government, Sport and Cultural Industries Minor edits <ul style="list-style-type: none"> • Clause 2.1(3)(a): insert the word “and” after the semicolon. 	Manager Governance & Risk: Noted, local law amended.
2.1	Minister for Emergency Services; Corrective Services Clause 2.1 Establishment and naming of a bush fire brigade <ul style="list-style-type: none"> • Clause 2.1(3) - the City should consider including an additional paragraph noting that the local government must register the brigade in a register kept pursuant to section 41(2) of the Bush Fires Act 1954 ("the Act"). 	Manager Governance & Risk: Agree, local law amended.

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>2.2 (3)</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 2.2 (3) Unclear. <p>Should this read “A person appointed or elected as an officer to a brigade is taken to be a brigade officer of that brigade.”?</p> <p>What is the purpose of this clause?</p>	<p>Manager Governance & Risk: Have reviewed clause wording that currently reads, which has been reviewed by the Departments of Local Government and Emergency services:</p> <p style="text-align: center;"><i>Clause 2.2 (3) A person appointed or elected to a brigade is taken to be a brigade member of that brigade.</i></p> <p>RE: What is the purpose of this clause? The local government is responsible to ensure that an appropriate structure for each brigade is maintained, which may require persons to be appointed to a brigade (refer to Division 2 – Local Government Responsibility, of the proposed local law).</p> <p>For example: Due to resignation and/or illness allows for local government to fill a brigade vacancy with a person with the necessary required qualifications, skills and/or expertise based on consultation with the Chief and/or Deputy Chief Bush Fire Control Officer, brigade and or Bush Fire Advisory Committee.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>
<p>3.1</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 3.1 (a) Suggest reference to the definition or Act or capitalisation Normal Brigade Activities for clarity that this is not a common but defined term. 	<p>Manager Governance & Risk: Agree, Normal Brigade Activities are defined in the Act, prescribed in the Regulations and Rules.</p> <p>Amended local law accordingly.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
3.6	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> in the clause title, replace “Local Government” with “Local government”. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
3.7 (1)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(1) - the City may wish to reconsider limiting the bush fire control officer's powers to those contained in Part IV of the Act. There are other powers, particularly in section 14 and Part III of the Act, which are important for Bush Fires Control Officers. <p>For example, the power to issue permits to burn during the Restrict Burning Times is contained in Part III of the Act.</p>	<p>Manager Governance & Risk: Agree, recommend amending local law.</p> <p>Clause amended to refer to the Act.</p> <p>Post gazettal of the local law, an administrative copy will be appended with advice note.</p>
3.7 (2)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(2) - the reference to s.62 of the Act (power to make local laws) should be deleted and replaced with s.38 (Bush Fire Control Officers). 	<p>Manager Governance & Risk: Agree, local law amended accordingly.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
3.7 (3)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(3) - given s.62 of the Act provides for the local government to make local laws for and in relation to the functions of bush fire control officers. The City may like to consider whether it is appropriate for these functions to be established pursuant to an external policy document (in this case the City of Albany Strategic Bush Fire Plan or other City of Albany Plans) given the legislation contemplates these matters being provided for in the local laws. 	<p>Manager Governance & Risk: Considered. Noting functions of BFCO to be supported by guiding documents (guidelines and procedures), it is considered appropriate to facilitate this process outside of the local law.</p> <p>Noting for accountability, subject documents must be adopted by Council and or approved under delegation by a member of the City's Executive and Chief BFCO.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>
3.7 (5)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(5) - it may be simpler and clearer for the City of issue Bush Fire Control Officers with a direction to exercise their powers under s.56 (to require a person's name and permit) instead of addressing the matter through local laws. 	<p>Manager Governance & Risk: Agree, removed sub-clause 3.7(5), being:</p> <p><i>3.7(5) Notwithstanding the application of the provision of clauses 3.7(2) and 3.7(3), the statutory duties of Bush Fire Control Officers contained in section 56 of the Act are to prevail.</i></p> <p>as it is not relevant.</p> <p>Post gazettal of the local law, an administrative copy will be appended with advice note.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
4.1 (2)	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.1(2) This will affect a number of existing volunteers. I do not think it is necessary. There is a larger issue with VBFB members being members of other emergency services. • In a multi-agency emergency they may be conflicted by calls to the Volunteer Bush Fire Service as well and Volunteer Fire & Rescue Service or St John Ambulance. 	<p>Manager Governance & Risk: Concern with VBFB members also being members of other response agencies are noted. However, outside the scope of the proposed local law.</p> <p>It is considered that members who are volunteers of multiple response agencies can be administered operationally, within the brigade.</p> <p>It would be inappropriate, to utilise a local law to restrict volunteerism.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>
4.2	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.2 Very few Operational members undertake ALL normal brigade activities. 	<p>Manager Governance & Risk: Noted, it is considered your comment is addressed by defining and classifying brigade members, being:</p> <ul style="list-style-type: none"> • <i>Clause 4.3 Trainee members.</i> • <i>Clause 4.4 Cadet members.</i> • <i>Clause 4.5 Support members.</i> • <i>Clause 4.6 Life member.</i> • <i>Clause 4.7 Honorary life member.</i>
4.4	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.4 subclause numbering is incorrect. 	<p>Manager Governance & Risk: Noted, local law reviewed no errors identified.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
4.6	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> • Clause 4.6 Life member • Is the intent of this clause to establish "Life member" as a separate class of membership to "honorary life member"? If yes, the word "honorary" should be deleted from this clause (to avoid duplicating clause 4.7 Honorary life member). • If the intent is that only an Operational member can be a Life member, the City may like to consider incorporating a subclause specifying this. 	<p>Manager Governance & Risk: Noted and amended local law accordingly, by removing the word "honorary" from this clause.</p> <p>Clause 4.6 amended to read:</p> <p>4.6 Life member</p> <p><i>(1) The brigade may by a simple majority resolution appoint a person as a life member in recognition of services by that person to the bush fire brigade.</i></p> <p><i>(2) Only an Operational member can be appointed as a life member.</i></p> <p>Review Working Group: Supports intent of the brigade local law volunteer group discussions, being:</p> <ul style="list-style-type: none"> • Life members applies current serving operational members. • Honorary member applies to past and/or current support members, who may not be on the fire ground, but their support provides vital logistic and moral support.
4.7	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • clauses should be formatted as a single sentence. It is suggested that this clause be split into two separate subclauses. 	<p>Manager Governance & Risk: Noted, local law amended accordingly, as detailed in previous response.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
4.8	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • in the first line, delete the word “means”. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
4.9	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 4.9: <ul style="list-style-type: none"> ○ replace all instances of “bushfire” with “bush fire” to reflect the terminology in the Bush Fires Act 1954. ○ In paragraph (a): <ul style="list-style-type: none"> ▪ after “attendance at the” delete the comma. ▪ delete the word “and” after the semicolon.in the first line, delete the word “means”. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
4.9	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> • Clause 4.9 Ranks within the bush fire brigade The City may like to consider referencing s.44(3) and s.39(1)(f) of the Act in relation to subclause (a). <p>Those sections set out the command structure at a bushfire which is reflected in the local law.</p> <p>In relation to subclauses (b) and (c), the City may like to reference s.44(1) of the Act.</p>	<p>Manager Governance & Risk: Agree, local law amended accordingly.</p> <p>Clause 4.9 now reads:</p> <p>4.9 Ranks within the bush fire brigade <i>Where, under the Act, members of a bush fire brigade have command of a fire —</i></p> <p>(a) <i>where a Bush Fire Control Officer is in attendance at the, fire the most Bush Fire Control Officer has full control over all other persons fighting the fire and is to issue instructions as to the methods and tactics to be adopted by the fire fighters, in accordance with sections 39(1)(f) and 44(3) of the Act; and</i></p> <p>(b) <i>in the absence of a Bush Fire Control Officer, the Captain has full control over all other persons fighting the fire, and is to issue instructions as to the methods and tactics to be</i></p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		<p><i>adopted by the fire fighters; and</i> (c) <i>in the absence of the Captain, the first Lieutenant, and in the absence of the first, the second Lieutenant and so on, in the order of seniority determined, is to exercise all the powers and duties of the Captain.</i></p>
<p>4.9</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> Clause 4.9 This clause is in conflict with the AIIMS procedures in which control over persons fighting the fire rests with the Incident Controller. <p>The Incident Controller is and must be clearly identified but is not necessarily the most senior bush fire control officer in attendance.</p> <p>The Incident Controller may not even be in attendance.</p> <p>The item would be improved by outlining that in the City of Albany where members of a bush fire brigade have command of a fire, the most senior bush fire control officer present shall take on the role of Incident Controller.</p>	<p>Manager Governance & Risk: It is not considered that the content of this clause is in conflict with the AIIMS procedures.</p> <p>This clause establishes a command and control structure in accordance with the Act.</p> <p>To provide clarification, based on advice from the Minister for Emergency Services, sections 39(1)(f) and 44(3) of the Act, which sets out the command structure at a bushfire, is now reflected in the proposed local law.</p> <p>Review Working Group: Supports Response. This was discussed in detail by the brigade local law volunteer group.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
5.1	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 5.1 The local government may shall make policies to <ul style="list-style-type: none"> - (a) “provides provide... 	<p>Manager Governance & Risk: Reviewed and clause amended to read:</p> <p>Clause 5.1 Policies of local government <i>The local government may make policies to —</i> <i>(a) provision funding to bush fire brigades for the purchase of protective clothing, equipment and training; and</i> <i>(b) keep bush fire brigades informed of funding opportunities from other bodies.</i></p> <p>Review Working Group: Agrees with response and the use of the term, provision funding.</p>
Boxed notes	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits Boxed notes</p> <ul style="list-style-type: none"> • The draft local law currently contains a number of boxed notes referring to legislation and other information regarding the local law. • The Delegated Legislation Committee has raised concerns with this practice in the Committee’s 23rd Report. This is because: <ul style="list-style-type: none"> ○ The references have no legal effect in themselves; and ○ The references will become misleading if the part of the Act is amended; • It is suggested that the boxed references should be deleted from the gazette version of the local law. In the event that the 	<p>Manager Governance & Risk: Agree, local law amended.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<p>City chooses to maintain a public version of the local law in hard copy or electronic format, the City can choose to retain the references for the benefit of readers.</p>	
<p>Citation clause and year</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> It is suggested that the citation year be changed to “2020”, as this is the year when the local law is likely to be made and gazetted. If this is done, the citation in clause 1.1 should also be amended. 	<p>Manager Governance & Risk: Agree, local law amended.</p>
<p>Contents Page</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> Contents page: In the items for Part 6, remove the gap between the clause number and the clause title. Defined terms should be formatted in bold and italics. It is suggested that the defined terms in this local law be reformatted to reflect this. The City uses “s.” and “section” interchangeably throughout the local law. For consistency, it is suggested that “section” be used. It is suggested that all instances of “Local Government” be changed to read “local government” to be consistent with the defined term. 	<p>Manager Governance & Risk: Agree, local law amended.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 2.1</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 2.1: replace designation (3) and (4) with (1) and (2). 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>Clause 2.5</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 2.5: The meaning of “direct communication” is important. It would be preferable to set it out in an appropriate definition in clause 1.4 rather than a boxed note. 	<p>Manager Governance & Risk: Noted, local law amended.</p> <p>Original text of boxed “Guidance Note” read:</p> <p><i>Direct Communications for the purpose of this local law, is the act of transferring information from one place, person or group to another with confirmation of understanding and acknowledgement of receipt. Examples of direct communication includes communication via telephone, Internet voice or video communication applications or UHF or VHF radio.</i></p> <p>Definition included in clause 1.4, accordingly, being:</p> <p><i>Direct Communications is the act of transferring information from one place, person or group to another with confirmation of understanding and acknowledgement of receipt. Direct communications may be conveyed in person face to face, or remotely using electronic communication devices and applications approved by DFES or the local government, for example: UHF and VHF radio, internet voice and video applications.</i></p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		Review Working Group: Response and amendment endorsed. The brigade local law volunteer working group's intent, being: That the communication must be able to be acknowledged. In addition, requested that the term face to face and electronic be included.
Schedule 1 Clause 2.5	Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member <ul style="list-style-type: none"> Schedule 1 Rules - Clause 2.5: 65% is too high for a quorum. If the Committee was of 5 members then 4 of the 5 would be required to form a quorum. 50% would be reasonable. 	Manager Governance & Risk: Agree; local law amended to 50%. Review Working Group: Amendment endorsed.
Schedule 1 Clause 2.5	Comments on Local Law – Bornholm Brigade - Ted Rastrick - Bornholm Brigade Secretary <ul style="list-style-type: none"> Quorum: (a) Bornholm Brigade currently has a committee of 14. Does item 6.6 imply that the quorum for a meeting is 7 or 14? 	Manager Governance & Risk: In regards to example given, Quorum for a committee membership of 14 would be 7. Minimum: 50 percent of the committee members.
Schedule 1 Clause 3.3	Minister for Emergency Services; Corrective Services <ul style="list-style-type: none"> Schedule 1, clause 3.3 President For clarity, the words "of the brigade and the Committee" should be included at the end of subclause (1). 	Manager Governance & Risk: Agree, local law amended, noting a number of typographical errors additional proofreading conducted by Governance & Risk Team have been applied throughout local law.
Schedule 1 Clause 3.4	Department of Local Government, Sport and Cultural Industries Minor edits <ul style="list-style-type: none"> Clause 3.4(c): insert the word "and" after the semicolon. 	Manager Governance & Risk: Noted, local law amended.

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 4.1</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 4.1: <ul style="list-style-type: none"> ○ In subclause (1): replace the semicolon with a full stop. ○ In subclause (2)(c) insert the word “and” after the semicolon. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>Clause 4.1</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.1: <ul style="list-style-type: none"> ○ In subclause (1): replace the semicolon with a full stop. ○ In subclause (2)(c) insert the word “and” after the semicolon. (1) the reference to clause 2.1 is confusing or incorrect. It probably should be 4.1.(2). 	<p>Manager Governance & Risk: Noted, aligns with Dept. feedback, local law amended.</p>
<p>Schedule 1</p> <p>4.4</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.4 (1) 1 week is impossible to go through the required considerations and approval process. Make it 1 month. 	<p>Manager Governance & Risk: Noted. One month is considered overly onerous for a well-functioning committee with good communications to consider operational matters.</p> <p>If the majority of the membership feels that more time is required to give due consideration the Committee can vote to hold over for a specified period of time.</p> <p>Review Working Group: Response endorsed. Noting it was the intent of working group to apply time line to completed and approved member applications.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 5.1</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 5.1(2): <ul style="list-style-type: none"> ○ In paragraph (c), delete the word “or” after the semicolon. ○ In paragraph (d), insert “; or” after the semicolon. 	<p>Manager Governance & Risk: Noted, local law amended, including the removal of the boxed note.</p> <p>Post gazettal of the local law, an administrative copy will be appended with advice note, being:</p> <p><i>The Committee and/or Chief Bush Fire Control Officer is to take into consideration any relevant local governments policies when forming an opinion that leads to the suspension of a brigade member.</i></p> <p>Review Working Group: Response endorsed.</p>
<p>Schedule 1</p> <p>Clause 5.2</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 5.2: <ul style="list-style-type: none"> ○ It appears that paragraphs (d) to (g) should actually be subclauses (2) to (5). The Shire should review this. 	<p>Manager Governance & Risk: Noted, reviewed and local law amended accordingly.</p>
<p>Schedule 1</p> <p>Clause 5.3</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 5.3: <ul style="list-style-type: none"> ○ replace “5.1(6)(b)” with “5.1(5)(b)”. 	<p>Manager Governance & Risk: Noted, local law reviewed and amended to read:</p> <p>5.3 Member has right of defence</p> <p><i>(1) A bush fire brigade member dismissed under clause 5.2(1)(c), or has his or her membership terminated under clause 5.1(5(b)), will be afforded the principle of natural justice through the right of reply to the Committee or Chief Bush Fire Control Officer.</i></p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 5.5</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 5.5: <ul style="list-style-type: none"> ○ In subclause (1) replace “5.1(6)(b)” with “5.1(5)(b)” and replace “5.2(1)(c)(d)” with “5.2(1)(c)(v)”. ○ In subclause (3) replace “sub-clause” with “subclause”. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>6.5</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 6.5 (1) - (2) is overly bureaucratic to require notice of general meetings to be in writing. Current practice is to assume members are familiar with the regular meeting date. Sometimes reminders are issued over WhatsApp or SMS. 	<p>Manager Governance & Risk: Noted.</p> <ul style="list-style-type: none"> • RE: Requirement for Notice to be in writing. Notice in writing can be facilitated by using electronic communications (email, group text, SMS, WhatsApp, social media platforms, etc.). • RE: Assuming members are familiar with regular meeting date. Assuming members are familiar with the regular meeting date is considered not good practice and allows for potential poor governance practices, for example: <ul style="list-style-type: none"> ○ <i>The increased risk of setting a date and time when the majority of member(s) are not available.</i> ○ <i>Unintentionally, in particular during times of change, the perception by members that dates and time being chosen that exclude members of an opposing view.</i> <p>Post gazettal of the local law, an administrative copy will be appended with advice note, being:</p> <p style="padding-left: 40px;"><i>To provide clarification written communication to include electronic communication mediums.</i></p> <p>Review Working Group: Response and proposed action endorsed.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 7.4</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 7.4: <ul style="list-style-type: none"> ○ in subclauses (1) and (2), insert a full stop at the end of each subclause. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>Clause 8.1</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 8.1(e): <ul style="list-style-type: none"> ○ insert a comma at the end of this paragraph. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>7.1</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 7.1 is a concern to the use of funds independently raised by brigades. <p>For example, funds have recently been raised by brigades from public donation and donated to the Red Cross bush fire appeal. While raising funds for the Red Cross bush fire appeal is not an objective of the brigade it is a reasonable activity for the brigade.</p>	<p>Manager Governance & Risk: Agree raising funds for bush fire appeal is laudable.</p> <p>Activities conducted by City of Albany Bush Fire Brigade members are governed by the City of Albany Code of Conduct and associated policies. This clause in part, pertains to funds allocated from the City municipal fund, including funds administered by the City distributed by other entities.</p> <p>The City’s minimum expectation that funds collected by City VBFB Member are appropriately accounted for and dispersed.</p> <p>Many associations undertake some form of fundraising or seek grants in order to help finance their not-for-profit activities.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		<p>If an association or club is collecting donations of money or goods from the public in Western Australia for a <u>charitable purpose</u> it must have a licence under the <i>Charitable Collections Act 1946</i>.</p> <p>Review Working Group: Response and proposed action endorsed, noting officers will work with brigades to resolve administrative issues.</p>
<p>Schedule 1 7.2</p>	<p>Comments on Local Law – Bornholm Brigade – Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Financial Year. The Bornholm Brigade has prepared its audited annual financial report at the end of the calendar year (December 31) so that there was a shorter time between the end of the Financial Year and the Annual General Meeting held before the end of April. • Financial Year: The Local Law specifies a financial year from 1 July to 30 June, and an AGM before the start of April. • This means that there will be a long delay between the preparation of the annual financial report and the holding of the AGM. 	<p>Manager Governance & Risk: Feedback noted.</p> <p>Review Working Group: Noting commitment from officers to work with brigades.</p>
<p>Schedule 1 5.2</p>	<p>Comments on Local Law – Bornholm Brigade – Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: 	<p>Manager Governance & Risk: Feedback noted.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> ○ (a)The Local Law states that membership can be terminated by death, resignation or dismissal. ○ Bornholm Brigade has a large number of people who have joined the brigade in the past who have neither died, resigned or been dismissed, but have played no part in the functioning of the brigade for some time. ○ Many have left the Bornholm area. ○ Should all of these people be included on the brigade membership list? 	<p>RE: Should all of these people be included on the brigade membership list? Recommend retaining contact details and notate membership as either active or inactive members of the brigade.</p> <p>Review Working Group: Only members who turn up and participate should be on the books as a member of the brigade.</p>
<p>Schedule 1 4.4</p>	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> ● Membership: <ul style="list-style-type: none"> ○ (c) Does Section 4-4 (Notification of Membership), Item 4, imply that the Local Government will maintain a list of the current membership of each brigade, and will that list distinguish between Active and Inactive members? 	<p>Manager Governance & Risk: Yes.</p> <p>It is evident that there is a duplication of effort, being: Register kept by both City of Albany and DFES, which is outside the scope of the local law.</p> <p>Review Working Group: Terminology to be standardised and communicated as a policy position.</p>
<p>Schedule 1</p>		<p>Manager Governance & Risk: Noted.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
4.2	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: <ul style="list-style-type: none"> ○ (d) Is it practical to require the brigade secretary to forward all applications for membership to the CBFCO for his approval within one week of receipt? <p>Currently applications are forwarded to the Local Government and to DFES after approval by the brigade committee.</p>	<p>Only a “Copy” of <u>an approved application</u> is to be forwarded, which can either be scanned and emailed or photographed with a smart phone and emailed to the Chief Bush Fire Control Officer (BFCO).</p> <p>Post gazettal of the local law, an administrative copy of the local law is to be noted with a guidance note, stating:</p> <p style="text-align: center;"><i>The Chief BFCO, is supported administratively by City Officers, who are responsible for administering the process and referral to DFES.</i></p> <p>Review Working Group: Response endorsed, noting time frame applies to approved applications.</p>
Schedule 1 2.3	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Casual Committee Vacancy: (a) Does item 2-3 (Termination of Committee Membership) imply that the committee is no longer able to fill a casual committee vacancy, and that this has to be done at a bush fire brigade meeting? 	<p>Manager Governance & Risk: No. Noting appointment may be ratified (endorsed) at the at the next brigade meeting.</p> <p>Local government (The City) has to be notified.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1 7</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <p>Brigades have for many years raised funds from public subscriptions and donations to purchase and build assets.</p> <p>Examples are brigade sheds and offices, radios, tools and equipment not provided by DFES or the City and unavailable under the LGGs/ESL.</p> <p>Ownership and responsibility for these assets should be clarified going forward.</p> <p>Similarly, brigades may have bank accounts separate from the operational accounts used to keep donations to the brigade independent of any local government or DFES funding.</p> <p>What is to happen to the funds accumulated in these accounts?</p>	<p>Manager Governance & Risk: Feedback noted.</p> <p>Post gazettal of the local law, an administrative Brigade Operating Procedure to be published to provide guidance.</p> <p>Review Working Group: Response endorsed and clarification of City of Albany assets to be communicated as a policy position.</p>
<p>Schedule 1 – 5</p>	<p>Comments on Local Law – Bornholm Brigade – Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: <ul style="list-style-type: none"> ○ (b) Should there be a distinction between Active and Inactive Support members? 	<p>Manager Governance & Risk: Feedback noted.</p> <p>Brigade members who are not active in either a support or operational role, should be notified and have their membership cancelled post a prescribed period of time.</p> <p>Rationale: Operational brigade members must be suitable trained and should conduct routine refresher training (for example: fire burn over drills).</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		<p>Post gazettal of the local law, an administrative Brigade Operating Procedure to be published to provide above guidance, noting “Active Operational and Support Members true numbers is needed to assess operational effectiveness.</p> <p>Review Working Group: Response endorsed.</p>
<p>Schedule 2</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Schedule 2: In the bracketed reference, change “8.7” to “8.2”. • The City should also double check all references and cross references to ensure accuracy. 	<p>Manager Governance & Risk: Noted, local law amended. Additional checking of all reference and cross references conducted.</p>
<p>General</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <p>I have a few concerns about the proposed Bush Fire Brigades Local Law 2019 which I present for your consideration.</p> <p>I only became aware of the draft on Thursday 13th February 2020 so this has been necessarily put together with minimal discussion.</p> <p>The legal status of a brigade established by a local government remains unclear.</p> <p>In the past, many brigades have been incorporated or unincorporated associations primarily to limit the personal liabilities of the office bearers and members of the brigade.</p>	<p>Manager Governance & Risk: Concerns noted.</p> <p>Historically, the City supported brigades forming associations in some cases incorporated bodies.</p> <p>It is acknowledged that the City, through the now rescinded “City of Albany Strategic Bushfire Plan 2000-2005, providing an endorsed template brigade constitution for brigades to use.</p> <p>However, the City’s current position, as articulated in the local law, is that only activities that fall within ‘normal brigade activities’, defined under the BFA 1954 and the City’s Brigade Operating Procedures are permissible and covered by the City’s insurance.</p> <p>This is a position strengthened by the Insurer’s limitations of liability cover.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<p>Some brigades have long established constitutions, the status of which is questionable.</p> <p>Some brigades have ABNs, are registered with the Australian Charities and Not-for Profits Commissioner and some are Deductible Gift Recipients.</p> <p>The proposal for local government to establish brigades may have implications for the status of these brigades.</p> <p>It would be appropriate for the proponent (City of Albany) to clarify, discuss and assist existing brigades transition to their new status.</p>	<p>Way forward:</p> <ul style="list-style-type: none"> • Guidance will be provided by City Officers in regards to Brigades who have formed incorporated and unincorporated entities; • VBFB association rules be aligned to committee rules detailed in the local law; and • Strongly encourage brigades to consult with City Officers prior to adopting any variation to constitutions to ensure compliance with the local law. <p>Review Working Group: Response endorsed.</p>

GOVERNMENT & PUBLIC CONSULTATION

8. Council and Public were formally advised of the proposal to make the local law at the 17 December 2019 Ordinary Meeting of Council, followed by prescribed advertising.
9. Public submission originally closed on Monday 17 February 2020; however, at the request of City of Albany Bush Fire Brigade Members, public consultation was extended to Friday 27 March 2020.
10. Post Council resolution to make the local law:
 - a. A copy was formally tabled at the City of Albany – Bush Fire Advisory Committee (BFAC) and Local Emergency Management Committee (LEMC);
 - b. A copy of the proposed Local Law was forwarded to the Ministers responsible for Local Government and Emergency Services; and
 - c. In addition to minimum requirement prescribed at section 3.12 of the Act, the City gave State-wide publication, in addition to local public notice, of its intention to make the Local Law and invite submissions from the public.
11. 14 February 2020: Department of Local Government, Sport and Cultural Industries conducted an administrative review and comments.
12. 26 March 2020: Minister for Emergency Services; Corrective Services provided and legislative review and recommendations.
13. Two public submissions were received.
14. On 23 June 2020: Internal working group met, to review Manager Governance & Risk Responses. The review working group consisted of:
 - a. Volunteer Bush Fire Brigade Local Law Project Lead & Liaison (R Lynne);
 - b. Executive Director Corporate & Commercial Services (D Olde);
 - c. Manager Governance & Risk (S Jamieson);
 - d. Manager Public Health and Safety (S Reitsema);
 - e. Community Emergency Safety Manager (B Gordon); and
 - f. Emergency Management Team Leader (G Turner).

STATUTORY IMPLICATIONS

15. Adopting a local law needs to be done in accordance with section 3.12 of the Act.
16. The resolution of Council to make the local law must be carried by **Absolute Majority**.
17. After adopting the local law, the local government is to publish it in the Gazette and give a copy of it to the Ministers for Local Government and Emergency Services.
18. After the local law has been published in the Gazette the local government is to give local public notice.
19. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed local law.

POLICY IMPLICATIONS

20. There are direct administrative policy implications are detailed in the discussion section of the report, which are communicated as Bush Fire Brigade Operating Procedures.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance <i>Local law may be disallowed if content is considered inappropriate, being outside the remit of the Local Government Act 1995 and the Bush Fires Act 1954.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Amend local law as requested.</i>
Reputation: <i>Perception by some brigade members of a lack of consultation.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The proposed local law was prepared with considerable input from the volunteer brigade members and extensive consultation across the sector over a number of years.</i> <i>The consultation period, noting the festive season was originally extended until 15 February 2020.</i> <i>Public consultation was further extended to the 27 March 2020.</i> <i>A copy of the proposed local law was sent to all Bush Fire Control Members, via email and by post to Brigade Secretaries.</i>

FINANCIAL IMPLICATIONS

22. An appropriate budget line exists for the cost of giving public notice and advertising.
23. This cost is estimated to be approximately \$400 in addition to staff time.

LEGAL IMPLICATIONS

24. Section 3.12 of the Act prescribes the procedures for making Local Laws.
25. Whilst the Act does expressly prescribe a time frame in which the procedural requirements for making Local Laws are to be completed, the procedures should be undertaken with “all convenient speed’ in line with the *Interpretations Act 1984*.
26. Bush Fires Act 1954, states in part:

41. Bush fire brigades

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.

ENVIRONMENTAL CONSIDERATIONS

27. There are no direct environmental considerations related to this item; however appropriate fire mitigation strategies conducted by volunteer bush fire brigades, to protect life and property, such as fuel load reduction, will have an impact on the natural environment.

ALTERNATE OPTIONS

28. The options are:
- a. Resolve to ADOPT the proposed local law as presented;
 - b. Resolve to ADOPT the proposed local law with minor amendments.
 - c. Council may wish to reconsider its position on the proposed local law, based on community feedback.

CONCLUSION

29. It is recommended to ADOPT the proposed Local Law with minor amendments.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Bush Fires Act 1954</i> • <i>Independent Review into improving support to the Volunteer Bush Fire Brigades and overall Emergency Management, Original Report 18 September 2013</i> • <i>WALGA Template Local Law</i>
File Number (Name of Ward)	:	All Wards (LE.LOL.19)
Previous Reference	:	OCM 17/12/2019 – Resolution CCS199

CCS263: ANIMALS LOCAL LAW 2020

Proponent / Owner	: City of Albany
Attachments	: Proposed local law (marked up with minor amendments)
Report Prepared By	: Manager Governance and Risk (S Jamieson)
Responsible Officers:	: Executive Director Corporate & Commercial Services (D Olde)

Councillor Goode left the meeting at 6.52pm and did not participate in the vote.

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, reflects the level of associated risk and is adequately explained to the community.

In Brief:

- Council is requested to review the feedback and consider finalising the making of the proposed *City of Albany Animals Local Law 2020*.
- Section 3.12 of the *Local Government Act 1995* (the Act) requires the person presiding at a Council meeting ensures the purpose and effect of the proposed local law is given.

Purpose: The purpose of this local law is to provide for the regulation, control and management of the keeping of dogs, cats, large animals, miniature horses and pigs, poultry, pigeons, and bees within the District.

Effect: The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep domestic animals and birds, large animals, miniature horses and pigs, and bees and provides the means of enforcing the local law.

- Council is also requested to consider a supporting Wandering Cat Management Policy Statement.

RECOMMENDATION

CCS263: COMMITTEE RECOMMENDATION 1 VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DOUGHTY**

THAT Council in accordance with section 3.12 of the *Local Government Act 1995*, resolves to ADOPT the *City of Albany Animals Local Law 2020*, noting the minor amendments detailed in the report.

CARRIED 10-0

CCS263: RESPONSIBLE OFFICER RECOMMENDATION 1 VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council in accordance with section 3.12 of the *Local Government Act 1995*, resolves to ADOPT the *City of Albany Animals Local Law 2020*, noting the minor amendments detailed in the report.

**CCS263: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DOUGHTY**

THAT Council ADOPT the Council Wandering Cat Management Policy Statement:

WANDERING CAT MANAGEMENT POLICY STATEMENT

Management of cats found:

- **A cat found without Cat Identification is to be administered as a feral cat, following the prescribed guidance provided by the Department of Industries and Regional Development – Policy Statement - Feral cat declared pest – minimise risk to domestic cats.**
- **The exception being that if a cat under the age of 6 months is found on land zoned as “residential”, under the Local Planning Scheme, or as determined by the Animals Local Law 2020, the cat is to be transferred to an authorised Cat Management Facility.**
- **The operator of the Cat Management Facility is bound by the prescribed actions detailed at section 34 of the Cat Act 2011.**

Definitions:

- **Cat Identification means a registered tag or registered microchip as prescribed by the Cat Act 2011.**
- **Domestic Cat, means a cat found with Cat Identification.**
- **Feral Cat, means a cat found without Cat Identification.**

CARRIED 10-0

CCS263: RESPONSIBLE OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPT the Council Wandering Cat Management Policy Statement:

WANDERING CAT MANAGEMENT POLICY STATEMENT

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- The operator of the Cat Management Facility is bound by the prescribed actions detailed at section 34 of the Cat Act 2011.

Definitions:

- *Cat Identification* means a registered tag or registered microchip as prescribed by the Cat Act 2011.
- *Domestic Cat*, means a cat found with Cat Identification.
- *Feral Cat*, means a cat found without Cat Identification.

BACKGROUND

2. In December 2019, Council resolved to make the local law and seek community feedback.
3. At the submission closing date, the City had received 12 public submissions, in addition to feedback provided from the Department of Local Government, Sport and Cultural Industries and Department of Health.

DISCUSSION

4. The preparation of this local law was based on comparable local laws that have passed the scrutiny of the Joint Standing Committee on Delegated Legislation (JSCDL).
5. Administrative changes and feedback provide have been consolidated for Council’s review and consideration:

Proposed Local Law – Clause <i>(Amended Clause No.)</i>	Schedule of Submissions	Officer Comments / Remarks / Action taken:
1 – General	<p>Department of local government comments: 1. Health Act 1911</p> <ul style="list-style-type: none"> • The Department notes that this local law is made under the <i>Health (Miscellaneous Provisions) Act 1911</i> in addition to the <i>Local Government Act 1995</i>. • Accordingly, the City should ensure that a copy of the local law has been forwarded to the Minister for Health, if this has not occurred already. • It is possible that the powers of the <i>Health Act 1911</i> are no longer required for a local law of this kind. • The Shire should contact the Department of Health and clarify this point. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted. • Formally sought feedback from the Minister and Dept. of Health on 12 June 2020. <p>Response from Dept. of Health:</p> <ul style="list-style-type: none"> • On the 24th January 2017 a consequential amendment was made to Section 3.5 the Local Government Act 1995 to allow health local laws to be made solely under that Act, thus no longer requiring the consent of the Chief Health Officer. At that time, Clause 4B was inserted into Section 3.5 and states, “Nothing in the Health (Miscellaneous Provisions) Act 1911 or the Public Health Act 2016 prevents a local government from making local laws under this Act about matters relating to public health (as defined in the Public Health Act 2016 section 4(1))”. • This approach is consistent with the intent of the Public Health Act 2016 which recognises local government as a partner in the

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		administration of public health and provides local government with increased autonomy. <ul style="list-style-type: none"> Local law amended accordingly.
2 – Purpose and effect	Department of local government comments: 2. Purpose and effect Clause 1.2 sets out the purpose and effect of the local law. <ul style="list-style-type: none"> This clause has no legislative effect and can be removed if the City wishes. While the Local Government Act 1995 requires the purpose and effect to be included in the public notices relating to a proposed local law, there is no requirement to include the purpose and effect in the local law itself. 	Manager Governance & Risk: <ul style="list-style-type: none"> Agree. Clause is deleted.
3 – External documents	Department of local government comments: 3. External documents <ul style="list-style-type: none"> The local law makes reference to other external documents such as the Code of Practice – Pigeon Keeping. The City should ensure that copies of all external documents referred to in the local law are included when it is submitted to the Committee. The Committee may also inquire as to how these external documents will be made freely available to members of the public. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted. External documents will be made available on the City’s website.
1.4 (1.3)	Department of local government comments: Minor edits <ul style="list-style-type: none"> Clause 1.4: replace the words “and amended from time to time, are” with “is” and replace the semicolon with a full stop. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted, amended accordingly. Noting new clause numbering.
1.6 (1.5)	Department of local government comments: Minor edits <ul style="list-style-type: none"> Clause 1.6: <ul style="list-style-type: none"> In the definition of approved, italicise and bold the first instance of “fees”. In the definition of Cat Act, replace the word “mean” with “means”. Bold the defined term “cow”. In the definition of Dog Act, italicise “<i>Dog Act 1976</i>”. In the definition of written law, insert the word “and” after the semicolon. In the definition of young birds, replace “; and” with a full stop. Include a definition for “zoned as residential”. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted, amended accordingly. Proposed definition for “zoned as residential”, being: <ul style="list-style-type: none"> zoned as residential means an area zoned under the local planning scheme where single-family or multifamily dwellings are located.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
1.5	<p>City of Albany, additional review:</p> <p><i>premises</i> include the following –</p> <ul style="list-style-type: none"> land (whether or not vacant); the whole or part of a building or structure (whether of a permanent or temporary nature); and vehicle; <p>Removed definitions not used in local law, being:</p> <ul style="list-style-type: none"> cattery keeper means a person registered to keep a cattery; CEO means the Chief Executive Officer of the local government; City means the City of Albany; pound means a building or yard established by the local government or Authorised Person for the impounding of dogs or animals for the purposes of this local law; 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Based on Town of Cambridge Local Law 2016
2.1 (Removed)	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> Clause 2.1: This clause does not appear to have any direct legal effect in itself and just recites information. The clause can be deleted without issue. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Noted, amended accordingly by removing unnecessary clause.
2.4	<p>City of Albany, additional review: Tom Wenbourne</p> <p>Suggested Change:</p> <ul style="list-style-type: none"> (2) The minimum fencing requirements to confine livestock in a rural or rural zoned residential area, shall be a fence of posts and wire construction a sufficient fence as defined in Schedule 3 of the City of Albany Fencing Local Law. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Referencing other local law could be problematic in future.
2.4	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> <i>zoned as residential</i> recommend inclusion of definition. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Recommended to be included by DLGSC review; however, the term is not contained in the proposed local law. <p>Appended with reference:</p> <ul style="list-style-type: none"> <i>Zoned as residential</i> means an area zoned under the local planning scheme where single-

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		family or multi-family dwellings are located.
3.2 (2.2)	Department of local government comments: Minor edits <ul style="list-style-type: none"> There are two instances of clause 3.2. The second clause should be renumbered to clause 3.3. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted, amended accordingly.
3.3 (2.4)	Department of local government comments: Minor edits <ul style="list-style-type: none"> Clause 3.3(1): replace the semicolon with a full stop. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted, amended accordingly.
3.4 (2.5)	Department of local government comments: Minor edits <ul style="list-style-type: none"> Clause 3.4: This clause can be deleted. The procedure for impounding livestock is already addressed in the <i>Local Government Act 1995</i> and <i>Local Government (Miscellaneous Provisions) Act 1960</i>. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted, amended accordingly by removing unnecessary clause.
4.1 (3.1)	Department of local government comments: Minor edits <ul style="list-style-type: none"> Clause 4.1: <ul style="list-style-type: none"> In subclause (3), replace “subsection” with “subclause”. In subclause (4)(a), insert “; and” after “9:00am”. Clause Regulation 5.6(2): Change “or of a registered pigeon fancier” to “or a registered pigeon fancier”. 	Manager Governance & Risk: <ul style="list-style-type: none"> Noted, amended accordingly.
3.4(b), 3.5(b), 3.8(2),	City of Albany, additional review: Tom Wenbourne <ul style="list-style-type: none"> <i>Simplify by removing unnecessary description (i.e. where food is stored, manufactured or sold), noting the term “food premises” is already defined.</i> 	Manager Governance & Risk: Agree, local law amended.
4.3	City of Albany, additional review: Tom Wenbourne <ul style="list-style-type: none"> <i>Simplify by removing unnecessary description (i.e. , granting any certificate of registration...)</i> 	Manager Governance & Risk: Agree, local law amended.
4.4	City of Albany, additional review: Tom Wenbourne <ul style="list-style-type: none"> <i>RE: Approval limitations, recommend 4.4 (2) minimum lot size increased from 600m2 to 1000m2.</i> 	Manager Governance & Risk: <ul style="list-style-type: none"> Recommend review, noting reduction in standard lot sizes. Council policy position can

Proposed Local Law – Clause <i>(Amended Clause No.)</i>	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		address small lot sizes, for example, can keep pigeons but cannot dispose of loft litter by burial.
4.6	<p>City of Albany, additional review: Tom Wenbourne</p> <ul style="list-style-type: none"> Replaced term used with “rural or rural area zoned residential”. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> For review.
6 – PART <i>(5 – PART)</i>	<p>Councillor Ray Hammond: Keeping of bees</p> <ul style="list-style-type: none"> Background: <ul style="list-style-type: none"> Proposed Law facilitates bee hives in inner suburbia. Basically hypersensitivity resulting from insect stings affects up to 5 % – 7.5% of the population. Even worse between 3 and 5 percent of the population experience an anaphylaxis, a life threatening reaction when stung by a bee. Unfortunately, most people won't know if they are allergic to bee stings until they are stung. The statistical data concerning hospital admission from bee sting anaphylaxis is not robust however the one conclusive outcome admissions have increased significantly during the past 30 years. Journal of Asthma & Allergy 2015 Propose amendment: Clause 6.2 Restrictions: Commercial bee hives should not be allowed within inner suburbia of Albany. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> This was presented at the 17 December 2019, Ordinary Meeting of Council. The Council may wish to consider imposing the requirement as a policy during consideration of applications.
6 – PART <i>(5 – PART)</i>	<p>Submission by John Radys: Part 6 – Keeping of bees</p> <ul style="list-style-type: none"> My comment RE: Changes to Animal Local Law Clause 6. 1 Keeping of Bees <ul style="list-style-type: none"> [3] the-----agricultural purposes, such hives must be registered with the Dept of Primary Industry in accordance with government regulations. [4] a person -----training course, or have been a registered Beekeeper for 2 years or over. [6] Blocks must be .1/4acre or more in size. 6.2 [a]An adequate-----10 metres of beehives unless a permanent supply [i.e. lake, dam] be available within 100 metres. John Radys Registered Beekeeper Since 2000 Registered Brand QBO WARRENUP WA 6330 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Noted. The Council may wish to consider imposing the proposal as a policy during consideration of applications.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
6.1 (5.1)	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> • Clause 6.1(1): replace “State Legislation” with “state legislation”. • Clause 6.1(4): This subclause is vague and may cause confusion as to what is exactly required by the local law. • The City may wish to consider deleting it and imposing the requirement as a policy during consideration of applications under subclause (3). 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, amended accordingly. • RE: Clause 6.1(4) Agree, recommend clause is deleted and administered by a policy position.
6.1 (5.1)	<p>Submission by Mr Rouhulah Ferdowsian: Part 6 – Keeping of bees</p> <ul style="list-style-type: none"> • Hi, I have read the conditions for keeping beehives in residential areas. I think the conditions are fare. • A simple alteration may be useful. <i>“One need to get permission from the neighbour if the hive is less than 3m from the boundary”.</i> • I appreciate the City of Albany considering this issue. It was about time to do so. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, it is considered appropriate that consultation is addressed. • The Council may wish to consider imposing the requirement as a policy during consideration of applications.
5.1	<p>City of Albany, additional review: Tom Wenbourne</p> <ul style="list-style-type: none"> • <i>5.1(3) Consider reviewing this clause, being: (3) The local government may, upon written application, consent, with or without conditions, to a person keeping up to 2 beehives on a lot which is not zoned for agricultural purposes in a rural area.</i> 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Reviewed, recommend amending to read: • (3) The local government may, upon written application, consent, with or without conditions, to a person keeping up to 2 beehives on a lot which is not zoned for agricultural purposes.
6.2 (5.2)	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> • Clause 6.2: <ul style="list-style-type: none"> ○ In paragraph (a) insert the word “and” after the semicolon. ○ In paragraph (b)(i) delete the word “and” after the semicolon. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, amended accordingly.
5.2	<p>City of Albany, additional review: Tom Wenbourne</p> <p>Suggested Change:</p> <ul style="list-style-type: none"> • From: A person must not keep or permit the keeping of bees in a hive on a lot unless, at all times—(a) an adequate and permanent supply of water is provided within 10m of the beehives; 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Agree, local law amended.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> To: A person must not keep or permit the keeping of bees in a hive on a lot unless, at all times—(a) an adequate and permanent supply of water must be provided within 10m of the beehives; 	
<p>7.1 (6.1)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> Clause 7.1(c): insert the word “and” after the semicolon. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Noted, amended accordingly.
<p>7.4 (6.4)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> Clause 7.4: At the beginning of subclause (1) insert “Subject to clause 7.5.” 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Noted, amended accordingly.
<p>6.5</p>	<p>City of Albany, additional review: Stuart Jamieson</p> <p>Suggested Change:</p> <ul style="list-style-type: none"> On review recommend changing all references to: from either “special residential, or rural residential, or zoned as residential”, to: “on land zoned as residential”, with the associate appropriate definition. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Local law amended, for EMT Review.
<p>8.2 (7.2)</p>	<p>Submission by: Nathan Watson: Poultry</p> <ul style="list-style-type: none"> Hi Scott and Stuart, The wording of the Shire of Donnybrook-Balingup’s Animals, Environment and Nuisance Local Law is much more flexible in its approach and allows landholders who demonstrate expertise in the keeping and management of poultry to get the Shire’s support to undertake their hobby with greater peace of mind. Cheers. Nathan Watson 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Addressed in proposed local law, noting amendments proposed and adopted by Council, prior to seeking public comment.
<p>8.2 (7.2)</p>	<p>Submission by Annabel Paulley: Poultry – Clause 8.2</p> <p>Hello Scott</p> <ul style="list-style-type: none"> Thanks for meeting with me yesterday. As discussed, I feel it would be beneficial - in terms of sustainability - for the City to relax the conditions on keeping poultry in residential areas, as set out in the Animals Local Law 2001. With many residential blocks being subdivided and the City encouraging infill development in the Albany Local Planning Strategy, there would be a significant number of residents who physically cannot meet the distances of 15 metres from a dwelling house and 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Addressed in proposed local law, noting amendments proposed and adopted by Council, prior to seeking public comment.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<p>1.2 metres from their boundary. They would probably not be able to provide 30 square metres of enclosure either. Some flexibility would help.</p> <ul style="list-style-type: none"> • I'm aware that Waste Sustainability Officer Julie Passmore has been running community workshops in conjunction with Yan Toussant of the Rainbow Coast Neighbourhood Centre in Lockyer to encourage residents to keep chooks, have worm farms and make compost in a bid to process their food waste at home, thereby taking it out of landfill where it would produce harmful methane. • It really would be great to see some changes to the local law to make it easier for residents to keep chooks. • Thanks in anticipation of your support. • All the best. Annabel Paulley 	
<p>8.2 (7.2)</p>	<p>Submission by Dianne Pooley: Keeping of Poultry I have the following concerns over the proposed changes to 8.2, Conditions of Keeping Poultry:</p> <ul style="list-style-type: none"> • Clause 8.2 (a) what is a properly constructed coop? <ul style="list-style-type: none"> ○ That is open to interpretation. ○ This clause should inform the public about possible toxic contamination of existing structures and the need to have the area tested. ○ A diagram should also specify coop requirements. Also, distance from a neighbouring dwelling is not mentioned as it is in 'Keeping Pigeons' i.e., 10m. ○ As this proposed law now stands a coop and run can be placed less than 1.3m from the neighbouring house. ○ I use my home as an example here. Our kitchen, dining and outdoor areas are within 2m of the neighbouring fence. ○ The previous tenant kept 'free range' chooks for 3 years and we endured 3 years of being plagued by rats. ○ When the chooks went so did the rats. • Clause 8.2(d) is in contradiction to the recommendations documented at ww2.health.wa.gov.au. <ul style="list-style-type: none"> ○ Organochlorine pesticide residues in home garden soils. A free range approach is not mentioned due to the possibility of OCP contamination. ○ The safety measures mentioned on the gov. site are: <ul style="list-style-type: none"> ▪ Isolate poultry runs or poultry sheds by adding sufficient quantities of new soil. ▪ Place a barrier over existing older soils such as a cement pad, or layers of black plastic and cover with new soil or new bedding materials for poultry and egg production. • Locate poultry runs away from areas that are likely to have been sprayed: The foundations of buildings - Fence lines • The agric.wa.gov.au websites topic 'Chickens, eggs and organochlorines' outlines the need for caution with free range chickens: <p><i>'Anyone who runs or intends to run free range chickens in any area of WA that was developed before 1987 should arrange testing of the soil where the chicken coop is sited and where the chickens will be allowed to roam.'</i></p> • These recommendations are put in place to inform and protect the community so it would be hoped that they are reflected in Albany's proposed 2020 Animals Local Law Act. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Concerns noted and additional research conducted. • Even though organochlorine pesticides (OCPs) are no longer in use in the "home" environment in Australia, it is acknowledged that older established suburbs in the Perth metropolitan and rural town centres may have undergone treatment with OCPs. • Recommend promotion of pesticide awareness in relation to keeping of poultry, noting the Dept. of Health website states: <p><i>Environmental Health Officers at your local government authority, shire offices or town council can be helpful in providing health information pertaining to the application of food standards and may provide guidance on collecting soils for testing.</i></p>

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> • References: Other than the 2 Government departments mentioned above. <ul style="list-style-type: none"> ○ 1. 'Poison risk in backyard chook pens' 2018 ○ 2. DDT exposure tied to breast cancer risk for all women through age 54: Six-decade-long study finds 40-year induction period between time of exposure and diagnosis ○ 3. - 'Autism Risk and DDT ○ 4. factor.niehs.nih.gov 'New insights on pesticide exposure and autism....' ○ 5. 'Study uncovers cause of pesticide exposure, Parkinson's link....' • DDT residue is found in egg yolks and chicken fat. • When we eat eggs that are contaminated with OCPs, these compounds can be absorbed into our fatty tissues. 	
<p>8.4 (7.4)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> • Clause 8.4(a)(ii): it appears that “0m” may have been a typo. • The City may wish to review this subparagraph and ensure the correct distance is specified. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, drafting error identified and amended accordingly, noting the correct distance, being: 1.2 metres as per pigeons.
<p>7.3 & 7.4</p>	<p>City of Albany, additional review: Tom Wenbourne Suggested Change:</p> <p>Minor amendments and arrangement, making (b) all feed for the birds is stored in vermin proof containers, a specific condition.</p>	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Local law amended, for review. • Minor in nature.
<p>8.5 (7.5)</p>	<p>Submission by Dianne Pooley: Keeping of Poultry</p> <ul style="list-style-type: none"> • I have the following concerns over the proposed changes: • Clause 8.5. Removal of Non-Conforming Structure. <ul style="list-style-type: none"> ○ This relates to 8.25 - very vague. And the use of the word 'MAY' is too general. ○ To ensure that a law is upheld it should read, 'the local government will give written notice'. The word 'may', is a fob off to anyone putting in a complaint. • My greatest concern however, is the Albany Councils lack of recognition of the poison risk in urban backyard chook pens. Vast areas of residential land in Albany prior to 1987 were involved in the Argentine Ant Eradication Program. • This toxic chemical substance remains in the soil for decades and is linked to many debilitating conditions including early onset breast cancer, early onset Parkinson's Disease and Autism. • Females who are at high risk of early onset breast cancer are babies in utero and pre-pubescent girls. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Concerns noted. • RE: This relates to 8.2 - very vague. And the use of the word 'MAY' is too general. • This allows for authorised persons to use discretion and assess each application in accordance with Council's Regulatory Compliance Policy & Guideline. • The objective of this policy is to provide guidance and ensure: <ul style="list-style-type: none"> ○ <i>There is a consistent approach in the undertaking of</i>

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		<p><i>compliance and enforcement action.</i></p> <ul style="list-style-type: none"> ○ <i>Transparency, procedural fairness and that the principles of natural justice are enacted.</i>
<p>8.8 (7.8)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> • Clause 8.8(b): replace “, and” with “; and”. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, amended accordingly.
<p>8.9 (7.9)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> • Clause 8.9(1): <ul style="list-style-type: none"> ○ Replace “Clauses” with “clauses”. ○ In paragraph (b), replace the semicolon with a coma and move the word “an” on to the next line, so it aligns with the paragraph beginning with “Authorised Person”. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, amended accordingly.
<p>9 – PART (8 – PART)</p>	<p>Submission by Mrs Maxine Baird: Keeping of Cats</p> <ul style="list-style-type: none"> • Dear Mayor Wellington and Cr Benson-Lidholm, whilst commending the City of Albany on having local laws on cat registration and sterilisation, I am devastated on learning that the owners of cats have no responsibility to keep their cat contained on their own property. • With the abundance of evidence and documentation on the damage caused to our wildlife by cats, both domestic and feral, surely the City of Albany cannot remain in the dark ages. • Our beautiful region lies in a world recognised biodiversity hotspot, yet we allow incredible damage to occur by not taking the step of having cat owners responsible for keeping cats contained on their own property. • I implore the City Council to implement by-laws to rectify this situation. • Show all that we value our heritage, follow the example set by other more progressive councils, e.g., Mandurah. • We have something so special in our area, please demonstrate that we, as a community, care. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Concerns noted. • Refer to detailed response at paragraph 6 in the discussion section of the Officer Report.
<p>9 – PART (8 – PART)</p>	<p>Submission by Anne Bodin – Convenor Albany Bird Group: Keeping of cats</p> <ul style="list-style-type: none"> • To whom it may concern • We would like to voice our concerns about the proposed Animal Law 2020 as it does not contain any requirements that cats be confined to the premises of their owners. Does that mean the City intends to adopt a separate local cat law as it has with dogs? • If this is not the case, we strongly encourage council to include rules in its proposed Animal Law 2020 that require: <ul style="list-style-type: none"> ○ cats to be contained on their owners’ properties ○ owners whose cats are roaming on neighbouring properties be fined if complaints are made and nuisance behaviour of the cat continues after an initial warning 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Concerns noted. • Refer to detailed response at paragraph 6 in the discussion section of the Officer Report.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> ○ owners be fined if their cats are found wandering in areas such as nature reserves ○ households with more than 2 cats to obtain a license ● The City of Albany is located in an area with high biodiversity containing many threatened species and should therefore follow the example of other WA councils which have adopted cat control laws to protect wildlife within their municipal borders. Semi-owned cats, which often remain unsterilised, have the potential to constantly add to the number of feral cats which have now been declared a pest. We see it as council's responsibility not to contribute to the number of feral cats already found within our region. Yours sincerely. Anne Bondin Convenor Albany Bird Group 	
<p>9 – PART (8 – PART)</p>	<p>Submission by Catherine Nicholas: PART 9—CATS</p> <ul style="list-style-type: none"> ● Dear Mr Sharpe, ● My submission regarding the proposed Animal Local Law 2020, presented here, is principally regarding pet cats, where the laws presented do not appear to prevent or abate the continuing and substantial harms done by roaming pet cats to the community, wildlife and the pet cats themselves in the City of Albany. ● Pet cats need to be contained in an enclosed area on the owner’s premises for the welfare of pet cats, wildlife and community relations. Whilst the Joint Standing Committee on Delegated Legislation has agreed with this fact (see attached), it has determined that the current WA 2011 Cat Act is inconsistent with this, and that, therefore, as I understand, Albany City Council (as per every other WA local council) cannot alter their local laws to meet this urgent and profound need. ● However, the recent statutory review of the WA 2011 Cat Act states that "There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws — to provide consistency among local governments." It also cited as indicative of submission feedback that "Regulations to restrict pet cats to their owners' property will, undoubtedly, improve conservation benefits for a diverse range of species utilising urban, suburban and peri-urban environments. Targeted education programs that highlight the welfare benefits that arise from restricting pet cat movement and encourage wildlife-friendly cat husbandry, implemented at community- and State levels, could be used to drive change in attitude and behaviour among cat owners." ● From https://www.dlgsc.wa.gov.au/department/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013#1.4 ● Therefore, I ask that Albany City Council represent the voice of its community members to state government through whatever means it has at its disposal for a state-wide law requiring that pet cats be contained in an enclosed area on the owner's premises, combined with targeted education programs (already developed by academic and government bodies in other states) to ensure its success; as well as to proactively participate in such an outcome for the health and well-being of the community as a whole. Kind regards 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> ● Concerns noted. ● Refer to detailed response at paragraph 6 in the discussion section of the Officer Report.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
9 – PART (8 – PART)	<p>Submission by Amanda Mandzij</p> <p>Subject: Responsible cat ownership https://www.sunshinecoast.qld.gov.au/Living-and-Community/Animals-and-Pets/Responsible-Cat-Ownership</p> <ul style="list-style-type: none"> • Hi Sandy, Thank you for your reply email regarding Cat Laws. • Having looked at a few more Municipalities' Cat Policies since our phone conversation, I feel Mandurah's policy still does not go far enough. It appears the COA already have a policy whereby cats are required to be microchipped/registered etc but in both policies the cats are still permitted to roam around freely & the responsibility of the cats becomes that of the people in neighbouring properties, why should a person have to keep someone else's animal off their own property? • Even more importantly though, is the issue of the large number of cats roaming freely (registered or not) destroying Albany's wonderful native wildlife. I noticed that the State Govt put current cat laws in place (those which the COA are using at present) back in Nov 2012 (1st phase) & Nov 2013 (2nd phase), it's very disappointing to think nothing more has been done in 7 years, if that is the case. • The Eastern State Councils seem to be far more progressive than WA councils when it comes to cat laws. I've attached the Sunshine Coast Cat Policy. Cat owners (same as dog owners) need to know where their animal is at all times, no roaming!! I would imagine this would make it so much easier for a council to control the problem, just as they do now with dogs. Also importantly these stricter policies help to keep the cats safe too, if they are kept indoors or in an enclosure no harm can come to them. I read that the 'Cat Haven' in Perth recommends that this is the way cat owners should be keeping their cats. • I agree with you that enforcing the policy will take some time but considering the COA already have the microchipping/registering etc. as part of their 'Cat Ownership Policy' surely we should be making changes now that make dog & cat laws uniform (owners have control of their animal & know where they are at all times) & protect our native wildlife. (On our property we have Ring Tail Possums, Bandicoots, Blue Tongue lizards, Bobtail Lizards, many Beautiful bird breeds including Blue Wrens, Finches, Kingfishers & heaps of frogs too, just to name a few). It is difficult & frustrating trying to keep cats of our 1 acre property. • I really appreciate you following this matter up for me Sandy, I hope some important changes can be made soon. <p>King Regards Amanda</p>	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Concerns noted. • Refer to detailed response at paragraph 6 in the discussion section of the Officer Report.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
9 – PART (8 – PART)	<p>Submission by Jenni Loveland (Project Officer) – Oyster Harbour Catchment Group: PART 9—CATS</p> <ul style="list-style-type: none"> In summary: <ul style="list-style-type: none"> <i>That the Albany City Council stand for the majority of people and take into consideration the voice of its people who are demanding a state-wide law requiring that pet cats be contained in an enclosed area on the owner's premises. It is clear by the survey that the majority of the people believe that cats should be contained to the owners' property for a number of reason, as can be seen in the Statutory review of the Cat Act 2011 and Dog Amendment Act 2013 Report.</i> Dear Mr Sharpe, The following submission is regarding the proposed Animal Local Law 2020, regarding pet cats, where the current laws, The Cat Act 2011, do not appear to prevent or abate damage done by roaming pet cats to the community, other pets and particularly native wildlife within the City of Albany. Our recently formed group called the Albany and Surrounds Feral Cat Working Group(ASFCWG) is a community driven group, that was established in June 2019. It is a group comprising of volunteers and local government groups with stakeholders working together to create a plan to conserve our biodiversity, protect threatened species and increase public awareness of cats in Albany and surrounding area. While this group was formed predominantly to protect native animals from feral cats, it was recognised that pet cats, being the same species, Felis catus, are also having a huge impact on native wildlife if these cats are not contained. Irresponsible ownership can also increase the numbers of stray animals if laws such as early sterilisation are not abided by, which in turn increases the stray animals' numbers often resulting in these individuals breeding becoming feral. As a result of these findings, we the ASFCWG, would strongly encourage pet cats to be contained in an enclosed area on the owner's premises, not only for the protection of wildlife and neighbourhood relationships but also for the welfare of pet cats, as the RSPCA advocates. www.rspca.org.au/adopt-pet/adopting-catkitten/safe-and-happy-cats . We understand that the current WA 2011 Cat Act is inconsistent with this, and that, the Albany City Council cannot alter their local laws to meet this urgent and profound need. However, the recent Statutory review of the Cat Act 2011 and Dog Amendment Act 2013 Report parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4013050a3f9b8d43992c4060482584bf0082ffa/\$file/3050.pdf, indicates that the majority of the general public are keen to see change within these laws to keep cats contained to the owner's property. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Concerns noted. Refer to detailed response at paragraph 6 in the discussion section of the Officer Report.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> We the ASFCWG request that that Albany City Council stand for the majority of people and take into consideration the voice of its people who are demanding a state-wide law requiring that pet cats be contained in an enclosed area on the owner's premises. It is clear by the survey that the majority of the people believe that cats should be contained to the owners' property for a number of reason, as can be seen in the Statutory review of the <i>Cat Act 2011</i> and <i>Dog Amendment Act 2013</i> Report. http://parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4013050a3f9b8d43992c4060482584bf0082ffa/\$file/3050.pdf We encourage a period of targeted education programs to educate owners of the benefits of indoor cats as advocated by the RSPCA before enforcement of laws are implemented. Yours sincerely on behalf of the Albany and Surrounds Feral Cat Working Group. 	
<p>9.1 (8.1)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> Clause 9.1: <ul style="list-style-type: none"> Italicise "cat management facility" and delete the word "or" after the semicolon in paragraph (a). In the definition of cattery, insert the word "and" after the semicolon in paragraph (d). In the definition of owner, insert a full stop at the end of paragraph (g). 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Noted, drafting error amended according.
<p>9.2 (8.2)</p>	<p>Department of local government comments: Clause 9.2 – Maximum number of cats</p> <ul style="list-style-type: none"> Under the Cat (Uniform Local Provisions) Regulations 2013, a person who wants to keep additional cats must apply to the local government to do so. The Regulations state that the RSPCA, cat management facilities and vet surgeries are exempt from needing to get approval. However, pet shops and other animal welfare organisations are not exempt and the normal process applies to them. Clause 9.2(3): <ul style="list-style-type: none"> It is suggested that clause 9.2(3) be amended by deleting paragraph (d) and removing "or any other incorporated animal welfare organisation" from paragraph (a). 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Noted, proposed local law amended accordingly, noting paragraph (d) referenced "Pet Shop".

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
9.3 (8.3)	<p>Department of local government comments:</p> <ul style="list-style-type: none"> • Clause 9.3 <ul style="list-style-type: none"> ○ Paragraphs (d) to (j) appear to be duplicates of clause 9.6(1)(d)-(j). It is suggested they be deleted. ○ subclauses (2) and (3) appear to be duplicates of clause 9.6(2) and (3). It is suggested that subclauses (2) and (3) be deleted from clause 9.3. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, drafting error amended according.
9.4 (8.4)	<p>Department of local government comments: Clause 9.4(e)</p> <ul style="list-style-type: none"> • Clause 9.4(e): insert the word “and” after the semicolon. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, drafting error amended according.
8.6	<p>City of Albany, additional review: Stuart Jamieson Suggested Change: Minor amendment, typographical.</p>	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Local law amended, for review. • Minor in nature.
9.12 (8.12)	<p>Department of local government comments: Clause 9.12</p> <ul style="list-style-type: none"> • Clause 9.12: Merge the two sentences together or alternatively, split them into separate subclauses. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Agree, proposed local law amended accordingly, split into separate subclauses.
10.2	<p>City of Albany, additional review: Tom Wenbourne Suggested Change: Minor amendment: Suggested simplify to read: 2) <i>The amount of the modified penalty is the amount specified in the fourth column of Schedule 1.</i> <i>From: (2) The amount of the modified penalty for a prescribed offence in relation to Part 11, is the amount specified in the fourth column of Schedule 1 directly opposite an offence is the modified penalty payable.</i></p>	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Local law amended, for review. • Minor in nature.
10.3 (Removed)	<p>Department of local government comments: Clause 10.3 – Entry into private property</p> <ul style="list-style-type: none"> • Clause 10.3 provides that the local government may enter private land to remove a structure which breaches clause 8.5. • As a rule, local governments don’t have any general power to enter private property to enforce compliance with local laws. • While the Local Government Act 1995 gives certain powers of entry, these powers are limited to Part 3, Division 3, Subdivision 3 of the Act. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted. • Action taken: Removed not legally valid: Clause removed:

Proposed Local Law – Clause <i>(Amended Clause No.)</i>	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> The Shire should review this clause and ensure it is legally valid. If the Shire is relying on a power of entry provided by health legislation, it may wish to confirm this with the Department of Health. 	<ul style="list-style-type: none"> “10.3 Local government may undertake requirements of notice: <i>Where a person fails to comply with a notice referred to in clause 8.5, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.”</i>
12 – PART <i>(11 - PART)</i>	<p>Submission by Samantha Stevens: Horse Exercise Areas</p> <ul style="list-style-type: none"> Hi Stuart I'd like to add to the discussion re: Seawoulf Road please for consideration. This area has historically been used by horse riders for a long time (over ten years that I'm aware of) and horse riding has been noted in the Council adopted Black Swan Point Management Plan as being a commonly occurring activity at the PRH. The plan notes the following: <ul style="list-style-type: none"> Horse floats are not commonly taken into the Reserve, with riders coming in from nearby bridle trails and private properties via Frenchman Bay Road – indicating that it is mainly used by residents and local people. The potential for conflict is lessened as different groups use different part of the reserve and require different conditions for their activities. In general users coexist well together. The plan recommends: <ul style="list-style-type: none"> The City of Albany should define the horse access ways to the beach area. That education should be provided to highlight the environmental protection of the area to avoid disturbing bird habitat etc. Little Grove Robinson Precinct is identified as special rural/residential lots, the precinct has the bridle trails, equestrian centre, and families invest and move to the precinct specifically to engage in horse riding. With the harbour close by it makes it a unique lifestyle opportunity. Kids and riders can easily access the harbour as a horse exercise area without the need to float horses (i.e. not bothering mum and dad) improving and increasing the opportunities for physical activity and healthy lifestyles. I appreciate that there may be an issue with one or two residents but in general horse riding has been undertaken in the harbour without conflict between users. My preference is that in line with recommendations from the Black Swan Point Masterplan that we review the area and develop a solution that does not disadvantage one group of residents over another. Regards. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Additional horse exercise areas to be evaluated post a formal community consultation process. The process to amend horse exercises areas is through Council determination. This process is detailed in the proposed local law.

Proposed Local Law – Clause <i>(Amended Clause No.)</i>	Schedule of Submissions	Officer Comments / Remarks / Action taken:
12.1 (11.1)	<p>Department of local government comments: Clause 12.1</p> <ul style="list-style-type: none"> • Clause 12.1: Subclause (1) includes references to clause 12.7 and 12.8, which currently don't exist in the local law. These references should be reviewed. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Agree, proposed local law amended accordingly, split into separate subclauses. • Drafting error corrected, now references clause 3.1 (1) and 3.1(2).
Schedule 1	<p>Department of local government comments: Schedule 1</p> <ul style="list-style-type: none"> • Schedule 1: <ul style="list-style-type: none"> ○ it is not necessary to list the heads of power and title of local law in the schedules. It is suggested that they be removed. ○ In Item 3 change “9.2” to “9.8(3)”. ○ The City should conduct a comprehensive review of the draft to ensure that all numbering and cross references are correct. 	<p>Manager Governance & Risk: Agree, proposed local law amended accordingly.</p>

Management of Cats:

6. The reproductive capacity of cats is such that putting additional resources into cat management is likely to make little impact on the total numbers and their distribution, other than in the immediate term without a coordinated approach.
7. Council may wish to consider advocating for changes to the Cat Act 2011 and working with Department of Agriculture and DBCA.
8. Under the *Cat Act 2011*, all domestic cats six months and older must:
 - a. be sterilised;
 - b. be micro-chipped;
 - c. be registered with the local government where the cat is ordinarily kept; and
 - d. wear a registration tag, issued by the local government where the cat is registered.
9. Feral cats are the same species as domestic cats, but survive in the wild without human reliance or contact. They are a declared species under the *Biosecurity and Agriculture Management Act 2007* (BAM Act).
10. Control of feral cats must be humane and undertaken in accordance with the *Animal Welfare Act 2002*.
11. A number of submissions received in regards to the cats, destroying native animals, wandering and causing a nuisance on residential properties.
12. It is considered appropriate that City Officers, review and provide a recommendation to Council and explore cat management options:
 - a. Apply curfews on cats;
 - b. Encourage the keeping of domestic cats inside (particularly at night);
 - c. Encourage the use of an outside cat enclosure (for example: owners being rewarded with reduced Cat Registration fees);
 - d. Review enforceability of Local Planning Schemes, to not allow Domestic cats to be permitted to be kept and/or roam in or near bushland areas and reserves such as National Parks.
 - e. Explore funding, grant opportunities and incentives to encourage cat owners to de-sex their cats, noting de-sexing is essential to stop population growth in all categories of cats.
13. Recommended way forward, noting the *Cat Act 2011*, allows for the owner of a cat(s) to not microchip a cat until it reaches 6 months of age:
14. Consider the adoption of the following prepared, Wandering Cat Management Policy Statement:

WANDERING CAT MANAGEMENT POLICY STATEMENT

Management of cats found:

- A cat found without Cat Identification is to be administered as a feral cat, following the prescribed guidance provided by the Department of Industries and Regional Development – Policy Statement - Feral cat declared pest – minimise risk to domestic cats.
- The exception being that if a cat under the age of 6 months, is found on land zoned as a “residential”, under the Local Planning Scheme, or as determined by this local law, the cat is to be transferred to an authorised Cat Management Facility.
- The operator of the Cat Management Facility is bound by the prescribed actions detailed at section 34 of the Cat Act 2011.

Definitions:

- **Cat Identification** means a registered tag or registered microchip as prescribed by the Cat Act 2011.
- **Domestic Cat**, means a cat found with Cat Identification.
- **Feral Cat**, means a cat found without Cat Identification.

GOVERNMENT & PUBLIC CONSULTATION

15. Council and Public were formally advised of the proposal to make the local law at the 17 December 2019 Ordinary Meeting of Council, followed by prescribed advertising.
16. Pubic submission closed on Monday 17 February 2020.
17. Post Council resolution to make the local law:
 - a. A copy of the proposed Local Law was forwarded to the Minister for Department of Local Government, Sport and Cultural Industries; and
 - b. Prescribed public notices were given seeking public submissions, local and state wide.
18. Additional broader staff consultation identified that, under the Albany Local Planning Scheme, additional provisions are in place for animal management, for example conditions that allow for the keeping of cat and animals as a pet on property located in an identified conservation zone.
19. 12 public submissions were received.
20. Additional internal review conducted by:
 - a. Manager Public Health and Safety (S Reitsema);
 - b. Coordinator Ranger Services (C Hyde); and
 - c. Senior Planning and Development Compliance Officer (T Wenbourne).
21. 24 June 2020, advice received from the Dept. of Health, detailed in discussion section of report.

STATUTORY IMPLICATIONS

22. Adopting a local law needs to be done in accordance with section 3.12 of the Act.
23. The resolution of Council to make the local law must be carried by **Absolute Majority**.
24. After adopting the local law, the local government is to publish it in the Gazette and give a copy of it to the Ministers for Local Government and Emergency Services.
25. After the local law has been published in the Gazette the local government is to give local public notice.
26. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed local law.

POLICY IMPLICATIONS

27. Administrative policy implications will result from enacting the proposed local law.
28. This local law, in regards to cat management, compliments existing controls that exist under the local planning scheme.
29. The local law is complimented by the Department of Industries and Regional Development – Policy Statement - Feral cat declared pest – minimise risk to domestic cats.
30. Dealing with unidentified and unclaimed cats is dealt with under the Cat Act 2011, extract follows:

Section 34. Dealing with unidentified and unclaimed cats

(1) If —

- (a) the operator of a cat management facility does not know the identity of the owner of a cat and fails to identify the owner within 3 working days of the cat entering the cat management facility; or
- (b) the owner of a cat notified under section 32 has not reclaimed the cat within —
 - (i) 7 working days from the notice being given under that section; or
 - (ii) the holding period specified in the notice whichever is later; or
 - (iii) entering the cat management facility; or
- (c) the owner of a cat has surrendered the cat to the cat management facility,

then the operator of the facility may —

- (d) transfer the cat; or
- (e) cause the cat to be destroyed in a humane manner.

(2) Despite subsection (1), the operator of a cat management facility may cause any cat kept at the facility to be destroyed in a humane manner immediately —

- (a) if the operator believes on reasonable grounds that the cat —
 - (i) is feral, diseased or dangerous; and
 - (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or
- (b) in the circumstances, if any, prescribed.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Legal & Compliance Local law may be disallowed if content is considered inappropriate, being outside the remit of the Local Government Act 1995.</p>	Unlikely	Moderate	Medium	Amend local law if requested.
<p>Opportunity: Opportunity to address Community Concerns with appropriate management strategies. Council may wish to consider advocating for changes to the Cat Act 2011 and working with Department of Agriculture and DBCA.</p>				

FINANCIAL IMPLICATIONS

32. An appropriate budget line exists for the cost of giving public notice and advertising.
33. This cost is estimated to be approximately \$400 in addition to staff time.
34. Wandering cat management will have financial implications, which will be addressed through the budget review process.
35. Considerations will need to be given to conducting this management internally or having this service provided externally under a contract arrangement.
36. There is also the potential to work in collaboration with our neighbouring local governments.

LEGAL IMPLICATIONS

37. Section 3.12 of the Act prescribes the procedures for making and finalising the process of adopting Local Laws.
38. Whilst the Act does expressly prescribe a time frame in which the procedural requirements for making Local Laws are to be completed, the procedures should be undertaken with "all convenient speed" in line with the *Interpretations Act 1984*.

ENVIRONMENTAL CONSIDERATIONS

39. Appropriate compliance strategies conducted by City Officers, to protect the amenity, health and safety of the community will be empowered by the proposed local law.

ALTERNATE OPTIONS

40. The options are:
- Resolve to ADOPT the proposed local law with minor amendments only.
 - Resolve to ADOPT the proposed local law and ADOPT the supporting policy statement.
 - Council may wish to reconsider its position on the proposed local law, and conduct an additional review.

CONCLUSION

41. It is recommended that:
- a. the proposed local law be adopted;
 - b. the proposed supporting policy statement be adopted; and
 - c. Council consider advocating for changes to the *Cat Act 2011*; and
 - d. Endorse the engagement with other regional local governments, including entities such as the Water Corporation, the Department of Agriculture and the Department of Industries and Regional Development, who are responsible for land management.

Consulted References	:	<ul style="list-style-type: none"> • <i>Animal Welfare Act 2002</i> • <i>Biosecurity and Agriculture Management Act 2007</i> <ul style="list-style-type: none"> ○ <i>Biosecurity and Agriculture Management Regulations 2013</i> • <i>Cat Act 2011</i> • <i>Local Government Act 1995</i> • <i>WALGA Template Local Law</i> • <i>Department of Industries and Regional Development – Policy Statement - Feral cat declared pest – minimise risk to domestic cats</i>
File Number (Name of Ward)	:	All Wards (LE.LOL.19)
Previous Reference	:	OCM 17/12/2019 – Resolution CCS202

CCS264: DELEGATED AUTHORITY REPORTS – MAY TO JUNE 2020

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

CCS264: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN

THAT the Delegated Authority Reports 16 May 2020 to 15 June 2020 be RECEIVED.

CARRIED 10-0

CCS264: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 May 2020 to 15 June 2020 be RECEIVED.

COVID-19 IMPACT

- COVID-19 has no impact on this report.

CCS265: WRITE OFF GENERAL DEBT REPORT AS AT 30 JUNE 2020

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Acting Manager Finance (S Van Nierop)
Responsible Officer : Executive Director Corporate & Commercial Services (D Olde)

RECOMMENDATION

CCS265: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: MAYOR WELLINGTON

THAT Council RECEIVE the General Debtors Write Off Report as at 30 June 2020.

CARRIED 10-0

CCS265: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the General Debtors Write Off Report as at 30 June 2020.

CCS266: REX INTERIM CONTRACT AGREEMENT

Attached : Confidential – Interim Contract Agreement
Report Prepared By : Manager Governance & Risk (Airport Operations) (S Jamieson)
Responsible Officers: : Executive Director Corporate & Commercial Services (D Olde)

CONFIDENTIAL REPORT

This report was considered as confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.

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: 1.2** To provide strong, accountable leadership supported by a skilled and professional workforce.
 - **Community Priorities: 1.2.1** Provide positive leadership that delivers community outcomes.

In Brief:

- Council is requested to receive the “Interim Contract Agreement” in the form of an exchange of letters negotiated between Regional Express (Rex) and the City of Albany.

REX NEW WESTERN AUSTRALIA SCHEDULES FROM 6 JULY 2020

Port	Route	Time	M	T	W	T	F
ALBANY	Perth-Albany	0750-0900	•		•		•
		1305-1415		•		•	
		1650-1800	•		•		•
	Albany-Perth	0925-1035	•				•
		0935-1045			•		
		1440-1550		•		•	
	1825-1935	•		•		•	
ESPERANCE	Perth-Esperance	0725-0900	•	•	•	•	•
		1525-1700	•			•	•
	Esperance-Perth	0925-1105	•		•	•	•
		1050-1230		•			
		1725-1900	•			•	•
CARNARVON	Perth-Carnarvon	0700 0915	•				•
		1335-1630	•			•	•
	Carnarvon-Perth	0955-1205	•				•
		1705-1915	•			•	•
MONKEY MIA (SHARK BAY)	Perth-Monkey Mia	1335-1535	•			•	•
	Monkey Mia-Perth	1600-1915	•			•	•

RECOMMENDATION

CCS266: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR STOCKS

THAT the CONFIDENTIAL Report in regards to the REX Interim Contract Agreement be NOTED.

CARRIED 10-0

CCS266: RESPONSIBLE OFFICER RECOMMENDATION

THAT the CONFIDENTIAL Report in regards to the REX Interim Contract Agreement be NOTED.

Consulted References	:	• Annual Budget
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 26/05/2020 Resolution CCS252

**CCS267: COMMUNITY SPORTING AND RECREATION FACILITIES
FUND 2020/2021 SMALL GRANT ROUND APPLICATIONS**

Proponent / Owner	: City of Albany
Attachments	: Emu Point Sporting Club and Riverview Golf Club - Project Assessment Sheet; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy
Report Prepared By	: Manager Recreation Services (S Stevens)
Responsible Officers:	: Acting Executive Director Community Services (N Watson)

City of Albany staff member Acting Executive Director Community services declared a Disclosure of Interest of Impartially.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** A Sense of Community.
 - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - **Community Priority:** Provide positive leadership that delivers community outcomes.

In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round.
- Seek Council's support to provide funding assistance in line with the draft Council Policy: Community Sports & Recreation Facilities to the Emu Point Sporting Club - Tennis and Riverview Golf Club upon return of successful CSRFF small grant applications.

RECOMMENDATION

CCS267: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR SUTTON

That Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant application August 2020 Funding Round:

1. **Riverview Golf Club – Golf Cart Storage Facility (Ranked one of two)**
2. **Emu Point Sporting Club – Upgrade to Tennis Pavilion Servery Area – (Ranked two of two)**

CARRIED 11-0

CCS267: RESPONSIBLE OFFICER RECOMMENDATION 1

That Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant application August 2020 Funding Round:

1. **Riverview Golf Club – Golf Cart Storage Facility (Ranked one of two)**
2. **Emu Point Sporting Club – Upgrade to Tennis Pavilion Servery Area – (Ranked two of two)**

CCS267: COMMITTEE RECOMMENDATION 2

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR HAMMOND**

That Council APPROVE a total of \$15,626.00 (exc. GST) from the 2020/2021 budget to:

- **Riverview Golf Club - \$9,698.00 and Emu Point Sporting Club - \$5,928.00**
- **This funding will still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and**
- **The funding amount does not exceed a total of \$15,626.00 (exc. GST) from the City of Albany.**

CARRIED 11-0

CCS267: RESPONSIBLE OFFICER RECOMMENDATION 2

That Council APPROVE a total of \$15,626.00 (exc. GST) from the 2020/2021 budget to:

- **Riverview Golf Club - \$9,698.00 and Emu Point Sporting Club - \$5,928.00**
- **This funding will still be allocated even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and**
- **The funding amount does not exceed a total of \$15,626.00 (exc. GST) from the City of Albany.**

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funds including:
 - Small Grant Funding Round (Winter)
 - Annual and Forward Planning Funding Round
 - Small Grant Funding Round (Summer)
3. The CSRFF program is a state-wide \$12 million program. All three rounds are promoted by the State and Regional Sporting Associations and, State and Local Government extensively via distribution club networks, social and print media. Across the state the program is often oversubscribed and clubs may need to reapply on a number of occasions to be successful. This is particularly true when a project is assessed as a low priority by DLGSCI.
4. The Small Grants Round targets community sport projects where the financial value of the total project is up to \$300,000 and is delivered within a 12-month period.
5. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
6. Clubs and local government authority must demonstrate equitable access to the facility by the public on a short term and casual basis.
7. The land on which the facility is to be developed must be one of the following:
 - Crown reserve
 - Land owned by a public authority
 - Municipal property
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities.
10. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation on behalf of the applicants prior to 14th August 2020.
12. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

13. The grant guidelines require Council to provide a ranking for the projects.
14. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
 - Project justification
 - Planned approach
 - Community input
 - Management planning
 - Access and opportunity
 - Design
 - Financial viability
 - Coordination
 - Potential to increase physical activity
 - Sustainability

With overall project rating, being:

 - Well planned and needed by municipality
 - Well planned and needed by applicant
 - Needed by municipality, more planning required
 - Needed by applicant, more planning required
 - Idea has merit, more planning work needed
 - Not recommended
15. Project ranking takes into consideration the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as the consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.

16. In general City staff prioritise projects based on the following order 1. Sporting Surfaces, 2. Sports Lighting, 3. Storage/Changerooms/Toilets followed by 4. Supporting Social Amenities. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
17. The City of Albany has received two (2) Small Grant Application this round. The following additional information is provided about the project and funding application:

Riverview Golf Club

Project: Golf Cart Storage Facility

- The funding application is a Small Grant Application for construction of an additional Golf Cart Storage Facility with electrical charge points.
- The Riverview Golf Club is located just off the South Coast Highway in King River and is one of four clubs within the City of Albany.
- The club has a membership of 124 with a mix of ages and genders participating.
- Current financial statements: Total of \$71,463.00 as per bank statement.
- The project is well planned and needed by the applicant.
- The application, installation and project will be managed by the Riverview Golf Club.
- Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level. The priority given to this project is low.

Emu Point Sporting Club

Project: Upgrade to Tennis Pavilion Servery Area

- The funding application is a Small Grant Application to upgrade the Tennis Pavilion Servery area. The upgrade will consist of repairing the internal walls, replacing the cupboards and servery area, replacing the hot water system and replacing power points. The current area has hygiene and safety issues that this project would rectify.
- Located on Birss Street, the club is one of five key tennis clubs in Albany.
- Emu Point Tennis Club has 105 members, who can play all year round on the synthetic grass courts. There are 3 social tennis days on a Wednesday, Thursday & Saturday. These are well supported by the members.
- Current financial statements: Total of \$29,918.00 as per bank statement.
- The project is well planned and needed by the applicant.
- The application, installation and project will be managed by Emu Point Tennis Club.
- Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria and would be supported at a regional level. The priority given to this project is low.

18. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking.

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Riverview Golf Club	Golf Cart Storage Facility	Well planned and needed by applicant. This project meets the criteria for the Capital Seed Funding Policy and CSRFF Guidelines. The project was ranked as the highest priority as the carts have become an integral necessity for many modern golfers. Course lengths and aging demographic can make the walking of the course difficult. Carts can support accessibility and increased participation enabling the easy transportation of golfing equipment. The transporting of carts to and from the course can be a barrier to participation. Onsite storage addresses the need for transportation and supports ease of participation.
2	Emu Point Sporting Club	Upgrade to Tennis Pavilion Servery Area	Well planned and needed by applicant. This project meets the criteria for the Capital Seed Funding Policy and CSRFF Guidelines. This project will support the social amenities associated with the sport.

19. A completed Officers Project Assessment Sheet for the project application is attached.

- Riverview Golf Club
- Emu Point Sporting Club

GOVERNMENT & PUBLIC CONSULTATION

20. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern has been consulted with by the City of Albany (May 2020).

21. The City of Albany has consulted (May 2020) with the clubs benefiting from this Community Sporting project.

STATUTORY IMPLICATIONS

22. There is no statutory requirement.

23. Council Officers assess each project and make a recommendation for the ranking of projects based on the Department of Local Government, Sport and Cultural Industries criteria and strategic overview.

24. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.

25. It should be noted that the Department of Local Government, Sport and Cultural Industries – Sport and Recreation will make the final decision on funding allocation.

POLICY IMPLICATIONS

26. The Community Sports and Recreation Facilities Small Grant Funding Policy has been applied in the assessment and recommendations.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Community Property <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council can choose to support the funding application, or work with City officers and the Club to source alternate funding streams.</i>
People Health & Safety <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the funding application, or work with City officers to source other funding streams.</i>
Reputation & Financial <i>Failure to distribute the Council's Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the officer's recommendation, or work with City officers to deliver an equitable allocation of funding.</i>

FINANCIAL IMPLICATIONS

28. The City allocated a total of \$75,000.00 Capital Seed Funding for Sporting Clubs in the 2020/2021 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process. There is currently \$52,073.70 available in the reserve (carried forward). A total of 127,073.70

29. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.

30. The total projected costs for the proposed project is \$46,878.00

31. The requested total from the City of Albany Capital Seed Fund is \$15,626.00 One third of the total project costs.

32. The Annual/Forward Grant Round is due September 2020. The next Small Grant round is due March 2021.

33. The following table provides the budget detail and requests for financial support from the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Emu Point Sporting Club	\$17,785.00	\$5929.00	\$5928.00	\$5928.00
Riverview Golf Club	\$29,093.00	\$9697.00	\$9698.00	\$9698.00
TOTAL	\$46,878.00	\$15,626.00	\$15,626.00	\$15,626.00

34. The Emu Point Sporting Club and Riverview Golf Club application draws down on the current capital seed fund. If the application is successful there will be \$111,447.70 remaining for the next annual and small grant rounds.

35. If the application is unsuccessful, the applicants can reapply in the next round.

LEGAL IMPLICATIONS

36. Nil

ENVIRONMENTAL CONSIDERATIONS

37. There are no environmental impacts associated with the project.

ALTERNATE OPTIONS

38. Council may choose not to provide funding assistance for this project.

39. Council may choose to provide more or less funding assistance to this project.

CONCLUSION

40. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.

41. All two projects meet the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. It is considered well planned and needed by the region. Council is required to endorse the officers ranking. City officers have ranked applications in the following order:

1. Riverview Golf Club – Golf Cart Storage Facility
2. Emu Point Sporting Club – Upgrade to Tennis Pavilion Served Area

42. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.

43. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 14th August 2020.

Consulted References	:	Nil.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	CCS234 – OCM 24/03/2020

CCS268: SAFER ALBANY PLAN

Proponent / Owner	: City of Albany
Attachments	: Safer Albany Plan
Report Prepared By	: Senior Community Development Officer (T Flett)
Responsible Officers:	: Acting Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan and Corporate Business Plan informing plans or strategies:
 - **Theme:** A Connected and Safe Built Environment
 - **Objective:** To develop and support a healthy inclusive and accessible community.
 - **Community Priority:** Plan for and monitor community safety via effective ranger and emergency services.

In Brief:

- Adoption of the City of Albany Safer Albany Plan
- The City of Albany Safer Albany Plan will provide a framework for the City in the community safety and crime prevention space, and demonstrates the wide range of activities the City delivers towards a safer community.
- The Plan has been developed through a period of research and consultation and will replace the City's Community Safety and Crime Prevention Plan 2010-2013. This Plan complements the City's Public Health Plan 2018-2022.

RECOMMENDATION

CCS268: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SLEEMAN**

THAT Council ADOPT the Safer Albany Plan as outlined in Attachment 1.

CARRIED 11-0

CCS268: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Safer Albany Plan as outlined in Attachment 1.

BACKGROUND

2. The City of Albany adopted a Community Safety and Crime Prevention Plan (CSCPP) in 2010 using funding from the former Office of Crime Prevention. The Plan was a 'community owned' plan and was administered by the Community Development Team.
3. The CSCPP had four key areas
 - Deliver, monitor and evaluate
 - Promoting safer communities
 - Design out crime
 - Breaking cycles and building futures

4. A number of successful initiatives were delivered under the CSCPP; however, the most successful initiative was the Strike II Drop in Service developed in partnership with Albany PCYC. The service continues to provide a safe, supervised space each Friday night for young people aged 10-17 and is supported by the Community Development Team.
5. The plan was scheduled to be reviewed earlier but due to resourcing constraints, development of the plan was put on hold.
6. The development of the Safer Albany Plan is an action under the City of Albany Public Health Plan 2018 – 2022 and is interlinked with the City's Community Development Strategy, Age Friendly Albany Plan, and Youth Friendly Albany Plan.

DISCUSSION

7. Feeling 'safe' is important for the wellbeing of residents. The flow on effect impacts tourism, business and attracting new residents to an area.
8. The recent COVID-19 pandemic, and the May 2018 fires highlighted the role of local government in working in partnership with state government bodies and local agencies and stakeholders to respond to all types of emergencies.
9. The pandemic and May 2018 bushfires also demonstrated the importance of the organisation being prepared for with an appropriate response. It also demonstrated the importance of the preparedness at the individual and the broader community level to respond to the changing needs as the disaster progressed. The more that the organisation can do to prepare, and how we can help individuals and the broader community prepare will build community resilience and faster recovery from an emergency
10. Community safety is the responsibility of multiple agencies, and not the sole responsibility of the City of Albany. However, the City has a key role to play through the development and expansion of partnerships and collaborations to enhance community safety.
11. The Plan proposes to use the Australian Safe Communities Framework to ensure a broad holistic approach to community safety. The Plan addresses injury prevention, crime prevention and emergency management activities.
12. The Safer Albany Plan, like the Public Health Plan and the Disability Access and Inclusion Plan is a cross directorate plan and will be administered by the Community Development Team.
13. Statistically Albany has a lower rate of reported crimes than other regional centres, however an individual's perception of how safe a community is can be influenced by a number of factors. These factors include gender, age, ethnicity, socio-economic status and past experience of crime.
14. An individual's perception of safety can also be very strongly influenced by the design of an area, and how well infrastructure and buildings are maintained. Well lit and maintained spaces are more likely to increase ones' perception of safety than an area that is heavily graffitied, with unmaintained buildings and visible litter.
15. This low rate of reported incidents is impacting on the City's competitiveness to attract funding towards projects. An adopted plan will assist in leveraging funding and resources to deliver identified projects and initiatives under the plan.
16. To take advantage of potential funding opportunities and to provide flexibility to respond to emerging trends, the plan is a broad overarching plan and supported by an internal action

plan. This approach is also used in relation to the delivery of the Disability Access & Inclusion Plan.

GOVERNMENT & PUBLIC CONSULTATION

17. The Safer Albany Plan was developed through a range of community consultation strategies.
18. The review of the Strategy also reviewed other local government safety plans, statistics, and best practice both nationally and internationally in the community safety space.
19. The Plan was made available for public comment for two weeks from 25 May to 7 June as directed by Council.
20. Three submissions were received during the public comment period. These comments were considered and where appropriate included in the final document.
21. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	2x Safety Forums (in partnership with WA Police)	4 December 2017	22	N/A
Collaborate	Workshop with internal staff	31 July 2018	8	N/A
Collaborate	Meetings with internal teams including: Rangers & Emergency Services Planning & Environmental Health Community Development IT City Operations Assets & Engineering Governance & Risk Library, VAC & ALAC	28/8/18 to 3/7/2019	Various	N/A
Collaborate	WA Police	28 November 2018 22 August 2019	4	N/A
Consult	Online Survey	1 November 2018 to 21 December 2019	165	N/A
Inform	Elected Members	6 December 2019	11	N/A
Inform/Consult	Great Southern Suicide Prevention Group Lower Great Southern Alcohol & Other Drug Group Albany Family & Domestic Violence Action Group	Ongoing	Various	N/A
Consult	Elected Members – Strategic workshop	19 May 2020		N/A
Consult	Public Comment Period	25 May to 7 June	3	N/A

STATUTORY IMPLICATIONS

22. This plan supports the statutory requirements of the Bushfire Act 1954, and Emergency Management Act 2005.

POLICY IMPLICATIONS

23. The development of the Safer Albany Plan was an identified action under the 2018-2022 Public Health Plan.
24. The Plan supports the City's role under the State Emergency Management Committee Plan, Policy and Procedure; WA State CCTV Strategy; and Emergency Management Regulations 2006.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational Risk: <i>The Safer Albany Plan raises community expectations and is not delivered as per the Plan.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Media and communication strategy to manage community expectations.</i> <i>External funding is sourced to deliver activities, or resourcing is identified in the action plan where required.</i>
Financial Risk: <i>External resources cannot be sourced to deliver relevant objectives in the Safer Albany Plan</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>A Council briefing will be provided with recommendations, e.g. increasing the budget, or updating the Strategy.</i>
Opportunity: <i>To increase community awareness, skill and perception of community safety, leading to safer communities with less crime, and less injuries.</i>				

FINANCIAL IMPLICATIONS

26. A number of actions in the Safer Albany Plan may require future funding, however it is anticipated that any additional funding required will be sourced externally, or through resource sharing opportunities and partnerships.
27. The whole of organisation approach to the plan harnesses the collective operational capacity of the City, thereby ensuring resource efficiency and best use of financial capacity.

LEGAL IMPLICATIONS

28. While no direct legal implication for the City, increasing safety in the home and the broader community will have the potential of decreasing the number of opportunistic crimes. This may lead to a decrease in the number of residents being caught up in the legal system.

ENVIRONMENTAL CONSIDERATIONS

29. Nil

ALTERNATE OPTIONS

30. Council can choose not to adopt the Safer Albany Plan. This is not recommended.

CONCLUSION

31. The Strategy has been developed through a period of research and community consultation, and builds on the work of previous Strategies to support communities reach and sustain their potential.
32. The revised Strategy takes in to account the feedback provided and also takes in to account the reduction and rationalisation of resources and budgets.
33. The adoption of the new Community Development Strategy will enable officers to leverage partnerships and funding opportunities to deliver the priorities identified through the consultation.

Consulted References	:	
File Number (Name of Ward)	:	All Wards
Previous Reference	:	

CCS269: QUARTERLY REPORT – TENDERS AWARDED – APRIL TO JUNE 2020

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – January to March 2020
Report Prepared by : Senior Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate & Commercial Services (D Olde)

RECOMMENDATION

CCS269: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR SLEEMAN

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – April to June 2020.

CARRIED 10-0

CCS269: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – April to June 2020.

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** – Nil.

12. **MEETING CLOSED TO THE PUBLIC**

CCS266: REX INTERIM CONTRACT AGREEMENT (**CONFIDENTIAL**)

13. **CLOSURE** The Chair declared the meeting closed at 7.08pm