

MINUTES

Ordinary Meeting of Council

Tuesday 26 July 2016

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

ORDINARY COUNCIL MEETING
MINUTES – 26/07/2016

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1. DECLARATION OF OPENING

[6:00:27 PM](#) The Deputy Chair declared the meeting open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Deputy Mayor

G Stocks

Councillors:

Breaksea Ward
Breaksea Ward
Frederickstown Ward
Kalgan Ward
Kalgan Ward
Vancouver Ward
Vancouver Ward
West Ward
West Ward
Yakamia Ward
Yakamia Ward

R Hammond
P Terry
C Dowling
J Price
B Hollingworth
J Shanahun
N Mulcahy
A Goode JP
S Smith
A Moir
R Sutton

Staff:

Chief Executive Officer
Executive Director Corporate Services
Executive Director Planning and
Development
Executive Director Economic
Development and Commercial Services
Executive Director Works and
Services
Executive Manager Community Services
Business Analyst/Management Accountant

A Sharpe
M Cole

D Putland

C Woods

M Thomson
A Cousins
D Harrison

Meeting Secretary

J Williamson

Apologies:

Mayor

D Wellington (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Mayor Wellington	ED036	Financial. The nature of the interest being that the Mayor has a financial interest in a retail outlet. Mayor Wellington did not attend this meeting.
Councillor Terry	ED036	Impartiality. The nature of the interest being that: 1. Councillor Terry's son works in the retail industry on a casual basis; and 2. Councillor Terry's partner is the Vice President of the Albany Chamber of Commerce Inc. Councillor Terry remained in the Chamber and participated in the discussion and vote.
Councillor Moir	ED036	Financial. The nature of the interest being that Councillor Moir is employed in the retail industry. Councillor Moir left the Chamber and was not present during the discussion or vote.

5. REPORTS OF MEMBERS

[6:02:20 PM](#) Councillor Hammond

- Participated in a teleconference with City of Ballarat regarding implementation of the Heartsafe Project in Ballarat.

[6:03:39 PM](#) Councillor Shanhun

- Attended a recent meeting of the Lockyer Action Group.

[6:04:38 PM](#) Deputy Mayor Councillor Stocks

- Gave an update on Mayor Wellington.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

[6:06:31 PM](#) Mr Colin Ayres, 37 Mountain Road, Bornholm

- Mr Ayres addressed Council regarding the future development of a protection area for local registered seed potato growers.

[6:08:33 PM](#) Councillor Price entered the Chamber.

[6:10:50 PM](#) Mr Russell Clark, Albany Chamber of Commerce and Industry

- Mr Clarke spoke in support of the Alternate Motion by Councillor Mulcahy for ED036: Retail Trading Hours-Temporary/Short Term Extended Trading Hours Policy.

[6:14:55 PM](#) **Ms Denise Amato, 29 Martin Road, Albany**

- Ms Amato spoke against the Alternate Motion by Councillor Mulcahy for ED036: Retail Trading Hours-Temporary/Short Term Extended Trading Hours Policy.

[6:17:54 PM](#) There being no further speakers the Deputy Mayor declared Public Question Time Closed.

8. APPLICATIONS FOR LEAVE OF ABSENCE

8.0: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT Councillor Goode be granted Leave of Absence from 12 August 2016 to 9 September 2016 inclusive.

CARRIED 12-0

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR SMITH

THAT the minutes of the Ordinary Council Meeting held on 28 June 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

WS108: MIDDLETON BEACH GROUP-INSTALLATION OF ARTWORKS/ENTRY STATEMENT-EYRE PARK.

ED035: NATIONAL ANZAC CENTRE ADVISORY GROUP

Land Description	: Albany Heritage Park Precinct
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: <ul style="list-style-type: none">• <i>Proposed Amended Terms of Reference – National Anzac Centre Working Group</i>
Report Prepared By	: Manager Governance, Risk & IT Services (S Jamieson) Executive Director Commercial Services (C Woods)
Responsible Officers:	: Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 1. Smart Prosperous and Growing.
 - b. **Strategic Objectives:**
 - 1.2 To strengthen our region's economic base.
 - 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategies:**
 - 1.2.2. Strengthen our economy by supporting business innovation and diversity
 - 1.3.1. Encourage, support and deliver significant events that promote our region.
 - 1.3.2. Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- Review and approve the National Anzac Centre Advisory Group's Terms of Reference (noting this defines the membership of the external stakeholders)
- Approve the Chairperson nomination and remuneration.

RECOMMENDATION

ED035: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR MULCAHY

THAT this item be deferred until the end of the meeting to be considered behind closed doors for further discussion.

CARRIED 9-3

Record of Vote

Against the Motion: Councillors Dowling, Price and Goode

[7:10:44 PM](#)

ED035: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR DOWLING

THAT the meeting go behind closed doors to discuss ED035: National Anzac Centre Advisory Group.

CARRIED 12-0

[7:18:50 PM](#) Meeting re opened members of the public.

ED035: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SUTTON

THAT the meeting come out from behind closed doors.

CARRIED 12-0

ED035: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SHANHUN

- (1) THAT the Amended National Anzac Centre Advisory Group Terms of Reference be ADOPTED.**
- (2) That the nominations from the following designated external stakeholders be ACCEPTED and those stakeholder representatives be APPOINTED as members of the National Anzac Advisory Group.**
 - **Alec Coles-WA Museum**
 - **Derryn Belford-Tourism WA**
 - **Robert Kenney-Department of Premier and Cabinet**
 - **Peter Aspinall-RSL WA**
 - **Mayor Dennis Wellington**
 - **Andrew Sharpe-CEO City of Albany**
 - **Cameron Woods-Executive Director Commercial Services**
 - **Adam Cousins-Executive Manager Community Services**
 - **Matthew Hammond- Manager Albany Heritage Park**
- (3) That the proposed nomination for as Chairperson be ACCEPTED and Richard Muirhead be APPOINTED as the Independent Chair.**

CARRIED 12-0

ED035: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

ED035: RESPONSIBLE OFFICER RECOMMENDATION

- (1) THAT the Amended National Anzac Centre Advisory Group Terms of Reference be ADOPTED.
- (2) That the nomination from the designated external stakeholders be ACCEPTED and those stakeholder representatives be APPOINTED as members of the National Anzac Advisory Group.
- (3) That the proposed nomination for Chairperson be ACCEPTED and APPOINTED.

BACKGROUND

2. On 26 April 2016 Council resolved:

“THAT:

- (1) The Terms of Reference for the National Anzac Advisory Group be AMENDED to require the Chief Executive Officer to present to Council for endorsement, the Chair and Members of the Advisory Group.*
- (2) The Amended Terms of Reference be ENDORSED by Council.”*

DISCUSSION

3. Post the Council meeting held in April, an addition review of the terms of reference was conducted by the proposed Chairperson in consultation with City officers.
4. The external review confirmed that the decision by Council to oversee the appointment of the Chair and Deputy Chair was right decision.

Terms of Reference:

5. The review recommended that the advisory working groups terms of reference be amended to:
- a. Expand the membership of the group up to a maximum of 9 members;
 - b. Extend the stakeholder representation:
 - (i) for the RSL to the state executive (WA Branch RSL);
 - (ii) include the Department of Premier and Cabinet (DPC);
- and
- c. Define the nomination process for the Chairperson and Deputy Chairperson separately, being:
 - (i) Chairperson. An independent Chairperson may be nominated by the Mayor in liaison with the Council.
 - (ii) Deputy Chairperson. The Deputy Chairperson of the group be nominated by the Mayor in liaison with the Council. The Deputy Chair will be drawn from the other member of the group.

Chairperson:

6. A proposed candidate for the position of Chairperson has been identified by the Mayor and Chief Executive Officer for consideration by Council. *(Note: The name and associated biography will be presented to Council under confidential cover).*
7. The name of the Chairperson will be made public once the nomination has been endorsed by Council and the offer accepted.
8. The position of Deputy Chairperson will be presented to Council endorsement will be presented at a later date.

GOVERNMENT & PUBLIC CONSULTATION

9. The advisory working groups amended terms of reference was drafted based on consultation with the proposed Chairperson.
10. The Department of Local Government was consulted in regards to remuneration of working group members.

STATUTORY IMPLICATIONS

11. Two operational models were considered in the formation of the advisory group.
 - a. Model One. Establish the advisory working group as a Committee of Council under section 5.8 of the *Local Government Act 1995* (the Act); and
 - b. Model Two. Establish the advisory working group as an Operational Working Group (not as a Committee Council) and engage the Chairperson as a consultant.
12. The establishment of the advisory group as a working group enables staff, elected members and community representatives to discuss operational matters and provide strategic oversight of the National Anzac Centre and where appropriate other elements of the Albany Heritage Park.
13. For matters that cannot be implemented under delegated authority, recommendations will be staffed through and critiqued by a Council Committee (*i.e. Economic Development Committee*) prior to be presented to Council for resolution.
14. As members of the group are not being appointed to a Committee of Council the voting requirement is Simple Majority.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial. Risk: If working group is not supported, there is a risk of not securing grant funding. Opportunity: The combined expertise of the group has the potential to increase the financial performance of the NAC and the Albany Heritage Park.	Likely	Major	Medium	Endorse the Amended Terms of Reference and appoint the recommended Chair.
Reputation. Continued financial support from the Department of Premier and Cabinet is subject to the condition of establishment of an Advisory Working Group. Risk: Failure to proceed with the establishment of the group risks the strong and cooperative relationship that has been established with our key stakeholders.	Almost Certain	Moderate	High	Endorse the Amended Terms of Reference and appoint the designated external stakeholder representatives.
Organisations Operations. Risk: If remuneration of the Chair is not supported, there is a risk that the position would not be filled by the proposed candidate.	Almost Certain	Moderate	High	Allow City Officers to negotiate a suitable remuneration; or identify another suitable candidate to be appointed by Council.

FINANCIAL IMPLICATIONS

17. The City of Albany will be responsible for the cost of travel and accommodation for board members.
18. The working group will formally meet three to four times per year, with two meetings forecast to meet in Perth.
19. The cost of travel, meals and accommodation has been forecast to cost \$22,000 per financial year.
20. It is proposed that the working group's Chairperson receive an annual fee of \$8,000 dollars per annum, plus expenses.

LEGAL IMPLICATIONS

21. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

22. There are no environmental implications related to this report.

ALTERNATE OPTIONS

23. Council could chose to establish the advisory working group as a Committee of Council under the *Local Government Act 1995*. However, Committees of Council must be run in accordance with the conditions prescribed in the Act and regulations.
24. The requirement to give public notice of the date and agenda for council or committee meetings does not compliment the objectives of the terms of reference as the group meets as an operational advisory group.

CONCLUSION

25. It is recommended that the Responsible Officer's Recommendation to establish the advisory group as an operational working group be approved and the proposed nomination for Chair be endorsed.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 26/04/2016 Resolution ED032

ED036: RETAIL TRADING HOURS –TEMPORARY/SHORT TERM EXTENDED TRADING HOURS POLICY

Proponent / Owner	: City of Albany
Attachments	: 1. PROPOSED Temporary/Short Term Extended Trading Hours Policy 2. CURRENT City of Albany Temporary/Short Term Extended Trading Hours Policy
Report Prepared By	: Manager Tourism Development & Services (M Bird)
Responsible Officers:	: Executive Director Commercial Services (C Woods)

Responsible Officer's Signature:



[6:27:01 PM](#) Councillor Moir left the Chamber after declaring a Financial Interest in this item.

STRATEGIC IMPLICATIONS

1. This item directly relates to the following elements from the City of Albany Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2014 - 2018.
 - a. **Key Themes:**
 - 1. Smart Prosperous and Growing.
 - b. **Strategic Objective:**
 - 1.2 To strengthen our region's economic base.
 - 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategies:**
 - 1.2.1 City Centre revitalisation resulting in increased activity.
 - 1.2.2 Strengthen our economy by support by supporting business innovation and diversity.
 - 1.3.2 Promote the Albany region as a sought after and iconic tourism destination.

In Brief:

- Review the revised Temporary/Short Term Extended Retail Trading Hours Policy; and
- Assess the Responsible Officer's recommendation in regards to Retail Trading Hours.

RECOMMENDATION

**ED036: ALTERNATE MOTION BY COUNCILLOR MULCAHY
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR GOODE**

- 1. THAT the REVISED Temporary/Short Term Extended Trading Hours Policy (Attachment 1) be ADOPTED subject to the following amendments:**
 - Paragraph 4 Definitions *Special Circumstances be altered to delete the wording “on arrival of a cruise ship or” and Cruise Ship definitions be removed in full; and
 - Peak Visitor times be retained as 1 December to 31 January, Easter Holidays (Easter Saturday and Easter Monday inclusive), Public Holiday long weekends and Public Holidays excluding Christmas Day and Good Friday.
- 2. Part 2 and 3 of the Officer Recommendation be DELETED.**
- 3. That delegations to the CEO contained in the policy be removed, and the CEO is to report to Council any additional requests for extended trading hours not detailed in the policy.**

CARRIED 6-5

Record of Vote

Against the Motion: Deputy Mayor Stocks, Councillors Sutton, Smith, Dowling, and Shanhun

**ED036: ALTERNATE MOTION BY COUNCILLOR MULCAHY
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR GOODE**

- 4. THAT the REVISED Temporary/Short Term Extended Trading Hours Policy (Attachment 1) be ADOPTED subject to the following amendments:**
 - Paragraph 4 Definitions *Special Circumstances be altered to delete the wording “on arrival of a cruise ship or” and Cruise Ship definitions be removed in full; and
 - Peak Visitor times be retained as 1 December to 31 January, Easter Holidays (Easter Saturday and Easter Monday inclusive), Public Holiday long weekends and Public Holidays excluding Christmas Day and Good Friday.
- 5. Part 2 and 3 of the Officer Recommendation be DELETED.**

LOST 6-5

DID NOT ACHIEVE ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Deputy Mayor Stocks, Councillors Sutton, Smith, Dowling, and Shanhun

Councillor Reason:

The period of 1 December to 31 January is Albany’s busiest and most lucrative commercial opportunity for all businesses. Many intrastate holidayers arrive in Albany for the summer break in early December and need access to later hours and full Sunday trading.

This past January/December saw a massive patronage of store across the city and in course, a large number of smaller businesses opening during this time and maximising Christmas shopping opportunities.

It is ludicrous to reduce the Christmas shopping peak period by two weeks, when it is well known how successful this trading window has previously been.

Officer Comment (Executive Director Commercial Services)

The Amended Motion is the same as the original Responsible Officer Recommendation to define the Peak Visitor Period to be “1 December to 31 January inclusive”.

Maintaining the Peak Visitor Period start date of 1 December is considered important as it maintains the current Christmas extended trading benefits to General Retail businesses which has been enjoyed since 2009.

Whilst the extension to include the month of January increases the overall period of extended trading even with a 15 December start date, historically some General Retail businesses have relied heavily on the extended trading period for the full month of December and reducing this may lead to negative financial impacts on those businesses.

There are an estimated 57 General Retail businesses located within the Albany local government boundary that this policy impacts.

ED036: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

- 1) The REVISED Temporary/Short Term Extended Trading Hours Policy (attachment 1) be ADOPTED subject to the following amendments; Paragraph 4 Definitions
 - Peak Visitor times be changed to 15 December to 31 January, Easter Holidays (Easter Saturday to Easter Monday inclusive) public holiday long weekends, and public holidays excluding Christmas day and Good Friday.
 - Special Circumstances be altered to delete the wording “On arrival of a cruise ship or”
 - Cruise Ships definition to be removed in full.
- 2) Part 2 & 3 of the officer’s recommendation be deleted.

ED036: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the Amended Motion by Councillor Smith be ADOPTED.

CARRIED 9-0

ED036: AMENDED MOTION BY COUNCILLOR SMITH

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

- 1). The REVISED Temporary/Short Term Extended Trading Hours Policy (attachment 1) be ADOPTED subject to the following amendments; Paragraph 4 Definitions
 - Peak Visitor times be changed to 15 December to 31 January, Easter Holidays (Easter Saturday to Easter Monday inclusive) public holiday long weekends, and public holidays excluding Christmas day and Good Friday.
 - Special Circumstances be altered to delete the wording “On arrival of a cruise ship or”
 - Cruise Ships definition to be removed in full.
- 2). Part 2 & 3 of the officer’s recommendation be deleted.

CARRIED 9-0

Councillor's Reason:

At the last Workshop regarding review of the options around possible amendments to the Current Temporary/Short term policy, Councillors were keen to reconsider the "when" definition of Peak Times to alter from 1st - 31st Dec to 15th Dec to 31st Jan after the trial of Jan 2016, and to remove references to "cruise ships" under Special Circumstances.

There was no direction given by Council to the Officers regarding any further consideration, reporting, or community consultation of Permanent /Long Term Extended Retail Trading adjustments. Accordingly, items (2) and (3) should be removed altogether from the recommendation

ED036: AMENDED RESPONSIBLE OFFICER RECOMMENDATION

- 1) The REVISED Temporary/Short Term Extended Trading Hours Policy (attachment 1) be ADOPTED.
- 2) At this point in time that no action be taken in relation to Permanent/Long Term Extended Retail Trading adjustments.
- 3) A report to be presented to Council in 2019 to consider undertaking community consultation in relation to Permanent/Long Term Extended Retail Trading adjustments.

Officer Comment:

The intent of the original Officer Recommendation was to seek Council's position on Permanent/Long Term Extended Retail Trading.

The rationale to conduct a referendum on Permanent/Long Term Extended Retail Trading to coincide with the 2019 ordinary local government election was to reduce survey costs and obtain a large number of responses.

However, it is not considered good governance as there is a real reputation risk to address a single highly divisive issue that has the potential to dominate and influence a future election.

It is recommended that Permanent/Long Term Extended Retail Trading is not considered until 2019. At that time Council can then determine whether to further investigate and review the current policy position.

A report will be presented to Council in 2019 to consider undertaking community consultation on Permanent/Long Term Extended Retail Trading adjustments.

ED036: RESPONSIBLE OFFICER RECOMMENDATION

- (1) The REVISED Temporary/Short Term Extended Trading Hours Policy (*attachment 1*) be ADOPTED.
- (2) The Officer's Recommendation to conduct an independent assessment of Permanent/Long Term Extended Retail Trading adjustments be undertaken and put to the Community at the local government election in October 2019 be APPROVED.

BACKGROUND

2. General retail trading hours in Albany are governed by the WA State Government's Retail Trading Hours Act 1987 (the RTH Act) in conjunction with the Council's Temporary/Short Term Extended Trading Hours policy adopted April 2014 (current policy detailed at attachment 2)
3. The RTH Act defines four categories of retail shops: General Retail, Small Retail, Special Retail, and Filling Stations.
4. All shops are regarded as General Retail shops unless they fall under any one of the other categories.
5. The trading hours of restaurants, cafes and takeaway food shops are not covered by the RTH Act.
6. Small Retail, Specialty Retail and Filling Station businesses have their own respective trading hour provisions and definitions.
 - A Small Retail shop has no restrictions on trading hours and may be open at any time. It is defined as owned by up to six people who operate no more than four retail shops, in which up to 25 people work at any one time. They may sell any goods other than motor vehicles. Traders must apply to the Department for a certificate to trade as a small retail shop. Shops in this category can trade 24 hours per day, every day of the year.
 - A Specialty Retail shop is considered necessary for emergency, convenience or recreation goods and include pharmacies, garden nurseries, hardware, newsagencies, bookshops, video, souvenir, boating, and motor vehicle spare parts shops. Traders must apply to the Department for a certificate to trade as a Special Retail shop. Trading hours are 6am – 11.30pm every day of the year.
 - A Filling Station is defined as any business that sells motor fuel and has no restrictions on trading hours and may be open at any time.
7. Small Retail and Specialty Shops must apply for certification from the Department of Commerce (the Department) in relation to that place in accordance with the regulations. Compliance is enforced by the Department and not the City of Albany.
8. Non-metropolitan Local Governments, such as the City of Albany may apply to the Department of Commerce (Consumer Protection) to extend the trading hours for local General Retail shops beyond those stipulated in the RTH Act.
9. There were 3,328 registered businesses in Albany in 2015 with 227 categorized as Retail Trade (source ABS Counts of Australian Businesses, Cat. No. 8165.0).
10. There are an estimated 57 General Retail businesses located within the Albany local government boundary (detailed at attachment 4).
11. There are two types of retail trading hour adjustment applications that can be applied for by non-metropolitan local government authorities, being:
 - *"Temporary/Short Term Adjustments"*; and
 - *"Permanent/Long Term Adjustments"*.
12. Permanent/Long Term Adjustments to trading hours require substantial consultation and support from the community, local businesses with retail trading and tourism interests and local members of State Parliament.
13. In May 2005 support for Permanent/Long Term Trading Hour Adjustments was sought through a state government initiated referendum.

14. In **August 2012**, the City conducted detailed community consultation process, which included:
- an online community survey,
 - a community public forum,
 - an online business survey,
 - business focus group,
 - random community telephone survey, and
 - individual stakeholder interviews.
15. A summary of Results from City endorsed community consultation follows when responding to the question of support for 7 day trading:

Activity	Return Rate	For	Against	Neutral
2005 State Referendum	<i>13,095 of 22,310 electors voted.</i>	46.4%	53.6%	N/A
2012 City On-line Community Survey	<i>attracted 806 responses</i>	44.6%	55.4%	N/A
2012 City On-line business survey	<i>attracted 296 responses, in response to Council adopting a policy position of deregulated trading.</i>	44.8%	55.2%	N/A
2012 City Random Telephone Survey	<i>400 local residents were surveyed</i>	43%	43%	14%

16. No clear mandate for any permanent change to the current retail trading hours was identified in either the 2005 or 2012 responses.
17. The issue of 7 day trading was recently re-ignited after the Albany Chamber of Commerce and Industry surveyed its membership on the issue and results were publicized via local media in early 2016.

Permanent/Long Term Retail Trading Hour Adjustments Process

18. The process for reviewing and potentially adopting changes to Permanent/Long Term Retail Trading Hour Adjustments is as follows:
- Applications must be requested in writing to the Chief Executive Officer. The application for variation must detail the specific hours, day(s), and the exact area(s) the trading variation will apply to, for example: Local Government Boundaries, street locations or defined precincts.
 - Approval to investigate and appoint an independent research consultant must be supported by a simple majority of Council, as defined in the Local Government Act 1995 (the Act).
 - Council minutes must give the reason to either support or not support the application to investigate.
 - On receipt of the research findings, Council must consider the findings and decide to support or not support the application by an Absolute Majority of Council, as defined by the Act.
19. The City does not currently have a Permanent/Long Term Retail Trading Hour Adjustment policy position.
20. It is recommended that Council consider adopting a policy position after community and industry views are formally sought and that the process is conducted through the engagement of an independent consultant.
21. In the absence of a policy position in regards to Permanent/Long Term Retail Trading Hour Adjustments, the City is required to apply for Temporary/Short Term Retail Trading Hour Adjustments.

Current Process for Adjusting Retail Trading Hours

22. Albany extended trading applications relate only to General Retail shops.
23. The current practice is to apply for extended retail trading during periods of high visitor numbers, such as popular holiday periods and to accommodate large City hosted events.
24. Applications for temporary adjustments are made largely for the peak Christmas trading periods and significant events in line with the Council's current policy position.
25. Council adopted the Temporary/Short Term Adjustments policy in April 2014 (see attachment 2).
26. A review of the Temporary/Short Term adjustments policy has been undertaken and a number of options are presented for Council consideration. These include:
 - maintain the status quo;
 - slight additions to the current policy;
 - new definitions relating to the "Christmas Trading" and "Peak Visitor" periods; and
 - introducing the concept of an "Albany Central Area Precinct".

DISCUSSION

27. This paper requests Council review its position on retail trading hours.
28. It is requested that Council:
 - a. Review the current Temporary/Short Term Trading Hour Adjustments Policy and proposed amendments; and
 - b. Defer consideration in regards to Permanent/Long Term Trading Hour Adjustments until Council elections in October 2019 where the issue can be voted on by the local community.
29. Future options regarding retail trading hours (both permanent and temporary) should be instructed by an analysis and discussion of the potential impacts on the City's central business district (or the "Albany Central Area Precinct" as it is referred to in the Albany Central Area Masterplan 2010).
30. Enhancing Albany Central Area revitalisation should remain a guiding principle in all trading hours' discussions.

Temporary/Short Term Retail Trading Hour Adjustment Policy Position

31. Variations to the current Temporary/Short Term Policy can be categorized as modifications to either when and/or where. "When" can relate to time of year, specified days, and the hours within days. "Where" is the geographical location the extended trading provisions are applied and can be either all of local government area or in designated trading precinct(s).

Peak Visitor Periods

32. There is a strong tourism argument to allow extended trading in Albany during historically busy visitor periods, in particular the summer school holidays and Easter holiday periods. Extending trading periods during these times is important to ensure maximum visitor expenditure is injected into the local economy.
33. Ideally these additional retail opportunities from increased visitor numbers should be concentrated into the city centre area. This concentration should create enough critical mass of increased foot traffic for businesses to justify opening. In particular, encourage those currently allowed to open (specialty, small store retailers and hospitality providers) but currently choose not to.

Cruise Ship Visits

34. Cruise Ship Visits have also been identified as a time when Albany experiences a large influx of additional visitors. In the 2015/16 cruise ship season Albany received 11 ships

carrying 11,735 passengers and 6,157 crew (source: Albany Port) with only 2 of these visits arriving on a Sunday and requiring an extended trading application.

35. Cruise ship visits largely benefit businesses located in Albany's city centre. It is essential for businesses to be open when cruise ships are in port to ensure maximum economic benefit is received and that Albany is perceived as being a vibrant and an "open for business" visitor destination.
36. Typically, many smaller retailers will make the decision on whether to open based on the opening hours of the national grocery retailers. Whilst it is unlikely cruise ship visitors will shop at major supermarkets during their visit, the opening of major supermarkets does encourage smaller retailers to trade.

Precinct Approach

37. A review of the effectiveness of other non-metropolitan local government retail trading policies supports the consideration of a city centre/main street retail trading precinct approach rather than a blanket approach that impacts across the entire local government boundary. Whilst each destination has its own issues and considerations (population size, business location dispersal, planning imperatives, economic and community objectives) evidence exists that allowing extended trading across the entire local government boundary can dilute the potential financial sustainability for traders by reducing the critical mass required to create vibrant and commercially successful retail precincts.
38. However feedback received from the Department of Commerce is that from previous experiences creating "extended trading precincts" can be problematic. Before the metropolitan region became fully deregulated the Department regularly received complaints from traders outside designated metropolitan extended trading precinct areas who claimed to be at a competitive disadvantage. Whilst it is understood that legal options have not previously been pursued it is possible that major retailers and others outside a precinct model would regard this approach as a barrier to competition and could explore legal recourse against the local government authority where a precinct approach is enacted.
39. The Albany Central Area Masterplan 2010 already defines the "Core Area" of the Albany business centre and this definition captures the specialty stores along the entire York St main street spine, two national grocery anchor tenancies within the Albany Plaza and Dog Rock shopping centres, traders along Lockyer Avenue and the start of Albany Highway. An aerial map highlighting the Core Area is included within the Attachment 5.
40. At this stage a precinct approach is not considered appropriate for inclusion within the Temporary/Short Term policy however the merits and risks of this approach should be considered in any future review of a Permanent/Long Term approach.
41. The following OPTIONS for Council's Temporary/Short Term Policy are listed below;

OPTION A – retain status quo/no changes

- Maintain the current Temporary/Short Term policy.
- Low reputational risk as simply a continuation of current policy.

OPTION B – extend period to include month of January (*officer recommendation*)

- Current Temporary/Short Term policy plus extension to Visitor Peak period to include the full month of January (1 December to 31 January inclusive). This approach was trialled in January 2016 with positive feedback generally received.
- Maintains current extended trading benefits to businesses in Albany local government authority boundary plus extends trading period to include month of January. Alternate dates (as proposed by the Albany Small Business Association) could be 15 December to Australia Day public holiday inclusive however this would be a reduction to the current December trading period.

- Relatively low reputational risk.

OPTION C – implement precinct approach

- Restrict any extended trading benefits to a designated Albany Central Area precinct (see attachment 5 for precinct boundary) rather than the entire local government authority boundary.
- This approach would concentrate trading to the central precinct area creating city centre vibrancy and providing greater opportunity for financial sustainability for those businesses allowed to open.
- Risks include receiving negative feedback from those businesses excluded from the extended trading precinct. Adopting a precinct approach may also expose the City to potential legal action from major retailers outside of the precinct on barriers to competition grounds.

OPTION D – implement combination of current and precinct approach

- Create new definition of Christmas Trading period (1 December to 31 December) and apply across all local government boundary.
- Redefine Peak Visitor period to include January and Easter school holiday periods plus public holiday long weekends and only applied to defined central area precinct.
- As per Option C, the adoption of a precinct approach may expose the City to legal action and is not considered appropriate for the Temporary/Short Term policy. This approach may be more suited to a Permanent/Long Term policy and should be included in future considerations.

Revised Temporary/Short Term Adjustments Policy

42. Attachment 1 to this report details the proposed Temporary/Short Term Policy as recommended in this report.
43. The main change proposed for the Policy is to extend the Peak Visitor definition to include the full month of January.

“During Peak Visitor times General retail will adhere to the following specific dates and times:

- 8.00 am – 9.00 pm Monday, Tuesday, Wednesday, Thursday and Friday
- 8.00 am – 5.00 pm Saturday
- 10.00 am – 5.00 pm Sunday
- 10.00 am – 5.00 pm Public holidays
- 12.00 pm – 5.00pm Anzac Day
- CLOSED – Christmas Day and Good Friday”

44. Peak Visitor Period is defined as:

“Summer school holiday period (1 December to 31 January inclusive), Easter Holidays (Easter Saturday to Easter Monday inclusive), public holiday long weekends, and public holidays excluding Christmas day and Good Friday”.

45. Delegated Authority is also given to the Chief Executive Officer to apply to the Minister for Commerce for additional extended trading hours during Special Circumstances defined as:

“On arrival of a Cruise Ship or at other such times that there is expected to be an influx of people to the City at a time external to usual trading hours”.

GOVERNMENT & PUBLIC CONSULTATION

46. The City has prepared the above Policy based on input from the Albany Chamber of Commerce and Industry (ACCI), the Albany Small Business Association, individual retailers and representatives from major shopping centre operators. Copies of various correspondence is included in Attachment 3.
47. The City of Albany has also consulted with the Western Australian Government's Department of Commerce.

STATUTORY IMPLICATIONS

48. Non-metropolitan Local Government may apply to the Department of Commerce (Consumer Protection) to extend the trading hours for local general retail shops beyond those stipulated in the *Retail Trading Hours Act 1987*.

POLICY IMPLICATIONS

49. If item 1 of the motion is approved the current Council policy for Temporary/Short Term Extended Trading Hours will be replaced with the new policy.

RISK IDENTIFICATION & MITIGATION

50. The risk identification and categorisation relies on the [City's Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputational & Financial.</p> <p><i>Risk:</i> There is a risk that by not having an adopted <u>Permanent/Long Term Retail Trading Hour Adjustment Policy</u> position exposes both proponents and the City to wasting time and financial resources during the application process.</p> <p>Opportunities:</p> <ul style="list-style-type: none"> • Improved Consultation: Deferring consideration of Permanent adjustments will allow for the engagement of an independent external review to be conducted and additional stakeholder engagement. • Increased public engagement: By having the decision in regards to Permanent/Long Term Retail Trading Hour Adjustments determined through a City of Albany Referendum in October 2019, may increase public engagement in the local government election process. 	Likely	Minor	Medium	<p>Permanent/Long Term Retail Trading Hour Adjustment policy position: The endorsement of the recommendation to defer consideration until 2019 will mitigate this risk of Council adopting a policy position that may not accurately reflect public expectations.</p> <p>Temporary/Short Term Extended Retail Trading Hour Adjustment Policy Position:</p> <p>The current policy position is scheduled for review by Council. If Council is not comfortable in adopting the proposed changes, the current policy position can still operate, until such time as a position that is acceptable to Council is adopted.</p> <p>Policy Positions in general: City Officers will address issues raised during the review process and represent for Council consideration.</p>

FINANCIAL IMPLICATIONS

51. There are no financial implications to City of Albany operations related to this report. However there are financial implication to the General Retail community.
52. Adoption of the revised Temporary/Short Term Trading Hour Policy position will have a financial impact on retailers during extended trading periods (economic benefit or loss).

LEGAL IMPLICATIONS

53. Extended trading hour approvals lie within Council's legal discretion.

ENVIRONMENTAL CONSIDERATIONS

54. Nil.

ALTERNATE OPTIONS

55. Council can decline or modify the policy based on but not limited to the options presented.

CONCLUSION

56. The adoption of the recommendation to defer consideration of Permanent/Long Term Policy will clearly establish Council's position on the issue for the specified period.
57. The proposed changes to the Temporary/Short Term Policy recommends the extension of the current policy to include the summer school holiday month of January under its Peak Visitor period definition.

Consulted References	:	<ul style="list-style-type: none">• <i>Retail Trading Hours Act 1987</i>• <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM March 2009 Resolution 12.8.2 OCM April 2014 Resolution ED014

[7:01:21 PM](#) Councillor Moir returned to the Chamber. Councillor Moir was not present during the discussion and vote for this item.

PD136: PLANNING AND BUILDING REPORTS JUNE 2016

Proponent : City of Albany
Attachment : Planning and Building Reports June 2016
Report Prepared By : Administration Officer-Planning (K Smith)
Information Officer-Development Services (J Corcoran)
Responsible Officer(s): : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD36: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR PRICE

THAT Council NOTE the Planning and Building Reports for June 2016.

CARRIED 12-0

CSF250: FINANCIAL ACTIVITY STATEMENT – MAY 2016

Proponent : City of Albany
Report Prepared by : Business Analyst / Management Accountant (D Harrison)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF250: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SMITH

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 May 2016
CARRIED 12-0

CSF250: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF250: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 May 2016

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 May 2016 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 \$50,000 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 2015/16 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 2016 has been incurred in accordance with the 2015/16 proposed budget parameters. Details of any budget variation in excess of \$50,000 (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.2 - All Wards
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CSF251: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2016

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Financial Accountant (S Beech)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF251: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SHANHUN

That Council receive the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2016 totalling \$6,134,684.99.

CARRIED 12-0

CSF251: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF251: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2016 totalling \$6,134,684.99.

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2016. Please refer to the Attachment to this report.

Municipal Fund

Trust	\$840.00
Credit Cards	\$21,108.26
Payroll	\$1,197,177.46
Cheques	\$53,925.53
Electronic Funds Transfer	\$4,861,633.74
TOTAL	<u>\$6,134,684.99</u>

3. As at 15 June 2016, the total outstanding creditors, stands at \$1,667,875.29 and made up as follows:-

Current	\$736,402.69
30 Days	\$907,744.76
60 Days	\$17,239.30
90 Days	\$6,488.54
TOTAL	<u>\$1,667,875.29</u>

Cancelled cheques – 31183 – duplicated payment, 30394 – cheque out of date so returned to City Of Albany and payment made by EFT.

STATUTORY IMPLICATIONS

4. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

7. Expenditure for the period to 15 June 2016 has been incurred in accordance with the 2015/2016 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 June 2016 has been incurred in accordance with the 2015/2016 budget parameters.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF252: DELEGATED AUTHORITY REPORTS

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

Responsible Officer's Signature:



RECOMMENDATION

CSF252: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR MOIR

THAT Council RECEIVE the Delegated Authority Reports 16 May 2016 to 15 June 2016.

CARRIED 12-0

CSF252: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF252: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 May 2016 to 15 June 2016.

CSF253: COUNCILLOR TRAVEL AND REPRESENTATION POLICY

Business Entity Name : City of Albany
Attachments : • Draft Council Policy: Council Travel & Representation Policy
Report Prepared by : Manager Governance & Risk Management (S Jamieson)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategies:** Nil

In Brief:

- Review and consider adoption of the proposed Councillor Travel & Accommodation Policy position.

RECOMMENDATION

CSF253: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR SHANHUN

1. **THAT the Councillor Travel & Representation Policy be ADOPTED Subject to Section 7 of the Policy being amended to include reference to value for money; and**
2. **The proposed wording "Accommodation will be booked, where practicable, at the associated venue, or if unavailable, at premises in close proximity to the venue provided this accommodation is better value for money." be ADOPTED.**

CARRIED 12-0

CSF253: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Councillor Travel & Representation Policy be ADOPTED Subject to Section 7 of the Policy being amended to include reference to value for money.

CARRIED 11-0

CSF253: AMENDMENT BY COUNCILLOR PRICE

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be AMENDED to read as follows:

THAT the Councillor Travel & Representation Policy be ADOPTED **Subject to Section 7 of the Policy being amended to include reference to value for money.**

CARRIED 11-0

CSF253: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Councillor Travel & Representation Policy be ADOPTED.

BACKGROUND

2. No policy position currently exists.

DISCUSSION

Objective:

3. The objective of the draft policy position is to establish clear guidelines for travel and accommodation arrangements for councillors who are required to travel for City business.

Scope:

4. This policy applies to the Mayor and all councillors of the City of Albany.

Responsibility for implementation:

5. If the policy is adopted the Executive Director Corporate Services will be responsible for implementing this policy.

POLICY POSITION:

Travel within Western Australia

6. Councillors may attend City Representation events within Western Australia during their term of office upon the following conditions:
 - a. The travel falls within the definitions for conference, professional development or delegation;
 - b. Prior approval has been granted by the Mayor or Deputy Mayor as applicable;
 - c. In deciding whether approval is to be granted, the Mayor or Deputy Mayor should take into consideration the councillors' remaining term of office; and
 - d. There is sufficient budget allocation for the councillors' travel.

Travel outside of Western Australia

7. Councillors may attend City Representation events held outside WA and overseas during their term of office upon the following conditions:
 - a. The travel falls within the definitions for conference, professional development or delegation;
 - b. An item has been presented to Council specifying:
 - (i) the benefit to the City of the attendance at the conference, professional development or delegation;
 - (ii) whether, if applicable, there is a necessity to send more than one councillor; and
 - (iii) whether the information to be discussed at the conference or professional development can be sourced from within Western Australia.
8. Approval has been granted by Council resolution;
9. There is sufficient budget allocation for the councillors' travel.

General conditions of travel

10. Bookings

- a. Approved travel and accommodation will be booked by the Office of the Chief Executive Officer upon the completion of a form titled "Request for travel booking".
- b. This will allow the City to take advantage of any discounts offered. Travel requests should be provided at least one month before travel to allow adequate time for bookings to be made.

11. Travel

- a. The cost of air travel to and from destinations is to be by the shortest most practical route unless additional travel is contemplated before or after a conference.
- b. Councillor delegates who include travel other than that referred to in (11a) as part of the entire journey and the additional travel is unrelated to the approved travel, must pay the costs of this additional travel from personal funds.
- c. Air travel will be booked as economy class on the most economical flight.
- d. The cost of any upgrade to business class shall be paid from the councillor's personal funds.
- e. The Mayor shall have the authority to assess special, medical or extenuating circumstances and approve business travel. Such requests must be in writing and supported by appropriate evidence.
- f. Hire cars may be booked only if required to meet the reasonable travel requirements of the conference or professional development.
- g. Taxi fares for reasonable travel requirements relevant to the conference and/or Council Business:
 - will be reimbursed upon return on the production of receipts to verify the expense; or
 - can be paid with Cab-charge card or vouchers issued to the councillor delegate prior to departure.
- h. Councillor delegates, who use their private vehicle for conference travel, will be reimbursed for vehicle costs in accordance with the Public Service Award Motor Vehicle Allowance to a maximum amount equivalent to what it would have cost to travel by air.
- i. As part of the City's Business Travel Insurance Policy, any travel insurance for Elected Member delegates or their spouses is provided for as part of that certificate of currency.

12. Accommodation

Accommodation will be booked, where practicable, at the associated venue or, if unavailable, at premises in close proximity to the venue. Bookings will include accommodation the night before and/or after the event where necessary because of travel, airline flights and/or event timetables.

13. Meal and Incidentals

- a. The City will pay for reasonable costs of meal and incidentals. Such expenses which will be paid or reimbursed by the City include:
 - Taxi, train, bus and tram fares to/from the airport and the venue;
 - Vehicle hire, petrol and parking fees;
 - Breakfasts, lunches, dinners not included in the registration fee;
 - Reasonable telephone, facsimile and internet charges;
 - Optional activities related to the conference/training; and
 - Laundry and dry cleaning if the stay is for more than three days.

b. The City will not pay for or reimburse:

- Mini bar expenses;
- Entertainment costs not associated with those scheduled as part of the City Representation event.
- Any expenses associated with matters other than those attended to while attending the City Representation event.

14. Accompanying persons

- a. A partner or spouse may accompany a councillor delegate to a City Representation event.
- b. All expenses incurred by the accompanying person are to be paid by the accompanying person or councillor delegate, except the following which will be paid or reimbursed by the City:
 - Official conference meals;
 - Accommodation provided there is not increase in accommodation costs arising from the councillor delegate attending the event on their own.
- c. Where the City meets an account containing any expenditure of cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the City by the councillor delegate/accompanying person within 30 days of being invoiced for such expenditure.

15. Report

- a. Within 30 days of returning from a City Representation event of more than two days duration (excluding Local Government Week), the councillor delegate(s) must submit an individual or composite report (where approval has been granted for more than one councillor to attend) for inclusion in the “Reports of Members” in the next Council Agenda.
- b. The report should stipulate the program, major points of interest to the City and whether attendance at similar events is recommended.
- c. All conference and training papers remain the property of the City.

GOVERNMENT & PUBLIC CONSULTATION

16. Policy positions from across the local government sector were reviewed in preparing this policy position.
17. The draft proposed policy position was modelled the City of Kalgoorlie’s Councillor Travel & Accommodation Policy position.

STATUTORY IMPLICATIONS

18. There are no statutory implications related to this report.
19. Under section 2.7(2)(a) & (b) of the *Local Government Act 1995*, it is the role of Council to oversee the allocation of the City’s finances and resources and determine the City’s policies.

POLICY IMPLICATIONS

20. No policy currently exists.
21. Adoption of this policy will promote transparency and accountability through the establishment of clear guidelines. .

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial.</p> <p><i>Risk: There is a risk that by not establishing clear guidelines inconsistent travel and accommodation arrangements will be made for City business.</i></p> <p><i>Opportunity. Consistency and understanding of rules for both councillors and staff that pertain to travel and accommodation expenditure.</i></p>	Likely	Moderate	High	If the proposed policy is not endorsed, staff will review and address areas of concern.

FINANCIAL IMPLICATIONS

23. There are no direct financial implications related to this report.
24. The adoption of clear guidelines ensure that financial expenditure is applied fairly and appropriately.

ALTERNATE OPTIONS

25. There are no alternate options proposed.

SUMMARY CONCLUSION

26. The objective of this policy is to establish clear guidelines for travel and accommodation arrangements for councillors who are required to travel for City business.
27. Clear guidelines enable staff to administer councillor travel and accommodation request in a consistent manner.
28. It is recommended that the draft policy position is adopted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Council Policy: Code of Conduct
File Number (Name of Ward)	:	Nil (All wards)
Previous Reference	:	Nil

**CSF254: QUARTERLY REPORT – TENDERS AWARDED – APRIL
TO JUNE 2016**

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – April to June 2016
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF254: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – April to June 2016.

CARRIED 12-0

CSF254: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF254: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – April to June 2016.

CSF255: 2016-17 BUDGET ADOPTION

Proponent / Owner : City of Albany
Attachments : Draft 2016-17 Budget Documents
Supplementary Information & Councillor Workstation Nil
Report Prepared By : Business Analyst/Management Accountant (D Harrison)
Responsible Officers: : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - **Key Theme:**
2.2 Clean, Green and Sustainable, 5. Civic Leadership
 - **Strategic Objective:**
2.2. To maintain and renew city assets in a sustainable manner
5.1. To establish and maintain sound business and governance structures.
 - **Strategies:**
2.2.1 Asset Management. Sustainable asset management plans integrated with financial forecasts.
5.1.2 Systems Development and Improvement. Improved financial management.
2. This proposed budget aligns with the City's Corporate Business Plan, which aligns with the City's:
 - 10 Year Financial Plan;
 - Asset Management Plans; and
 - Work Force Development Plan.

In Brief:

- Approve the proposed 2016/17 budget, noting that working with staff, Council Members have participated in a series of budget preparation workshops.

RECOMMENDATION

CSF255: RESOLUTION 1

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR HOLLINGWORTH

Council **ADOPT** the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2016/2017 financial year:

(1) Rating Category 1 – GRV General

- The General Rate on Gross Rental Values for the 2016/2017 financial year on Rating Category (1) including all GRV rateable land be **10.5755** cents in the dollar.

(2) Rating Category 3 – UV

- The General Rate on current unimproved values for the 2016/2017 financial year on Rating Category (3) including all UV rateable land be **0.4251** cents in the dollar.

(3) Minimum Rate

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be **\$968.00.**

- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1045.00.

CARRIED 12-0
ABSOLUTE MAJORITY

CSF255: RESOLUTION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SHANHUN

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, Bulk green waste collection, collection of recyclables and green waste) be adopted for the 2016/2017 financial year:

(1) Residential Services

- | | |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service | \$329.00 |
| • Refuse Collection 140 Ltr MGB | Weekly |
| • Recycling Collection 240 Ltr MGB | Fortnightly |
| • Green Waste Collection 240Ltr MGB | Monthly |

(2) Additional Services

Additional Services (Maximum of One) with a full domestic rubbish service.

- | | |
|---|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST) | Weekly \$97.00 |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$46.80 |
| • Green Waste Collection 240Ltr MGB (Inc GST) | Monthly \$46.80 |
| • Additional Full Domestic Refuse Service (Inc GST) | \$360.00 |

(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the Local Government Act 1995. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$55.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$55
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$55

CARRIED 12-0
ABSOLUTE MAJORITY

CSF255: RESOLUTION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR GOODE

- (1) Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council ADOPTS the Municipal and Trust Funds Budget as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2016/2017 financial year which includes the following:
- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$14,340,544
 - Statement of Comprehensive Income by Program on page (iv) showing a net result for that year of \$14,340,544
 - Statement of Cash Flows on page (vii)
 - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$34,118,692
 - Notes to and Forming Part of the Budget on pages (1 to 56)
 - Fees and Charges and Capital Works Schedule as detailed in blue pages (1 to 37)
 - Transfers to / from Reserve Accounts as detailed in pages (46 to 50)
- (2) Pursuant to section 6.11 of the Local Government Act 1995, Council:
- a. Maintains the following reserves - Purpose detailed in pages (46 to 50)
- Airport Reserve
 - Albany Entertainment Centre
 - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
 - Albany Classic Barriers
 - Anzac Centenary
 - Bayonet Head Infrastructure Reserve
 - City of Albany General Parking Reserve
 - Emu Point Boat Pens Development Reserve
 - Master Plan Funding Reserve
 - Parks Development Reserve
 - Plant & Equipment Reserve
 - Refuse Collection & Waste Minimisation Reserve
 - Waste Management Reserve
 - Building Restoration Reserve
 - Roadworks Reserve
 - Coastal Management Reserve
 - Debt Management Reserve
 - Information Technology Reserve
 - Unspent Grants Reserve
 - Capital Seed Funding for Sporting Clubs
 - Parks and Recreation Grounds
 - National Anzac Centre Reserve
 - Land Acquisition Reserve
 - Prepaid Rates Reserve
 - Destination Marketing & Economic Development Reserve
 - Albany Heritage Park Infrastructure Reserve
- b. Establish New Reserves
- Cheyne Beach Reserve

**CARRIED 12-0
ABSOLUTE MAJORITY**

CSF255: RESOLUTION 4
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2016/2017 be as follows:

- (1) Pay rates in full 15th September 2016.**
- (2) Pay by two instalments:**
 - (a) First Instalment Payment 15th September 2016; and**
 - (b) Second Instalment: 16th January 2017.**
- (3) Pay by four instalments:**
 - (a) First Instalment Payment (and 'Payment in Full'): 15th September 2016;**
 - (b) Second Instalment: 15th November 2016;**
 - (c) Third Instalment: 16th January 2017; and**
 - (d) Fourth Instalment: 16th March 2017.**

CARRIED 12-0
ABSOLUTE MAJORITY

CSF255: RSOLUTION 5
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HOLLINGWORTH

THAT pursuant to the *Local Government Act 1995*, Council APPROVES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2016/2017 financial year:

- (1) Instalment Plan Administration Fee**

An Instalment Plan Administration fee of \$6.00 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.
- (2) Late Payment Interest Charge**

A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.
- (3) Instalment Plan Interest Charge**

An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.
- (4) Late Payment Interest Charge (Excluding Rates & Charges)**

A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2016.

In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

(5) Waivers

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

**CARRIED 12-0
ABSOLUTE MAJORITY**

**CSF255: RESOLUTION 6
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MULCAHY
SECONDED: COUNCILLOR HAMMOND**

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2016/2017 Budget) be adopted effective from 29th July 2016.

**CARRIED 12-0
ABSOLUTE MAJORITY**

**CSF255: RESOLUTION 7
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY**

THAT Council SETS the Elected Member Sitting Fees and allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- (1) Councillor Meeting Attendance Fee: \$31,364**
- (2) Mayoral Meeting Attendance Fee: \$47,046**
- (3) Councillor and Mayoral ICT Allowance: \$3,500**
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50**
- (5) Total Mayoral Allowance is: \$88,864**
- (6) Deputy Mayoral Allowance: \$22,216 – being 25% of the Mayoral Allowance.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

CSF255: RESOLUTION 8
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SMITH

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$50,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2016/2017.

CARRIED 12-0
ABSOLUTE MAJORITY

CSF255: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Committee Recommendations 1, 2, 3, 4, 5, 6, 7, and 8 be carried EN BLOC.

CSF255: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR TERRY

THAT Committee Recommendations 1, 2, 3, 4, 5, 6, 7, and 8 be carried EN BLOC.

CARRIED 11-0

CSF255: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendations be moved EN BLOC.

CARRIED 11-0

BACKGROUND

3. Council has considered strategic and operational issues which will impact on the 2016/17 budget.
4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2016/17 financial year.

DISCUSSION

5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget while ensuring compliance with Local Government legislation, occupational safety and health requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
6. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.

GOVERNMENT CONSULTATION

7. The Department of Local Government is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

PUBLIC CONSULTATION / ENGAGEMENT

8. Budget information will be published in the local newspapers and on the City of Albany website.

STRATEGIC IMPLICATIONS

9. This item directly relates to, and contributes to achievement of, the Strategies within the *Community Strategic Plan – Albany 2023*, and *Corporate Business Plan- 2014-2018*.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

11. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not endorse the 2016/17 Budget, with the consequence risk of deferred cashflow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement. Reconsideration of the budget paper at a Council meeting prior to 31 August 2016.</i>

FINANCIAL IMPLICATIONS

12. The 2016/17 Budget sets the parameters for expenditure of City resources.
13. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

LEGAL IMPLICATIONS

14. Nil.

ALTERNATE OPTIONS

15. Council adopt the 2016/17 Annual Financial Budget with changes.

SUMMARY CONCLUSION


16. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2016 until 30 June 2017.

Consulted References	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996.</i>
File Number	FM.BUG.8
Previous Reference	

LEMC010: APPROVAL OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

Proponent : City of Albany
Attachments : Local Emergency Management Arrangements-distributed as Confidential Document
Report Prepared By : Administration Coordinator-Ranger & Emergency Services (S Lees)
Responsible Officers: : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategic Initiatives:** 3.2.1 Plan for and monitor community safety and security.

In Brief:

- Local governments have a legislated responsibility under s.36(a) of the *Local Government Act 2005* to “ensure that effective local emergency management arrangements are prepared and maintained for its district”.
- The aim of the City of Albany Local Emergency Management Arrangements is to document the emergency management arrangements that are in place and ensure a common understanding between agencies and stakeholders involved in managing emergencies within the municipality, which will facilitate a coordinated and consistent approach to managing emergencies.
- The Local Emergency Management Committee (LEMC) has developed the Local Emergency Management Arrangements (LEMA) in accordance with the requirements of Section 41 of the *Emergency Management Act 2005*, and *State Emergency Policy 2.5 – Local Arrangements*.
- The LEMA have been prepared in accordance with the *State Emergency Management Preparedness Procedure 8 – Local Emergency Management Arrangements*.
- The LEMC endorsed the LEMA at its 16 June 2016 meeting.
- Under the *State EM Preparedness Procedure 8 – Local Emergency Management Arrangements*, local government should table the LEMA at a local government council meeting as soon as reasonably practicable for **approval** following endorsement by LEMC.

RECOMMENDATION

LEMC010: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR DOWLING

THAT Council APPROVE the Local Emergency Management Arrangements, in accordance with the requirement of the *Emergency Management Act 2005* and *State EM Preparedness Procedure 8*.

CARRIED 12-0

BACKGROUND

2. The current City of Albany Community Emergency Management Arrangements (LEMAs) were written in 2006 and are out of date. They were originally scheduled to be reviewed in 2011. This review as delayed due to a number of factors; however, has now been completed.
3. Local governments have obligations under State legislation and policy to have in place effective LEMA, as part of the overall State emergency management framework.
4. The *State Emergency Management Plan Section 4 – Preparedness*, defines ‘preparedness’ to mean “that actions and arrangements are to be in place to ensure that, should an emergency occur, all resources and services needed to combat the effects of that emergency can be effectively mobilised and deployed”.
5. The City of Albany has in place a well-attended and effective LEMC, whose role includes ensuring that the City also has in place current LEMA. The LEMC has worked collaboratively to produce the LEMA that provides information to guide agency actions in the event of an emergency.
6. A letter of concern from the State Emergency Management Committee was received by the City on 19 April 2016 regarding the City of Albany not having a current set of compliant LEMAs.
7. It was noted by City staff that review of the LEMAs was in the final stages when the letter was received and a letter was sent to the State Emergency Management Committee advising of this.

DISCUSSION

8. The City of Albany LEMA aim to document the emergency management arrangements that are in place and ensure a common understanding between agencies and stakeholders involved in managing emergencies within the municipality, which will facilitate a coordinated and consistent approach to managing emergencies.
9. The purpose is to set out:
 - a) the City of Albany’s policies for emergency management;
 - b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
 - c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph b);
 - d) a description of emergencies that are likely to occur in the Albany district;
 - e) strategies and priorities for emergency management in the Albany district;
 - f) other matters about emergency management in the Albany district prescribed by the regulations; and
 - g) other matters about emergency management in the Albany district the City of Albany considers appropriate”. (s.41(2) of the Act).
10. The LEMAs identify a number of special considerations including:
 - a) Natural hazards
 - b) Tourist influx, including cruise ships.
 - c) Events.
 - d) Resources and critical contacts (redacted in public version of LEMA)
 - e) Location of critical infrastructure (redacted in public version of LEMA).
 - f) People with special needs, including schools, child care centres and nursing homes (redacted in public version of LEMA).
11. This review of the LEMAs commenced in 2014 and was presented to the LEMC at it 16 June 2016 meeting.

12. The LEMA must be exercised every year to ensure the details remain up to date and accurate.
13. A review is to be conducted after an event requiring the activation of an Incident Support Group or after an incident requiring a significant recovery coordination.
14. A full review is due in 2021.

GOVERNMENT & PUBLIC CONSULTATION

15. The LEMA have been developed in consultation with the member agencies of the LEMC. Membership of the LEMC includes the following agencies:

- City of Albany
- City of Albany Volunteer Bush Fire Brigades
- WA Police
- Department of Fire & Emergency Services
- State Emergency Management Committee Secretariat
- Department of Parks & Wildlife
- Department of Child Protection & Family Support
- Department of Health
- Department of Education
- Department of Food & Agriculture WA
- Department of Transport
- Albany Regional Hospital
- State Emergency Services
- Housing Authority
- Albany Sea Rescue
- Albany Surf Life Saving
- Silver Chain Great Southern & Remote Services
- Bureau of Meteorology
- Water Corporation
- Western Power
- ABC Radio
- Disability Services Commission
- Southern Ports Authority
- Main Roads Western Australian
- ATCO Gas Australia Pty Ltd
- Telstra
- Brookfield Rail
- St John Ambulance Australia (Albany)
- Annie Bryson Lodge, McKeown Lodge and Gwen Hardie Lodge
- Clarence Estate
- Red Cross
- Cooperative Bulk Handling (CBH) Albany

STATUTORY IMPLICATIONS

16. The City of Albany has legislated responsibility under s.36(a) of the *Local Government Act 2005* to “ensure that effective local emergency management arrangements are prepared and maintained for its district”.
17. Under the *State EM Preparedness Procedure 8 – Local Emergency Management Arrangements*, local government should table the LEMA at a local government council meeting as soon as reasonably practicable for **approval** following endorsement by LEMC.
18. Voting requirement is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

19. Nil.

RISK IDENTIFICATION & MITIGATION

20. The risk identification and categorisation relies on the City of Albany's *Enterprise Risk Management Framework*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Should a major incident occur, the City could find itself facing significant censure from both a state and community perspective.	Likely	Moderate	High	The approval of the LEMA by Council will mitigate the risk of reputational damage.
Reputation: Notification by SEMC to the department of Local Government that the City has not fulfilled its obligations under the EM Act	Almost Certain	Moderate	High	The approval of the LEMA by Council will fulfil its obligations under the EM Act 2005.
Legal and Compliance: If Council does not have effective LEMA in place they are in breach of s.36 of the Emergency Management Act 2005.	Likely	Major	High	The approval of the LEMA will bring the City of Albany into line with the requirement of the EM Act 2005.
People Health and Safety: If the City of Albany does not have effective LEMA in place it places the Albany community at increased risk during an emergency event.	Likely	Major	High	Having approved LEMA in place will assist in the provision of effective response and recovery actions that may lessen the impact of an emergency event on the Albany community.

FINANCIAL IMPLICATIONS

21. The responsibilities for funding of emergency response activities is outlined in the State Emergency Management Policy 5.12 – *Funding for Emergency Response* and State Emergency Management Plan 5.4 - *Funding for Emergency Response*. While recognising the provisions of State Emergency Management Policy 5.12 and State Emergency Plan 5.4, the LEMA states that the City of Albany is committed to expending such necessary funds within its current budgetary constraints as required to ensure the safety of its residents and visitors.

LEGAL IMPLICATIONS

22. The authority for local government to develop Local Emergency Management Arrangements is provided under s.41(1) of the *Emergency Management Act 2005*.

ENVIRONMENTAL CONSIDERATIONS

23. Nil

ALTERNATE OPTIONS

24. Nil.

CONCLUSION

25. Local governments have obligation under State legislation and policy to ensure LEMAs are in place as part of the State emergency management framework.

26. Not having approved LEMA in place exposes Council to considerable reputational damage in the event of a significant emergency situation, with greater impact on communities and slower recovery from disaster.

27. Approval by Council is required as part of the SEMC approval process.

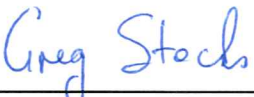
Consulted References	:	Emergency Management Act 2005 State Emergency Management Plan State Emergency Management Policy State Emergency Management Procedure
File Number	:	ES.PLA.7 ICR16219620 Letter from SEMC
Previous Reference	:	<i>Nil</i>

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL
15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil
16. REPORTS OF CITY OFFICERS Nil
17. MEETING CLOSED TO PUBLIC

ED035: NATIONAL ANZAC CENTRE ADVISORY GROUP

18. CLOSURE

7:20:53 PM There being no further business the Deputy Mayor declared the meeting closed.



Greg Stocks
DEPUTY MAYOR