



AGENDA

Ordinary Meeting of Council

Tuesday 29 October 2019

6.00pm

City of Albany Council Chambers

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



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor Elect, Councillors Elect and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 29 October 2019 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 29/10/2019

TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	REPORTS OF MEMBERS	5
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
	PETITION RECEIVED FROM KALGAN SETTLERS ASSOCIATION	
	SUBMISSION RECEIVED REGARDING CLIMATE CHANGE POLICY STATEMENT	
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS181	FINANCIAL ACTIVITY STATEMENT-AUGUST 2019	6
CCS182	LIST OF ACCOUNTS FOR PAYMENT-SEPTEMBER 2019	9
CCS183	DELEGATED AUTHORITY REPORTS	11
CCS184	QUARTERLY REPORT-TENDERS AWARDED-JULY TO SEPTEMBER 2019	12
CCS185	REQUEST FOR NOMINATIONS TO COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES	13
DIS	Development and Infrastructure Services Committee	
DIS178	PLANNING AND BUILDING REPORTS SEPTEMBER 2019	21
DIS179	STAGE 1 CIVIL WORKS-MIDDLETON BEACH FORESHORE ENHANCEMENT-This report will be provided prior to the Ordinary Council Meeting.	
BFAC	Bush Fire Advisory Committee	
BFAC008	APPOINTMENT OF CHIEF AND DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS 2019-20	22
BFAC009	BUSH FIRE RISK MANAGEMENT PLAN AND BUSH FIRE RESILIENCE IN THE GREAT SOUTHERN PROJECT	24
BFAC010	AMEND BUSH FIRE ADVISORY COMMITTEE TERMS OF REFERENCE	27
LEMC	Local Emergency Management Committee	
LEMC020	RECEIVE THE CONFIRMED MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON 20 JUNE 2019	29
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	30
DIS178	STAGE 1 CIVIL WORKS-MIDDLETON BEACH FORESHORE ENHANCEMENT	
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	30
16.	REPORTS OF CITY OFFICERS Nil	30
17.	MEETING CLOSED TO PUBLIC	30
18.	CLOSURE	30

1. **DECLARATION OF OPENING** (As this is the first meeting post the election, this be conducted by the Chief Executive Officer.

1.1 **DECLARATIONS BY COUNCILLORS ELECT AND ELECTION OF DEPUTY MAYOR**

The Chief Executive Officer will call upon Councillors Elect individually to make their Declaration:

"I, _____ of _____ having been elected to the office of Councillor of the City of Albany, declare that I take the office upon myself, and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007."

The Declarations will be witnessed by Superintendent Ian Clarke, WAPOL.

Please note this will then be followed by a call for nominations and election of the Deputy Mayor in accordance with Schedule 2, Division 2 of the *Local Government Act 1995*.

Clause 8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

Mayor Elect

Councillors:

Breaksea Ward

Councillor Elect

Frederickstown Ward

R Stephens

Frederickstown Ward

Councillor Elect

Kalgan Ward

E Doughty

Kalgan Ward

Councillor Elect

Vancouver Ward

T Sleeman

Vancouver Ward

Councillor Elect

West Ward

A Goode JP

West Ward

Councillor Elect

Yakamia Ward

R Sutton

Yakamia Ward

Councillor Elect

Staff:

Chief Executive Officer

A Sharpe

Acting Executive Director Corporate Services

D Olde

Executive Director Infrastructure & Environment

P Camins

Acting Executive Director Development Services

J Van Der Mescht

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

Apologies:

Breaksea Ward

R Hammond (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Thomson	9-Submission on Climate Change	Impartiality. The nature of the interest being that Councillor Thomson is a signatory on the submission regarding the WALGA Climate Change Policy Statement.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Petition lodged by residents of the Kalgan Rural Village requesting provision of Public Open Space as part of the ongoing development of the Village be RECEIVED.

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Submission lodged by supporters of the WALGA Climate Change Policy Statement be RECEIVED.

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 03 September 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 26 February 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS181: FINANCIAL ACTIVITY STATEMENT – AUGUST 2019

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

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

CCS181: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Financial Activity Statement for the period ending 31 August 2019 be RECEIVED.

CCS181: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS181: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 August 2019 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 August 2019 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.

5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. budget estimates to the end of the month to which the statement relates;
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. such other supporting information as is considered relevant by the local government.
 - III. The information in a statement of financial activity may be shown –
 - a. according to nature and type classification;
 - b. by program; or
 - c. by business unit.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2019/20 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 August 2019 has been incurred in accordance with the 2019/20 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS182: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2019

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

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

**CCS182: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2019 totalling \$6,987,542.78.

CCS182: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS182: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2019 totalling \$6,987,542.78.

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 September 2019. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$42,584.12
Payroll	\$1,683,908.09
Cheques	\$49,081.10
Electronic Funds Transfer	\$3,442,657.25
TOTAL	<u>\$5,218,230.56</u>

As at 15 September 2019, the total outstanding creditors stands at \$369,429.21 and is made up as follows:-

Current	\$236,731.56
30 Days	\$129,273.42
60 Days	\$3,332.32
90 Days	\$91.91
TOTAL	\$369,429.21
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 September 2019 has been incurred in accordance with the 2018/2019 budget parameters.

FINANCIAL IMPLICATIONS

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

CONCLUSION

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

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS183: DELEGATED AUTHORITY REPORTS – AUGUST TO SEPTEMBER 2019

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)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

BACKGROUND:

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

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

RECOMMENDATION

**CCS183: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 August 2019 to 15 September 2019 be RECEIVED.

CCS183: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS183: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 August 2019 to 15 September 2019 be RECEIVED.

CCS184: QUARTERLY REPORT – TENDERS AWARDED – JULY TO SEPTEMBER 2019

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – July to September 2019
Report Prepared by : Procurement Officer (A Bancroft)
Responsible Officer : Acting Executive Director Corporate Services (D Olde)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

**CCS184: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2019.

CCS184: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS184: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – July to September 2019.

CCS185: REQUEST FOR NOMINATIONS TO COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES

- Attachments** : Governance and Meeting Framework (Council Committee Terms of Reference)
- Report Prepared By** : Manager Governance and Risk (S Jamieson)
- Responsible Officers:** : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objectives:**
 - To provide strong, accountable leadership supported by a skilled and professional workforce
 - To engage effectively with our community.
 - **Community Priorities:**
 - Provide informed and transparent decision making that is consistent with our strategic direct, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.
 - Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

In Brief:

- Committee membership ceases at the time of the local government election. Nomination and appointments to committees are to be made at the first Ordinary Council Meeting held post the election.
- Nominations for membership of committees should be received prior to the Ordinary Council Meeting to be held 29 October 2019, however, nominations can be made at that meeting.

RECOMMENDATION

CCS185: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. APPOINT the nominated elected members to the following Committees:

a. Committees of Council

Airport Emergency Committee

1.
2.
3.

Audit and Risk Committee

1.	4.	7.
2.	5.	
3.	6.	

Bush Fire Advisory Committee

1.	4.
2.	
3.	

CEO Performance Review Committee

Mayor	3.
1.	
2.	

Community and Corporate Services Committee

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

Development and Infrastructure Services Committee

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

Local Emergency Management Committee

1.
2.

Waste Management Working Group

1.
2.
3.

External Committee Representation

Great Southern Recreational Advisory Group (GSRAG)

1.
2.

Great Southern Regional Road Group

1.
2.

WA Local Government Association (WALGA) Great Southern Zone

1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	
5.	10.	

WALGA Road Wise Advisory Committee

1.
2.

South Coast Alliance Inc.

1. Mayor
2.
3.
4.

Great Southern Joint Development Assessment Panel

1. Mayor
2. Councillor Goode
3.
4.

National Anzac Centre Advisory Group

1. Mayor

BACKGROUND

- In accordance with section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person's membership of a Committee is valid until the next ordinary local government election.
- Therefore, nominations will be called for membership of all Council and external committees at the first Ordinary Council Meeting following the election.
- Reports for consideration by Council are generally referred through a Standing Council Committee. Standing Committees operate in a functional, transparent and legally compliant meeting framework which provides an opportunity for elected members to engage in the development of strategy and policy.
- Reports for consideration by Council should provide accurate and relevant information in order to facilitate informed decision making by elected members.
- Standing Committees of Council are open to the public, with the exception of the Audit and Risk Committee.
- The Terms of Reference and purpose of each committee are defined in the Governance and Meeting Framework.

DISCUSSION

- All elected members are appointed as members of the Community and Corporate Services Committee and the Development and Infrastructure Services Committee.
- Nominations will be called for all other committee vacancies.

10. In the event that nominations exceed the number of vacancies on a committee, a ballot will be conducted and membership will be determined by a vote.
11. The Mayor may express a wish to be a member of a committee, and will duly be appointed as a member of that committee.
12. Committees will appoint a Chair and Deputy Chair at the first meeting held after appointments of members are made.
13. An abridged version of the Terms of Reference for each committee follows:

Audit and Risk Committee (Statutory Requirement)

The Audit and Risk Committee is responsible for assisting Council discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- Reporting of financial information;
- Application of accounting policies;
- Management of the financial affairs of the City; and
- Assessment of the adequacy of the management of risk, internal control and legislative compliance.

Executive Officers: Chief Executive Officer, Executive Director Corporate Services, Manager Finance and Manager Governance and Risk.

Meeting Schedule: Scheduled quarterly meetings.

Membership: Minimum of four and maximum of seven elected members.

Chief Executive Officer Performance Review Committee

The CEO Performance Review Committee is responsible for reviewing the performance of the CEO in accordance with the CEO Performance Review Process Policy.

Executive Officers: Manager Human Resources and an external facilitator appointed by Council.

Meeting Schedule: As required in accordance with the contract of employment.

Membership: The Mayor and three elected members.

Note: All members of the CEO Performance Review Committee must undertake the CEO Performance Review training course provided by WALGA within six months of appointment to the committee.

Community and Corporate Services Committee

The Community and Corporate Services Committee is responsible for the following functions:

- Community Services-Delivery of the Community Health and Participation objectives detailed in the *City of Albany Community Strategic Plan*.
- Corporate Services-Delivery of the [Smart, Prosperous and Growing](#) objectives, and [Leadership](#) objectives detailed in the *City of Albany Community Strategic Plan*.
- Monitoring and commenting on the financial health and strategies of the City.
- Considering and recommending ways to strengthen the local economy.

Executive Officers: Executive Director Corporate Services and Executive Director Community Services.

Meeting Schedule: 2nd Tuesday of each month.

Membership: All elected members are appointed to this committee.

Development and Infrastructure Services Committee

The Development and Infrastructure Services Committee is responsible for delivery of the **Clean, Green and Sustainable** and **Connected and Safe Built Environment** objectives detailed in the *City of Albany Community Strategic Plan*.

Executive Officers: Executive Director Development Services and Executive Director of Infrastructure and Environment.

Meeting Schedule: 2nd Wednesday of each month.

Membership: All elected members are appointed to this committee.

Airport Emergency Committee (Statutory Requirement)

This committee is established under the *Civil Aviation Act (1998)* and the *Emergency Management Act 2005*. This committee is responsible for ensuring the currency of the Airport Emergency Plan and associated procedures in support of response and recovery agencies plans.

Executive Officers: Executive Director Corporate Services, Manager Governance and Risk (Airport Operations).

Meeting Schedule: Meets quarterly.

Membership: Minimum of 1 and maximum of 2 elected members.

Bush Fire Advisory Committee

This committee is responsible for reviewing administrative and resourcing recommendations from the Bush Fire Advisory Group and providing advice to Council on matters pertaining to the *Bush Fires Act 1954*.

Executive Officers: Executive Director Development Services, Manager Ranger and Emergency Services.

Meeting Schedule: Meets quarterly.

Membership: Minimum of 2 and maximum of 3 elected members.

Local Emergency Management Committee (Statutory Requirement)

The *Emergency Management Act 2005* requires that local governments are to ensure local emergency management arrangements are prepared and maintained for the local government district.

Executive Officers: Chief Executive Officer, Executive Director Development Services and Community Emergency Services Manager (CESM).

Meeting Schedule: Meets quarterly.

Membership: Minimum of 1 and maximum of 2 elected members.

Waste Management Working Group

The Waste Management Working Group ensures that Council has ownership of, and a confident understanding of future waste management matters.

Executive Officer: Executive Director Infrastructure and Environment.

Meeting Schedule: Quarterly.

Membership: 3 elected members.

External Committees

Great Southern Joint Development Assessment Panel (JDAP)

The JDAP is an independent decision making body comprised of three technical experts and two local government elected members. The JDAP considers development applications made under local and regional planning schemes valued at \$10m and above.

Executive Officer: Executive Director Development Services

Meeting Schedule: As required.

Membership: 2 members and 2 reserves.

Note: All elected members nominating to the JDAP must complete mandatory training.

Great Southern Recreational Advisory Group (GSRAG)

The GSRAG meets regularly to discuss the development of community sporting and recreational opportunities for residents and visitors of the Great Southern.

Executive Officers: Executive Director Community Services and Manager Recreation Services.

Meeting Schedule: Quarterly.

Membership: Minimum of 1 elected member and maximum of 2 elected members.

Great Southern Regional Road Group

This group is responsible for allocating State government funding for regional road maintenance and construction, and oversight of the allocation and implementation of State government “Black Spot” funding.

Executive Officers: Executive Director Infrastructure and Environment and Manager City Engineering.

Meeting Schedule: Quarterly.

Membership: Maximum of 2 elected members.

South Coast Alliance Inc.

The Alliance is comprised of representatives for the City of Albany, Shire of Denmark and Shire of Plantagenet. The Alliance promotes collaborative development in the region, and advocates for economic development, tourism and resource efficiency.

Executive Officer: Chief Executive Officer.

Meeting Schedule: Monthly.

Membership: Mayor and 2 elected members.

WA Local Government Association (WALGA) Great Southern Zone

WALGA is the peak industry body for local government in WA. WALGA advocates on behalf of WA local government and negotiates service agreements for the sector.

Executive Officer: Chief Executive Officer and Executive Assistant to the CEO.

Meeting Schedule: Monthly.

Membership: All elected members represent the City.

WALGA Roadwise Advisory Committee

This committee facilitates the active engagement and involvement of local governments and community to raise awareness of, and implement road safety initiatives such as the Towards Zero WA Road Safety Strategy 2008-2020.

Executive Officers: Executive Director Infrastructure and Environment and Manager City Engineering.

Meeting Schedule: Third Tuesday of each month.

Membership: Maximum of two elected members.

National Anzac Centre Advisory Group

The NAC Advisory Group is to provide advice and strategic oversight of the NAC and support the ongoing development and implementation of initiatives to achieve the strategic objectives of the precinct.

Executive Officer: The Chief Executive Officer.

Meeting Schedule: Quarterly.

Membership: Mayor or nominated representative.

GOVERNMENT & PUBLIC CONSULTATION

14. The *Local Government Act 1995* and supporting legislation and the Department of Local Government Guidelines were consulted.

STATUTORY IMPLICATIONS

15. There is a statutory requirement for Council to form an Audit Committee.
16. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a committee continues until the next ordinary local government election.
17. Division 2, Part 5 of the *Local Government Act 1995* deals with Council meetings, committees and their meetings.
18. Appointment to committees is by **Absolute Majority**.

POLICY IMPLICATIONS

19. There are no policy implications related to this report, unless the Terms of Reference for a committee to be amended.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation <i>Risk: Members are not appointed to committees</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Elected Members are appointed to committees at a future council meeting. Officer reports and recommendations will be considered by whole of Council at Ordinary Council Meetings.</i>

FINANCIAL IMPLICATIONS

21. A budget line exists for the cost of administering committees, including representation on external committees.

LEGAL IMPLICATIONS

22. The legal implication is related to compliance with specific provisions of the *Local Government Act 1995* including subdivision 2- Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

23. There are no direct environmental considerations related to this report.

ALTERNATE OPTIONS

24. Elected members may reserve the right to nominate for committee membership at a later date.

Consulted References	:	<i>Local Government Act 1995 Planning and Development (Development Assessment Panels) Regulations 2011 Department of Local Government Guidelines Governance and Meeting Framework Policy</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 31/10/2017 Report Item CCS067

DIS178: PLANNING AND BUILDING REPORTS SEPTEMBER 2019

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports September 2019
Report Prepared By : Administration Officer – Planning (J Ferrell)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Acting Executive Director Development Services
(J Van Der Mescht)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

DIS178: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for September 2019.

DIS179: C19021 STAGE 1 CIVIL WORKS – MIDDLETON BEACH FORESHORE ENHANCEMENT

Land Description	: Middleton Beach
Proponent / Owner	: City of Albany
Report Prepared By	: Major Projects Officer (R. Taylor)
Responsible Officers:	: Executive Director Infrastructure & Environment (P. Camins)

Should discussion be required regarding the financial or contractual matters pertaining to the tender process or award of the tender, in accordance with section 5.23 (2) (c) & (e) of the Local Government Act 1995, the meeting will go behind closed doors for that discussion. Council will re-open the meeting to members of the public prior to making a resolution.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Community Health and Participation
 - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

Maps and Diagrams:



In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for the Contract C19021 Stage 1 Civil Works – Middleton Beach Foreshore Enhancement to NEO Infrastructure.

RECOMMENDATION

**DIS179: DRAFT RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Report Item DIS179: Stage 1 Civil Works-Middleton Beach Foreshore Enhancement be ACCEPTED as an Urgent Item in accordance with clause 3.5 of *Standing Orders Local Law 2014 (Amended)* for consideration by Council.

Reason: The close of tenders for this project was 3 October 2019. The tender evaluation process was completed after the scheduled distribution date for this agenda.

It is requested that Council consider this item in accordance with clause 3.5 of the *Standing Orders Local Law 2014 (Amended)* to ensure that the project is not unduly delayed.

**DIS179: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ACCEPT the tender from NEO Infrastructure and AWARD contract C19021 - Stage 1 Civil Works – Middleton Beach Foreshore Enhancement.

BACKGROUND

2. Tenders were called for Construction Works; Stage 1 Civil Works – Middleton Beach Foreshore Enhancement.
3. It is preferable to commence works at the earliest possible time to ensure practical completion in accordance with funding requirements.

DISCUSSION

4. The standard tender process as prescribed by the *Local Government Act 1995* (the Act) and *Local Government (Function and General) Regulations 1996* (the Regulations).
5. Tenders were advertised both state-side and locally from the 5 September 2019 and were closed on 3 October 2019.
6. Forty Three (43) tender documents were downloaded from the City of Albany website, resulting in the City receiving six (6) conforming tender submissions with three (3) tenderers submitting conforming and alternatives.

Evaluation of Tenders

7. The tender panel evaluated tenders using the weighted criteria methodology across five key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Relevant Experience	15%
Tenderers Resources	5%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
Cost	55%
Total	100%

8. The following Table 2 summarises the tenders and the overall evaluation scores applicable.

Table 2 – Summary of Tender Submissions

Tenderer	Total	Rank
NEO Infrastructure	701.30	1
Tenderer B	663.55	2
Tenderer C	547.12	3
Tenderer D	518.78	4
Tenderer E	451.85	5
Tenderer F	365.33	6

9. NEO Infrastructure ranked highest with the highest total weighted score.
10. From the evaluation scoring, reference check, clarification, and financial check processes NEO Infrastructure are the preferred tender and consequently it is recommended that their tender be accepted and the contract be awarded.

GOVERNMENT & PUBLIC CONSULTATION

11. There is no government consultation required for the award of Construction Works for the Stage 1 Civil Works – Middleton Beach Foreshore Enhancement.
12. The funding body and public will be notified with regard to the outcome of the award and timeframe for implementation.

STATUTORY IMPLICATIONS

13. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
16. Voting Requirement: **Simple Majority**.

POLICY IMPLICATIONS

17. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
City Operations: Failure to deliver project within specified timeframe	Possible	Major	High	Award construction tender as soon as possible to satisfy funding conditions for project completion.
Business Interruption: Council does not support recommendation for tender award	Possible	Major	Medium	City Officer address any issues / concern, to facilitate Council making a timely decision.
Opportunity: Project developed and delivered on time for the benefit of the community use and precinct activation.				

FINANCIAL IMPLICATIONS

19. The recommended tender is within budget.

LEGAL IMPLICATIONS

20. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

ENVIRONMENTAL CONSIDERATIONS

21. The contractor's environmental sustainability policy will apply to this contract.
22. Site management controls will be enforced to mitigate adverse any possible environmental impacts.

ALTERNATE OPTIONS

23. The options are:
- Council can elect to accept the recommended tender,
 - Not approve any tender

CONCLUSION

24. It is recommended, based on the evaluation scoring, reference check, clarification, and financial check processes that the tender is awarded to NEO Infrastructure.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Functions and General) Regulations 1996</i>• <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i><ul style="list-style-type: none">○ <i>Tender/Contract Procedure</i>○ <i>Evaluation Procedure (Tenders and Quotations)</i>• <i>Council Policy: City of Albany Buy Local Policy (Regional Price Preference)</i>
File Number (Name of Ward)	:	CP.PLA.9
Previous Reference	:	'Stage 1 Civil Works – Middleton Beach Foreshore Enhancement; Confidential Briefing Note to Elected Members, Monday 22 October 2019

**BFAC008: APPOINTMENT OF VOLUNTEER CHIEF AND DEPUTY CHIEF
BUSH FIRE CONTROL OFFICERS FOR 2019/20.**

Attachments	: Nil
Report Prepared by	: Manager Ranger and Emergency Services (T Ward)
Responsible Officer	: Acting Executive Director Development Services (J Van Der Mescht)

STRATEGIC IMPLICATIONS

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

In Brief:

- Nominations for essential leadership positions have been received from Volunteer Bush Fire Brigade members.
- The appointments have been made in accordance with the Delegations Register.

RECOMMENDATION

**BFAC008: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE the information report relating to the appointment of Volunteer Chief and Deputy Chief Bush Fire Control Officers for 2019/2020 period.

BFAC008: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR MOIR
SECONDED: V HILDER**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

BFAC008: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the information report relating to the appointment of Volunteer Chief and Deputy Chief Bush Fire Control Officers for 2019/2020 period.

BACKGROUND

2. The City of Albany has established a network of sixteen Volunteer Bush Fire Brigades, comprising approximately 874 active and auxiliary members, for the purpose of providing bushfire fighting capacity throughout the district.

3. In accordance with S38 of the *Bush Fires Act 1954*, the City appoints Chief and Deputy Chief Bush Fire Control Officers.
4. Nominations for those positions are called for at the Bush Fire Advisory Group meeting held in April of each year. Successful nominees are then appointed by the CEO of the City of Albany in accordance with the Delegations Register.

DISCUSSION

5. Nominations for Chief and Deputy Chief Bush Fire Control Officers were received from Mr Rob Lynn, Mr Garry Duncan and Mr Graeme Poole.
6. These nominations were considered by the Bush Fire Advisory Committee at its meeting held on 19 November 2018.
7. The committee recommended the following appointments:
 - Chief Bush Fire Control Officer-Garry Duncan.
 - Deputy Chief Bush Fire Control Officer-Graeme Poole.

GOVERNMENT & PUBLIC CONSULTATION

8. Fire Control Officers are appointed under an instrument of delegation, in accordance with the City of Albany *Strategic Bush Fire Plan 2014-2019*.
9. Department Fire and Emergency Services and Department of Biodiversity, Conservation and Attractions were consulted.

STATUTORY IMPLICATIONS

10. Local Governments are empowered by Section 38 *Bush Fires Act 1954* to appoint such persons as necessary to perform the duties associated with a Bush Fire Control Officer.

POLICY IMPLICATIONS

11. There are no immediate policy implications associated with this report.

FINANCIAL IMPLICATIONS

12. There are no financial implications associated with receiving the report.

LEGAL IMPLICATIONS

13. There are no immediate legal implications in receiving the report.

ENVIRONMENTAL CONSIDERATIONS

14. There are no environmental considerations associated with receiving the report.

SUMMARY CONCLUSION

15. The attached report should be received.

Consulted References	:	<ul style="list-style-type: none">• <i>City of Albany Strategic Bush Fire Plan 2014 - 2019</i>• <i>Bush Fires Act 1954</i> (WA)
File Number (Name of Ward)	:	ES.MEE.1 - (All Wards)
Previous Reference	:	Nil

BFAC009:BUSHFIRE RISK MANAGEMENT PLAN AND BUSHFIRE RESILIENCE IN THE GREAT SOUTHERN PROJECT

Land Description	: All Wards
Proponent / Owner	: City of Albany / Dept. of Fire and Emergency Services;
Attachments	: Mitigation Activity Fund FAQ's information sheet (draft).
Supplementary Information & Councillor Workstation	: BRIGS Project Plan
Report Prepared By	: Bushfire Mitigation Risk Management Planning Officer/Fire Liaison Officer (D Little) Bushfire Resilience in the Great Southern (BRIGS) Project Officer (M Haymont)
Responsible Officers:	: A/Executive Director Development Services (J Van Der Mescht)

STRATEGIC IMPLICATIONS

1. Council will be requested to endorse the Bush Fire Risk Management Plan on completion.
2. This item relates to the following elements of the City of Albany Community Strategic Plan:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structure.
 - **Community Priority:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- The City of Albany has secured funding from the Department of Fire and Emergency Services to commence the development of a Bushfire Risk Management Plan (BRMP);
- An endorsed BRMP will allow the City to access funding for fire mitigation activities available under the Mitigation Activities Fund (MAF) administered by the state government.
- Additionally, the Bushfire Resilience in the Great Southern (BRIGS) project, a joint project with the Shires of Plantagenet, Denmark and the City of Albany which is funded by the Natural Disaster Resilience Program (NDRP), will provide a targeted mitigation program to three precincts within the City of Albany as a component of the BRMP.
- These targeted assessments of the nominated precincts will advise and inform evacuation planning and mitigation activities

RECOMMENDATION

**BFAC009: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE the information relating to the Bush Fire Risk Management process.

BFAC009: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MOIR
SECONDED: R LYNN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

BFAC009: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the information relating to the BRMP process.

BACKGROUND

3. The City of Albany's current bush fire mitigation program, which has been running for 5 years in its current form, provides a robust platform on which to integrate the BRMP which will enable access to state government bushfire risk mitigation funding.
4. The BRIGS project will provide targeted and specific mitigation recommendations to areas considered high risk within the City of Albany.

DISCUSSION

5. The City has obtained DFES funding to commence the Bush Fire Risk Management Plan. This consists of a 0.5 FTE for 12 months.
6. At the end of the 12 months, further funding from DFES equivalent to 0.3 FTE will be available until 2022, which will enable to the completion of the project.
7. The current fire mitigation program will continue without interruptions. Mitigation planning and operations will still be undertaken by the Fire Liaison Officer, with the implementation of fire access track maintenance operations being overseen by the City's Natural Reserves Supervisor.
8. MAF funding is made available to implement identified treatments to areas of High and Extreme risk.
9. MAF funding is available only for mitigation activities on City Vested Crown Land, not property owned by the City, or unallocated crown land (UCL). The funds can be used for activities required to support on ground works (environmental/heritage approvals) as well as slashing, mulching, spraying etc.
10. The MAF funding will be available once the BRMP is endorsed by Council and the Office of Bushfire Risk Management (OBRM). MAF funding can be applied for twice a year (April and August), however local governments can only receive funding once per year.
11. The BRIGS project aims to apply an approved assessment method (Bushfire Attack Level Planning methodology) to provide evidence of risk to vulnerable areas/communities where evacuation may be compromised.
12. Three precincts have been identified for this project, Little Grove, Goode Beach and Bayonet Head. These precincts meeting the criteria for bush fire vulnerability.
13. The project will identify and recommend areas for refuge, procedures for evacuation and bush fire risk treatment options. Consultation with residents of the three precincts will be conducted.

GOVERNMENT & PUBLIC CONSULTATION

14. Public consultation will be conducted as part of both the BRMP and BRIGS projects. The BRMP will have also contain a Communications Strategy.

STATUTORY IMPLICATIONS

15. Nil

POLICY IMPLICATIONS

16. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community Safety Financial Reputation Property Risk: BFRMP not adopted by Council. Funding for bush fire risk mitigation activities in the three areas identified as high risk will not be available.	Unlikely	Medium	High	Review of the BFRMP by Council prior to adoption.

FINANCIAL IMPLICATIONS

18. MAF funding opportunities for areas of High and Extreme risk will be available.

LEGAL IMPLICATIONS

19. Nil.

ENVIRONMENTAL CONSIDERATIONS

20. Some environmental impacts will require careful management, particularly in areas of environmental sensitivity when carrying out risk mitigation such as prescribed burns or fuel reduction.
21. Any mitigation activities will be conducted in accordance with the Environmental Code of Conduct

ALTERNATE OPTIONS

22. Council may choose to further review the proposed BFRMP prior to adoption.

CONCLUSION

23. Council note the information contained in this report.
24. A further update on the BRMP project will occur on finalisation of the project, including the amount and impact of MAF funding applications.

Consulted References	:	Community Strategic Plan
File Number (Name of Ward)	:	All Wards
Previous Reference	:	NA

BFAC010: AMEND BUSH FIRE ADVISORY COMMITTEE TERMS OF REFERENCE

Proponent	: City of Albany
Report Prepared By	: Administration Coordinator Rangers & Emergency Services (S Lees)
Responsible Officer(s):	: Acting Executive Director Development Services (J Van Der Mescht)

In Brief:

- The Bush Fire Advisory Committee members have requested an amendment to the current Terms of Reference for this committee, to increase the membership for elected members to four.
- This will enable increased representation from Council, and ensure continuity of membership for the Committee.
- The Bush Fire Advisory Committee has also requested an amendment to the meeting schedule, and BFAC meetings will now be held quarterly, and included in the Council and Committee meeting schedule to be adopted by Council at the December 2019 OCM.

RECOMMENDATION

BFAC010: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the Terms of Reference for the Bushfire Emergency Management Committee be amended, as follows:

Membership: Defined under the Terms of Reference detailed in the Strategic Bush Fire Plan 2014 – 2019:

- ~~Two or three~~ **Four** elected members (Chairperson) **(2 x 2 of alternating terms for continuity)**
- Chief Bush Fire Control Officer
- Chair of Bush Fire Advisory Group (BFAG)
- **Senior Bush Fire Control Officers of each sector (North East and South West)**
- Department of Fire and Emergency Services (DFES) Representative
- Department of Parks and Wildlife (DPaW) Representative
- City of Albany Manager Rangers & Emergency Management (executive support – non-voting)
- City Emergency Management Administrator (administrative support – non-voting)

Meeting Schedule: Quarterly

Meeting Location: Conference Room, Mercer Road, Walmsley

BFAC010: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR MOIR
SECONDED: T WARD**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

DISCUSSION

1. The BFAC Committee have requested the amendments to the Terms of Reference for that committee in order to provide continuity of representation from Council.
2. The Council and Committee Meeting Schedule for 2020 will be adopted by Council at the December 2019 Ordinary Council Meeting. It is recommended that the revised meeting schedule for the BFAC be included in that Schedule.

**LEMC020: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – 20 JUNE 2019**

Attachments	: Confirmed Minutes of the Local Emergency Management Committee
Report Prepared By	: Administration Coordinator Ranger & Emergency Services (S Lees)
Responsible Officers:	: Acting Executive Director Development Services (J Van Der Mescht)

STRATEGIC IMPLICATIONS

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

In Brief:

- Receive the confirmed minutes of the Local Emergency Management Committee meeting held on 20 June 2019.

RECOMMENDATION

**LEMC020: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 20 June 2019 be RECEIVED.

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14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

DIS179: STAGE 1 CIVIL WORKS-MIDDLETON BEACH FORESHORE ENHANCEMENT.
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS** Nil
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**