

AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 12 September 2018

6.00pm

City of Albany Council Chambers

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE AGENDA – 12/09/2018

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.

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE AGENDA – 12/09/2018

TERMS OF REFERENCE

(1) **Functions**: The Committee is responsible for:

Development Services:

The delivery of the "Liveable Environmental Objectives" contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the "Clean and Green Objectives" contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(2) It will achieve this by:

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community; and
- (g) Making recommendations to Council.
- (3) Membership: Open to all elected members.
- (4) Meeting Schedule: Monthly
- (5) Meeting Location: Council Chambers
- (6) Executive Officers: Executive Director Infrastructure and Environment, Executive

Director Development Services

(7) Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE AGENDA – 12/09/2018

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1. DECLARATION OF OPENING

Apologies:

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Member	P Terry J Shanhun (Chair) S Smith A Goode JP A Moir R Sutton (Deputy Chair) B Hollingworth E Doughty R Hammond R Stephens T Sleeman G Stocks
Staff: Chief Executive Officer Executive Director Development S Executive Director Infrastructure a Meeting Secretary	

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4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

- 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
- 6. PUBLIC QUESTION TIME
- 7. PETITIONS AND DEPUTATIONS
- 8. CONFIRMATION OF MINUTES

RESOLUTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 15 August 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

- 9. PRESENTATIONS
- 10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS120: INFORMATION REPORT – RANGER SERVICE DELIVERY 2017/18

Report Prepared By : Manager Ranger and Emergency Services (T Ward)
Responsible Officer : Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Community Strategic Plan:
 - Theme: 1 Leadership.
 - **Objective:** 1.1 To establish and maintain sound business and governance structures.
 - **Community Priority:** 1.1.2 Provide informed and transparent decision-making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
 - Theme: 5 A Connected and Safe Built Environment.
 - **Objective:** 5.3 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:

- This report provides an overview of functions and associated services delivered by the City Ranger Services.
- These functions are delivered through pragmatic application of compliance and enforcement options and are underpinned by obligatory statute and common law principles.
- The report details significant Ranger activities, for the 2017/18 financial period but is informed by statistical trends commencing in 2013/14.
- Demand for Ranger services from external and internal sources has increased sharply over the previous five years, despite resources toward the same remaining static.
- Emergency Service functions have been well publicised. Conversely, Ranger Service delivery has not previously been the subject of a Council Information Report.
- A Ranger Services Activity Information Report will continue to be presented to Council on a quarterly basis.

RECOMMENDATION

DIS120: RESPONSIBLE OFFICER RECOMMENDATION

THAT: The Information Report – Ranger Service Delivery 2017/18 be RECEIVED.

BACKGROUND

- The overarching functions of Local Government Authorities (LGAs) are established under the
 provisions of the Local Government Act 1995 (the Act) and associated delegated legislation.
 This enactment empowers Council with legislative (law-making) and executive (governance)
 functionality.
- 3. The Act also provides for the appointment of authorised officers for the purpose of undertaking compliance and enforcement activities under the Act, regulations or local laws.
- 4. In addition, LGAs are also delegated varying administrative responsibility and authorisation for a number of statute laws. Whilst the attention given by LGAs to many such delegations is limited by geographic considerations or individual resource limitations, other enactments create obligatory responsibility and are further complicated by providing further local law-making capability.

- 5. The City of Albany has exercised its legislative function under the Act by creating a series of local laws for the purpose of regulating community activities in particular circumstances.
- 6. In 2013, an internal City of Albany report was commissioned to review Ranger Services at the time. Significant recommendations were made to improve processes and operations that have subsequently been actioned.
- 7. The Ranger team is led by the Manager Ranger & Emergency Services and a Ranger Team Leader.
- 8. The City currently employs five officers as general duty Rangers. Each is authorised under a suite of Acts and local laws (Annexure 1) to meets the City's legislative responsibilities under those laws.
- Assisted by the administrative support provided by one full-time and two part-time officers (combined 1.2 FTE), these officers collectively form one functional component of the Ranger & Emergency Services Team. This report will not consider the latter function.
- 10. Rangers are guided in the application of the functions and duties of their office by Council's Regulatory Compliance Policy and supporting guidelines, first introduced in June 2017. The policy position establishes an approach to compliance and enforcement which is based on an industry-accepted rule known as the Public Interest Test. In this test, many factors, including previous history or willingness to comply, nature or seriousness of breach are considered in determining the appropriate level of regulatory action.
- 11. Ranger compliance and enforcement activities have not previously been presented to Council in a formal manner. This report aims to inform Elected Members of standard activities, major trends or targeted action, as well as to baseline the quantum and nature of requests or general inquiries received for Ranger services.

DISCUSSION

- 12. City of Albany Ranger Services perform an extensive range of education, compliance and enforcement activities across an array of state law and Delegated Legislation, including the *Dog Act 1976* and *Bush Fires Act 1954* as well as all the legislation covered in Annexure 1.
- 13. Compliance and enforcement activities are set by the Ranger & Emergency Services Team Plan (Annexure 2) and may consist of general or targeted patrols or a combination of both. In either case the scope of action is guided by community needs or trends, within the limitations of available resources.
- 14. Rangers perform a highly visible and vital role as ambassadors for the City and are often the first point of contact for community members across the municipality who require assistance or advice for virtually all aspects of City business.
- 15. Rangers are one of two current teams of City employees that are expected to be available at any time outside of normal office hours and are rostered to respond immediately to incidents of public safety.
- 16. Provision of effective Ranger service delivery is not just a matter of responding to a complaint or allegation and issuing a fine or notice. There is a process generally required to apply the circumstances against a corresponding rule using an extensive skillset. Rangers are required to apply problem-solving and conflict resolution skills, as well as a suite of strong interpersonal attributes.
- 17. Equally important to providing effective Ranger service delivery is strong administrative support. The team's administration officers process in excess of 2,000 customer service requests annually and attend to an average of 200 telephone calls per week.
- 18. Notable administrative tasks, in addition to front-line customer service, include creation and issue of the annual Fire Management Notice, processing of applications for Variation to Fire Management Requirements, processing and collating warnings, infringement notices and Fines Enforcement Registry prosecutions, development and distribution of policy and procedures, and providing administrative support to two committees of Council.

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- 19. A continuing challenge in providing effective Ranger service delivery includes an increased expectation to provide additional services when other areas of City or State infrastructure or legislation are developed. The Ranger team always endeavours to balance priorities within these expectations.
- 20. The professionalism and skills practised by the City's Ranger Services are industry-leading and the reputation gained sees team members approached regularly for procedural or technical advice by other LGAs. Senior Ranger Team members also provide advice and guidance in relation to the application of laws and policies to other City officers on a regular basis.
- 21. Full statistical data is attached to this report. (Annexure 3.) The total number of requests captured for 2017/18 is approximately double the value of that handled in 2013/14 (1034 requests) and equates to an average of 400 requests per individual Ranger during the 17/18 year.
- 22. The likely reasons for the significant increase in Customer Service Requests (CSs) from 2013/14 are considered to be:
 - A greater service expectation from the organisation and the community;
 - A greater appreciation and awareness of the Ranger role;
 - Improved systems and record-keeping.
- 23. The following table shows a statistical summary of customer service requests responded to during the previous financial year. It is worth noting that the number of CSs recorded only represents the initial contact and not subsequent actions related to the incident.

Customer Service Requests for 2017/2018 fiscal period				
Animal Management	Number			
DOGS WANDERING	754			
ANIMAL ATTACKS	122			
ANIMAL REGISTRATION / PERMITS	63			
DOGS BARKING	121			
DOG NUISANCE (NOT BARKING)	41			
CAT NUISANCE	82			
NUISANCE - OTHER ANIMALS	43			
STRAYING STOCK	169			
Miscellaneous Camping and Traffic Control				
ABANDONED VEHICLES	108			
SHARK SIGHTINGS/BEACH CLOSURES	5			
SIGN APPLICATIONS/COMPLAINTS	22			
RUBBISH DUMPING	83			
ILLEGAL CAMPING	55			
OFF-ROAD VEHICLES	53			
MISCELLANEOUS	50			
ILLEGAL CLEARING	9			
Fire				
FIRE RELATED	129			
Parking Services				
PARKING & OBSTRUCTIONS	182			
Reviews	16			
Total	2,107			

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The most encountered task types are examined below:

Uncontrolled Dogs

SERVICES COMMITTEE

Reports of uncontrolled dogs continue to draw the highest demand for Ranger services. Incidents of this nature have increased by over 100% from the beginning of the statistical period in 2013/14, where 343 occurrences were reported. The increased prevalence of this task is generally attributable to irresponsible pet ownership. Investigations have revealed that the vast majority of uncontrolled dogs are also either unregistered, non-microchipped or both. Our highly successful pet amnesty program of last year was specifically designed to improve pet microchipping and registration rates to encourage more responsible pet ownership.

Uncontrolled dogs often lead to more serious issues of community safety such as attacks on people or other animals. Despite excellent reuniting or rehoming rates, response and follow-up investigations of this nature consume the bulk of Ranger resources and draw away from opportunities for enhanced service delivery.

This is an area of current team focus.

Animal Attacks

Dog attacks pose a genuine threat to community safety and are treated seriously in all instances. Many reported attacks occur outside of ordinary hours of operation and call-outs are incurred in attending at the earliest opportunity to seize the responsible dog and/or commence an investigation. The number of reported attacks has risen from 48 in 2013/14, to 122 for the last financial period. Improved investigative techniques have enabled Rangers to successfully identify and prosecute responsible parties where sufficient admissible evidence is uncovered but the issue remains an ever-present concern for many community members who are dissatisfied with the limitations of the *Dog Act 1976*.

This is also an area of team focus.

Straying livestock

Jobs of this kind are another serious risk to public safety and are given priority over all other service types with the exception of emergencies and animal attacks. 169 such instances were reported and attended to in the last financial year. This is almost double the rate experienced in 2013. Follow-up inquiries and actions are required in most circumstances to mitigate the risk of further breaches, which may include fines and fencing requirement notices or, in repeated cases, prosecution.

Abandoned vehicles

Reports of abandoned vehicles requiring removal from City property have increased sharply since 2013. Prior to this, many such reports were not actioned by the City. 108 abandoned vehicles were towed and either impounded or disposed of as wrecks for 2017/18. Cost recovery is generally unlikely, as ownership details are seldom available, meaning that this area of service is likely to become more expensive.

Council Regulatory Policy

A fundamental principle by which any compliance function is undertaken is to detect, investigate and resolve breaches of rules, policy or law. The City Ranger Services has been instrumental in the introduction of a sound Regulatory Compliance Policy and it is this, coupled with appropriate application of all available enforcement options that demonstrates the team's commitment to meaningful and effective breach resolution.

For the 2017/18 period, the following compliance outcomes were achieved:

- 999 notices were issued for breaches, consisting of 709 infringements and 391 warnings.
- 101 notices were subsequently withdrawn, cancelled, discontinued or replaced by prosecution, following further review or application of the public interest test.
- 9 prosecutions were lodged with the Albany Magistrates Court.

GOVERNMENT & PUBLIC CONSULTATION

- 24. Ranger activities have not previously been considered as part of the Community Perception Survey process, however the number of public requests for assistance or reported breaches of local law indicate a strong and increasing public appetite for enhanced community safety.
- 25. The Ranger team has developed strong working relationships with other LGAs and State Government regulatory bodies, including Water Corporation, Department of Biodiversity, Conservation and Attraction, Department of Primary Industry and Resource Development and Western Australia Police.

STATUTORY IMPLICATIONS

DEVELOPMENT &

INFRASTRUCTURE SERVICES COMMITTEE

- 26. Statutory empowerment for Ranger Compliance Officers is sourced from several areas.
- 27. As an Authorised Officer appointed by the City of Albany to perform duties or functions of public office, Rangers are also deemed to be 'Public Officers' under section 3, *Criminal Code Compilation Act 1913*.
- 28. This authorisation also enables statutory investigative provisions unique to Public Officers who have a role to investigate and take action in relation to breaches of law. This empowerment is found under section 9, *Criminal Investigation Act 2006*.
- 29. The City of Albany and its officers have an obligatory duty to administer and enforce the *Dog Act 1976*, as decreed by section 9 of that Act.

POLICY IMPLICATIONS

30. Instances of conflict between the requirements of Local Law and certain City activities carried out in accordance with existing strategies and policies have been encountered. Effective service delivery requires a consistent application of rules at both State and local level. Where inconsistencies are encountered, compliance and enforcement activities are considered in part, by the public interest test adopted under Council's Regulatory Compliance Policy.

RISK IDENTIFICATION & MITIGATION

- 31. It is mandatory that the City provides a Ranger service to its community.
- 32. During the last quarter of this reporting year the delivery of Ranger services has been impacted by fatigue. This has been the consequence of the accumulative effect of some critical incidents and a generous workload.
- 33. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Inconsistent application of compliance and enforcement may result in loss of community confidence.	Almost Certain	Moderate	High	Standardise the approach to the review of existing and development of new strategy and policy to reflect legislative requirements and industry best-practice methodology
Opportunity: Adoption of a uniform	approach to o	l delivering compli	l iance and ei	ı nforcement activities.

FINANCIAL IMPLICATIONS

- 34. There are some financial implications associated with effective Ranger service delivery but these cannot be determined other than on a case by case basis. It is likely that application of the public interest test will see periodical challenges to actions taken by the City.
- 35. Fines and Court-imposed monetary penalties form part of an educational process and seldom meet the cost of implementing enforcement options.

LEGAL IMPLICATIONS

36. Consistent application of compliance and enforcement actions that meet legal requirements and are informed by Council's Regulatory Compliance Policy and Guidelines will assist in reducing risk of non-compliance at both officer and organisational level.

CONCLUSION

37. It is recommended that Council note and receive this report.

Consulted References	=	Statute Law: Local Government Act 1995 and Delegated Legislation Local Government (Miscellaneous Provisions) Act 1960 Bush Fires Act 1954 and Regulations Litter Act 1979 Dog Act 1976 and Delegated Legislation Cat Act 2011 and Regulations Caravan Park and Camping Grounds Act 1995 Control of Vehicles (Off Road Areas) Act 1978 Criminal Code Compilation Act 1913 Criminal Investigation Act 2006 Evidence Act 1906 Interpretation Act 1984 Electronic Transactions Act 2011 Internal Documents City of Albany Community Strategic Plan 2030 City of Albany Corporate Business Plan 2017 - 2021 Community Perception Report 2015 Council Policy – 'Regulatory Compliance' Council Policy – 'Dealing with Difficult Customers' Ranger Team Plan 2017 – 2018 Council Report – 'Functional Review of Community Safety – Emergency Management and Ranger
		Services' 30 April 2013 P Dolly & Associates
File Number (Name of Ward)	:	N/A
Previous Reference	:	N/A

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ANNEXURE - 1 LEGISLATION

Statute Law:

- Local Government Act 1995 and Delegated Legislation
- Local Government (Miscellaneous Provisions) Act 1960
- Bush Fires Act 1954 and Regulations
- Litter Act 1979
- Dog Act 1976 and Delegated Legislation
- Cat Act 2011 and Regulations
- Caravan Park and Camping Grounds Act 1995
- Control of Vehicles (Off Road Areas) Act 1978
- Criminal Code Compilation Act 1913
- Criminal Investigation Act 2006
- Evidence Act 1906
- Interpretation Act 1984
- Electronic Transactions Act 2011

City of Albany Local Laws:

- Activities on Thoroughfares and Public Places and Trading Local Law 2011
- Animals Local Law 2001
- Dog Local Law 2017
- Jetties, Bridges & Boat Pens Local Law 2004
- Local Government Property Local Law 2011
- Parking & Parking Facilities Local Law 2009
- Signs Local Law 2006

ANNEXURE 2 - RANGER & EMERGENCY SERVICES TEAM PLAN

Ranger and Emergency Services – Business Plan



CITY VISION	CITY VALUES	GUIDING PRINCIPLES
"To be Western Australia's most sought after and unique regional City to live, work and visit"	united focused accountable proud	_Value for Money _Continuous Improvement _Sustainability _Commitment to Quality
INFORMING STRATEGIES	ALIGNMENT WITH COMMUNITY STE	RATEGIC PLAN
_Strategic Bush Fire Plan 2014- 2019	Plan for and monitor Commun Plan Green and Sustainable Deliver effective fire practices	
	PURPOSE STATEMENT	

DELIVERABLES	MEASURABLE OUTCOMES (to be achieved in 2017/18)	STATUS			
Service Delivery: Deliver high quality emergency management to build resilience and awareness in all sectors of our community. Provide a professional municipal law compliance service aligned with the ethos of 'education before enforcement'.					
 Focus on the core functions of compliance, enforcement and prosecution in the areas of municipal law enforcement and community safety. 	Enforcement & Prosecution Trends.				
 Develop and implement team procedures for case management, using solvability factors to prioritise Customer Service requests. 	 Investigation timeframes against a standard. 				
 Work with Reserves team and Volunteer Bush Fire Brigades to introduce an enhanced burning program for City-managed land. 	 Prior to high fire season 17/18. 				
People and Process: Develop a flexible team of Ranger and Emergen the highest levels of community assistance with breaches of municipal preparedness for emergencies.					
 Deliver awareness sessions on the Australasian Inter-Agency Incident Management System of emergency response to the City Executive and Management teams. 	Training delivered by October 17.				
 Deliver and implement a training program for Volunteer Bush Fire Fighters in the areas of truck driving and pre-season bushfire preparedness and response. 	Training commenced by August 17.				
 Deliver Fire Control Officer pre-season induction and Brigade Operating Procedures awareness sessions. 	All FCO inducted by September 17.				
 Provide regular training sessions on the presentation of evidence and compliance matters to authorised City officers. 	 Training program delivered quarterly. 				

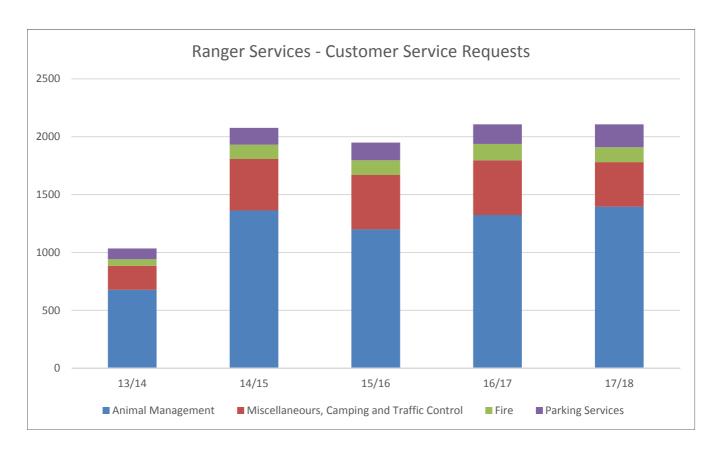
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DELIVERABLES	MEASURABLE OUTCOMES (to be achieved in 2017/18)	STATUS
Finance: Increase the efficiency and effectiveness of operations to deliv	er a return on investment for our o	community
 Implement an audit of Emergency Management and Volunteer Bushfire Brigade assets to ensure appropriateness and adequacy. 	 Prior to high fire season 17/18. 	
 Develop and implement procedures and use enhanced rostering to guide after-hours and weekend response to incidents in line with community expectations. 	Implemented by October 17.	
Arrange and deliver basic training in keyboard typing for Rangers.	 Achievement of minimum 25 wpm. 	
Communications: Promote the Ranger and Emergency Services team' municipal law and community safety programs though innovation and tall		e delivery of
 Distribute and enforce the Annual Fire Management Notice through targeted compliance in high risk areas of the municipality. 	Inspection trends.	
Work with identified high risk communities to encourage and develop Bush Fire Ready Action Groups.	 Implemented prior to 17/18 Restricted Burning Period. 	
Facilities: Provide and maintain the highest standard in buildings and co and management. Seek continuous improvement in the quality and suita		
 Commission an extension to the existing Ranger and Emergency Services storage building to provide adequate security for team assets and impounded goods or evidence. 	Commissioned by February 18.	

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ANNEXURE 3 - STATISTICAL DATA

Customer Service Red	quests	2013/	14 to 2	017/18	3
Animal Management	13/14	14/15	15/16	16/17	17/18
DOGS WANDERING	343	727	651	740	754
DOG ATTACKS	48	117	91	130	122
ANIMAL REGISTRATION / PERMITS	3	22	11	29	63
DOGS BARKING	114	208	139	123	121
DOG NUISANCE (NOT BARKING)	28	35	36	35	41
CAT NUISANCE	31	68	84	85	82
NUISANCE - OTHER ANIMALS	21	40	49	32	43
STRAYING STOCK	89	145	138	149	169
Miscellaneous, Camping and Traffic Control					
ABANDONED VEHICLES	23	79	94	101	108
SHARK SIGHTINGS/BEACH CLOSURES	7	3	12	12	5
SIGN APPLICATIONS/COMPLAINTS	7	12	15	33	22
RUBBISH DUMPING	55	114	119	113	83
ILLEGAL CAMPING	58	55	82	73	55
OFF-ROAD VEHICLES	12	71	45	73	53
MISCELLANEOUS	43	111	103	58	50
ILLEGAL CLEARING	2	0	0	10	9
Fire					
FIRE RELATED	57	124	127	141	129
Parking Services					
PARKING & OBSTRUCTIONS	93	145	153	170	182
Reviews					16
TOTAL	1,034	2,076	1,949	2,107	2,107



DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

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