



AGENDA

Ordinary Meeting of Council

Tuesday 28 July 2020

6.00pm
Council Chambers

CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 28 July 2020 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 28/07/2020

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

R Stephens

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

E Doughty

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

T Sleeman

Vancouver Ward

J Shanhun

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development
& Environment

P Camins

Acting Executive Director Community Services

N Watson

Meeting Secretary

J Williamson

Apologies:

ORDINARY COUNCIL MEETING
AGENDA 28/07/2020

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
A/ED Community Services N Watson	CCS267	Impartiality. The nature of the interest being that Mr Watson is a former financial member of Emu Point Tennis Club and remains an active member of the club uses its facilities.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 23 June 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS260: FINANCIAL ACTIVITY STATEMENT – MAY 2020

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

RECOMMENDATION

**CCS260: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CCS260: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS260: RESPONSIBLE OFFICER RECOMMENDATION

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

COVID-19 IMPACT

- Impacts to the financial performance of the City are detailed in the 'Explanation of Material Variances to the YTD Budget in Excess of \$100,000' (Note 1) of the Attachment to this report (Statement of Financial Activity).

BACKGROUND

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

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 10. Expenditure for the period ending 31 May 2020 has been incurred in accordance with the 2019/20 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS261: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2020

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)

RECOMMENDATION

CCS261: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2020 totalling \$4,320,873.17 be RECEIVED.

CCS261: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
 SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS261: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2020 totalling \$4,320,873.17 be RECEIVED.

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 2020. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$5,225.64
Payroll	\$1,375,470.94
Cheques	\$14,529.62
Electronic Funds Transfer	\$2,925,646.97
TOTAL	\$4,320,873.17

As at 15 June 2020, the total outstanding creditors stands at \$122,829.13 and is made up as follows;

Current	\$25,210.99
30 Days	\$75,125.83
60 Days	\$1,292.77
90 Days	\$21,199.54
TOTAL	\$122,829.13
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 June 2020 has been incurred in accordance with the 2019/2020 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 June 2020 has been incurred in accordance with the 2019/2020 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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CCS262: BUSH FIRE BRIGADE LOCAL LAW 2020

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

In Brief:

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

RECOMMENDATION

**CCS262: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

CCS262: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS262: RESPONSIBLE OFFICER RECOMMENDATION

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

BACKGROUND

2. In December 2019, Council resolved to make the local law and seek community feedback.
3. Consultation has been conducted over a number of years by City Officers, working with volunteer brigade appointed officers and members.
4. At the request of volunteer bush fire brigade members, public consultation was extended to Friday 27 March 2020.
5. At the submission closing date, the City had received two public submissions, in addition to feedback provided from the Department of Local Government, Sport and Cultural Industries and the Department of Emergency Services & Corrective Services.

DISCUSSION

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

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
1.4	Minister for Emergency Services; Corrective Services Clause 1.4 Definitions <ul style="list-style-type: none"> • Clause 1.4(2)(g) - "Chairperson" is not referenced in Part 3 of the local law. Suggest deleting and referencing "President" only. 	Manager Governance & Risk: Agree, local law amended.
1.4 (2)(h)	Department of Local Government, Sport and Cultural Industries Minor edits <ul style="list-style-type: none"> • Clause 1.4(2)(h): insert the word "or" after the semicolon. 	Manager Governance & Risk: Noted, local law amended.
2.1 (3)(a)	Department of Local Government, Sport and Cultural Industries Minor edits <ul style="list-style-type: none"> • Clause 2.1(3)(a): insert the word "and" after the semicolon. 	Manager Governance & Risk: Noted, local law amended.
2.1	Minister for Emergency Services; Corrective Services Clause 2.1 Establishment and naming of a bush fire brigade <ul style="list-style-type: none"> • Clause 2.1(3) - the City should consider including an additional paragraph noting that the local government must register the brigade in a register kept pursuant to section 41(2) of the Bush Fires Act 1954 ("the Act"). 	Manager Governance & Risk: Agree, local law amended.
2.2 (3)	Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member <ul style="list-style-type: none"> • Clause 2.2 (3) Unclear. Should this read "A person appointed or elected as an officer to a brigade is taken to be a brigade officer of that brigade."?	Manager Governance & Risk: Have reviewed clause wording that currently reads, which has been reviewed by the Departments of Local Government and Emergency services: <i>Clause 2.2 (3) A person appointed or elected to a brigade is taken to be a brigade member of that brigade.</i>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<p>What is the purpose of this clause?</p>	<p>RE: What is the purpose of this clause? The local government is responsible to ensure that an appropriate structure for each brigade is maintained, which may require persons to be appointed to a brigade (refer to Division 2 – Local Government Responsibility, of the proposed local law).</p> <p>For example: Due to resignation and/or illness allows for local government to fill a brigade vacancy with a person with the necessary required qualifications, skills and/or expertise based on consultation with the Chief and/or Deputy Chief Bush Fire Control Officer, brigade and or Bush Fire Advisory Committee.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>
<p>3.1</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 3.1 (a) Suggest reference to the definition or Act or capitalisation Normal Brigade Activities for clarity that this is not a common but defined term. 	<p>Manager Governance & Risk: Agree, Normal Brigade Activities are defined in the Act, prescribed in the Regulations and Rules.</p> <p>Amended local law accordingly.</p>
<p>3.6</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • in the clause title, replace “Local Government” with “Local government”. 	<p>Manager Governance & Risk: Noted, local law amended.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
3.7 (1)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(1) - the City may wish to reconsider limiting the bush fire control officer's powers to those contained in Part IV of the Act. There are other powers, particularly in section 14 and Part III of the Act, which are important for Bush Fires Control Officers. <p>For example, the power to issue permits to burn during the Restrict Burning Times is contained in Part III of the Act.</p>	<p>Manager Governance & Risk: Agree, recommend amending local law.</p> <p>Clause amended to refer to the Act.</p> <p>Post gazettal of the local law, an administrative copy will be appended with advice note.</p>
3.7 (2)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(2) - the reference to s.62 of the Act (power to make local laws) should be deleted and replaced with s.38 (Bush Fire Control Officers). 	<p>Manager Governance & Risk: Agree, local law amended accordingly.</p>
3.7 (3)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> Clause 3.7(3) - given s.62 of the Act provides for the local government to make local laws for and in relation to the functions of bush fire control officers. The City may like to consider whether it is appropriate for these functions to be established pursuant to an external policy document (in this case the City of Albany Strategic Bush Fire Plan or other City of Albany Plans) given the legislation contemplates these matters being provided for in the local laws. 	<p>Manager Governance & Risk: Considered. Noting functions of BFCO to be supported by guiding documents (guidelines and procedures), it is considered appropriate to facilitate this process outside of the local law.</p> <p>Noting for accountability, subject documents must be adopted by Council and or approved under delegation by a member of the City's Executive and Chief BFCO.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
3.7 (5)	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> • Clause 3.7(5) - it may be simpler and clearer for the City of issue Bush Fire Control Officers with a direction to exercise their powers under s.56 (to require a person's name and permit) instead of addressing the matter through local laws. 	<p>Manager Governance & Risk: Agree, removed sub-clause 3.7(5), being: <i>3.7(5) Notwithstanding the application of the provision of clauses 3.7(2) and 3.7(3), the statutory duties of Bush Fire Control Officers contained in section 56 of the Act are to prevail.</i></p> <p>as it is not relevant.</p> <p>Post gazettal of the local law, an administrative copy will be appended with advice note.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>
4.1 (2)	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.1(2) This will affect a number of existing volunteers. I do not think it is necessary. There is a larger issue with VBFB members being members of other emergency services. • In a multi-agency emergency they may be conflicted by calls to the Volunteer Bush Fire Service as well and Volunteer Fire & Rescue Service or St John Ambulance. 	<p>Manager Governance & Risk: Concern with VBFB members also being members of other response agencies are noted. However, outside the scope of the proposed local law.</p> <p>It is considered that members who are volunteers of multiple response agencies can be administered operationally, within the brigade.</p> <p>It would be inappropriate, to utilise a local law to restrict volunteerism.</p> <p>Review Working Group: Support response, in line with brigade local law volunteer group discussions.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
4.2	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.2 Very few Operational members undertake ALL normal brigade activities. 	<p>Manager Governance & Risk: Noted, it is considered your comment is addressed by defining and classifying brigade members, being:</p> <ul style="list-style-type: none"> • <i>Clause 4.3 Trainee members.</i> • <i>Clause 4.4 Cadet members.</i> • <i>Clause 4.5 Support members.</i> • <i>Clause 4.6 Life member.</i> • <i>Clause 4.7 Honorary life member.</i>
4.4	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.4 subclause numbering is incorrect. 	<p>Manager Governance & Risk: Noted, local law reviewed no errors identified.</p>
4.6	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> • Clause 4.6 Life member • Is the intent of this clause to establish "Life member" as a separate class of membership to "honorary life member"? If yes, the word "honorary" should be deleted from this clause (to avoid duplicating clause 4.7 Honorary life member). • If the intent is that only an Operational member can be a Life member, the City may like to consider incorporating a subclause specifying this. 	<p>Manager Governance & Risk: Noted and amended local law accordingly, by removing the word "honorary" from this clause.</p> <p>Clause 4.6 amended to read:</p> <p>4.6 Life member</p> <p><i>(1) The brigade may by a simple majority resolution appoint a person as a life member in recognition of services by that person to the bush fire brigade.</i></p> <p><i>(2) Only an Operational member can be appointed as a life member.</i></p> <p>Review Working Group: Supports intent of the brigade local law volunteer group discussions, being:</p> <ul style="list-style-type: none"> • Life members applies current serving operational members. • Honorary member applies to past and/or current support members, who may not be on the fire ground, but their support provides vital logistic and moral support.

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

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

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

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
Citation clause and year	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> It is suggested that the citation year be changed to "2020", as this is the year when the local law is likely to be made and gazetted. If this is done, the citation in clause 1.1 should also be amended. 	<p>Manager Governance & Risk: Agree, local law amended.</p>
Contents Page	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> Contents page: In the items for Part 6, remove the gap between the clause number and the clause title. Defined terms should be formatted in bold and italics. It is suggested that the defined terms in this local law be reformatted to reflect this. The City uses "s." and "section" interchangeably throughout the local law. For consistency, it is suggested that "section" be used. It is suggested that all instances of "Local Government" be changed to read "local government" to be consistent with the defined term. 	<p>Manager Governance & Risk: Agree, local law amended.</p>
Schedule 1 Clause 2.1	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> Clause 2.1: replace designation (3) and (4) with (1) and (2). 	<p>Manager Governance & Risk: Noted, local law amended.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 2.5</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 2.5: The meaning of “direct communication” is important. It would be preferable to set it out in an appropriate definition in clause 1.4 rather than a boxed note. 	<p>Manager Governance & Risk: Noted, local law amended.</p> <p>Original text of boxed “Guidance Note” read:</p> <p><i>Direct Communications for the purpose of this local law, is the act of transferring information from one place, person or group to another with confirmation of understanding and acknowledgement of receipt. Examples of direct communication includes communication via telephone, Internet voice or video communication applications or UHF or VHF radio.</i></p> <p>Definition included in clause 1.4, accordingly, being:</p> <p><i>Direct Communications is the act of transferring information from one place, person or group to another with confirmation of understanding and acknowledgement of receipt. Direct communications may be conveyed in person face to face, or remotely using electronic communication devices and applications approved by DFES or the local government, for example: UHF and VHF radio, internet voice and video applications.</i></p> <p>Review Working Group: Response and amendment endorsed. The brigade local law volunteer working group’s intent, being: That the communication must be able to be acknowledged. In addition, requested that the term face to face and electronic be included.</p>
<p>Schedule 1</p> <p>Clause 2.5</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Schedule 1 Rules - Clause 2.5: 65% is too high for a quorum. If the Committee was of 5 members then 4 of the 5 would be required to form a quorum. 50% would be reasonable. 	<p>Manager Governance & Risk: Agree; local law amended to 50%.</p> <p>Review Working Group: Amendment endorsed.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
Schedule 1 Clause 2.5	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick - Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Quorum: (a) Bornholm Brigade currently has a committee of 14. Does item 6.6 imply that the quorum for a meeting is 7 or 14? 	<p>Manager Governance & Risk: In regards to example given, Quorum for a committee membership of 14 would be 7. Minimum: 50 percent of the committee members.</p>
Schedule 1 Clause 3.3	<p>Minister for Emergency Services; Corrective Services</p> <ul style="list-style-type: none"> • Schedule 1, clause 3.3 President For clarity, the words "of the brigade and the Committee" should be included at the end of subclause (1). 	<p>Manager Governance & Risk: Agree, local law amended, noting a number of typographical errors additional proofreading conducted by Governance & Risk Team have been applied throughout local law.</p>
Schedule 1 Clause 3.4	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Clause 3.4(c): insert the word "and" after the semicolon. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
Schedule 1 Clause 4.1	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Clause 4.1: <ul style="list-style-type: none"> ○ In subclause (1): replace the semicolon with a full stop. ○ In subclause (2)(c) insert the word "and" after the semicolon. 	<p>Manager Governance & Risk: Noted, local law amended.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>Schedule 1</p> <p>Clause 4.1</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.1: <ul style="list-style-type: none"> ○ In subclause (1): replace the semicolon with a full stop. ○ In subclause (2)(c) insert the word “and” after the semicolon. (1) the reference to clause 2.1 is confusing or incorrect. It probably should be 4.1.(2). 	<p>Manager Governance & Risk: Noted, aligns with Dept. feedback, local law amended.</p>
<p>Schedule 1</p> <p>4.4</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 4.4 (1) 1 week is impossible to go through the required considerations and approval process. Make it 1 month. 	<p>Manager Governance & Risk: Noted. One month is considered overly onerous for a well-functioning committee with good communications to consider operational matters.</p> <p>If the majority of the membership feels that more time is required to give due consideration the Committee can vote to hold over for a specified period of time.</p> <p>Review Working Group: Response endorsed. Noting it was the intent of working group to apply time line to completed and approved member applications.</p>
<p>Schedule 1</p> <p>Clause 5.1</p>	<p>Department of Local Government, Sport and Cultural Industries</p> <p>Minor edits</p> <ul style="list-style-type: none"> • Clause 5.1(2): <ul style="list-style-type: none"> ○ In paragraph (c), delete the word “or” after the semicolon. ○ In paragraph (d), insert “; or” after the semicolon. 	<p>Manager Governance & Risk: Noted, local law amended, including the removal of the boxed note.</p> <p>Post gazettal of the local law, an administrative copy will be appended with advice note, being:</p> <p><i>The Committee and/or Chief Bush Fire Control Officer is to take into consideration any relevant local governments policies when forming an opinion that leads to the suspension of a brigade member.</i></p> <p>Review Working Group: Response endorsed.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
Schedule 1 Clause 5.2	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Clause 5.2: <ul style="list-style-type: none"> ○ It appears that paragraphs (d) to (g) should actually be subclauses (2) to (5). The Shire should review this. 	<p>Manager Governance & Risk: Noted, reviewed and local law amended accordingly.</p>
Schedule 1 Clause 5.3	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Clause 5.3: <ul style="list-style-type: none"> ○ replace "5.1(6)(b)" with "5.1(5)(b)". 	<p>Manager Governance & Risk: Noted, local law reviewed and amended to read:</p> <p><i>5.3 Member has right of defence</i> (1) A bush fire brigade member dismissed under clause 5.2(1)(c), or has his or her membership terminated under clause 5.1(5)(b), will be afforded the principle of natural justice through the right of reply to the Committee or Chief Bush Fire Control Officer.</p>
Schedule 1 Clause 5.5	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Clause 5.5: <ul style="list-style-type: none"> ○ In subclause (1) replace "5.1(6)(b)" with "5.1(5)(b)" and replace "5.2(1)(c)(d)" with "5.2(1)(c)(v)". ○ In subclause (3) replace "sub-clause" with "subclause". 	<p>Manager Governance & Risk: Noted, local law amended.</p>
Schedule 1 6.5	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> • Clause 6.5 (1) - (2) is overly bureaucratic to require notice of general meetings to be in writing. Current practice is to assume members are familiar with the regular meeting date. Sometimes reminders are issued over WhatsApp or SMS. 	<p>Manager Governance & Risk: Noted.</p> <ul style="list-style-type: none"> • RE: Requirement for Notice to be in writing. Notice in writing can be facilitated by using electronic communications (email, group text, SMS, WhatsApp, social media platforms, etc.). • RE: Assuming members are familiar with regular meeting date. Assuming members are familiar with the regular meeting date is considered not good practice and allows for potential poor governance practices, for example:

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
		<ul style="list-style-type: none"> ○ <i>The increased risk of setting a date and time when the majority of member(s) are not available.</i> ○ <i>Unintentionally, in particular during times of change, the perception by members that dates and time being chosen that exclude members of an opposing view.</i> <p>Post gazettal of the local law, an administrative copy will be appended with advice note, being:</p> <p style="padding-left: 40px;"><i>To provide clarification written communication to include electronic communication mediums.</i></p> <p>Review Working Group: Response and proposed action endorsed.</p>
<p>Schedule 1</p> <p>Clause 7.4</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> ● Clause 7.4: <ul style="list-style-type: none"> ○ in subclauses (1) and (2), insert a full stop at the end of each subclause. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>Clause 8.1</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> ● Clause 8.1(e): <ul style="list-style-type: none"> ○ insert a comma at the end of this paragraph. 	<p>Manager Governance & Risk: Noted, local law amended.</p>
<p>Schedule 1</p> <p>7.1</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <ul style="list-style-type: none"> ● Clause 7.1 is a concern to the use of funds independently raised by brigades. 	<p>Manager Governance & Risk: Agree raising funds for bush fire appeal is laudable.</p> <p>Activities conducted by City of Albany Bush Fire Brigade members are governed by the City of Albany Code of Conduct and associated policies.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<p>For example, funds have recently been raised by brigades from public donation and donated to the Red Cross bush fire appeal. While raising funds for the Red Cross bush fire appeal is not an objective of the brigade it is a reasonable activity for the brigade.</p>	<p>This clause in part, pertains to funds allocated from the City municipal fund, including funds administered by the City distributed by other entities.</p> <p>The City's minimum expectation that funds collected by City VBFB Member are appropriately accounted for and dispersed.</p> <p>Many associations undertake some form of fundraising or seek grants in order to help finance their not-for-profit activities.</p> <p>If an association or club is collecting donations of money or goods from the public in Western Australia for a <u>charitable purpose</u> it must have a licence under the <i>Charitable Collections Act 1946</i>.</p> <p>Review Working Group: Response and proposed action endorsed, noting officers will work with brigades to resolve administrative issues.</p>
<p>Schedule 1 7.2</p>	<p>Comments on Local Law – Bornholm Brigade – Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Financial Year. The Bornholm Brigade has prepared its audited annual financial report at the end of the calendar year (December 31) so that there was a shorter time between the end of the Financial Year and the Annual General Meeting held before the end of April. • Financial Year: The Local Law specifies a financial year from 1 July to 30 June, and an AGM before the start of April. • This means that there will be a long delay between the preparation of the annual financial report and the holding of the AGM. 	<p>Manager Governance & Risk: Feedback noted.</p> <p>Review Working Group: Noting commitment from officers to work with brigades.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
Schedule 1 5.2	<p>Comments on Local Law – Bornholm Brigade – Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: <ul style="list-style-type: none"> ○ (a)The Local Law states that membership can be terminated by death, resignation or dismissal. ○ Bornholm Brigade has a large number of people who have joined the brigade in the past who have neither died, resigned or been dismissed, but have played no part in the functioning of the brigade for some time. ○ Many have left the Bornholm area. ○ Should all of these people be included on the brigade membership list? 	<p>Manager Governance & Risk: Feedback noted.</p> <p>RE: Should all of these people be included on the brigade membership list? Recommend retaining contact details and notate membership as either active or inactive members of the brigade.</p> <p>Review Working Group: Only members who turn up and participate should be on the books as a member of the brigade.</p>
Schedule 1 4.4	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: <ul style="list-style-type: none"> ○ (c) Does Section 4-4 (Notification of Membership), Item 4, imply that the Local Government will maintain a list of the current membership of each brigade, and will that list distinguish between Active and Inactive members? 	<p>Manager Governance & Risk: Yes.</p> <p>It is evident that there is a duplication of effort, being: Register kept by both City of Albany and DFES, which is outside the scope of the local law.</p> <p>Review Working Group: Terminology to be standardised and communicated as a policy position.</p>
Schedule 1 4.2	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: 	<p>Manager Governance & Risk: Noted.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> ○ (d) Is it practical to require the brigade secretary to forward all applications for membership to the CBFCO for his approval within one week of receipt? <p>Currently applications are forwarded to the Local Government and to DFES after approval by the brigade committee.</p>	<p>Only a "Copy" of <u>an approved application</u> is to be forwarded, which can either be scanned and emailed or photographed with a smart phone and emailed to the Chief Bush Fire Control Officer (BFCO).</p> <p>Post gazettal of the local law, an administrative copy of the local law is to be noted with a guidance note, stating:</p> <p style="text-align: center;"><i>The Chief BFCO, is supported administratively by City Officers, who are responsible for administering the process and referral to DFES.</i></p> <p>Review Working Group: Response endorsed, noting time frame applies to approved applications.</p>
<p>Schedule 1 2.3</p>	<p>Comments on Local Law – Bornholm Brigade - Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Casual Committee Vacancy: (a) Does item 2-3 (Termination of Committee Membership) imply that the committee is no longer able to fill a casual committee vacancy, and that this has to be done at a bush fire brigade meeting? 	<p>Manager Governance & Risk: No. Noting appointment may be ratified (endorsed) at the at the next brigade meeting.</p> <p>Local government (The City) has to be notified.</p>
<p>Schedule 1 7</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <p>Brigades have for many years raised funds from public subscriptions and donations to purchase and build assets.</p> <p>Examples are brigade sheds and offices, radios, tools and equipment not provided by DFES or the City and unavailable under the LGG/ESL.</p> <p>Ownership and responsibility for these assets should be clarified going forward.</p>	<p>Manager Governance & Risk: Feedback noted.</p> <p>Post gazettal of the local law, an administrative Brigade Operating Procedure to be published to provide guidance.</p> <p>Review Working Group: Response endorsed and clarification of City of Albany assets to be communicated as a policy position.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<p>Similarly, brigades may have bank accounts separate from the operational accounts used to keep donations to the brigade independent of any local government or DFES funding.</p> <p>What is to happen to the funds accumulated in these accounts?</p>	
<p>Schedule 1 – 5</p>	<p>Comments on Local Law – Bornholm Brigade – Ted Rastrick Bornholm Brigade Secretary</p> <ul style="list-style-type: none"> • Membership: <ul style="list-style-type: none"> ○ (b) Should there be a distinction between Active and Inactive Support members? 	<p>Manager Governance & Risk: Feedback noted.</p> <p>Brigade members who are not active in either a support or operational role, should be notified and have their membership cancelled post a prescribed period of time.</p> <p>Rationale: Operational brigade members must be suitable trained and should conduct routine refresher training (for example: fire burn over drills).</p> <p>Post gazettal of the local law, an administrative Brigade Operating Procedure to be published to provide above guidance, noting “Active Operational and Support Members true numbers is needed to assess operational effectiveness.</p> <p>Review Working Group: Response endorsed.</p>
<p>Schedule 2</p>	<p>Department of Local Government, Sport and Cultural Industries Minor edits</p> <ul style="list-style-type: none"> • Schedule 2: In the bracketed reference, change “8.7” to “8.2”. • The City should also double check all references and cross references to ensure accuracy. 	<p>Manager Governance & Risk: Noted, local law amended.</p> <p>Additional checking of all reference and cross references conducted.</p>

Proposed Local Law (clause)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
<p>General</p>	<p>Comments on the proposed Law – David Wettenhall, South Coast Volunteer Bush Fire Brigade Member</p> <p>I have a few concerns about the proposed Bush Fire Brigades Local Law 2019 which I present for your consideration.</p> <p>I only became aware of the draft on Thursday 13th February 2020 so this has been necessarily put together with minimal discussion.</p> <p>The legal status of a brigade established by a local government remains unclear.</p> <p>In the past, many brigades have been incorporated or unincorporated associations primarily to limit the personal liabilities of the office bearers and members of the brigade.</p> <p>Some brigades have long established constitutions, the status of which is questionable.</p> <p>Some brigades have ABNs, are registered with the Australian Charities and Not-for Profits Commissioner and some are Deductible Gift Recipients.</p> <p>The proposal for local government to establish brigades may have implications for the status of these brigades.</p> <p>It would be appropriate for the proponent (City of Albany) to clarify, discuss and assist existing brigades transition to their new status.</p>	<p>Manager Governance & Risk: Concerns noted.</p> <p>Historically, the City supported brigades forming associations in some cases incorporated bodies.</p> <p>It is acknowledged that the City, through the now rescinded “City of Albany Strategic Bushfire Plan 2000-2005, providing an endorsed template brigade constitution for brigades to use.</p> <p>However, the City’s current position, as articulated in the local law, is that only activities that fall within ‘normal brigade activities’, defined under the BFA 1954 and the City’s Brigade Operating Procedures are permissible and covered by the City’s insurance.</p> <p>This is a position strengthened by the Insurer’s limitations of liability cover.</p> <p>Way forward:</p> <ul style="list-style-type: none"> • Guidance will be provided by City Officers in regards to Brigades who have formed incorporated and unincorporated entities; • VBFB association rules be aligned to committee rules detailed in the local law; and • Strongly encourage brigades to consult with City Officers prior to adopting any variation to constitutions to ensure compliance with the local law. <p>Review Working Group: Response endorsed.</p>

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

41. Bush fire brigades

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

28. The options are:

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

CONCLUSION

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

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

CCS263: ANIMALS LOCAL LAW 2020

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Theme:** Leadership.
 - **Objective:** To establish and maintain sound business and governance structures.
 - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to the community.

In Brief:

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

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

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

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

RECOMMENDATION

**CCS263: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

CCS263: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DOUGHTY

THAT Responsible Officer Recommendation 1 be ADOPTED

CARRIED 10-0

CCS263: RESPONSIBLE OFFICER RECOMMENDATION 1

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

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

THAT Council ADOPT the Council Wandering Cat Management Policy Statement:

WANDERING CAT MANAGEMENT POLICY STATEMENT

Management of cats found:

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

Definitions:

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

CCS263: COMMITTEE RECOMMENDATION 2

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

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 10-0

CCS263: RESPONSIBLE OFFICER RECOMMENDATION 2

THAT Council ADOPT the Council Wandering Cat Management Policy Statement:

WANDERING CAT MANAGEMENT POLICY STATEMENT

Management of cats found:

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

Definitions:

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

BACKGROUND

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

DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
9 – PART (8 – PART)	<p>Submission by Jenni Loveland (Project Officer) – Oyster Harbour Catchment Group: PART 9—CATS</p> <ul style="list-style-type: none"> In summary: <ul style="list-style-type: none"> <i>That the Albany City Council stand for the majority of people and take into consideration the voice of its people who are demanding a state-wide law requiring that pet cats be contained in an enclosed area on the owner's premises. It is clear by the survey that the majority of the people believe that cats should be contained to the owners' property for a number of reason, as can be seen in the Statutory review of the Cat Act 2011 and Dog Amendment Act 2013 Report.</i> Dear Mr Sharpe, The following submission is regarding the proposed Animal Local Law 2020, regarding pet cats, where the current laws, The Cat Act 2011, do not appear to prevent or abate damage done by roaming pet cats to the community, other pets and particularly native wildlife within the City of Albany. Our recently formed group called the Albany and Surrounds Feral Cat Working Group(ASFCWG) is a community driven group, that was established in June 2019. It is a group comprising of volunteers and local government groups with stakeholders working together to create a plan to conserve our biodiversity, protect threatened species and increase public awareness of cats in Albany and surrounding area. While this group was formed predominantly to protect native animals from feral cats, it was recognised that pet cats, being the same species, Felis catus, are also having a huge impact on native wildlife if these cats are not contained. Irresponsible ownership can also increase the numbers of stray animals if laws such as early sterilisation are not abided by, which in turn increases the stray animals' numbers often resulting in these individuals breeding becoming feral. As a result of these findings, we the ASFCWG, would strongly encourage pet cats to be contained in an enclosed area on the owner's premises, not only for the protection of wildlife and neighbourhood relationships but also for the welfare of pet cats, as the RSPCA advocates. www.rspca.org.au/adopt-pet/adopting-catkitten/safe-and-happy-cats . We understand that the current WA 2011 Cat Act is inconsistent with this, and that, the Albany City Council cannot alter their local laws to meet this urgent and profound need. However, the recent Statutory review of the Cat Act 2011 and Dog Amendment Act 2013 Report parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/4013050a3f9b8d43992c4060482584bf0082fffa/\$file/3050.pdf, indicates that the majority of the general public are keen to see change within these laws to keep cats contained to the owner's property. 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> Concerns noted. Refer to detailed response at paragraph 6 in the discussion section of the Officer Report.

Proposed Local Law – Clause (Amended Clause No.)	Schedule of Submissions	Officer Comments / Remarks / Action taken:
	<ul style="list-style-type: none"> • We the ASFCWG request that that Albany City Council stand for the majority of people and take into consideration the voice of its people who are demanding a state-wide law requiring that pet cats be contained in an enclosed area on the owner's premises. It is clear by the survey that the majority of the people believe that cats should be contained to the owners' property for a number of reason, as can be seen in the Statutory review of the <i>Cat Act 2011</i> and <i>Dog Amendment Act 2013</i> Report. • http://parliament.wa.gov.au/publications/tables/papers.nsf/displaypaper/4013050a3f9b8d43992c4060482584bf0082fffa/\$file/3050.pdf • We encourage a period of targeted education programs to educate owners of the benefits of indoor cats as advocated by the RSPCA before enforcement of laws are implemented. • Yours sincerely on behalf of the Albany and Surrounds Feral Cat Working Group. 	
<p>9.1 (8.1)</p>	<p>Department of local government comments: Minor edits</p> <ul style="list-style-type: none"> • Clause 9.1: <ul style="list-style-type: none"> ○ Italicise “cat management facility” and delete the word “or” after the semicolon in paragraph (a). ○ In the definition of <i>cattery</i>, insert the word “and” after the semicolon in paragraph (d). ○ In the definition of <i>owner</i>, insert a full stop at the end of paragraph (g). 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, drafting error amended according.
<p>9.2 (8.2)</p>	<p>Department of local government comments: Clause 9.2 – Maximum number of cats</p> <ul style="list-style-type: none"> • Under the Cat (Uniform Local Provisions) Regulations 2013, a person who wants to keep additional cats must apply to the local government to do so. • The Regulations state that the RSPCA, cat management facilities and vet surgeries are exempt from needing to get approval. • However, pet shops and other animal welfare organisations are not exempt and the normal process applies to them. • Clause 9.2(3): <ul style="list-style-type: none"> ○ It is suggested that clause 9.2(3) be amended by deleting paragraph (d) and removing “or any other incorporated animal welfare organisation” from paragraph (a). 	<p>Manager Governance & Risk:</p> <ul style="list-style-type: none"> • Noted, proposed local law amended accordingly, noting paragraph (d) referenced “Pet Shop”.

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

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

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

Management of Cats:

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

WANDERING CAT MANAGEMENT POLICY STATEMENT

Management of cats found:

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

Definitions:

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

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

Section 34. Dealing with unidentified and unclaimed cats

(1) If —

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

then the operator of the facility may —

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

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

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

CONCLUSION

41. It is recommended that:

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

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

CCS264: DELEGATED AUTHORITY REPORTS – MAY TO JUNE 2020

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

BACKGROUND:

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

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

RECOMMENDATION

**CCS264: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CCS264: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS264: RESPONSIBLE OFFICER RECOMMENDATION

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

COVID-19 IMPACT

- COVID-19 has no impact on this report.

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

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

RECOMMENDATION

CCS265: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

CCS265: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOUGHTY
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS265: RESPONSIBLE OFFICER RECOMMENDATION

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

CCS266: REX INTERIM CONTRACT AGREEMENT

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

CONFIDENTIAL REPORT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

- **Theme: 1:** Leadership
- **Objective: 1.2** To provide strong, accountable leadership supported by a skilled and professional workforce.
- **Community Priorities: 1.2.1** Provide positive leadership that delivers community outcomes.

In Brief:

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

REX NEW WESTERN AUSTRALIA SCHEDULES FROM 6 JULY 2020

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

RECOMMENDATION

**CCS266: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CCS266: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR STOCKS

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

CARRIED 10-0

CCS266: COMMITTEE RECOMMENDATION

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

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

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

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

STRATEGIC IMPLICATIONS

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

In Brief:

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

RECOMMENDATION

**CCS267: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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

CCS267: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SUTTON

THAT Responsible Officer Recommendation 1 be ADOPTED.

CARRIED 11-0

CCS267: RESPONSIBLE OFFICER RECOMMENDATION 1

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

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

**CCS267: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

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

CCS267: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR HAMMOND

THAT Responsible Officer Recommendation 2 be ADOPTED.

CARRIED 11-0

CCS267: RESPONSIBLE OFFICER RECOMMENDATION 2

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

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

BACKGROUND

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

7. The land on which the facility is to be developed must be one of the following:
 - Crown reserve
 - Land owned by a public authority
 - Municipal property
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. Whilst there is no obligation for Local Government to contribute to the community sporting projects local government is viewed as a key funding partner in supporting improved community sporting amenities.
10. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
11. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Local Government, Sport and Cultural Industries – Sport and Recreation on behalf of the applicants prior to 14th August 2020.
12. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Local Government, Sport and Cultural Industries – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

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

With overall project rating, being:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more planning work needed
- Not recommended

15. Project ranking takes into consideration the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as the consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
16. In general City staff prioritise projects based on the following order 1. Sporting Surfaces, 2. Sports Lighting, 3. Storage/Changerooms/Toilets followed by 4. Supporting Social Amenities. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
17. The City of Albany has received two (2) Small Grant Application this round. The following additional information is provided about the project and funding application:

Riverview Golf Club

Project: Golf Cart Storage Facility

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

Emu Point Sporting Club

Project: Upgrade to Tennis Pavilion Servery Area

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

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

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

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

- Riverview Golf Club
- Emu Point Sporting Club

GOVERNMENT & PUBLIC CONSULTATION

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

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

STATUTORY IMPLICATIONS

22. There is no statutory requirement.

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

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

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

- 28. The City allocated a total of \$75,000.00 Capital Seed Funding for Sporting Clubs in the 2020/2021 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process. There is currently \$52,073.70 available in the reserve (carried forward). A total of 127,073.70
- 29. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds from unsuccessful grant applications are returned to the Capital Seed Reserve Fund to be reused for other grant applications.
- 30. The total projected costs for the proposed project is \$46,878.00
- 31. The requested total from the City of Albany Capital Seed Fund is \$15,626.00 One third of the total project costs.
- 32. The Annual/Forward Grant Round is due September 2020. The next Small Grant round is due March 2021.
- 33. The following table provides the budget detail and requests for financial support from the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)

Emu Point Sporting Club	\$17,785.00	\$5929.00	\$5928.00	\$5928.00
Riverview Golf Club	\$29,093.00	\$9697.00	\$9698.00	\$9698.00
TOTAL	\$46,878.00	\$15,626.00	\$15,626.00	\$15,626.00

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

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

LEGAL IMPLICATIONS

36. Nil

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

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

CONCLUSION

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

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

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

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

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

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

CCS268: SAFER ALBANY PLAN

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

STRATEGIC IMPLICATIONS

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

In Brief:

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

RECOMMENDATION

**CCS268: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Safer Albany Plan as outlined in Attachment 1 be ADOPTED.

CCS268: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS268: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Safer Albany Plan as outlined in Attachment 1 be ADOPTED.

BACKGROUND

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

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

DISCUSSION

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

16. To take advantage of potential funding opportunities and to provide flexibility to respond to emerging trends, the plan is a broad overarching plan and supported by an internal action plan. This approach is also used in relation to the delivery of the Disability Access & Inclusion Plan.

GOVERNMENT & PUBLIC CONSULTATION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

29. Nil

ALTERNATE OPTIONS

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

CONCLUSION

31. The Strategy has been developed through a period of research and community consultation, and builds on the work of previous Strategies to support communities reach and sustain their potential.

32. The revised Strategy takes in to account the feedback provided and also takes in to account the reduction and rationalisation of resources and budgets.
33. The adoption of the new Community Development Strategy will enable officers to leverage partnerships and funding opportunities to deliver the priorities identified through the consultation.

Consulted References	:	<i>State Emergency Management Committee Plan, Policy and Procedure Emergency Management Regulations 2006</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Not Applicable to this Report

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

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

RECOMMENDATION

**CCS269: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CCS269: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS269: RESPONSIBLE OFFICER RECOMMENDATION

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

CCS270: CITY UPDATE QUARTER 4 JUNE 2020

Attachments	:	
Report Prepared By	:	Facilitator - Strategy and Improvement (S Grimmer)
Responsible Officers:	:	Executive Director Community and Corporate Services (D Olde)

STRATEGIC IMPLICATIONS

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

In Brief:

- The quarterly City Update reports progress against the Strategic Priorities and Major Projects as outlined in the City's integrated planning and reporting framework and the supporting budget. The next financial year will be significantly impacted by the COVID-19 Pandemic.

RECOMMENDATION

**CCS270: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the City Update Report for the June 2020 quarter be NOTED.

BACKGROUND

2. The quarterly City Update provides a snapshot on how the City is performing against the priorities set in the Corporate Business Plan.
3. A simple traffic light and comments system is used to report on the progress made against agreed performance targets
4. This is the final report for the 2019/20 financial year for the quarter ending 30 June 2020.
5. The Scorecard format aligns with the Your City brand.

DISCUSSION

6. The City's performance is reported via the quarterly City Update and monthly Financial Reports.
7. The June 2020 report confirms that despite the impact of the COVID-19 Pandemic, the City remains on track to meet the majority of its Strategic Priorities and Major Projects.
8. However, the pandemic has had a significant impact on service delivery with a number of business units (including ALAC, Albany Public Library, Albany Visitors Centre, National ANZAC Centre and Vancouver Art Centre) being temporarily closed and now subject to COVID-19 rules and regulations.
9. The pandemic has also had a significant impact on Revenue and City Managers are currently reviewing their operations and budgets to find savings to offset. These changes include a reduction in working hours for Elected Members and Employees and will be reflected in the 2020/21 Budget and the City's Long Term Financial Plan.

GOVERNMENT & PUBLIC CONSULTATION

10. The Albany quarterly City Update is modelled on similar approaches from across the Local Government sector.

STATUTORY IMPLICATIONS

11. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring and reporting progress.

POLICY IMPLICATIONS

12. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. The City fails to deliver commitments made.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Reprioritise activities to respond to COVID-19 in consultation with the community</i>
<i>Service Delivery Disruption as a result of the COVID-19</i>	<i>Almost Certain</i>	<i>Severe</i>	<i>Extreme</i>	<i>Comply with Government directives and address the health risk in everything we do</i>

FINANCIAL IMPLICATIONS

14. While there are no direct financial implications in relation to the Scorecard the COVID-19 Pandemic means the City is looking for significant savings in the 2020/21 budget and beyond to offset the impact on revenue.

LEGAL IMPLICATIONS

15. There are no legal implications relevant to this report.

ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental implications relevant to this report.

ALTERNATE OPTIONS

17. There are no alternate options relevant to this report.

CONCLUSION

18. The City Update provides a snapshot on how the City of Albany is performing against its Integrated Planning and Reporting framework.

Consulted References	:	Local Government Act 1995 Western Australia - Integrated Planning & Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	Previous quarterly City Updates

CCS271: 2020-21 BUDGET ADOPTION

Proponent	: City of Albany
Attachments	: Draft 2020-21 Budget Documents
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: Chief Executive Officer (A Sharpe) Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme: 5.** Leadership.
 - **Aspiration: 1.1** To establish and maintain sound business and governance structures.
 - **Community Priorities: 5.1.2** Develop informed and transparent decision making processes that meet our legal obligations, reflect the level of associated risk and are adequately explained to community.
2. This proposed budget aligns with the City’s Corporate Business Plan where possible and takes into account the consequences of the COVID-19 pandemic:

In Brief:

- Approve the 2020/2021 budget, noting that the proposed budget is a result of a series of elected member and staff workshops.

RECOMMENDATION

**CCS271: RESPONSIBLE OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council ADOPT the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2020/2021 financial year:

- (1) **Rating Category 1 – GRV General**
 - The General Rate on Gross Rental Values for the 2020/2021 financial year on Rating Category (1) including all GRV rateable land be 10.3152 cents in the dollar.
- (2) **Rating Category 3 – UV**
 - The General Rate on current unimproved values for the 2020/2021 financial year on Rating Category (3) including all UV rateable land be 0.4203 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 \$1,051.00
 - The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,136.00

**CCS271: RESPONSIBLE OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, bulk green waste & hard waste collection, collection of recyclables and green waste) be adopted for the 2020/2021 financial year:

(1) Residential Services

- | | |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service | \$350.00 |
| • Refuse Collection 140 Ltr MGB | Weekly |
| • Recycling Collection 240 Ltr MGB | Fortnightly |
| • Green Waste Collection 240Ltr MGB | 4 Weekly |

(2) Additional Services

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

- | | |
|-----------------------------------------------|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST) | Weekly \$94.50 |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$45.00 |
| • Green Waste Collection 240Ltr MGB (Inc GST) | 4 Weekly \$45.00 |

(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 \$56.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$56.00
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$56.00

**CCS271: RESPONSIBLE OFFICER RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council ADOPTS:

(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 Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2020/2021 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 \$7,209,495
- Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$7,209,495
- Statement of Cash Flows showing cash & cash equivalents at year end of \$13,793,180 on page (vii)
- Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$38,713,076
- Notes to and Forming Part of the Budget on pages (1 to 57)
- Fees and Charges and Capital Works Schedule as detailed on pages (59 to 97)
- Transfers to / from Reserve Accounts as detailed in pages (44 to 49)

(2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 44 to 49 of the budget):

- Airport Reserve

- Albany Entertainment Centre
- Albany Heritage Park Infrastructure Reserve
- Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
- Albany Town Hall Reserve
- Bayonet Head Infrastructure Reserve
- Building Restoration Reserve
- Capital Seed Funding for Sporting Clubs
- Centennial Park Stadium and Pavilion Renewal Reserve
- Cheyne Beach Reserve
- City of Albany General Parking Reserve
- Coastal Management Reserve
- Debt Management Reserve
- Destination Marketing & Economic Development Reserve
- Emu Point Boat Pens Development Reserve
- Great Southern Contiguous Local Authorities Group
- Information Technology Reserve
- Land Acquisition Reserve
- Master Plan Funding Reserve
- National Anzac Centre Reserve
- Parks and Recreation Grounds
- Plant & Equipment Reserve
- Prepaid Rates Reserve
- Refuse Collection & Waste Minimisation Reserve
- Roadworks & Drainage Reserve
- Developer Contributions (Non Current) Reserve
- Unspent Grants Reserve
- Waste Management Reserve

**CCS271: RESPONSIBLE OFFICER RECOMMENDATION 4
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2020/2021 be as follows:

- (1) Pay rates in full 23rd September 2020.
- (2) Pay by two instalments:
 - (a) First Instalment Payment 23rd September 2020; and
 - (b) Second Instalment: 25th January 2021.
- (3) Pay by four instalments:
 - (a) First Instalment Payment 23rd September 2020;
 - (b) Second Instalment: 23rd November 2020;
 - (c) Third Instalment: 25th January 2021; and
 - (d) Fourth Instalment: 25th March 2021.

CCS271: RESPONSIBLE OFFICER RECOMMENDATION 5
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT, Council IMPOSES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2020/2021 financial year:

(1) Instalment Plan Administration Fee

In accordance with section 6.45(3) of the Local Government Act 1995 and clause 13 of the Local Government (COVID-19 Response) Ministerial Order 2020, gazetted on 8 May 2020, an Instalment Plan Administration fee of \$6.50 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges subject to:

- a) This additional charge cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy CM.STD.7 Financial Hardship.

(2) Late Payment Interest Charge

In accordance with section 6.51(1) of the Local Government Act 1995 and clause 14 of the Local Government (COVID-19 Response) Ministerial Order 2020, gazetted on 8 May 2020, a charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 5% will be calculated daily at 0.0137% 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 subject to:

- a) This interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined by the City of Albany as suffering financial hardship as a consequence of the COVID-19 pandemic.

(3) Instalment Plan Interest Charge

In accordance with section 6.45(3) of the Local Government Act 1995 and clause 13 of the Local Government (COVID-19 Response) Ministerial Order 2020, gazetted on 8 May 2020, an interest rate of 2% will be calculated on a daily basis at 0.00548% 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 subject to:

- a) This additional interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined as suffering financial hardship as a consequence of the COVID-19 pandemic in accordance with Council Policy CM.STD.7 Financial Hardship.

(4) Late Payment Interest Charge (Excluding Rates & Charges)

In accordance with section 6.13 of the Local Government Act 1995 and clause 8 of the Local Government (COVID-19 Response) Ministerial Order 2020, gazetted on 8 May 2020 - A charge of 5% 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 2020. 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 subject to:

- a) a person who is considered by the City of Albany to be suffering financial hardship as a consequence of COVID-19 pandemic.

(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.

CCS271: RESPONSIBLE OFFICER RECOMMENDATION 6
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2020/2021 Budget) be adopted effective from 26th July 2020.

CCS271: RESPONSIBLE OFFICER RECOMMENDATION 7
VOTING REQUIREMENT: ABSOLUTE MAJORITY

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: \$28,510**
- (2) Mayoral Meeting Attendance Fee: \$42,764**
- (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: \$80,778**
- (6) Deputy Mayoral Allowance: \$20,195 - being 25% of the Mayoral Allowance.**

CCS271: RESPONSIBLE OFFICER RECOMMENDATION 8
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2020/2021.

BACKGROUND

3. Council has considered strategic and operational issues which will impact on the 2020/21 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 2020/21 financial year.

DISCUSSION

5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget including the consequences of the COVID-19 pandemic, 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 & PUBLIC CONSULTATION

7. The Department of Local Government, Sport and Cultural Industries 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.

STATUTORY 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- 2017-2021 and the consequences of the COVID-19 pandemic.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial & Reputation: Council does not endorse the 2020/21 Budget, with the consequential risk of deferred cash flow, 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 2020.</i>

FINANCIAL IMPLICATIONS

12. The 2020/21 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 2020/21 Annual Financial Budget with changes.

SUMMARY CONCLUSION

16. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2020 until 30 June 2021.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Financial Management) Regulations 1996.</i>
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	<ul style="list-style-type: none"> • <i>Budget Workshop – 17 June 2020</i> • <i>OCM July 2019 Resolution CCS167</i>

DIS217: CITIES POWER PARTNERSHIP PROGRAM

- Report Prepared By** : Environmental Sustainability Officer (M Holt)
Manager City Engineering (R March)
- Responsible Officers:** : Executive Director Infrastructure, Development and
Environment (P Camins)

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:** Clean, Green & Sustainable
 - **Objective:** To identify and deliver improvements in sustainability within the City and wider community
 - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.

In Brief:

- Join the free Climate Council's Cities Power Partnership Program.
- Key actions as part of the program that have been identified and endorsed by the Sustainable Buildings Working Group and will be included as part of the City of Albany's Corporate Energy Plan.
- The Corporate Energy Plan and the Business Case Study for Solar PV installation will be presented to Council in December 2020.

RECOMMENDATION

**DIS217: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the City of Albany JOIN the Climate Council's Cities Power Partnership Program.

DIS217: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS217: RESPONSIBLE OFFICER RECOMMENDATION

THAT the City of Albany JOIN the Climate Council's Cities Power Partnership Program.

BACKGROUND

2. The City of Albany is currently developing a Corporate Energy Plan in line with the City's commitment to transition to renewable energy by 2026.
3. The Corporate Energy Plan will focus on:
 - a. Renewable energy
 - b. Energy efficiency
 - c. Street lighting
 - d. Electric Vehicles

4. The City attended the Climate Councils Cities Power Partnership (CPP) conference in Partnership with WALGA and Australian Renewable Energy Agency (ARENA). The Program aims to advocate to federal and state government for funding, connect councils on energy projects, and provide support to councils through webinars and invitations to renewable energy events.

DISCUSSION

5. Australian cities, towns and shires are at the forefront of climate action, despite periods of instability and policy changes at State and Federal levels.
6. Many Local Governments are leading climate action as buildings and transport are the main drivers of energy use and emissions.
7. The CPP program is the largest Local Government climate program, with 100 councils representing almost 11 million Australians.
8. Created by the Climate Council, this free national program aims to accelerate the pollution reduction and clean energy successes of Australia's towns and cities.
9. ARENA support has enabled the Climate Council to scale up the program, expanding its membership and increasing program resources.
10. The CPP program will provide incentives for these councils to increase renewable energy and energy efficiency, improve transport sustainability and work together.
11. To accelerate success, partners gain access to the extensive online knowledge hub, expert briefings, webinars with topic experts and the Power Analytics tool. They are also buddied with two other local councils to knowledge-share and receive national and local media opportunities and exposure.
12. As a member of the CPP, the City of Albany must commit to:
 - Within 6 months, identify 5 items included in the Cities Power Partnership Pledge that the City of Albany will strive to achieve. (Refer to recommendations under paragraph 14).
 - Complete a 12 monthly online survey that provides the Climate Council with basic information on how we are progressing on the 5 pledge items selected.
 - Nominate a point of contact that the Climate Council can liaise with on CPP matters including contact details.
 - Confirm a willingness to connect and collaborate with other Local Governments to share knowledge.
13. A Sustainable Buildings Working Group (SBWG) was created involving a cross-section of relevant City of Albany staff to guide development and implementation of the Corporate Renewable Energy Plan.
14. The SBWG evaluated and agreed to 5 key actions as part of the CPP program pledge which include:
 - a. Renewable Energy
 - i. Install renewable energy (solar PV and battery) on City of Albany buildings.
 - ii. Power City of Albany operations by renewable energy, and set targets to increase the level of renewable power for council operations over time.
 - b. Energy Efficiency
 - i. Adopt best practice energy efficiency measures across all council buildings and support community facilities to adopt the measures.
 - c. Sustainable Transport
 - i. Support cycling through the provision of adequate cycle lanes, bike parking and end-of-trip facilities.

- d. Work together and influence
 - i. Develop procurement policy to ensure that the practices of contractors and financiers align with the City of Albany’s renewable energy, energy efficiency and sustainable transport.

GOVERNMENT & PUBLIC CONSULTATION

- 15. The CPP program commitment and key focus areas have been developed in consultation with the SBWG.

STATUTORY IMPLICATIONS

- 16. Nil

POLICY IMPLICATIONS

- 17. The CPP program will implement the endorsed key focus areas within the Corporate Energy Plan which will be presented to Council by December 2020.

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
Reputational Risk: The City may not fulfil the key focus areas of the program.	Possible	Moderate	Medium	Key focus areas of the program will be implemented through the adoption of the Corporate Energy Plan to be endorsed by council December 2020.
Financial Risk: Adequate resources cannot be sourced to deliver relevant key focus areas within the CPP program commitments.	Possible	Moderate	Medium	An implementation plan including financials will be provided as part of the Corporate Energy Plan in December 2020.
Opportunity: To increase support and funding opportunities to reduce energy usage and increase the use of renewable energies within the City of Albany corporate operations.				

FINANCIAL IMPLICATIONS

- 19. The CPP program is a free program, however, in order to implement the key actions identified in the Corporate Energy Plan Action List, there will need to be a budget allocation in the City’s Long Term Financial Plan.

LEGAL IMPLICATIONS

- 20. Nil

ENVIRONMENTAL CONSIDERATIONS

- 21. Nil

ALTERNATE OPTIONS

- 22. Council can choose not to participate in the CPP Program, although this is not recommended.

CONCLUSION

- 23. The CPP program is a free program aimed at assisting Local Governments implement renewable energy programs while reducing greenhouse gas emissions.

24. Key focus areas as identified and endorsed by the SBWG will be included as part of the Corporate Energy Plan.
25. By joining the CPP program, the City will be assisted in the successful implementation of the Corporate Energy Plan.

Consulted References	:	https://citiespowerpartnership.org.au/
File Number (Name of Ward)	:	ET.PLA.1 (All Wards)
Previous Reference	:	N/A

DIS218: CONSIDERATION OF FUTURE ROAD RESERVE LOT 201 (22) AND LOT 202 (24) HARDING ROAD, ROBINSON WA 6330

Land Description	: Lot 201 (22) Harding Road, Robinson WA 6330 and Lot 202 (24) Harding Road, Robinson WA 6330
Proponent	: City of Albany
Business Entity Name	: City of Albany
Attachments	: 1. Aerial image. 2. Plan of Subject Area
Report Prepared By	: Coordinator Planning - (A Bott)
Responsible Officers:	: Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*.
 - a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

Maps and Diagrams:



In Brief:

- The City of Albany currently holds a caveat over a portion of Lots 201 and 202 Harding Road.
- The caveat provides the City of Albany with the ability to take an area of the properties as a road reserve at any time.
- The caveat was required in 2008 as a condition of subdivision of the land. On the basis that it would provide the City of Albany the ability to take the land as a road reserve in the future when it is required.
- Twelve years after implementation, the caveat has not been utilised. Given the significant planning constraints in the area, it is not anticipated that the surrounding residential land will be subdivided in the near future.
- Further to the above, the caveat on the two lots has created difficulties in banking institutions lending for the acquisition of the property. As such, the current owner of one of the lots has encountered difficulties in selling the property, as prospective purchasers cannot be granted finance.
- It is not considered appropriate to have an open ended caveat over the property, especially as the location of road on the site is not shown in any broader strategic document. The location of future roads for the area would be best addressed through a structure plan process. It is noted that the preparation of a structure plan would be required prior to the subdivision of the wider area.
- Staff recommend that Council resolve that a road reserve is not currently or likely to be required in the medium term in the location and agrees to the caveat being removed.

COVID-19 IMPACT

- No identified implications.

RECOMMENDATION

**DIS218: COMMITTEE RECOMMENDATION (AMENDED OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves that a road reserve is not currently or likely to be required over the subject land of Lots 201 (22) Harding Road and 202 (24) Harding Road, Robinson WA 6330 and agrees to support a request to remove the caveat.

DIS218: COMMITTEE RECOMMENDATION (A

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR THOMSON

THAT the Amended Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS218: AMENDED OFFICER RECOMMENDATION

THAT Council resolves that a road reserve is not currently or likely to be required over the subject land of Lots 201 (22) Harding Road and 202 (24) Harding Road, Robinson WA 6330 and agrees to support a request to remove the caveat.

Officer's Reason (Executive Director Planning and Development):

The amendment to the officer's recommendation is made to provide greater clarity and a more suitable recommendation in the context of the Caveat removal process.

DIS218: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES that the caveat is removed from lots 201 (22) Harding Road and 202 (24) Harding Road, Robinson WA 6330.

BACKGROUND

3. Lots 200, 201 and 202 Harding Road were created via a subdivision in May 2006.
4. The subdivision approval required that a legal agreement (caveat) be prepared and lodged on Lots 201 and 202. The agreement provides that if the City requires, the portion of the land that it is to be ceded free of charge to the City of Albany for the purposes of a road reserve.
5. In 2008 a caveat was lodged on the title of Lots 200 and 201 to fulfil the requirements of the condition.
6. The deed associated with the caveat outlines that in the event the City of Albany Council resolves that a road reserve is not required in the subject location that the owner can apply to Landgate to have the caveat removed from the titles.
7. Twelve years have now passed and after the City has reviewed the situation of the area, it is considered that a road is not likely to be required on the subject land in the foreseeable future. Further to this, a road in the subject location has not been identified in any forward planning or strategic planning documents such as a Structure Plan.
8. Taking the land as a road reserve at the current time would have minimal public benefit and represent a maintenance burden to the City for what would essentially remain a private driveway.
9. It is considered that the long term road planning for the broader area would be more appropriately planned for through a defined comprehensive strategic planning mechanism such as a structure plan. This is the normal process where the overall network of future roads planned in advance and constructed by developers and ceded free of charge to the City of Albany via the standard subdivision process.
10. On the basis of the above, it is considered that there is limited merit or strategic direction to taking the road in the subject location at the current time, or in the foreseeable future. Officers therefore recommend that Council resolves that a road reserve is not required in the subject location on lots 201 and 202 Harding Road.
11. Council is now requested to resolve that a road reserve is not required over the subject location on lots 201 and 202 Harding Road.

DISCUSSION

12. Lots 200, 201 and 202 Harding Road were created via a subdivision in May 2006.
13. The subdivision proposal originally proposed to have the current driveway for the access to lots 201 and 202 as a dedicated road. It was considered that as this was essentially a private driveway serving three lots, that there would be limited merit in having the land as a road reserve. However, it was considered that there could potentially be merit in having the land as a road reserve at some point in the future.
14. On the basis of retaining the right to take the land as road reserve in the future, the subdivision approval required that a legal agreement be prepared and lodged on lot 201 and 202 Harding Road. The agreement provides that the land is to be ceded free of charge to the City of Albany for the purposes of a future road reserve at any time the City requires.
15. 12 years have now passed and the City of Albany has not acted upon the caveat. Currently there is no identified benefit in taking the land as a road reserve as it would have minimal public benefit and represent a maintenance burden to the City for what would essentially remain a private driveway.
16. Further to the above, as for the City of Albany retaining the caveat in place on the basis that a road may be required at some point in the future, the following two points are considered relevant;
 - Firstly, there is no broader planned strategic reasoning, as since the subdivision approval, a road in the subject location or the wider road network has not been identified within any strategic document or structure plan; and
 - Caveats represent a significant burden on land titles. The owner of one of the subject lots has expressed significant concern that banks will not lend against the property and as such potential purchasers cannot obtain the land.
17. The deed associated with the caveat outlines that in the event the City of Albany Council resolves that as road reserve is not required in the subject location that the owner can apply to Landgate to have the caveat removed from the title.
18. On the basis that there is no current or strategic rationale to take the land as a road reserve, it is recommended that Council resolve that a road reserve is currently not required over the subject land of Lots Lot 201 (22) Harding Road and Lot 202 (24) Harding Road, Robinson WA 6330.

GOVERNMENT & PUBLIC CONSULTATION

19. As the matter is between the City of Albany and the landowners, there is no requirement for broader public consultation.
20. If supported, the owners will be notified and would be able to proceed to have the subject caveat removed.

STATUTORY IMPLICATIONS

21. The deed associated with the caveat provides the ability for Council to consider the matter via the following;

“The City of Albany acknowledges that if the Council of the City passes a resolution to the effect that the road land is not required by the City as a road reserve, then the applicants shall be entitled to have any caveat lodged pursuant to the terms of this deed withdrawn at the applicants’ cost, and the terms of this deed shall be of no further force or effect.”
22. Voting requirement for this item is **SIMPLE MAJORITY**.

POLICY IMPLICATIONS

23. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Operational and Reputation. The caveat is removed and prejudices the ability to implement future connecting roads in the area.</p>	Possible	Moderate	Medium	Utilise the appropriate planning mechanisms of a structure plan to assess at a broader scale the requirements and location for the road network in the area.
<p>Opportunity: To assess the future road access and subdivision potential of the area in an orderly manner – in a way which is objective, methodical, logical and systematic.</p>				

FINANCIAL IMPLICATIONS

25. There are no financial implications directly relating to this item.
26. If Council resolves that a road reserve is not required, the owners have the ability to apply for the caveat to be removed. The deed associated with the caveat provides that this removal is at the owner’s expense.
27. If Council resolves that a road reserve is required, then the owners retain the ability (as they currently have) to apply to Landgate or the Supreme Court for the caveat to be removed. If the City of Albany wished to justify that the caveat is still required, legal representation would likely be required.

LEGAL IMPLICATIONS

28. If supported, the owners will be able to submit a ‘removal of caveat’ form with Landgate. The City of Albany would be required to sign the form granting this removal on the basis that the road reserve is not required.
29. If Council resolves that a road reserve may be required and that the caveat should remain in place, the owners do have rights to apply for its removal. The owners have the ability to serve a notice on the City advising that the caveat will lapse within 21 days, unless the City obtains a Supreme Court order that the caveat remains in place.
30. Alternatively, the owners can apply directly to the Supreme Court asking that the caveat be removed.
31. It is important to note that there may be difficulty in demonstrating that the caveat remains a requirement and is relevant, when the long term connection of a road in the location of the caveat is not contained within a structure plan or other strategic document.

ENVIRONMENTAL CONSIDERATIONS

32. There are no environmental implications directly relating to this item.

ALTERNATE OPTIONS

33. Council has the following alternate options in relation to this item, which are:
- To resolve that a road reserve may be required and that the caveated interest in the land should remain in place.
 - To resolve that a road reserve is required and request the CEO to commence with the procedure to take the land as a road reserve.

CONCLUSION

34. The caveat on the subject lots allowing for the City of Albany to acquire the land for the purposes of a road was applied as a result of a 2008 subdivision.
35. The City of Albany has not acted upon the caveat take the land as road reserve for the past 12 years. It is noted that a caveat is a significant burden on a title of land, especially in instances such as this where the caveat relates to taking land and that there are no time limits on when this may be. The current owners have expressed concerns that this is causing issues in being able to sell the property.
36. After carefully considering the matter and for the reasons set out in this report, staff are satisfied that a road reserve in the subject location will not be required in the reasonably foreseeable future. This is on the basis that the long term connection of a road in the location of the caveat is not contained within a structure plan or other strategic document.
37. Notwithstanding the above, if roads are required in the area in the future, it would be more appropriate for these to be planned in a broader and strategic manner via the structure plan process.
38. It is recommended that Council resolve that a road reserve is not required in the reasonably foreseeable future over the subject lots. Accordingly, this will allow the owners of the subject properties to apply for the associated caveat to be removed.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2019 3. Planning and Development (Local Planning Schemes) Regulations 2015
File Number (Name of Ward)	:	A208995 and A209000
Previous Reference	:	Nil

DIS219: ADOPTION THE CITY OF ALBANY LOCAL HERITAGE SURVEY AND THE HERITAGE LIST

Land Description	: Multiple properties throughout the City of Albany Municipal Area
Proponent / Owner	: Multiple owners
Business Entity Name	: N/A
Attachments	: Schedule of Submissions Local Heritage Survey List Scheme Heritage List Community Update (April 2020)
Report Prepared By	: Senior Planning Officer (C Simpson)
Responsible Officers:	: Executive Director Infrastructure and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed Policy, the Council is obliged to draw conclusions from its adopted *Albany Local Planning Strategy 2019* and *Community Strategic Plan – Albany 2030*.
3. The Albany Community Strategic Plan – Albany 2030 recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).

In Brief:

- The Local Heritage Survey (previously referred to as the Municipal Heritage Inventory) was last reviewed and updated in 2000. The current review commenced in 2010 and is now required to be finalised in order to allow preparation of the City Heritage List.
- Both documents have now been advertised. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
- It is recommended that Council adopt both the Local Heritage Survey and Heritage List.

RECOMMENDATION

**DIS219: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT this report be DEFERRED and re-presented to the Ordinary Council Meeting to be held on 22 September 2020.

DIS219: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SHANHUN

THAT this report be DEFERRED and re-presented to the Ordinary Council Meeting to be held on 22 September 2020.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor Thomson

Reason:

The deferral of this report is to allow further review of the proposed listing of properties at 18b Finlay Street and 1207 Nanarup Road, taking into consideration their current condition.

DIS219: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the City of Albany Local Heritage Survey subject to modifications as set out in the Schedule of Submissions.
2. ADOPT the Heritage List subject to modifications as set out in the Schedule of Submissions.
3. INFORM the Heritage Council of the City's decision to adopt the Local Heritage Survey and Heritage List.
4. AUTHORISE the Chief Executive Officer to WAIVE the fees for Development Applications, where these applications are solely required because a property is on the Heritage List.

BACKGROUND

4. The City of Albany Municipal Heritage Inventory (MHI) was last reviewed in December 2000 and represented a combination of the 1994 Heritage Inventories of the Town and Shire following the 1998 amalgamation. A review thereof commenced in 2010.
5. At the OCM of June 2017, Council endorsed the Heritage List procedure, which guided the selection of places for inclusion on the Heritage List from the Heritage Survey review process. The Local Heritage Survey informs the preparation of the Heritage List.
6. Council adopted the current Local Heritage Survey at the April 2018 OCM.
7. Both the Local Heritage Survey and Heritage List was publicly advertised for a period of 4 weeks in March/April 2020. Nineteen submissions were received of which the vast majority are in support of heritage listing of their places or provide additional/correct information.

DISCUSSION

8. The Local Heritage Survey is prepared under the *Heritage Act 2018* and in accordance with the *Guidelines for Local Heritage Surveys* (July 2019) by the Heritage Council.
 - a. Local Heritage Surveys are compiled to 'tell the stories' of their districts – it provides an understanding of the history and development of the local government area, identify the key themes and storylines that have shaped it and the places that reflect or encapsulate this. It is in essence a stock-take of a community's heritage places. Inclusion in the Local Heritage Survey is an acknowledgement of a place's heritage value.
 - b. Owners are free to develop their properties in accordance with the normal planning requirements which apply to all properties in the City.
 - c. There are 327 places on the Local Heritage Survey of which 54 are new places that has been added through the review process.
9. The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require that local government establish and maintain a heritage list of places assessed as having cultural heritage significance.

10. The Local Heritage Survey is the first point of identification of heritage places and is used, amongst other functions, to inform the preparation of a heritage list. The threshold for inclusion in the Heritage List are based on the City’s adopted procedure (OCM June 2017). The procedure allowed for consistency and transparency for the inclusion of places on the Heritage List.

- a. The current Heritage List was inherited from Town Planning Scheme 1A (former Town of Albany Scheme). There is only one (1) place included from the former Shire area. The ‘Schedule of Places of Heritage Value’ under Town Planning Scheme 1A was recognised as a starting point for the required heritage list.
- b. Of the 327 places on the Local Heritage Survey, 275 places have met the threshold for inclusion in the Heritage List as set out under the Heritage List Procedure. Inclusion in the Heritage List is based on an assessment of cultural heritage significance as follows:

Level of significance	Category	Description	Heritage List status
Exceptional significance	1	Essential to the heritage of the locality. Rare or outstanding example.	All placed included in the heritage list.
Considerable significance	2	Very important to the heritage of the locality. Show a high degree of integrity/authenticity.	All places included in the heritage list.
Some/moderate significance	3	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	Places may be included in the heritage list.
Little significance	4	Has elements or values worth noting for historical interest but otherwise makes little contribution.	Below the threshold for inclusion in the heritage list.

- 11. The Heritage survey and list are subject to statutory requirements for advertising, the process which was followed will be discussed further below.
- 12. It is considered that the implementation of the Heritage List and survey will put in place a framework of cataloguing and protecting the heritage places within the City of Albany.

GOVERNMENT & PUBLIC CONSULTATION

- 13. Under the *Heritage Act 2018*, local governments are required to prepare a Heritage Survey. Consultation requirements with landowners are set out under the *Guidelines for Local Heritage Surveys* released by the Heritage Council in July 2019.
- 14. The deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, local government is required to write to each owner with a description of the place and the reasons for the proposed entry and invite to make a submission on the proposal. The City is also required to carry out any other consultation considered appropriate.
- 15. The Heritage Survey and Heritage List was on public advertising for a period of 4 weeks from 9 March to 3 April 2020. Public notices were placed in local newspapers and letters were sent to each landowner which included the relevant place record form and a detailed information sheet with frequently asked questions (Community Update April 2020 attached).
- 16. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform – Heritage Survey Consult – Heritage List	Mail Out Public Notice in Newspaper Interviews	9 March – 3 April 2020	Written submissions = 24 Interviews held = 14	Yes

17. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
18. Six submissions objected to heritage listing of their property and it is recommended that five remain on the Heritage List predominately due to their level of significance having met the threshold for inclusion (i.e. of considerable or exceptional heritage value) or because the place is located in a street where all places are heritage listed. This ensures that proposed alterations or redevelopment is in sympathy with the heritage streetscape.
19. Heritage Listing does not preclude substantial alterations or demolition of a place. The requirement that a development application be submitted allows the City to assess the proposal on its merits and where approved, condition that an archival record be prepared.
20. An archival record is made of a heritage place as way of contributing to our understanding and appreciation of our heritage.
21. They record for the future place details such as:
 - the location;
 - historical drawings or photographs;
 - a history of the place;
 - current drawings and photos;
 - internal details such as layout, significant interior details; and
 - a bibliography.
22. The City does not promote the demolition of heritage places.

STATUTORY IMPLICATIONS

23. Inclusion of a place on a Heritage List means that the City will receive applications for developments that would otherwise be exempt from the requirement for development approval under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes applications for internal building works, single dwellings, ancillary buildings, and outbuildings and other external structures.
24. The inclusion of a place on the Heritage List gives the place recognition and protection under the City's Local Planning Scheme. The City will give due regard to the heritage significance of the listed place when determining a related development application. Proposals that respect and retain the heritage values of the place are likely to be encouraged and may, where appropriate, be required.
25. Importantly, the inclusion of a place on a Heritage List does not limit the ability of an applicant to propose any works, nor does it limit the ability of the City to determine an application in the manner it considers most appropriate.

POLICY IMPLICATIONS

26. There are no policy implication relating to the adoption of the Local Heritage Survey and Heritage List.
27. The heritage list and survey can be used to further inform the preparation of heritage precinct plans or place planning policies in respect to heritage matters.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Community, Organisational Operations and Reputation Inclusion on the Heritage Survey may attract objections from property owners or members of the public or other public authorities.</p>	Possible	Moderate	Medium	<p>The selection and assessment criteria is an established process. The City's assessment has been carried out in accordance with the State guidelines.</p> <p>Continue dialogue with affected parties as required.</p>
<p>Opportunity: provide a framework for the long term protection of heritage places within the City of Albany.</p>				

FINANCIAL IMPLICATIONS

29. Inclusion of a place on a Heritage List means that the City will receive applications for developments that would otherwise be exempt from the requirement for development approval under the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
30. Given the additional cost implication to owners of places on the Heritage List, and as an incentive to preserve the heritage thereof, it is recommended that Council waive the cost of application fees for proposal that would have otherwise not required a planning application.

LEGAL IMPLICATIONS

31. There are no legal implication directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

32. Many places on the Heritage List are parks and gardens (for example, Alison Hartman Gardens, Balston Gardens and RSL Memorial Gardens), trees (for example, the Oak trees on Drew Street and the Peruvian Pepper Tree on Grey Street), lakes (for example, Lake Seppings) and places of Aboriginal significance (for example, Kalgan River fish traps and Scarred Tree at Oyster Harbour). Heritage Listing recognise the heritage significance of these places and add an additional layer of statutory protection.

ALTERNATE OPTIONS

33. Council may consider alternate option in relation to the item, such as resolving:
- To adopt the Local Heritage Survey subject to modifications;
 - To adopt the Heritage List subject to additional modifications;
 - To not waive application fees for planning applications in relation to Heritage Listed buildings.

CONCLUSION

34. The Local Heritage Survey recognise the heritage value of places that showcase the development of Albany since settlement. There are no statutory planning implications imposed.
35. The Local Heritage Survey is the basis from which the Heritage List is prepared. Places of exceptional and considerable heritage value are included on the Heritage List. Places of some/moderate heritage value may also be included where it is located on a street where all places are included on the Heritage List in order to guide future development and protect the heritage values within the streetscape. Places on the Heritage List are afforded statutory planning protection under the deemed provisions of the *Planning and Development (Local Planning Schemes Regulations 2015)*.
36. The Local Heritage Survey and Heritage List are important tools to honour Albany heritage and protect places of heritage value for future generations to enjoy.
37. The Heritage Survey and Heritage List was publicly advertised for a period of 4 weeks from 9 March to 3 April 2020.
38. The majority of submissions received supported the heritage listing of their property or included additional/correct information.
39. It is recommended that Council adopt both the Local Heritage Survey and Heritage List.

Consulted References	:	<ul style="list-style-type: none"> • <i>Heritage Act 2018</i> • <i>Guidelines for Local Heritage Surveys (July 2019)</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number (Name of Ward)	:	All
Previous Reference	:	DIS031 – June 2017 OCM DIS088 – April 2018 OCM

DIS220: PLANNING AND BUILDING REPORTS JUNE 2020

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports June 2020
Report Prepared By : Administration Officer – Planning (A James)
Administration Officer – Development Services (J Corcoran)
Responsible Officers: : Manager Planning and Land Information Services
(J Van Der Mescht)

RECOMMENDATION

DIS220: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for June 2020.

**LEMC022: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE – 18 MARCH 2020**

- Attachments** : Animal Welfare in emergencies Exercise – Bremer Bay Fire
Confirmed Minutes of the LEMC Meeting held 18/03/2020
- Report Prepared By** : Planning and Building Administration Officer(J Cobbold)
- Responsible Officers:** : Acting Executive Director Corporate and Commercial Services
(D Olde)

STRATEGIC IMPLICATIONS

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

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 18 March 2020.

RECOMMENDATION

**LEMC022: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 18 March 2020 be RECEIVED.

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

15.1 NOTICE OF MOTION BY COUNCILLOR SMITH

Date and Time Received: Thursday 25 June 2020 at 10.46am

**15.1: NOTICE OF MOTION BY COUNCILLOR SMITH
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT:

- 1. The Chief Executive Officer be requested to prepare a report for consideration by Council to commence the process of nominating the City of Albany (or precincts within Albany) to the National Heritage List.**
- 2. This report should include plans for a consultation strategy and indicative costings for the preparation of the NHL application for inclusion in the relevant budget.**

Councillor's Reason:

A nomination to the National Heritage List (NHL) needs to demonstrate outstanding heritage value and a high level of integrity. A proposal needs to meet many of the necessary criteria in the following three areas; natural, indigenous and historic.

Albany has the following attributes with strong merit for nomination:

- Indigenous Heritage;
- First British Settlement in Western Australia;
- Gateway to Western Australia;
- The Town Site;
- Coastal Defence/Links to War and the Anzacs; and
- Maritime activities

Currently, the only places in WA of Historic Heritage Value on the National Heritage List are Fremantle Prison and the Goldfields Water Supply. The City of Broken Hill is Australia's first, and only, heritage listed city.

Being included on the NHL would reinforce the importance of Albany in the history of Western Australia, and would increase Albany's profile with regards to funding and support for economic development in the tourism space, and conservation, management and promotion of important heritage assets, including buildings.

The National Heritage Listing may be for a single site, multiple sites or a large precinct. Additionally, inclusion on the NHL may bring Albany closer to a World Heritage Listing if so desired.

Being on the NHL does come with some increased appraisal requirements for major developments, with regard to what impact those developments may have on the values attributed to a place on the NHL. Some of those values may be of intangible heritage significance, not always represented by a building.

Being on the NHL would be unlikely to impact private owners any more than being on the City's Heritage List and/or the State Heritage List.

The process of nominating for the NHL would include significant and extensive consultation throughout the community.

The report requested should include plans for a consultation strategy and indicative costings for the preparation of the NHL application for inclusion in the relevant budget.

The proposal to include Albany on the NHL aligns with the following elements of the City of Albany 2030 Community Strategic Plan:

Theme 1: Leadership

Aspiration: We will listen to our community and deliver outcomes that reflect their needs and expectations.

Objective 1.2: To provide strong, accountable leadership supported by a skilled and professional workforce.

Community Priority 1.2.1: Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.

Theme 4: Community Health and Participation

Aspiration: we will live in communities where people feel they belong and are supported in a manner that reflects our rich and diverse heritage.

Objective 4.2: To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.

Community Priorities 4.2.2: Maintain infrastructure and deliver programs that promote Albany's unique heritage and engender civic pride and leave a lasting memory.

Theme 5: A connected and safe built environment.

Objective 5.1: To develop vibrant neighbourhoods which retain local character and heritage.

Community Priorities 5.1.2: Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage. We know we are succeeding when our municipality remains unique in its own right, with our built heritage and history protected.

Objective 5.2: To advocate, plan for and build friendly and connected communities.

Community Priorities 5.2.2: Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage.

Officer's Comment (Executive Director Infrastructure, Development & Environment):

Staff are supportive in principle of a national listing.

The process of nominating a place(s) for entry onto the National Heritage List is complex, potentially time consuming and costly.

The preparation of a report to explore the details of such a project and its cost benefit and impact to the community is supported as the logical next step.

15.2 NOTICE OF MOTION BY COUNCILLOR DOUGHTY

Date and Time Received: Tuesday 7 July 2020 at 3.45PM.

15.2: NOTICE OF MOTION BY COUNCILLOR DOUGHTY

THAT:

- 1. The Chief Executive Officer be requested to ESTABLISH a Working Group, including establishing Terms of Reference for the group, to oversee and coordinate the production and publication of a contemporary history of Albany, in the form of a hard cover illustrated book, to be released a short time before the Bicentenary in 2026.**
- 2. Council APPROVE in principle the inclusion of the amount of \$30,000 in the 2021-2022 financial year budget to enable payment to contributing authors of this publication.**

Councillor Reason:

The publication of a contemporary history of Albany will complement the Bicentenary celebrations in 2026. Local history is arguably more popular than ever as people explore family history, museums and other history oriented activities. History publications help to strengthen community identity and community knowledge.

Local history publishing has a long connection to commemorations for communities, such as centenary's. Whilst local history books are a valuable record of the past, they can sometimes suffer from poor readability, with the content consisting of facts and figures.

The recording of topics such as social, environmental, cultural and urban history makes the study of place and community an important part of local history. Of even greater importance are the stories held and told by the local indigenous community, which encourages us to acknowledge this history, and the opportunity to examine the issue of 'shared' attachments to places and sites of significance within the community. This should also include indigenous stories at various points throughout Albany's history right up to the present day.

The great benefit of local history being written by local contributors is the intimate knowledge of both the place and the topic.

It is proposed that the book will consist of contributions by local Indigenous story tellers, local historians and contemporary local writers. It can be a challenge for local history books to provide the context of local history without getting bogged down in detail, and this project will provide the opportunity to produce a fresh, contemporaneous publication. A working title has been given – "View from the South-Albany's Past, Present and Future."

The proposed Working Group will play an important part in the process, firstly by establishing a robust Terms of Reference to:

- Define what the book is to be about
- Decide who will contribute the information for the book;
- Set timelines and milestones for the project;
- Authorise payment to contributors and provide acquittals;
- Decide what the market will be and the size of the book;
- Provide indicative costings for publication, and pursue sponsorship opportunities;

Some preliminary indicative costings for a book that would be in a bound, hardcover format with a dust jacket, portrait in orientation and of approximately 650 pages have been received which are as follows:

\$45.00 plus GST per copy to print 1000 copies; or
\$33.00 plus GST per copy to print 2000 copies.

An editorial panel, in conjunction with a designer, will have responsibility for the layout, indexing and front cover.

Officer's Comment (Acting Executive Director Community Services):

If it is the collective decision of Council to produce a history book as proposed, Officers are supportive of a future allocation through the 2021-2022 budget process, and providing assistance to implement a suitable process to achieve the publication.

There is an existing Steering Committee for the 2026 Bicentenary that has responsibility for scoping appropriate events and projects to mark this occasion and adopting a governance framework for the coordination and delivery of the Bicentenary. It is recommended that any working group established for a book project aligns with the Bicentenary governance framework.

If this motion is supported, we would also recommend Council nominate a number of Elected Members to take an active role in the working group.

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

18. CLOSURE