



AGENDA

Ordinary Meeting of Council

Tuesday 23 August 2022

6.00pm

Council Chambers



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 23 August 2022 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA – 23/08/2022

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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

P Terry

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

T Brough

Vancouver Ward

J Shanhun

West Ward

S Smith

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

A/Executive Director Corporate & Commercial Services

L Harding

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J van der Mescht

Meeting Secretary

J Williamson

Apologies:

West Ward

A Goode JP (Leave of Absence)

Vancouver Ward

D Baesjou (Leave of Absence)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Stocks	CCS464	Financial. The nature of the interest being that Councillor Stocks is a member of the Executive of Cricket Great Southern, the applicant ranked 1 of 2 in the Authorising Officer Recommendation. Councillor Stocks' role is to Chair the CGS Board.
Manager Finance Mr Steve Van Nierop	CCS464	Financial. The nature of the interest being that Mr Van Nierop is the Treasurer of Cricket Great Southern and President of Collingwood Park Cricket Club.
Manager Recreation Services Mr Mitchell Green	CCS464	Impartiality. The nature of the interest being that Mr Green is a financial member of Royals Cricket Club, is player with the Albany Districts Cricket Association and is a former ADCA Executive Member and Treasurer.

5. REPORTS OF MEMBERS

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

7. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended):

Clause 5) The Presiding Member may decide that a public question shall not be responded to where—

- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
- (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

8. APPLICATIONS FOR LEAVE OF ABSENCE

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councillor Goode be GRANTED Leave of Absence for the period 01 September 2022 to 30 November 2022 inclusive.

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 26 July 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS459: FINANCIAL ACTIVITY STATEMENT – JUNE 2022

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement - June 2022
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Acting Executive Director Corporate & Commercial Services (L Harding)

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:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 30 June 2022 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the financial activity statement for the period ended 30 June 2022 is preliminary and has not yet been audited.

RECOMMENDATION

CCS459: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Financial Activity Statement for the period ending 30 June 2022 be RECEIVED.

CCS459: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TRAIL**

THAT the Authorising Officer recommendation be ADOPTED.

CARRIED 12-0

CCS459: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 June 2022 be RECEIVED.

DISCUSSION

2. 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.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.

4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS367, Council approved that 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 2021/2022.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted 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:

- 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (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.
- 34(2) 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; and
 - (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.
- 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- 34(4) 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.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

8. The City's 2021/22 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 30 June 2022 has been incurred in accordance with the 2021/22 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil

ENVIRONMENTAL CONSIDERATIONS

13. Nil

ALTERNATE OPTIONS

14. Nil

CONCLUSION

15. The Authorising Officer's recommendation be adopted
16. It is requested that any questions on specific payments are submitted to the Acting Executive Director Corporate & Commercial 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.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS460: LIST OF ACCOUNTS FOR PAYMENT – JULY 2022

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Acting Executive Director Corporate and Commercial Services (L Harding)

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - Pillar:** Leadership.
 - Outcome:** Strong workplace culture and performance.

IN BRIEF

- 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.

RECOMMENDATION

CCS460: 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 July 2022 totalling \$10,814,225.45 be RECEIVED.

CCS460: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
 SECONDED: COUNCILLOR BROUGH

That the Authorising Officer recommendation be ADOPTED.

CARRIED 12-0

CCS460: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2022 totalling \$10,814,225.45 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 July 2022. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$19,398.45
Payroll	\$2,400,020.42
Cheques	\$167,548.03
Electronic Funds Transfer	\$8,227,258.55
TOTAL	<u>\$10,814,225.45</u>

4. The table below summarises the total outstanding creditors as at 15 July 2022.

Current	\$228,959.38
30 Days	\$9.45
60 Days	-\$330.82
90 Days	-\$3,039.78
TOTAL	<u>\$225,598.23</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. 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.
8. Section 6.8(1)(a) of the Local Government Act 1995 states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is incurred in a financial year before the adoption of the annual budget by the local government. Additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

POLICY IMPLICATIONS

9. Expenditure for the period to 15 July 2022 has been incurred in accordance with the 2021/2022 budget parameters, draft 2022/23 budget parameters, and s6.8 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 15 July 2022 has been incurred in accordance with the 2021/2022 budget parameters, draft 2022/23 budget parameters, and s6.8 of the Local Government Act 1995.

LEGAL IMPLICATIONS

11. Nil

ENVIRONMENTAL CONSIDERATIONS

12. Nil

ALTERNATE OPTIONS

13. Nil

CONCLUSION

14. That the list of accounts have been authorised for payment under delegated authority.
15. It is requested that any questions on specific payments are submitted to the Executive Director Corporate and Commercial 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.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS461: DELEGATED AUTHORITY REPORTS – 16 JUNE 2022 to 15 JULY 2022

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report.
Report Prepared By	: PA to the ED Corporate & Commercial Services (H Bell)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

**CCS461: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 June 2022 to 15 July 2022 be RECEIVED.

CCS461: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS461: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 June 2022 to 15 July 2022 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* 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

CCS462: WRITE OFF RATES DEBT REPORT AS AT 30 JUNE 2022

Proponent	: City of Albany
Attachments	: Write Off Rate Debt Report as at 30 June 2022
Report Prepared by	: Manager Finance (S Van Nierop)
Authorising Officer	: Acting Executive Director Corporate & Commercial Services (L Harding)

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:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS462: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Write off Rates Debt Report as at 30 June 2022 be RECEIVED.

CCS462: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer recommendation be ADOPTED.

CARRIED 12-0

CCS462: AUTHORISING OFFICER RECOMMENDATION

THAT the Write off Rates Debt Report as at 30 June 2022 be RECEIVED.

CCS463: NATIONAL ANZAC CENTRE – Q4 2021-22 REPORT-VERSION TWO

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 4 (Q4) 2021/22 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
Authorising Officer:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.
 - **Objectives:** Create a competitive and sustainable tourism offer.

In Brief:

- To provide Council with update on Q4 2021/22 performance of the NAC.

RECOMMENDATION

CCS463: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the NAC Operational Report for Q4 2021/22 be RECEIVED.

CCS463: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer recommendation be ADOPTED.

CARRIED 12-0

CCS463: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q4 2021/22 be RECEIVED.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.

5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for November 2022.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Q4 2021/22 achieved overall total visitation numbers of 464,780 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 60,623 visitors per year.
10. NAC Visitation of 11,829 for Q4 is a decrease of 3,223 compared with same period in 2020/21 recording 15,052.
11. April NAC visitation numbers of 5,720 were the lowest performing figures since opening.
12. June NAC visitation numbers of 2,905 were the 4th highest June figures since opening, with the lowest being 1,651 in 2019/20. The highest being 3,420 in the opening year 2014/15 followed with 3,400 during 2020/21.
13. The visitation in Q4 2021/22 from the Great Southern Region totalled 608 people, equating to 7.98% of Western Australia's overall visitation of 7,615 (3.88% increase from previous quarter).
14. The total visitation in Q4 2021/22 originated from Western Australia (67%) and interstate (33%).
15. Visitors from other States and Territories consisted of 31% from VIC, 30% from NSW, 23% from QLD, 9% from SA, followed by TAS 3%, NT and ACT all on 1-3%.
16. Interstate visitation of 3,732 (31.5% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
17. Revenue generated in Q4 2021/22 by the NAC was \$8,076 less compared to the previous Q4 quarter in 2020/21.
18. The Forts Store revenue of \$120,847 was only \$1,396 lower than same period 2020/21 and \$102,412 higher compared to the same Q4 period in 2019/20.
19. As at the end of Q4 2021/22, 7,150 households hold memberships to the NAC League of Local Legends program, an increase of 366 from the previous quarter.
20. The free-entry membership promotion for residents from the Great Southern region concluded on the 30 June 2022 and with its proven success has now become a permanent offering.
21. NAC has become a Children's University learning destination. Children aged seven to 14 from partnering primary schools can now participate in unique learning activities while exploring the award-winning site, as part of the UWA program.

GOVERNMENT & PUBLIC CONSULTATION

22. Not Applicable.

STATUTORY IMPLICATIONS

23. Not Applicable.

POLICY IMPLICATIONS

24. Not Applicable.

RISK IDENTIFICATION & MITIGATION

25. Nil.

RISK IDENTIFICATION & MITIGATION

26. Nil.

FINANCIAL IMPLICATIONS

27. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at June 30 2022.

28. Full year operating expenditure budget includes:

- a. \$199,000 of costs from accounts that are “shared” across the AHP. A total of \$774,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$774,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$77,000 of the \$199,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2021/22 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$875,000	\$875,000	\$853,491	\$(21,509)
Operating Expenditure	\$(558,163)	\$(558,163)	\$(468,783)	\$89,380
Net Operating Income/(Expense) before Indirect Costs	\$316,837	\$316,837	\$384,708	\$67,871
Indirect Expenses	\$(231,492)	\$(231,492)	\$(199,216)	\$32,276
Net Operating Income/(Expense)	\$85,345	\$85,345	\$185,492	\$100,147
Capital Expense	\$(373,835)	\$(373,835)	0	\$373,835
Total	\$(288,490)	\$(288,490)	\$185,492	\$473,982

29. The \$373,835 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh. Further works did not progress in 2021-2022 and the amount has been carried-forward to the 2022-2023 Budget to progress.

LEGAL IMPLICATIONS

30. Nil.

ENVIRONMENTAL CONSIDERATIONS

31. Nil.

ALTERNATE OPTIONS

32. The Committee can request further development and refinement of the quarterly reporting tool including both content and frequency of reporting

CONCLUSION

33. Overall, Q4 2021/22 has shown lower visitation to the NAC, but this is in line with previous years and remains consistent with the trend for Q4 for the previous 2 years. Q4 has demonstrated an increase in interstate visitation but visitation remains primarily from West Australian visitors.
34. The assumption remains that visitation from within our State has been higher due to ongoing State border closures/restrictions, and the success of the League of Local Legends program membership promotion to all Great Southern residents. However, with Covid restrictions easing and borders open we expect to see interstate and international visitation continue to increase next year.
35. Great Southern visitation to the NAC was 7.98% of overall WA visitation during the April - June period in Q4 2021/22.
36. This is 3.88% higher than the previous quarter (Q3 of 2021/22) and reflects the increased visitation from the Great Southern region, and remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
37. Interest in the Princess Royal Fortress and exhibitions was highest of all 4 quarters of 2021/22, with 1,176 people taking part in 114 Princess Royal Fortress Tours.
38. Overall Q4 generated slightly lower figures compared to Q3 in the NAC and in the Fort Store sales, which could be attributed to the effects of the pandemic on interstate and international visitation, but it is hoped this will begin to change.
39. NAC 2021/22 ticket sales were down by \$163,541 compared to 2020/21 but an increase of \$98,866 in tickets sales compared to 2019/20.
40. Fort Store revenue of \$446,958 for 2021/22 was an increase of \$10,437 compared to 2020/21 and an increase of \$102,321 compared to 2019/20.

Consulted References	:	Nil.
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM May 2022 Resolution CCS437

**CCS464: COMMUNITY SPORTING AND RECREATION FACILITIES
FUND 2022 SMALL GRANT ROUND APPLICATIONS**

Proponent / Owner	: City of Albany Cricket Great Southern; Albany Kart Club
Attachments	: Correspondence and Project Assessment Sheet; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy
Report Prepared By	: Executive Director Community Services (N Watson)
Responsible Officers:	: Executive Director Community Services (N Watson)

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:
 - **Pillar:** People
 - **Outcome:** A happy, healthy and resilient community

In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round.
- To seek Council support to provide funding assistance through the City of Albany's Capital Seed Fund in line with the Council's Community Sports & Recreation Facilities Small Grant Funding Policy for the Cricket Great Southern and Albany Kart Club upon return of successful CSRFF Small Grant round applications.

RECOMMENDATION

**CCS464: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2022 Funding Round:

1. Cricket Great Southern – Multi-Use Indoor Sports Facility (Ranked 1 of 2).
2. Albany Kart Club – Track Lighting (Ranked 2 of 2).

**CCS464: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **APPROVE** a total of \$112,285.00 (exc. GST) from the 2022/2023 Capital Seed Fund budget as the Council's commitment towards the CSRFF small grant applications as follows;
 - a) Cricket Great Southern (\$99,967.00), and Albany Kart Club (\$12,318.00);
 - b) This funding will still be allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
 - c) The funding amount does not exceed a total of \$(112,285.00) (exc. GST)
2. **NOTE** that should both applicants, or only Cricket Great Southern, be successful in drawing down their Capital Seed Fund allocation, the Capital Seed Fund will be oversubscribed and a further report will be prepared for Council to consider a budget amendment, or other options.

CCS464: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR THOMSON
SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer recommendation be ADOPTED.

CARRIED 11-0

CCS464: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2022 Funding Round:

1. Cricket Great Southern – Multi-Use Indoor Sports Facility (Ranked 1 of 2).
2. Albany Kart Club – Track Lighting (Ranked 2 of 2).

CCS464: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer recommendation be ADOPTED.

CARRIED 11-0

CCS464: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council:

1. APPROVE a total of \$112,285.00 (exc. GST) from the 2022/2023 Capital Seed Fund budget as the Council's commitment towards the CSRFF small grant applications as follows;
 - a) Cricket Great Southern (\$99,967.00), and Albany Kart Club (\$12,318.00);
 - b) This funding will still be allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
 - c) The funding amount does not exceed a total of \$(112,285.00) (exc. GST)
2. NOTE that should both applicants, or only Cricket Great Southern, be successful in drawing down their Capital Seed Fund allocation, the Capital Seed Fund will be oversubscribed and a further report will be prepared for Council to consider a budget amendment, or other options.

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 (Summer)
 - Annual and Forward Planning Funding Round
 - Small Grant Funding Round (Winter)
3. The CSRFF program is a \$12 million program. All three rounds are often oversubscribed and clubs may need to reapply on a number of occasions to be successful.
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 authorities applying for funds must demonstrate equitable access to 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. 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.
9. The City of Albany has a Community Sports & Recreation Facilities Small Grant Funding Policy to guide how it will allocate funding through its annual Capital Seed Fund towards community sporting projects applying for CSRFF funding.
10. The DLGSCI – Sport and Recreation application form requires applications to be initially submitted to the Local Government within which the project proposal is located.
11. The CSRFF funding application process requires Local Government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSCI on behalf of the applicants prior to August 26, 2022.
12. Once the assessment process from Local Government Authorities is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSCI – 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 DLGSCI grant guidelines require Council to provide a ranking for the projects.
14. The DLGSCI – Sport and Recreation provides guidelines 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
15. 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.

16. The type of projects which will be considered for funding through the CSRFF program include:
 - New playing surfaces - ovals, courts, synthetic surfaces etc.;
 - Floodlighting projects (must be to Australian Standards);
 - Change rooms and ablutions;
 - Sports storage.
17. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
18. 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.
19. The City of Albany have engaged two external and one internal officer/s to provide an independent peer review of the City's assessment process and subsequent ranking of projects. The independent assessment panel comprised the following representatives;
 - CEO Shire of Broomehill-Tambellup Mr Anthony Middleton
 - Manager Play Service – Kidsafe WA Ms Tracy Blaszkow
 - Manager Facilities, Day Care - City of Albany Ms Letitia Stone
20. Mr Anthony Middleton, CEO of the Shire of Broomehill-Tambellup, is an independent assessor for this grant round. Mr Middleton has advised that he will be declaring an Impartiality Interest regarding the Cricket Great Southern application.
21. Officers do not consider that this interest compromises the independent assessment process, noting that Mr Middleton is one of three independent assessors responsible for reviewing the proposed rankings of the applications.
22. This independent assessment review provides a higher level of transparency and gives Council a higher level of confidence to consider officer recommendations to endorse the rankings.
23. Of the three reviews, all were of the view that the projects submitted met the CSRFF criteria, and were supportive of the proposed project rankings. The independent review comments are attached.
24. The City of Albany has received two (2) Small Grant Applications this round. The following additional information is provided about the projects and funding applications:

Cricket Great Southern Inc. – Multi-Use Indoor Sports Facility

25. This funding application is a Small Grant Application to develop a Multi-Use Indoor Sports Facility utilising available space in the extensive Albany Agricultural Society Sheds (60 x 30m Exhibition Pavilion), located within the Centennial Park Sporting Precinct, to develop partitioned indoor training facilities to be shared by multiple sporting and recreational stakeholders.
26. The project includes the installation of synthetic turf and a 58 x 25m sports cage with spring-loaded netting divided into three courts. One court will have pull out netting to provide up to five lanes (e.g. for cricket). The facility will provide the following opportunities;
 - 5 x Indoor Cricket Nets (Including 1 x full size Indoor Cricket Net)
 - 2 x Indoor Futsal/Soccer Pitches
 - 1 x Indoor Hockey Pitch

27. The flexibility of the proposed system will facilitate different sporting and recreational activities as and when required, including the ability to cater for multiple activities at one time. Retracting dividers can also leave a complete open area for other uses. Each court will have sports line markings for cricket and soccer/futsal to enhance activities for these sports
28. The Facility will provide an alternative indoor sports facility that will provide some overflow capacity for ALAC programs. It also assists to cater for a number of other sports which require a synthetic surface i.e. Cricket, Soccer, and Indoor Hockey etc.
29. The indoor facility, where participants remain sheltered from the outside elements, will be an attractive alternative for sporting competitions and trainings, and will ideally increase the uptake of sport and associated performance in the Great Southern Region.
30. Wet/cold/windy conditions may be a deterrent of people wanting to engage in physical activity, whereas a drier indoor facility may be more appealing.
31. The Albany Agricultural Society have been included in the planning and scoping of the project and have an agreed management model in place with Cricket Great Southern. The terms of this agreement are included within a Memorandum of Understanding.
32. The City will utilise its existing booking system expertise and internal resourcing capacity to provide booking and administration support towards this facility. This will be covered under a separate fee for service agreement between the Albany Agricultural Society and City of Albany.
33. Member numbers for potential users of the facility;

	2018/19	2019/20	2020/21
Cricket	335	335	345
Hockey	654	638	645
Australian Rules	1100	1090	1106
Soccer	1697	1704	1716

34. Cricket Great Southern is contributing both cash and volunteer labour to the project.
35. The application is well planned and is supported regionally.
36. The application, installation and project will be managed by Cricket Great Southern.
37. 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 as a high priority.

Albany Kart Club – Albany City Kart Club Safety Lights Upgrade

38. The funding application is a Small Grant Application for Provision to upgrade the race track safety light system at Albany Kart Club. The project includes the installation of a blind spot camera to enable race control vision of current blind spots.
39. The current track lights can be difficult to see at certain times of the day due to sun glare. There is also a blind spot within the track which race control cannot see. The implementation of the blind spot camera will enable race control total track vision and hence improve safety.
40. The proposed system will also reduce the reliance on volunteers to help run events as the system provides start/chequered flags and pit exit lights. Availability of volunteers is an ongoing issue in being able to deliver safe, efficient events.

41. The Albany Kart Club is located on Albany Highway, Albany.
42. Albany Kart Club has 84 full members. Members use the facility all year round.
43. The club hosts two State level events, the South Eastern Zone Round One and the Southern Sprint. These events generate over 80 and 120 attendees respectively.
44. The Club is contributing cash to the project.
45. The project is well planned and needed by the applicant. The application, installation and project will be managed by Albany Kart Club.
46. 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 as a medium priority.

Project Ranking

47. The below ranking recommendation has been provided by the independent assessment panel based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Cricket Great Southern Inc.	Multi-Use Indoor Centre	Well planned and needed by the applicant. This projects meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 2
2	Albany Kart Club	Albany City Kart Club Safety Lights Upgrade	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project is a medium priority and based on hierarchy of facilities this project is ranked 2 of 2

48. Correspondence requesting financial assistance and Independent project assessments for the project applications is attached.

GOVERNMENT & PUBLIC CONSULTATION

49. 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 (January and February 2022).
50. The City of Albany has conducted a site visit for each of the projects listed above (February 2022) with the Sport and Recreation Regional Manager for the Great Southern.

STATUTORY IMPLICATIONS

51. There is no statutory requirement.
52. 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.
53. The Council Officers' ranking recommendations have been independently peer reviewed.
54. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.

55. 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

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

RISK IDENTIFICATION & MITIGATION

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

FINANCIAL IMPLICATIONS

58. The City allocated a total of \$85,000.00 Capital Seed Funding for Sporting Clubs in the 2022/2023 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.
- \$149,233 has been carried forward from the 2021/22 Budget
 - \$171,230 has been committed as part of the CSRFF February Small Grant Round. These commitments are:
 - \$70,000 Albany Speedway Club (successful Club Night Lights application);
 - \$84,000 North Albany Football Club (successful CSRFF application);
 - \$17,000 Middleton Beach Bowling Club (unsuccessful CSRFF application).
 - Total of \$63,003 is currently available in the Capital Seed Fund
59. 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.
60. The total projected costs of both projects is \$336,854
61. The clubs have requested a total of \$112,285 from the Capital Seed Fund. These applications exceed the balance of funds in the 2022/23 Capital Seed Fund by \$49,282.
62. Should both applications, or only the Cricket Great Southern application secure the funding required to draw down on the Capital Seed Fund and this oversubscribes the fund, officers will prepare a report for council to consider a budget amendment, or other options.

63. The following table provides the project budget detail and requests for financial support from each of the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Cricket Great Southern Multi-Use Indoor Sports Facility	\$ 299,901.00	\$ 99,967.00	\$ 99,967.00	\$ 99,967.00
Albany City Kart Club Safety Lights Upgrade	\$ 36,954.00	\$ 12,318.00	\$ 12,318.00	\$ 12,318.00
TOTAL	\$336,854.00	\$112,285.00	\$112,285.00	\$112,285.00

64. The next Small Grant round is February 2023.
65. Subject to the success of the current applications, it is possible that there will be no capacity within the Capital Seed Fund to support any applications in the next CSRFF Small Grant Round in February 2023.
66. If the applications are unsuccessful, the clubs can reapply in the next round.

LEGAL IMPLICATIONS

67. Nil

ENVIRONMENTAL CONSIDERATIONS

68. Nil.

ALTERNATE OPTIONS

69. Council may choose not to provide funding assistance for these projects.
70. Council may choose to provide more or less funding assistance to the submitted projects.
71. Council may choose to change the project ranking based on its strategic priorities.
72. Council may choose to amend the 2022/23 Budget to increase the allocation within the Capital Seed Fund to ensure the fund has capacity to cover the City's contribution towards each application.

CONCLUSION

73. The Department of Local Government, Sport and Cultural Industries – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.
74. Both projects meet the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. Council is required to endorse the officers ranking.
75. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
76. 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 31st August 2022.

Consulted References	:	Community Sports & Recreation Facilities Small Grant Funding Policy
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM March 2022 Resolution CCS423

CCS465: NATIONAL ANZAC CENTRE ADVISORY GROUP CHAIR

Attachments	: Terms of Reference for the National Anzac Centre Advisory Group Confidential: Nominee Professional Summary
Report Prepared By	: Executive Director Community Services (N Watson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.
 - **Objectives:** Create a competitive and sustainable tourism offer.

In Brief:

- In accordance with the National Anzac Centre Advisory Group (NACAG) Terms of Reference, the Chief Executive Officer is to present to Council for endorsement nominations for members of the NACAG.
- Due to the recent resignation of the Chairperson of the National Anzac Centre Advisory Group (NACAG), a nomination for a new Chairperson is presented to Council for consideration.

RECOMMENDATION

CCS465: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the nomination for the National Anzac Centre Advisory Group Chairperson received by the City (as detailed in the confidential attachment) be APPROVED for a four-year term commencing on Wednesday, August 24, 2022.

CCS465: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR THOMSON

THAT the Authorising Officer recommendation be ADOPTED.

CARRIED 12-0

CCS465: AUTHORISING OFFICER RECOMMENDATION

THAT the nomination for the National Anzac Centre Advisory Group Chairperson received by the City (as detailed in the confidential attachment) be APPROVED for a four-year term commencing on Wednesday, August 24, 2022.

BACKGROUND

2. The National Anzac Centre Advisory Group (NACAG) is a working group which provides the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
3. The Terms of Reference designates membership representation, including an independent Chairperson.
4. The Chairperson role is currently vacant due to the recent resignation of the incumbent chair after 8 years in the role.

DISCUSSION

5. The NAC Advisory Group requires a skills-based membership to ensure it achieves its key objectives and the Advisory Group fulfils its key role in providing high-level and direct advocacy to government and government-run organisations on behalf of the City of Albany and the NAC.
6. The Chairperson is the presiding officer of the NACAG (as defined in the NACAG Terms of Reference) and is also responsible for playing a primary advocacy role for the National Anzac Centre (NAC) and meeting with government and /or other stakeholders on matters relating to the purpose(s) of NACAG with support from, or as required by, the City.
7. Given the position's strategic responsibility, it is essential the chairperson brings a high-level of experience and skills to the NACAG and has strong connections with government and stakeholders.
8. A proposed candidate for the position of Chairperson has been identified by the Mayor, Chief Executive Officer and incumbent chair for consideration by Council (*Note: The name and associated biography will be presented to Council under confidential cover*).
9. The nominee has the required experience and skills for the position.
10. The City is seeking to confirm the appointment of the new Chairperson ahead of the next NACAG meeting in November 2022.

GOVERNMENT & PUBLIC CONSULTATION

11. No public consultation is required.

STATUTORY IMPLICATIONS

12. The NACAG Terms of Reference govern the functions of the advisory group and defines its role in providing the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
13. As members of the group are not being appointed to a Committee of Council the voting requirement is **Simple Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation Risk: The NACAG Chairperson nomination is not supported.	Unlikely	Moderate	Medium	Seek guidance from Council on a preferred candidate to fill the vacancy.
Opportunity: The expertise of the nominee for the Chairperson role has the potential to elevate advocacy of the NAC and Albany Heritage Park to government and other stakeholders.				

FINANCIAL IMPLICATIONS

16. The City of Albany is responsible for the cost of travel and accommodation for NACAG members, with an annual budget allocation for NACAG of \$15,000.
17. The City may also remunerate the Chairperson an agreed and reasonable annual allowance, with a contract to be negotiated and agreed within the existing Budget allocation.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

19. Council may choose not to support the recommendation and seek further candidate nominations to fill the Chairperson vacancy.

CONCLUSION

20. It is recommended that the nominations be approved.

Consulted References	:	Terms of Reference – National Anzac Centre Advisory Group
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM 21 st June 2022, Resolution CCS445

**AR123: RECEIVE THE MINUTES OF THE AUDIT AND RISK COMMITTEE
MEETING 03 MAY 2022**

Proponent / Owner	: City of Albany
Attachments	: Confirmed Minutes of Audit and Risk Committee Meeting held 03 May 2022 - CONFIDENTIAL
Report Prepared By	: Senior Team Leader Records/Council Liaison (J Williamson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Provide strong, accountable leadership.

RECOMMENDATION

**AR123: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 03 May 2022 be RECEIVED.

BACKGROUND

2. The Audit and Risk Committee meeting is not open to the public and as such the minutes are not required to be published on the City's website, in accordance with section 13 (1) (a) of the *Local Government (Administration) Regulations 1996*.
3. Report items requiring a decision of Council will be presented to an Ordinary Meeting of Council for consideration.

Consulted References	: <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Number (Name of Ward)	: FM.MEE.3
Previous Reference	: N/A

DIS310 : BUDGET AMENDMENT REQUEST – LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

Proponent / Owner : City of Albany
Report Prepared By : Manager Engineering and Sustainability (R March)
Authorising Officer: : Executive Director Infrastructure, Development & 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:

- **Pillar:** Place
- **Outcomes:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.

In Brief:

- This is an additional review of grant funding allocation (budget) outside the normal budget review process.
- The review covers grant reallocations from both the Drought Communities and Local Roads and Community Infrastructure (LRCI) funding programmes to cover underspends and overspends to maximise grant spending.

RECOMMENDATION

DIS310: COMMITTEE RECOMMENDATION 1 VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council amend the Local Roads and Community Infrastructure (LRCI) 2 funding as follows:

1. **DECREASE** budget for Project CBD Zone E - Construction behind Premier Hotel/redesign and construct Zone E Job Number 2156 from \$119,982 to \$0.
2. **INCREASE** budget for Project Sanford Road Reconstruct, Seal and Asphalt Job Number 2575 from \$497,744 to \$631,991.
3. **DECREASE** budget for Project Cockburn Road & Lockyer Avenue Path Job Number 2761 from \$11,590 to \$0.
4. **DECREASE** budget for Project Grey Street (East & West): Public Realm Enhancement Job number 2780 from \$27,728 to \$0.
5. **DECREASE** budget for Project Stirling Terrace: Public Realm Enhancement Job Number 2779 \$37,907 to \$20,907.
6. **INCREASE** budget for Project Alison Hartman Gardens / Student Housing Interface Job Number 2782 from \$0 to \$42,053.

DIS310: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the Drought funding be AMENDED as follows:

- 1. DECREASE budget for Project East Bank – New Universal access drop toilet Budget Job Number 2751 from \$40,641 to \$30,641**
- 2. INCREASE budget for Project Redmond Hall Power Upgrade and Child Play Area Job Number 2742 from \$33,990 to \$43,990.**

DIS310: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 12-0

DIS310: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council amend the Local Roads and Community Infrastructure (LRCI) 2 funding as follows:

- 1. DECREASE budget for Project CBD Zone E - Construction behind Premier Hotel/redesign and construct Zone E Job Number 2156 from \$119,982 to \$0.**
- 2. INCREASE budget for Project Sanford Road Reconstruct, Seal and Asphalt Job Number 2575 from \$497,744 to \$631,991.**
- 3. DECREASE budget for Project Cockburn Road & Lockyer Avenue Path Job Number 2761 from \$11,590 to \$0.**
- 4. DECREASE budget for Project Grey Street (East & West): Public Realm Enhancement Job number 2780 from \$27,728 to \$0.**
- 5. DECREASE budget for Project Stirling Terrace: Public Realm Enhancement Job Number 2779 \$37,907 to \$20,907.**
- 6. INCREASE budget for Project Alison Hartman Gardens / Student Housing Interface Job Number 2782 from \$0 to \$42,053.**

DIS310: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 12-0

DIS310: AUTHORISING OFFICER RECOMMENDATION 2

THAT the Drought funding be AMENDED as follows:

1. DECREASE budget for Project East Bank – New Universal access drop toilet Budget Job Number 2751 from \$40,641 to \$30,641
2. INCREASE budget for Project Redmond Hall Power Upgrade and Child Play Area Job Number 2742 from \$33,990 to \$43,990.

BACKGROUND

2. Federal funding has been made available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to Local Government owned assets (including natural assets) that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.
3. Through the 2020–21 Budget, the Australian Government announced a \$1 billion extension of the LRCI Program, following strong community and local government support.
4. This program supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.
5. City of Albany has been able to access funding of \$1,797,907 through LRCI 2.

DISCUSSION

6. The City of Albany has applied for an extension of time to complete projects from LRCI 2 from 30th June 2021 to 30 December 2022.
7. The City of Albany has applied for an extension of time to complete some projects from Drought Communities Program (\$1million) to 31 March 2023.
8. Some projects have been completed below budget and some require additional funding. This budget amendment requests seeks budget reallocation for both funding types.

Budget Reallocation Requested

9. The full scope of work for the CBD Zone E works could not be completed. The works on the carpark behind the Premier Hotel have been completed.
10. However, the remaining owners of the land would not agree to enter into a lease with the City.
11. It is recommended that the underspend be reallocated to Project 2575 – Sanford Road Reconstruct, Seal and Asphalt so that the remaining footpath to Albany Highway can be completed. This work was not included in the original scope of work.
12. The full scope of works for Project 2780 Grey Street (East and West) Public Realm Enhancement and Project 2779 Stirling Terrace Public Realm Enhancement could not be completed due to complications in underground services and availability of contractors.
13. It is recommended that the underspent funds be reallocation to Project 2782 Alison Hartman Gardens / Student Housing Interface enabling the completion of the reinstallation of the Peace Pole and finishing landscaping components at Alison Hartman Gardens.
14. Project 2761 Cockburn Rd & Lockyer Ave shared path works have been completed. It is recommended that the remaining funds be reallocated to Project 2782 Alison Hartman Gardens / Student Housing Interface to assist completing these works.

Approved LRCI 2 Projects	Budget 2021	Budget July 2022	Allocation	Updated Budget 2022
(Project Name in Approved Work Schedule)				
2156 CBD Zone E - Construction behind Premier Hotel/redesign and construct Zone E	254,229	119,982	-119,982	0
2575 Sanford Road Reconstruct, Seal and Asphalt.	984,309	497,744	+134,247	631,991
2761 Cockburn Rd & Lockyer Ave Path	11,590	11,590	-11,590	0
2779. Stirling Terrace: Public Realm Enhancement	62,857	37,907	-17,000	20,907
2780. Grey Street (East & West): Public Realm Enhancement	40,000	27,728	-27,728	0
2782. Alison Hartman Gardens / Student Housing Interface	25,000	0	+42,053	42,053

15. Project 2751 East Bank – New Universal access drop toilet cannot be completed due to land administration issues and there are surplus funds. Seeking approval to reallocate budget to Project 2742 Redmond Hall Power Upgrade and Child Play Area.

Approved Drought Funded Projects	Budget 21	Budget July 22	Allocation	Updated Budget 2022
(Project Name in Approved Work Schedule)				
2751 East Bank – New Universal access drop toilet	40,641	40,641	-10,000	30,641
2742 Redmond Hall Power Upgrade and Child Play Area	33,990	33,990	+10,000	43,990

GOVERNMENT & PUBLIC CONSULTATION

16. Department of Local Government guidelines were followed in the preparation of this report.
17. City of Albany Executives, Managers and Officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

18. Under the *Local Government Act 1995* (the Act), section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- is incurred in a financial year before the adoption of the annual budget by the local government
 - is authorised in advance by a resolution (absolute majority required) or;
 - is authorised in advance by the Mayor in an emergency.
19. Voting requirement: **Absolute Majority**.

POLICY IMPLICATIONS

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

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
Business Operation, Reputation & Financial. <i>Risk: Community perception that savings realised should be used for other purposes</i>	<i>Possible</i>	<i>Moderate</i>	<i>High</i>	<i>Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.</i>
Opportunity: <i>To complete projects already in progress</i>				

FINANCIAL IMPLICATIONS

22. All projects must be delivered by 30 December 2022.

LEGAL IMPLICATIONS

23. Nil.

ENVIRONMENTAL CONSIDERATIONS

24. Nil.

ALTERNATE OPTIONS

25. Council may:
- a. Adopt the amendment as recommended; or
 - b. Adopt the amendment with alterations (as specified by Council); or
 - c. Reject the recommendation.

CONCLUSION

26. That the Authorising Officer's Recommendation to adopt the Budget Amendment be supported.

Consulted References	:	Adopted Budget 2022/2023 Local Government Act 1995
File Number (Name of Ward)	:	Frederickstown, Kalgan, West Ward
Previous Reference	:	N/A

DIS311: LED STREET LIGHTING BULK REPLACEMENT

Land Description	: City of Albany
Proponent / Owner	: Western Power and City of Albany
Attachments	: 1. Western Australian Local Government (South Metropolitan and Albany) LED Street Lighting Business Case 2. Smart Enabled LED Streetlight Financial and Emission Reduction Feasibility Analysis for City of Albany – June 2022 3. Peer Review by Sage Consultants 4. Atwell and Spearwood LED Luminaire Streetlight Trial 5. Streetlight Promotional Flyer
Report Prepared By	: Environmental Sustainability Officer (K Outhwaite) and Manager Engineering and Sustainability (R March)
Authorising Officer:	: 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 2032:
 - **Pillar:** Planet
 - **Outcome:** Shared responsibility for climate action.
 - **Objective:** Work towards net zero greenhouse gas emissions.
2. This item relates to the following strategic objectives of the City of Albany Carbon Reduction Footprint Strategy 2021:
 - a) To promote energy efficiency technologies and energy conservation

In Brief:

- The City of Albany applied for grant funding of \$625,000 to contribute to this project, from the Clean Energy Future Fund (CEFF).
- Bulk replacement of streetlights was previously endorsed by Council for Financial Year 2021/22 budget, subject to successful grant funding application.
- The City of Albany were unsuccessful in their CEFF grant application.
- This report will discuss and propose to seek the replacement of all WP luminaires with Smart Enabled LED Luminaires with the support and backing of WP so as to improve sustainability measures such as reduced CO2 emissions and reduced recurrent outlays.

RECOMMENDATION

DIS311: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT:

1. The replacement of Western Power owned Luminaires with Smart Enabled LED Luminaire Streetlights including the Smart *iTron* Streetlight System be **APPROVED**.
2. The expected cost of the replacement program of \$2,615,000 to be considered as part of the 2023/24 and 2024/25 budgets be **NOTED**.

DIS311: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Terry

DIS311: AUTHORISING OFFICER RECOMMENDATION

THAT:

1. The replacement of Western Power owned Luminaires with Smart Enabled LED Luminaire Streetlights including the Smart *iTron* Streetlight System be APPROVED.
2. The expected cost of the replacement program of \$2,615,000 to be considered as part of the 2023/24 and 2024/25 budgets be NOTED

BACKGROUND

3. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.
4. LED Street lighting has been proven to make roads safer, save money by using energy more efficiently, and cut greenhouse gas emissions by more than half.
5. The City of Albany currently has approximately 4,000 unmetered street lights, of which 3,819 consist of old mercury based technology (compact fluorescent, mercury vapour, metal halide, high pressure sodium).
6. All of these streetlights are owned by Western Power, who own and have regulatory control over all aspects of streetlights across the South West Interconnected System (SWIS) grid.
7. The SWIS covers all aspects of electricity delivery from Geraldton to Esperance and west of the line running between these two towns (commonly known as the poles and wires part of bring electricity to the customer).
8. Synergy, the State Governments Gentailer (electricity generator and retailer) provides the monthly invoice comprising a daily tariff (Z-Tariff) for each streetlight. The tariff comprises of two components being electricity consumed (power usage is estimated as streetlights are unmetered) and network charges.
9. Synergy will retain a component of the payment to cover electricity consumed and regulatory return on capital (profit) and remit the balance to Western Power to cover network charges, maintenance, depreciation and regulated return on capital (profit).
10. Western Power released an LED street light product in early 2019. However, transition has been slow as street lights are only replaced when the existing luminaires fail.
11. In an effort to aid the transition to more efficient LED street lighting a group of five councils (Cockburn, Melville, Armadale, Albany and Canning) have come together to propose to replace 47,000 luminaires (streetlight light emitting diode (LED) and surrounding frame) of the 275,000 streetlights across the Western Power controlled SWIS grid.
12. The Group has commissioned a business case to support the luminaire replacement program prepared by consultant Ironbark Sustainability (refer Attachment 1) to demonstrate the technical feasibility of the program.

13. In addition a financial feasibility (Attachment 2) has been prepared with assistance from the City of Cockburn (and reviewed by Ironbark Sustainability) on behalf of the five councils.
14. Additionally a peer review of the business case was also commissioned by City of Albany (refer Attachment 3) which supported the financial outcomes of the Super-Trial.
15. The drivers of the Super-Trial are the modernisation of the streetlight luminaire fleet, the substantial improvement in sustainability of the modern LED network and consequential reductions in power consumption and greenhouse gas emissions and financial benefits of shifting to lower tariffs, which will self-fund the transition.
16. The Super-Trial is the follow-on from two trials undertaken by the City of Melville (smart enabled LED replacement lighting) and the City of Cockburn (standard, nonsmart enabled LED replacement lighting).
17. Both trials have been shown to be successful. A copy of the community engagement for the City of Cockburn is attached.

LED Street Lighting Business Case (Ironbark)

18. The Business Case analyses the costs and savings that can be expected from replacement of all non-LED light types across participating councils.
19. The scope of this report is limited to the management of street lights within the unmetered street lighting network (Western Power infrastructure).
20. Council-owned street lighting has been excluded from Ironbark's analysis due to limited technical details and decorative street lighting product variations.
21. The business case proposed to replace around 47,000 streetlights, across the participating councils, to more energy efficient and low maintenance LED luminaires.
22. The program will be funded by the participating councils.
23. Table 1 provides a summary of the expected outcomes for the councils from the program and the potential if extrapolated across the entirety of the Western Power-managed SWIS Grid.

Region	Number of lights	Project Cost (incl. interest)	Total Cost Savings (20 years)	Total Energy Savings (MWh, 20 years)	Total Greenhouse savings (tCO ₂ -e, 20 years)	Payback (years)
Perth South Metro and Albany	47,000	\$25 to 29m	\$107 to \$123m	300,000 to 370,000	210,000 to 250,000	5.0 to 6.3
All of Western Power SWIS Grid (est.)	276,000	\$150 to \$170m	\$620 to \$720m	1.7m to 2.2m	1.2m to 1.5m	5.0 to 6.3

*Table 1. Ironbark's summary of results

24. The business case also breaks down financial modelling specific to the City of Albany.
25. The City of Albany currently has around 4,000 unmetered street lights under the control and maintenance of Western Power, with an estimated annual cost to the City of Albany of \$729,000.

26. The LED street light modelling proposed three LED street lighting options which included:
- Option 1. Standard like-for-like replacement.
 - Option 2. Standard like-for-like replacement with contestable energy agreement.
 - Option 3. Western Power approved, smart ready, with contestable agreement.
27. Option 2 and 3 are not available at this time. Option 2 requires the LED lights in place and would require all 5 LGA's to commence an agreement concurrently. Option 3 is not currently available from Western Power.
28. The estimate for the portion of the works attributable to the City of Albany is \$2.615m with an estimated payback period of 8 years. This is based on an average cost per luminaire of \$690.

LED Street Lighting Business Case Peer Review (SAGE Consulting)

29. SAGE Consulting undertook a peer review of the LED Street Lighting Business Case as per EMT recommendation.
30. The SAGE consulting report supports the recommendations of the LED Street Lighting Business Case, which supported investment in a bulk LED lighting retrofit.
31. The Peer Review also noted some discrepancies in LED luminaire costs, as Ironbark modelled the financial costs on Victorian pricing and not the latest Western Power and Synergy pricing.
32. The peer review supported the following recommendations for the City of Albany:
- a) allow a capital budget of \$2.1 million for the project;
 - b) prepare a Lighting Policy or Lighting Master Plan;
 - c) engage a lighting designer to undertake independent review of the final lighting designs; and
 - d) consider smart controls at a later date when Western Power and Synergy launch a smart control system and tariff structure.
33. It should be noted that the projected cost of \$2.1 million stated by Sage Consultants excluded internal project management costs and design/structural assessment costs. Total project cost is estimated to be \$2.615 million.

WALGA Power Purchase Agreement (PPA)

34. The City entered into the first stage of the PPA for contestable sites. Although street lighting could have been included as part of the PPA the actual mechanism and costs associated with the proposal was not clear and this option was not taken up for Year 1 of the PPA. This can be amended further down the track when more is understood about the process and costs associated with this option are known.

35. The PPA uses locally sourced renewable energy from different locations across the state, positioning the City to achieve 70% of its target of 100% renewable by 2030. Information on each of these locations are included in the slide below.

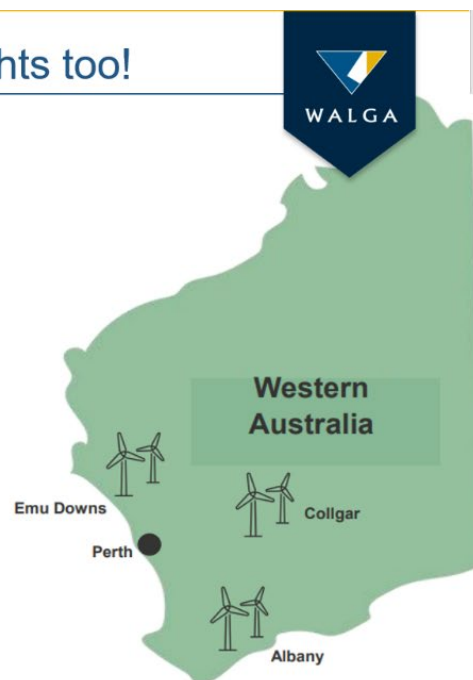
Renewable Message – Yes, for Streetlights too!

Synergy utilises a total of 3 accredited sites to source LGCs for Natural Power

Albany: Synergy's Albany wind farm, a joint venture with Bright Energy Investments, is an accredited energy supplier for the GreenPower program, with 18 wind turbines, with a maximum generating capacity of 35.4 MW of electricity. This wind farm sits 80m above the Southern Ocean. It's in such a prime location that there are only approximately 7 days a year where the wind is not strong enough to turn the turbines.

Collgar Wind Farm: A renewable power project located in the central wheatbelt area of Western Australia. The wind farm situated 25km south east of Merredin is built over a land envelope of 18,000 hectares. With 111 turbines, the wind farm has a total power production capacity of 222 megawatts (MW) and generates between 630-750 gigawatt hours (GWh) each year.

Emu Downs: Located 30 kilometres east of Cervantes and approximately 200 kilometres north of Perth, EDWF generates electricity from wind powered turbine technology. The wind farm has 48 turbines with a capacity to produce 80 megawatts of electricity at peak.



Classification: CONFIDENTIAL

36. Stage 2 of the PPA will include non-contestable sites but it is not clear when this stage will be available. Liaison with WALGA and Synergy will continue.

External Funding

37. Round 2 of the Clean Energy Future Fund (CEFF) was available to local government organisations for clean energy projects in regional and remote Western Australia, which closed 22 April 2021.
38. The maximum proportion of eligible costs for the project that can be contributed by the Fund in a competitive round is 25%. The minimum amount available is \$250,000.
39. The City of Albany submitted a CEFF funding application separately to the Group.
40. One of the Group (City of Cockburn) also applied for the CEFF funding and were unsuccessful.

DISCUSSION

Super Trial

41. It is proposed to undertake a super-trial using the five councils representing 47,000 luminaires.

Council	No of Luminaires
Cockburn	14,118
Melville	8,958
Armadale	11,167
Albany	3,958
Canning	8,809
Total	47,010

*Table 2 – Super Trial Council participants – Numbers of Luminaires

42. The criteria to participate in this Group was a commitment from all five Cities (subject to relevant Council approval) to invest the capital upfront to replace the luminaires whether using municipal/grant/borrowings.
43. This initiative is funded by the savings of the new LED Z-Tariff plus the additional saving of providing the capital as determined by the ERA.
44. This is instead of waiting for the State Government to fund the project as per WALGA's request contained in the submission to the 2021 State Election or waiting the 40 to 50 years for WP's ad-hoc Luminaire Replacement Program to be implemented.

WALGA has endorsed this Super-Trial project.

45. Dual Tariff from State Government (Synergy and WP) similar to Victoria
46. As noted in the Ironbark Business Case, Victoria has a two part tariff, one from the gentailer for electricity consumption and a second from the network provider (owner of the actual streetlight).
47. Both tariffs are regulated. This enables the tariff to be transparent. It also provides for the opportunity to reduce the energy component. This will be done by the provision of accurate data for the provision of kWhrs of actual electricity consumed.
48. Currently the system is unmetered. By metering (using the smart enabled device to accurately measure consumption), the Councils will be able to argue for the streetlight network to be a contestable supply similar to the 11 other contestable sites under the PPA.
49. The aim is to reduce the cost of running the streetlight network by:
 - Implementing competition for actual supply of electricity to the 275,000 streetlights on the SWIS grid.
 - Reduce power consumption on appropriate roads during low patronage hours (midnight to 5am).
 - Improvements to LED Network to Australian lighting standards (potential investing part of the cost reduction in improving lighting to meet the relevant lighting standard).
50. As the asset is owned by Western Power, the City does not need to go to tender under Local Government (Functions and General) Regulations.

Current Position

51. The City of Albany was unsuccessful in its grant application from CEFF, as were all other street lighting applications for this grant.
52. Feedback provided by the Department of Water and Environmental Regulation (DWER) is that they would prefer to see a widespread and therefore more efficient adoption on street lighting across all Local Government Areas, rather than a piecemeal adoption.
53. If the City of Albany does not invest in an LED retrofit, Western Power will gradually retrofit LED luminaires as the existing luminaires fail, a process that could take 40 to 50 years. Under this option, the disposal of the luminaires would be difficult to manage and transport costs to the recycler's depot would be high. There is also the risk of fly dumping of hazardous waste.

54. Update from the South West Group of Councils (SWGC) :
- a) All five Local Governments have some form of commitment for the bulk replacement super trial.
 - b) Western Power have agreed to partner with Local Governments in Smart LED Replacement Program Super Trial.
 - c) Western Power have agreed that the RAB costs would be 50% funded by them with the remaining to be funded by the Local Government.
 - d) Western Power have committed to enabling Local Governments to claim carbon emissions reductions as part of their carbon neutral plans.
 - e) Western Power have committed to ensure non-Mercury Vapour luminaires will be re-used so as to meet sustainability measures.
 - f) The Local Governments continue to lobby Federal Governments/Opposition for co-funding opportunities as an election commitment to expedite roll out to meet Western Power LED transition timeframe.
55. As per the advice from Sage Consulting and the information above, the following still needs to happen:
- a) Create the street lighting masterplan (external consultant)
 - b) Undertake street lighting design in accordance with the masterplan (external consultant).
 - c) Negotiate project costs, product selection and future system management models within Western Power.
56. There are a number of options being considered as part of this item, and all have their benefits and drawbacks.
57. It is recommended that Council proceed as planned with the bulk LED street lighting replacement, but commit the full \$2.615m over the next two financial years (2023/24 and 2024/25) and pursue a Purchase Power Agreement through WALGA.
58. This will have the following benefits and drawbacks:
- a) Maximised benefits of bulk replacement with reduced long-term costs and optimised recycling.
 - b) While expensive in the short-term, energy reduction and greenhouse gas emissions will be maximised and commence immediately, with additional reductions to be realised when participating in the PPA for renewable energy when available.
 - c) The City will be reliant on working to WALGA's timeframe for a PPA.
 - d) Progress towards net zero emissions by 2030, in accordance with the Climate Change Action Declaration, to establish the City as a leader in sustainability with a shared responsibility for climate action.
59. Western Power has stated that they need in principle support from all five Local Governments to be able to proceed with their internal business case for smart control for the super trial.

GOVERNMENT & PUBLIC CONSULTATION

60. No public consultation has been undertaken by the City of Albany.
61. Consultation with Western Power and Synergy has been undertaken by the Group and will continue as part of this project.

62. LED Streetlight Trials were undertaken in Cities of Melville and Cockburn

- Cockburn – Changeover of 169 streetlights in Spearwood and Atwell with standard LED luminaires.
- Melville – Changeover of 100 streetlights in Melville (suburb) with smart enabled LED luminaires with the ability to dim. This was implemented and trialled. The project trial was deemed a success.

63. Community feedback from City of Cockburn trial is included in Attachment 4.

64. A flyer developed by the group is included in Attachment 5.

STATUTORY IMPLICATIONS

65. N/A

POLICY IMPLICATIONS

66. This item relates to the City of Albany Environmental (Climate Change) Policy (2017) and the City of Albany Climate Change Action Declaration.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Allocation of funding for the LED street lighting retrofit is not supported.	Possible	Minor	Medium	City staff will continue to apply for suitable funding in order to progress the project.
Environment: Delaying the implementation of the street lighting retrofit will not result in a reduction in greenhouse gas emissions	Possible	Moderate	Medium	Advocate to Western Power to reduce the waiting time for replacement of current street lighting with LED.
Financial: Delaying the installation of LED street lighting may result in an inability to reduce energy costs for the City.	Likely	Moderate	High	City staff to continue to source funding streams in order to progress the retrofit, and continue to advocate for a reduction in waiting time for the Western Power retrofit.
Opportunity: Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and support of energy efficiency measures. Opportunity: To realise significant energy cost savings into the future by installing LED lighting.				

68. A notable risk is the development required from Western Power to facilitate the backend IT system to activate the Smart Enabled LED streetlights. Noting the City of Melville trial was successful, WP are still to commit to creating the IT back-end for Councils to take advantage of the iTron streetlight system.

69. Although the iTron system is a proven system around the world, WP are still yet to commit to delivering it for Council access.

70. The risk then is the upfront capital of installing the Smart Enabled Device at approximately \$175 per luminaire or for the City of Albany \$0.68m plus the recurrent cost to operate the system of 3.42c per day per luminaire.

71. The aim is to have a clause in the contract if WP fail to deliver the access the City will be able to claim back the cost.

FINANCIAL IMPLICATIONS

The Project proposal with costs/funding/payback/benefits

72. The proposal is to fund the replacement of WP's current fleet of streetlight luminaires totalling 3,625 (excluding the already converted LED streetlights of 265 totalling 3,980) with Smart Enabled LED luminaires. As noted above, the luminaire is the frame plus LED lighting equipment and the smart enabled device is the hardware on top of the framework with the smarts to connect to the network.
73. The cost is estimated to be \$2.615m based on a fixed price established by Western Power (see attachment 2). This price includes luminaires, project management, design, traffic management, smart enabled devices, insurance.
74. The City with the other members of the Super-Trial group are negotiating with WP over the base price of the luminaire given it is based on the pricing of WP's ad-hoc replacement program of 2,000 to 3,000 luminaires per annum versus the Super Trial Group of Council's total 47,000 luminaires.
75. The group believes there could be additional savings of between 5% to 10% on the luminaire acquisition program from such bulk purchases.
76. As part of the capital cost, WP wants to charge the City the written down value of the existing luminaires with a cost of \$0.114m. This is known as the RAB or regulated asset base cost (streetlights are a regulated asset service controlled by the Economic Regulation Authority or ERA).
77. The Group disputes the validity of the RAB cost as its imposition supposed to provide WP with compensation for assets taken out of service and hence a loss of income.
78. This is not the case in this instance, in that WP will retain the income from the Z-Tariff and enjoy substantial reductions in operating costs as a result of the Councils investment, let alone not having to provide the capital to replace the luminaires over the short and long term.
79. In addition, the City, by paying the Z-Tariff, has been paying the depreciation on luminaires for the last 50 years. The Group remains in discussion with WP on this issue. It has also been raised with the Minister for Energy by the Group's lobbying firm.
80. The City of Albany has applied for CEFF funding (\$625,000), but was unsuccessful.
81. The City will continue to seek and apply for relevant funding to reduce the financial dependence of City ratepayers.
82. The changeover to LED lighting will reduce the energy used and therefore will result in a reduction of costs. The business case indicates a payback period of about eight years.
83. After the LED replacement, the City will see the cost of street lighting fall from \$0.719mpa to \$0.44mpa, a saving of \$0.279m pa using the amended Z -Streetlight tariff published by Synergy.
84. This encompasses the reduction in energy, maintenance and replacement costs. It also includes a further discount as the City is providing the capital to fund the replacement program. This latter inclusion is due to the Economic Regulatory Authority mandating the discount.
85. There is also an additional recurrent cost of 3.42c per day per streetlight to fund the WP smart enabled streetlight system.
86. The Group are looking for surety of price as part of the agreement. At this stage it is unclear as to what this will look like but some commitment regarding future pricing is anticipated.

LEGAL IMPLICATIONS

87. The City does not have to go to tender as the City is exempted under Regulation 11(2)(e), of the Local Government (Functions and General) Regulations where the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies.
88. The Streetlights are Western Power assets and the replacement luminaires would remain Western Power assets under this proposal. There will be a requirement for an agreement between the participating Councils and Western Power to underpin the Super Trial project.
89. A draft agreement has been received by the Group and a legal review has been undertaken by Jackson McDonald on behalf of the Group.
90. The Group has stressed the importance of having Local Government representation on any evaluation panel established by Western Power for the selection of tenders for the bulk provision of Smart LED luminaires.

ENVIRONMENTAL CONSIDERATIONS

91. Many of the existing street lighting luminaires contain mercury which will need to be phased out under the International Minimata Convention to limit mercury.
92. The bulk LED street lighting retrofit is estimated to reduce the City of Albany's greenhouse gas emissions from street lighting by approximately 50%. This reduction will be further increased through the provision of renewable energy through the PPA.
93. Responsible disposal of these luminaires needs consideration, such as transport to a lamp recycling facility in Victoria.

Sustainability

94. The energy demands for LED lamps are 80% less than the current lamps in the street lighting network, with significant greenhouse gas savings. The LED replacement will be the single greatest energy reduction project the City has implemented.
95. The City's 3,980 streetlights use 1.4MkWhrs of electricity annually and at a cost of \$0.729m which is 60% of the City's annual electricity bill for FY21.
96. By changing to LED luminaires, the electricity consumption will fall to 0.592MwHrs of electricity. More importantly, the City emits 969 tonnes of CO2 annually from streetlight electricity. The new LEDs will reduce this to 409 tonnes or 42.2% saving.
97. Even though the asset is owned by WP, the City is accredited with the CO2 emissions.
98. The City will push for the non-mercury luminaires to be recycled back into the SWIS grid, saving WP even more capital expenditure by using the non-mercury luminaires rather than them ending up in landfill.
99. An additional benefit is the reduced emissions from trucks being sent to service broken streetlights. The LEDs proposed to be used have a life expectancy of 20 years (with warranty of 10 years) which will reduce waste to landfill compared to conventional lamps that are replaced more frequently.
100. Benefits of changing to Smart Enabled LED Streetlight Luminaires for the various stakeholders, being the community, Western Power, the State Government and Local Government:

The Community

- Safer driving at night through better lighting.
- Safer communities as endorsed by the WA Police Service.
- Using technology to ensure 100% of the streetlights remain “on” rather than having 5% to 10% being “off” or operating at a level effectively being off but not broken to trigger replacement.

Western Power

- Lower operating costs and improved efficiency. Low or no capital investment required for street lights.
- Public lighting that meets Australian Standards.
- Improved public perception through lower light failure rates and rapid maintenance response through smart control.
- Contribute to electricity network stability through reduced electricity demand in the peak evening and pre-dawn periods.
- Protect against the impact of a ban on manufacture and trade of mercury containing globes.
- Lower transition cost than the alternate replace on failure approach.

State Government

- Contribute to the Western Australia Climate Policy aspirations for net zero emissions (54,000 tonne pa reduction across the SWIS).
- Aligns to the Western Australian Climate Policy themes:
- Transforming energy generation and use
- Resilient Cities and regions
- Government leadership.
- Create jobs from change-over program.
- Reduce crime by providing Police with superior night time lighting.
- Improve night time safety for all road users.
- Improved tourism opportunities in the region (reduced night light pollution for improved space/star viewing).

Local Government

- Contribute to the City’s goals to reduce energy consumption and achieve net zero emissions by 2030.
- Improved quality (colour temperature and light distribution) and reliability of public lighting.
- Lower electricity consumption and greenhouse gas emissions. 560 tonnes annually for the City or approximately 54,000 tonnes for the 113 Councils on the SWIS streetlight network.
- More efficient operating and maintenance costs reflected in reduced tariffs.
- Reduced light spill and light pollution.
- Lower waste to landfill though longer life-cycle.
- Reduced impact of maintenance operations (lane closures).
- Elimination of harmful mercury from the environment, especially landfill.
- Ability to actively manage lighting to meet changing needs and respond to environmental impacts in sensitive locations.

ALTERNATE OPTIONS

101. The following alternative options were considered:

- a) Council may choose to not support this proposal, and continue with the gradual retrofit of street lights with LED luminaires as existing luminaires fail. Most luminaires would be replaced after 8-10 years, but could take up to 40 to 50 years to replace them all. This option does not reduce the City's Greenhouse Gas emissions and could impact the City's ability to achieve net zero by 2030. To date only 6% of fittings have been replaced with LED's.
- b) Enter into a PPA for street lighting. Noting the following risks:
 - Currently there is no certainty of price as it is unclear how the mechanism would work.
 - The PPA process is being managed through WALGA and is therefore outside of City of Albany control. It is not clear when this transition can be initiated.
 - As experienced with the current PPA it is likely that the cost associated with power provision may increase slightly. Economy of scale resulted in a reduction in costs which was counteracted with an additional premium from the power provider to cover the cost of investment in renewable energy.
 - There would be a reduction in greenhouse gas emissions. However, this option does not have the environmental improvements such as replacing Mercury Vapour lights as the current luminaires remain in use.

CONCLUSION

102. LED and smart-lighting technologies provide many social, environmental and economic benefits to the community.

103. The recommended action/s is/are:

- a) APPROVES the replacement of Western Power owned Luminaires with Smart Enabled LED luminaire Streetlights including the smart *iTron* streetlight system
- b) NOTES the net cost of the replacement program of \$2,615,000.
- c) AMENDS the Long Term Financial Plan to include the budget in FY23 and FY24 to include the Smart Enabled LED Streetlight Luminaire Replacement Project.
- d) This option, although the most expensive, has the highest Greenhouse Gas emission reduction, will assist the City of Albany achieving net zero by 2030 and shows that the City of Albany is serious in achieving a significant reduction in greenhouse gas emission.

Consulted References	:	<ul style="list-style-type: none"> • City of Albany Strategic Community Plan 2032 • City of Albany Climate Change Action Declaration 2021 • City of Albany Carbon Footprint Reduction Strategy • City of Albany Environmental (Climate Change) Policy (2017) • DIS262 (June 2021) LED street lighting bulk replacement • SCM023 WALGA Power (Energy) Purchase Agreement • Presentation at Strategic Workshop (16 March 2021)
File Number (Name of Ward)	:	RD.SMG.12 (All Wards)
Previous Reference	:	DIS262

DIS312: RECREATION – PRIVATE (ALL-TERRAIN VEHICLE LESSONS)

Land Description	: 290 (Lot 25) Piggott Martin Road, Lowlands WA 6330
Proponent / Owner	: P Morgan
Attachments	: 1. Copy of the proposal (Site Plan, Operational Management Plan & Bushfire Management Plan) 2. Environmental Acoustic Assessment 3. Schedule of submission
Supplementary Information & Councillor Workstation	: 1. Public submissions (in full) 2. Previous SAT approval
Report Prepared By	: Senior Planning Officer (J Anderson)
Authorising Officer:	: 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 amendment, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relates to the following elements of the Strategic Community Plan:
 - **Pillar:** People
 - **Outcome:** Plan a compact city with diverse land, housing and development opportunities.
 - **Pillar:** Place
 - **Outcome:** Responsible growth, development and urban renewal.
 - **Pillar:** Leadership.
 - **Outcome:** A well-informed and engaged community.

Maps and Diagrams: 290 (Lot 25) Piggott Martin Road, Lowlands



In Brief:

- Council is asked to consider an application for Recreation – Private (All-Terrain Vehicle Lessons) at No. 290 (Lot 25) Piggott Martin Road, Lowlands.
- Recreation - Private is classified as a 'D' use within the General Agriculture zone, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
- The application was advertised to adjoining landowners via two rounds of consultation. A total of 18 submissions were received (across both rounds), all of which were in objection to the proposal. Relevant matters raised during the advertising period have been taken into account as part of the City's assessment.
- The application has been assessed on its merit, with relevant concerns raised during advertising taken into consideration. Staff consider the proposed Recreation-Private use in its current form is consistent with the relevant objectives of the General Agricultural zone, and is not considered to have a detrimental impact on the overarching amenity and desired character of the area.
- The application is presented to Council for determination, due to the concerns raised during advertising. It is recommended that Council approve the application for Recreation-Private (All-Terrain Vehicle Lessons) at 290 (Lot 25) Piggott Martin Road, Lowlands.

RECOMMENDATION

**DIS312: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to:

ISSUE a notice of determination granting development approval with conditions for the Recreation – Private (All-Terrain Vehicle Lessons) at Lot 25, 290 Piggott Martin Road, Lowlands.

Conditions:

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2190543 and dated XX XXXXX 2022, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
- 2. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.**
- 3. Prior to commencement of operations of the development, an updated Operational Management Plan shall be provided incorporating the following detail/changes:**
 - **All riding associated with the Recreation – Private (All-Terrain Vehicle Lessons) shall be contained onsite within 'predominate training area' as indicated on the site plan. No riding associated with the Recreation - Private (All-Terrain Vehicle Lessons) shall be undertaken outside of this area.**
 - **To limit emissions the ATVs used shall be restricted to a maximum engine capacity of 90cc and the exhaust systems maintained at all times so that the emissions comply with the manufacturers specifications.**
 - **Complaint response procedure (who to contact and what action to be taken to resolve complaints).**
 - **Any further amendments to details and information as a result of the requirements of this approval including capacity, site layout such as location of toilet facilities, car parking and vehicle access.**
 - **The operation of the Recreation – Private (All-Terrain Vehicle Lessons) shall be restricted to the following times and days:**
 - **Published school holidays 9am to 6pm**
 - **Saturdays 9am to 6pm**
 - **Sundays 9am to 5pm**
 - **No operation on Public Holidays, unless otherwise agreed to in writing by the City of Albany.**
 - **There will be no operation on public holidays, unless *otherwise agreed to in writing by the City of Albany.***

- A maximum of 12 ATV's to be used per lesson, which shall predominately be 4-stroke (50cc), with a maximum of 2 machines being 2 stroke (80cc) which will only be ridden by 12 years or older.

Advice:

- Operation times of the use includes customers accessing the site, set up and pack down of lessons and riding times.
 - It is the responsibility of the operator to distribute an approved Operation Management Plan to surrounding landowners/adjoining properties, prior to commencement of operations. The approved management plan shall be implemented and complied with at all times, whilst the approved use is in operation.
4. In accordance with the approved updated Operational Management Plan, the operation of the Recreation – Private (All-Terrain Vehicle Lessons) shall be restricted to the following times and days:
 - Published school holidays 9am to 6pm
 - Saturdays 9am to 6pm
 - Sundays 9am to 5pm
 - No operation on Public Holidays, unless otherwise agreed to in writing by the City of Albany.
 5. In accordance with the approved updated Operation Management Plan, all riding associated with the Recreation – Private (All-Terrain Vehicle Lessons) shall be contained onsite within 'predominate training area' as indicated on the site plan. No riding associated with the Recreation - Private (All-Terrain Vehicle Lessons) shall be undertaken outside of this area.
 6. The development shall be operated and maintained in accordance with the relevant measures, actions and recommendations as detailed under the approved Operational Management Plan. Prior to occupancy of the development, relevant operational measures, actions and recommendations shall be implemented and maintained in perpetuity to the satisfaction of the City of Albany.
 7. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
 8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
 9. The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 12 July 2021 prepared by Bio Diverse Solutions shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
 10. Firebreaks, firefighting equipment and other appropriate fire protection measures shall be maintained in accordance with the approved Bushfire Management Plan dated 12 July 2021, to the satisfaction of the City of Albany.
 11. In accordance with the Bushfire Management Plan, prior to occupation, vehicular access on site shall be designed and constructed, and maintained thereafter in accordance with State Planning Policy 3.7: Planning in Bushfire Prone Areas and to the specifications and satisfaction of the City of Albany.

Advice:

- The driveway is to be maintained at a trafficable standard at all times. The driveway is to have a minimum trafficable surface of 4m, horizontal clearance of 6m and vertical clearance of 4m.
 - Turn-around areas to allow type 3.4 fire appliances within 50m of the dwelling, and at 500m intervals along the driveway will be required.
 - Passing bays should be provided at 200 metre intervals along private driveways to allow two way traffic.
12. Prior to commencement a dedicated static water supply for fire-fighting purposes of at least 10,000 litres with a 75mm male 'camlock' fitting shall be provided and maintained thereafter on site, to the satisfaction of the City of Albany.

Advice:

- Any above-ground tank and associated stand should be constructed of non-combustible material.
- Polycarbonate is not considered a non-combustible material.

General advice:

- No clearing or covering by overburden of any native vegetation is permitted without the prior approval from the Department of Water and Environmental Regulation.
- The approved Operational Management Plan shall be reviewed and updated at the time of any change of ownership or management, in consultation and to the satisfaction of the City of Albany.
- The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- Prior to commencement of use a permanent constructed sanitary convenience is to be provided on site, and constructed in accordance with the Building Code of Australia. The number and type of required sanitary facilities shall be as for a Class 9b sporting venue.
- The complaints response procedure shall include current contact details of the business manager/operator.
- The operator shall ensure that the complaints response procedure is updated and maintained when required and made available to current adjoining landowners for the life of the development.
- Consideration to operate on Public Holidays may be considered via the appropriate permit process through the Environmental Health Section where suitable rational has been provided.

DIS312: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS312: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to:

ISSUE a notice of determination granting development approval with conditions for the Recreation – Private (All-Terrain Vehicle Lessons) at Lot 25, 290 Piggott Martin Road, Lowlands.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2190543 and dated XX XXXXX 2022, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
3. Prior to commencement of operations of the development, an updated Operational Management Plan shall be provided incorporating the following detail/changes:
 - All riding associated with the Recreation – Private (All-Terrain Vehicle Lessons) shall be contained onsite within ‘predominate training area’ as indicated on the site plan. No riding associated with the Recreation - Private (All-Terrain Vehicle Lessons) shall be undertaken outside of this area.
 - To limit emissions the ATVs used shall be restricted to a maximum engine capacity of 90cc and the exhaust systems maintained at all times so that the emissions comply with the manufacturers specifications.
 - Complaint response procedure (who to contact and what action to be taken to resolve complaints).
 - Any further amendments to details and information as a result of the requirements of this approval including capacity, site layout such as location of toilet facilities, car parking and vehicle access.
 - The operation of the Recreation – Private (All-Terrain Vehicle Lessons) shall be restricted to the following times and days:
 - Published school holidays 9am to 6pm

- Saturdays 9am to 6pm
- Sundays 9am to 5pm
- No operation on Public Holidays, unless otherwise agreed to in writing by the City of Albany.
- There will be no operation on public holidays, unless otherwise agreed to in writing by the City of Albany.
- A maximum of 12 ATV's to be used per lesson, which shall predominately be 4-stroke (50cc), with a maximum of 2 machines being 2 stroke (80cc) which will only be ridden by 12 years or older.

Advice:

- Operation times of the use includes customers accessing the site, set up and pack down of lessons and riding times.
 - It is the responsibility of the operator to distribute an approved Operation Management Plan to surrounding landowners/adjoining properties, prior to commencement of operations. The approved management plan shall be implemented and complied with at all times, whilst the approved use is in operation.
4. In accordance with the approved updated Operational Management Plan, the operation of the Recreation – Private (All-Terrain Vehicle Lessons) shall be restricted to the following times and days:
- Published school holidays 9am to 6pm
 - Saturdays 9am to 6pm
 - Sundays 9am to 5pm
 - No operation on Public Holidays, unless otherwise agreed to in writing by the City of Albany.
5. In accordance with the approved updated Operation Management Plan, all riding associated with the Recreation – Private (All-Terrain Vehicle Lessons) shall be contained onsite within 'predominate training area' as indicated on the site plan. No riding associated with the Recreation - Private (All-Terrain Vehicle Lessons) shall be undertaken outside of this area.
6. The development shall be operated and maintained in accordance with the relevant measures, actions and recommendations as detailed under the approved Operational Management Plan. Prior to occupancy of the development, relevant operational measures, actions and recommendations shall be implemented and maintained in perpetuity to the satisfaction of the City of Albany.
7. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
8. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
9. The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 12 July 2021 prepared by Bio Diverse Solutions shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
10. Firebreaks, firefighting equipment and other appropriate fire protection measures shall be maintained in accordance with the approved Bushfire Management Plan dated 12 July 2021, to the satisfaction of the City of Albany.
11. In accordance with the Bushfire Management Plan, prior to occupation, vehicular access on site shall be designed and constructed, and maintained thereafter in accordance with State Planning Policy 3.7: Planning in Bushfire Prone Areas and to the specifications and satisfaction of the City of Albany.

Advice:

- The driveway is to be maintained at a trafficable standard at all times. The driveway is to have a minimum trafficable surface of 4m, horizontal clearance of 6m and vertical clearance of 4m.
 - Turn-around areas to allow type 3.4 fire appliances within 50m of the dwelling, and at 500m intervals along the driveway will be required.
 - Passing bays should be provided at 200 metre intervals along private driveways to allow two way traffic.
12. Prior to commencement a dedicated static water supply for fire-fighting purposes of at least 10,000 litres with a 75mm male 'camlock' fitting shall be provided and maintained thereafter on site, to the satisfaction of the City of Albany.

Advice:

- Any above-ground tank and associated stand should be constructed of non-combustible material.
- Polycarbonate is not considered a non-combustible material.

General advice:

- No clearing or covering by overburden of any native vegetation is permitted without the prior approval from the Department of Water and Environmental Regulation.
- The approved Operational Management Plan shall be reviewed and updated at the time of any change of ownership or management, in consultation and to the satisfaction of the City of Albany.
- The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- Prior to commencement of use a permanent constructed sanitary convenience is to be provided on site, and constructed in accordance with the Building Code of Australia. The number and type of required sanitary facilities shall be as for a Class 9b sporting venue.
- The complaints response procedure shall include current contact details of the business manager/operator.
- The operator shall ensure that the complaints response procedure is updated and maintained when required and made available to current adjoining landowners for the life of the development.
- Consideration to operate on Public Holidays may be considered via the appropriate permit process through the Environmental Health Section where suitable rational has been provided.

BACKGROUND

4. The subject site lies to the northern side of Piggott Martin Road, to the eastern side of Thompson Road, and approximately 33km west of the Albany City centre. The topography of the area is generally undulating, defined by open paddocks that interface with areas of remnant vegetation, lakes and creeks.
5. Site details:

Local Planning Scheme	City of Albany Local Planning Scheme No. 1 (LPS1)
Zone	General Agriculture
LPS1 Use Class & Permissibility (Table 2)	Recreation – Private (All-Terrain Vehicle Lessons) – D
Lot Size:	52ha
Area of use:	Approximately 6ha
Existing Land Use:	Single House and Agriculture-Extensive
Bushfire Prone Area:	Yes

6. The existing house and associated structures on the subject site is situated at the upper end of the slope in the south-eastern area of the site. The ATV lessons are proposed to predominantly be held in a cleared grassland area, located on the downwards slope to the northwest of the house (refer to site plan in Attachment 1).
7. In 2007 Council refused an application for Recreation – Private (Junior Motorcycle and All-Terrain Vehicle Training) at the subject site. The applicant subsequently lodged an appeal of the refusal at the State Administrative Tribunal (SAT), with the refusal being overturned and subsequently approved with conditions, in 2008.
8. The development approval was not enacted upon within the required timeframe, and has therefore lapsed. As the previous approval has lapsed, the subject development application is required to be assessed on its merits, and in accordance with the current planning framework.
9. The supporting documentation lodged with the subject application included the original Environmental Acoustic Assessment and Bushfire Management Plan prepared and considered as part of the development approval granted by SAT in 2008.
10. The proposal including the supporting documentation was initially advertised during February and March 2020 and also referred to state agencies for technical advice. It was identified at that time that further information was required, specifically in relation to an updated Environmental Acoustic Assessment and modifications to the Bushfire Management Plan.

11. The additional information was requested in April 2020, and the application placed on hold. Assessment recommenced in March 2022 following receipt of the outstanding information. As a substantial period of time had lapsed between the first round of advertising, the application was re-advertised during April-May 2022.
12. Eighteen submissions were received during the two rounds of advertising, all of which were in objection to the proposal. Relevant matters raised during the advertising period have been taken into account as part of the City's assessment.
13. Following conclusion of the second round of advertising, the proponent was invited to provide a response or make further changes to the proposal, however the proponent opted for the proposal to be determined based on its current form.

DISCUSSION

Proposal

14. The proposed Recreation-Private (ATV lessons) involves the following:

When	School holidays, weekends and public holidays only.
Hours of operation	<ul style="list-style-type: none">• Published school holidays (Monday to Friday) 9am to 6pm• Saturdays 9am to 6pm• Sundays 9am to 5pm• Public holidays• Operation times of the use includes customers accessing the site, set up and pack down of lessons and rising times
Lesson duration	<ul style="list-style-type: none">• Between 2-3.5 hours, dependent on customer requirements.• Maximum of 2.5 hours riding time• First half hour of each session generally a stationary introduction.
Maximum no. of riders per lesson	<ul style="list-style-type: none">• 12 (including instructors)
ATV specifications:	<ul style="list-style-type: none">• Predominately 4-stroke (50cc)• Two larger ATV's are 2-stroke (80cc)
Where:	<ul style="list-style-type: none">• Lessons will be held predominately within the central area shown on the site plan.• At the end of each training session, a slow supervised ride around other areas of the lot may occur as a reward.

15. The proponent has further clarified the following aspects of the operation management plan:
 - Maximum age of riders will be 14.
 - All riding to be supervised at all times.
 - Speeds of the ATVs will be restricted.
 - Riders will be beginners and unfamiliar with the machines.
 - All ATVs are beginner type units, are not performance orientated, nor high revving types such as motocross bikes.
 - Riders will not be permitted to bring their own machines
 - There will be no racing or competitive riding.
 - Parents will remain on-site during the lessons.
 - Frequency of the lessons operating during the timeframes outlined above will be dictated by customer demand.
 - The two 2-stroke (80cc) ATVs:
 - Will only to be ridden by riders 12 years or older.
 - It was anticipated that these wouldn't be used very often.
 - All exhaust systems to be maintained to standard specification.
 - There will be no motorcycle use (i.e. no 2 wheel machines)
16. No additional buildings or permanent structures are proposed as part of the Recreation-Private use. However, formal sanitary facilities would be required to be provided prior to commencement of the use, to satisfy Environmental Health and Building requirements.
17. No additional clearing is proposed to support the proposal.

18. The proponent has indicated that a key aim of the Recreation-Private use is to provide a controlled environment for children to be properly trained in the use of ATVs, so as to reduce the number of injuries or deaths from accidents through early intervention.

Public consultation

19. As outlined elsewhere in the report, the proposal was advertised to adjoining landowners within 650m of the boundary of the subject site, across two rounds of advertising. The second round of advertising also involved re-referral of the proposal with the updated information to previous submitters.
20. A total of 18 submissions were received across both rounds of advertising, all in objection to the proposal.
21. Key concerns raised in the objections received during advertising are listed below, and also under the Schedule of Submissions attached to this report (refer Attachment 3):
- Impact on amenity, specifically noise
 - Increased traffic and condition of the road
 - Environmental – impact on flora, fauna, livestock and emissions
 - Concerns the use will intensify if approved and ongoing compliance
 - Fire risk
 - Qualifications, Insurance and Safety
 - Property value
 - Unsure of community benefit
 - Amenities

Planning assessment

22. The proposal has been assessed against the relevant provisions contained under LPS1, including the relevant objectives of the General Agricultural zone, as well as matters outlined under cl. 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and relevant concerns raised during advertising. Detailed discussion of the proposal is outlined below.

Amenity

23. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within the wider locality.
24. The existing amenity of Piggott Martin Road and the wider area can be classified as being of an agricultural nature, consistent with the predominant General Agricultural zone that is defined by a rural landscape of pastured paddocks for stock grazing, interspersed with areas of dense vegetation, along with dwellings and buildings associated with agricultural uses.
25. The potential detrimental impact on the amenity of the area, particularly in relation to noise, was a concern consistently raised within the submissions against the proposal, specifically:
- Use is inappropriate within this area as it will affect the amenity
 - Noise will impact rural amenity (peaceful and tranquil), quality of life, tourist accommodation will be impacted.
 - There are insufficient buffers. Noise from motorcycles and ATV's travel multiple km's on windy days.
 - Hours of operation - School holidays, weekends and public holidays are when people want to relax. Hours of operation are too long
 - Are they only using 4-stroke or will 2-stroke still be used?
26. The updated Environmental Acoustic Assessment prepared in October 2021 demonstrates that the proposal in its current form meets the requirements contained under the *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations).
27. The scenario modelling undertaken in the updated Environmental Assessment Report was based on the 'worst case scenario' of noise emissions generated by the equivalent of twelve 2-stroke 80cc ATVs (Suzuki LT80).

28. This was undertaken at the discretion of the noise consultant, in order to apply a level of conservatism and also create a level of consistency with the scenario modelling undertaken for the previous development application.
29. The proposal was referred to the Department of Water and Environmental Regulation's (DWER) Environmental Noise Branch. DWER's consideration of the proposal and the updated Environmental Acoustic Assessment and their technical advice is provided in detail under the Government and Public Consultation section of this report. DWER are the responsible body to ensure compliance with the Noise Regulations.
30. Following consideration of the updated Assessment and revised proposal (to the SAT approval in 2008), DWER indicated that they are satisfied that the proposal will be able to adhere to the Noise Regulations, subject to riding being wholly contained within the designated training area.
31. The distance between the site boundary and dwellings off-site is an average of approximately 200m, with a minimum of 70m (south west) and maximum of 375m (south), when measured from the boundary of the subject lot to the sensitive receptor, and identified in the updated Environmental Acoustic Assessment.
32. When measured from the edge of the designated training area identified on the site plan, the closest dwellings range between approximately 300 metres to 800 metres.
33. The closest approved holiday accommodation use is approximately 700 metres to the southeast, when measured from the subject lot boundary to the closest habitable structure on the site.
34. The proponent clarified that the ATVs to be used for lessons will be primarily 4-stroke 90cc or less, predominately 50cc, however there will be two 2-stroke 80cc ATVs available for lessons. The two 2-stroke 80cc ATVs are not expected to be used often and riders of these will be subject to certain limitations.
35. It should also be noted however that 2-stroke 80cc ATVs are no longer commercially available to purchase new and therefore unlikely that additional 2-stroke 80cc ATVs will be added to the available vehicles for lessons.
36. The proponent has also indicated that speeds of the ATVs will be restricted, and that as the lessons are for children who are beginners and unfamiliar with the use of the vehicles, this will likely result in further reduced noise impacts than what might potentially be expected.
37. It is also recommended that all riding is contained on-site within the training area indicated on the site plan, as per the recommendation of DWER.
38. Further to this, the standard condition in relation to management of environmental impacts (including noise) in order to not prejudicially affect the amenity of the neighbourhood is proposed to be applied as a condition of approval should the proposal be supported.
39. The proposed development is required to operate in accordance to prescribed levels set out under the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
40. This requirement is identified through an advice note applied should the proposal be supported. The legislation is managed through the Department of Water and Environmental Regulation (DWER).
41. Due to the Acoustic Assessment being based on the worst case scenario using the Suzuki 80cc ATV LT80 2-stroke, and demonstrating compliance with the Noise Regulations with this type of ATV, officers do not see any purpose in restricting the use of ATV's to 4-stroke only.
42. Noting this concern, a condition restricting the number of 2-stroke ATV's could be incorporated into the revised OMP, reflecting the applicant's intention, however for the reasons outlined above, this further limitation has not been incorporated into the officer's recommendation.
43. Although the Acoustic Assessment indicates that the Noise Regulations can be met in relation to use of the ATVs being used throughout the site, staff recommend that the updated Operational Management Plan further limit riding of ATVs associated with the lessons be restricted to the designated Training Area only, in order to ensure impacts of noise to nearby adjoining dwellings are sufficiently mitigated.

44. Following this, it is recommended that the implementation and ongoing compliance with the Operational Management Plan be applied as a condition of approval, limiting the operation to Saturdays and Sundays, published school holidays, with no operation generally permitted on Public Holidays, subject to obtaining approval in writing from the City.
45. Mitigation of potential detrimental impacts on amenity from noise to adjoining sensitive receptors has been addressed through operational aspects of the proposal captured under the proposed Operational Management Plan, including the limited duration of the use throughout the year, the distance between the designated Training Area and the dwellings closest to the use (that will also be buffered to a degree by existing dense vegetation to the south and south-west of the training area).
46. In summary, noting the concerns raised during advertising, although it is acknowledged that there will be noise generated on-site from the operation of ATVs, the type of noise generated by the use is not considered to be out of character with the surrounding predominant agricultural setting and functions.
47. Furthermore, as the proposed use will be contained within cleared areas on the site, it is unlikely to impact current or future agricultural activities.
48. The proposal in its current form demonstrates it will meet the requirements outlined under the Noise Regulations, including incorporating a number of changes to further reduce impacts from noise to adjoining properties, as permitted under the previous approval granted by SAT in 2008.
49. Therefore, proposal demonstrates it is consistent with the objectives of the General Agricultural zone in this instance, and is unlikely to have a detrimental impact the amenity of the area.

Impacts on road conditions from increased traffic

50. The increase in traffic and condition of the road was also raised within the submissions against the proposal. Concerns raised in relation to traffic and condition of the road primarily relate to the following and are discussed in detail below:
 - Road is a narrow gravel road and proposal would result in increased traffic
 - Road conditions - is already corrugated and full of pot holes from lack of maintenance
 - Increase in dust
51. Staff acknowledge the concerns raised during advertising regarding potential impacts from the use to the condition of the road. However, due to the scale of the proposal, the proposed use is considered minor in nature and unlikely to generate a large amount of traffic resulting in increased maintenance or dust issues.
52. Furthermore, the City of Albany does not have the statutory authority to restrict vehicles from using a public road which are classified as 'as of right' vehicles by Main Roads WA.
53. To ensure that the proposed use remains small scale, and thus limiting significant increases in traffic volumes of road users, it is recommended that a condition of approval be applied that limits the operation of the use.

Environmental impacts on flora, fauna, livestock and emissions

54. The potential impact on the environment was also raised within the submissions against the proposal. Concerns raised in relation to the impact on the environment primarily relate to the following and are discussed in detail below:
 - The noise from the ATV's will impact the Ringtail Possums, Black Cockatoos, eagles, snakes, livestock and domestic animals within the area.
 - The riding school will encourage unsupervised riders within the nearby reserve, Munda Bididi trail and Bibbulmun track, impacting the flora.
 - The ATV's will result in an increase of emissions. It was questioned how the owners proposed to offset this, and also whether electric ATV's have been considered to reduce emissions (noise and pollution).
55. The proponent has indicated that they investigated electric ATVs and actually purchased one for testing and suitability. The proponent outlined however that unfortunately the build quality, reliability and short life of the battery issues of electric ATVs make them unsuitable in this instance.

56. The proponent indicated that they that are using the smallest motors possible with the lowest possible levels of emissions and on a property where they have retained a large area of natural bush. The proponent further indicated that they have also allowed a large area of former pasture to become overgrown with regrowth as offsetting measures.
57. In order to limit emissions, it is recommended that the ATVs used be restricted to a maximum engine capacity of 90cc, and that the exhaust systems maintained at all times so that the emissions comply with the manufacturers specifications. It is recommended that the OMP be amended to reflect this.
58. Due to the concerns raised in relation to the impact on wildlife, the proposal was referred to the Department of Biodiversity, Conservation and Attractions (DBCA). DBCA have no objections to the proposal.
59. The concerns are noted, however given the small scale of the proposed operation, and that the use is contained within the cleared area, it is unlikely that that there will be an impact on livestock, native or domestic animals.
60. The concerns raised regarding the use encouraging unsupervised riders within the nearby reserve is noted, however this is not considered a relevant planning matter. Unauthorised riding in reserves should be reported to relevant management authority for investigation.

Increased fire risk

61. Concern that the use will increase the risk of fire within the area was raised within the submissions against the proposal. Concerns raised in relation to the increase in fire risk relate to the following and are discussed below:
 - Increased risk of fire within the area due to introduction of machines
 - Insufficient existing firebreaks
62. The subject site is identified as being within a bushfire prone area and the proposed use is considered a vulnerable land use. Subsequently, a Bushfire Management Plan (BMP) was required to be prepared for the use.
63. As outlined under the Government and Public Consultation section, the BMP prepared for the previous approval was submitted as supporting documentation for the subject development, and the proposal referred to the Department of Fire and Emergency Services (DFES) for comment. DFES requested minor modifications to the BMP, with a revised BMP submitted by the proponent to reflect these.
64. DFES advised they did not need to be referred the revised BMP, and indicated that ultimately the local government as the determining authority would need to be satisfied that the revised BMP satisfactorily meets the requirements of *State Planning Policy .7 Planning in Bushfire Prone Areas* (SPP3.7).
65. Following this, staff have reviewed the revised BMP and consider that it satisfactorily meets the requirements of SPP3.7, with some of the requirements outlined under the BMP to be implemented via the application of suitable planning conditions.
66. In relation to concerns raised regarding insufficient firebreaks, it should be noted that firebreaks are dealt with under the annual Firebreak Management Notice, and the management of these are not a relevant planning consideration.

Further intensification of the use

67. Concerns raised in relation to the intensification relate to the following and are discussed below:
 - Concerned that it will become a race track for adults
 - Concerned numbers will increase
 - Who will regulate that it complies with conditions
68. Any intensification outside of the proposal would be subject to a further development application and assessment on its merits.
69. It is considered that applying appropriate planning conditions that limit the use to its current form mitigate concerns raised, including incorporation of a complaints procedure within a revised Operational Management Plan.

70. It is the applicant's responsibility to ensure they are operating in accordance with a current approval at all times. Should the proposal be supported and the City receives a complaint about the operation not operating in accordance with the approval, the City would investigate accordingly.

Other matters

71. The following concerns were raised during advertising, that are not considered relevant planning matters:
- Qualifications, insurance, safety of operations and validity of evidence submitted by the proponent support the proposal
 - Property value
 - Unclear community benefit
 - Provision of amenities
72. It is acknowledged that suitability of the land for development and possible risk to health and safety is a relevant matter for consideration. Compliance in relation to safety of operations, obtaining of relevant qualifications and insurance, fall under separate legislation and requirements, and are not captured under the relevant planning legislation and therefore not a relevant planning matter.
73. However, the applicant has stated that they will investigate what is required and obtain all the necessary approvals.
74. The concerns raised questioning the validity of evidence submitted in support of a proposal, are noted. A proponent has the ability to submit supporting information outlining rationale for their proposal.
75. Development applications are assessed on their merits and informed by relevant matters including supporting information submitted provided by the proponent, consideration of submissions received during advertising, and assessment of the proposal against the objectives of the zone, and other relevant planning matters outlined under cl. 67 of the Planning Regulations.
76. Property values are not within the matters to be considered under clause 67 of the Planning Regulations; and therefore are not a valid planning consideration.
77. Demonstration of community benefit of the proposal was not required to be demonstrated in this instance, and is therefore not a relevant matter for consideration.
78. As outlined under the Government and Public Consultation section of this report, the proposal was referred to Environmental Health and Building who indicated that a properly constructed sanitary convenience is to be provided on site, and constructed in accordance with the Building Code of Australia.
79. The number and type of required sanitary facilities shall be as for a Class 9b sporting venue. A condition of approval is recommended to be applied to reflect this requirement.

GOVERNMENT & PUBLIC CONSULTATION

80. Agency responses, concerns raised during advertising, staff comment and the proponent's justification for the proposal are summarised and discussed above.
81. Recreation-Private is designated as a 'D' use within the General Agriculture zone, with advertising of a proposal at the discretion of the local government.

82. Advertising of the proposal was undertaken in this instance, and undertaken during two rounds, based on further information being required.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail Out to nearby landowners within approximately 650m of the subject site's boundary City website Public Comment page – copy of application made available and online submission form In addition to the above submitters on Round 1 of proposal were also re-referred proposal with updated documentation as part of Round 2 advertising	Round 1 - 21/02/2020–13/03/2020 Round 2 - 19/04/2022 – 13/05/2022	Total submissions received over both rounds: 18	As outlined above – advertising of the proposal was not mandatory, however the standard process was followed as per the Planning Regulations

83. In addition to the public consultation, the proposal was also referred to DWER, DBCA and DFES. DBCA advised there were no objections to the proposal, with responses from DWER and DFES outlined further detail below and discussed above under Planning Assessment.

DWER

84. The Environmental Acoustic Assessment that was prepared for the previous proposal approved by SAT in 2008 was submitted as part of the original supporting documentation for the subject development application, and referred to DWER for comment (April 2020).
85. At that time DWER advised that the assessment lacked critical information to determine whether noise from the proposed operations would comply with the Noise Regulations. An updated Environmental Acoustic Assessment was received by the City and subsequently re-referred to DWER for comment re-referred to DWER for comment May 2022.
86. A summary of the comments and technical advice provided by DWER's Environmental Noise Branch (ENB) based on the updated Environmental Acoustic Assessment and Operational Management Plan are as follows:
- It was noted that a maximum of 12 ATVs will be used, an increase from what was approved in the 2008 SAT Order, and therefore DWER considered that the increase would not significantly increase the overall noise emission levels, due to several other positive changes in terms of noise emissions.
 - It was acknowledged that one of the key changes involved no motorcycle use (i.e. no two-wheel), with only four-wheel ATVs to be used. DWER noted that the removal of motorcycles and the change to predominantly 4-stroke ATVs would lead to lower noise emission levels, as the 4-wheel ATV is generally considered quieter than the two-wheel motorcycle. The 4-stroke ATV is also considered quieter than the 2-stroke ATV with a similar engine capacity. DWER also noted that the proposal involved all ATVs will be 90cc or less in engine capacity, and most will be less than 50cc. Furthermore, the proposed changes will lead to lower noise emissions than what was approved in the 2008 SAT Order, which restricted the engine capacity to a maximum of 100cc.
 - The use of 'SoundPlan' noise modelling software was considered acceptable commercial computer software by DWER, and the assessed sound power level of 83dB(A) adopted for each of the ATVs (which was the sound power level of a Suzuki 80cc ATV LT80 2-stroke measured as part of the previous proposal) was considered a reasonable approach.

- DWER however did indicate there was difficulty in assessing the approach of using line noise sources in the noise modelling. The ENB raised concerns that the predicted noise emission levels from the 12 ATVs operating together was potentially too low at the closest neighbouring noise sensitive receivers. ENB further indicated they were not convinced that the predicted levels (Table 5.1 of the Assessment), represented the noise emission levels of the worst-case scenario, when all 12 ATVs are operating on the property boundary. Further discussion regarding this aspect of the Assessment in relation to the proposed operations of the use, is outlined under the assessment section above.
- However, based on information from the proponent, DWER also noted that the training will occur predominately at the centre of the property, which is clearly delineated as 'Predominate training area' in the map attached to the OMP. DWER further acknowledged that this 'Predominate training area' was generally consistent with the 'Training area' as specified in the 2008 SAT Order for the approved use area of motorcycles.
- Therefore, DWER concluded that as the proposed 'Predominate training area' was farther away from the neighbouring noise sensitive premises, noise emission levels generated by the ATVs operating within this area would be significantly less than what were modelled, in that the closest neighbouring residence is at least 260m away from this 'Predominate training area', but only 70m distance from the property boundary line.
- DWER subsequently confirmed that if the ATV operation was restricted inside the previously proposed SAT-restricted 'Training area', noise from the proposed operation would be able to comply with the assigned noise levels at all neighbouring residences. Furthermore, the potential noise impact on the neighbouring noise sensitive receiver, while likely to be audible (given the generally relatively low ambient levels of rural areas), would also not be significant.
- Subject to the above, it should be noted that a comment in the DWER advice indicated it was assumed that all ATVs to be used in the updated proposal would be 4-stroke engines only, however this is not stated in the Acoustic Assessment or Operational Management Plan. As outlined elsewhere in the report, two 2-stroke 80cc ATVs will be available, however this aspect does not materially change the consideration of the proposal, as the updated Assessment Acoustic Assessment identified the proposal will comply with the Noise Regulations, with the assessment based on the 'worst case scenario' of 12 2-stroke 80cc ATVs.

DFES

87. The Bushfire Management Plan that was prepared for the previous proposal approved by SAT in 2008 was submitted as part of the original supporting documentation for the subject development application, and referred to DFES for comment (in April 2020). At that time DFES requested some minor modifications to the BMP and provided the following technical advice:
 - *Given that the proposed development application has the potential to increase the threat of bushfire to people, property and infrastructure, the decision maker should ensure that the bushfire risk and hazard reduction/bushfire protection measures are established and understood before making a determination.*
88. The modifications were undertaken by the bushfire consultant and submitted to the City for review. Staff discussed the requested modifications with DFES at the time, who confirmed that they did not require further referral to view the modified BMP, as the modifications did not affect the design of the proposal.
89. DFES indicated that ultimately the local government would need to be satisfied that proposal adequately addressed the requirements of SPP3.7 and associated guidelines, specifically the matters outlined in their technical advice.

City of Albany Environmental Health & Building Services

90. The proposal was also referred to internal departments for consideration and comment, including Environmental Health and Building.

Provision of sanitary facilities

91. Both Environmental Health and Building Services advised it is a requirement that a properly constructed sanitary convenience is to be provided on site, and constructed in accordance with the *Building Code of Australia*. Building further advised that an Uncertified or Certified Application for a Building Permit is required for sanitary facilities for participants and spectators and that the number and type of required sanitary facilities shall be as for a Class 9b sporting venue.

Operation on public holidays

92. Environmental Health advised that a blanket approval should not be granted as part of the development application for operation on public holidays. In accordance with the Noise Regulations, the proponent should seek approval for operation on individual public holidays via a permit.

STATUTORY IMPLICATIONS

93. The Recreation-Private use is designated as a 'D' use within the General Agriculture zone, meaning the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
94. The proposal was initially advertised as Recreation-Private (All-Terrain Vehicle Training), however the City's Environmental Health team recently received advice from Worksafe, that indicated the use of 'lessons' was more appropriate term than 'training', as the term training should only be used when there is a certain skillset to be gained from undertaking the 'training'.
95. In this instance, it is considered that change to the description of the type of Recreation-Private use proposed does not materially affect the consideration of the application.
96. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

97. Not applicable

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: A decision that results in the detrimental impacts on amenity may be seen as a misapplication of the provisions of local planning scheme.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Pragmatic decision based on the assessment in accordance with the provisions of the local planning scheme, taking into account the consideration the objectives of the General Agricultural zone and submissions received during advertising.</i>

FINANCIAL IMPLICATIONS

99. All costs associated with the development will be borne by the proponent.
100. However, should the proponents be aggrieved by Council's decision and seek a review through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

101. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.

ENVIRONMENTAL CONSIDERATIONS

102. The subject lot involves both cleared areas and remnant vegetation. The removal of vegetation is not proposed as part of this proposal.
103. The proposal was referred to DBCA in regards to concerns raised regarding potential impacts on native flora and fauna from the noise emissions of the ATVs. As outlined under the Government and Public Consultation section, DBCA indicated they have no objections to the proposal.
104. Wastewater and on-site effluent disposal will be managed through the provision of appropriate drainage associated with the required on-site facilities.
105. Concerns were raised during advertising emissions from the ATVs, and the potential impacts on the environment and associated offset requirements. These concerns are discussed in further detail under the Planning assessment section of this report.

ALTERNATE OPTIONS

106. As outlined above, were Council to consider that the use or number of the two 2-stroke 80ccs ATVs should be further restricted as part of an approval of the use, this could be reflected by adding this requirement to the proposed existing condition requiring submission of an updated Operational Management Plan.
107. Council has the following alternate options in relation to this item, which are:
- a) To resolve to refuse the proposal subject to reasons; and
 - b) To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

108. The proposal is considered to be consistent with the Local Planning Scheme No. 1 and the objectives of the zone.
109. The inclusion of an Environmental Acoustic Assessment demonstrating that compliance with the *Environmental Protection (Noise) Regulations 1997* can be achieved has satisfactorily addressed concerns in relation to noise.
110. It is considered that the matters raised in the public submissions can be mitigated through the application of appropriate planning conditions. On this basis, it is considered the proposal can be approved and appropriately managed through ongoing conditions.
111. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ul style="list-style-type: none">• City of Albany Local Planning Strategy 2019• City of Albany Local Planning Scheme No. 1• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>• State Planning Policy 3.7• <i>Environmental Protection (Noise) Regulations 1997</i>• SAT Orders and Decision 12/09/2008 (DR 386 2007)
File Number (Name of Ward)	:	A70491 (West Ward)
Previous Reference	:	OCM - 16/10/2007 (Item 11.1.1)

DIS313: DRAFT LOCAL PLANNING POLICY 1.9: WASTE MANAGEMENT

Land Description	:	City of Albany
Proponent	:	City of Albany
Business Entity Name	:	City of Albany
Attachments	:	Draft LPP 1.9: Waste Management
Supplementary Information & Councillor Workstation	:	<ul style="list-style-type: none">• WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications• WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications Explanatory Notes• WALGA Commercial and Industrial Waste Management Guidelines• WALGA Multiple Dwelling Development Waste Management Plan Guidelines
Report Prepared By	:	Planning Officer (D Ashboth)
Authorising Officer:	:	Executive Director Infrastructure, Development & 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 Local Planning Policy, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:

Pillar: Planet

Outcome: Shared responsibility for climate action.

Pillar: Place

Outcome: Responsible growth, development and urban renewal.

4. The item relates to the following objectives and strategic directions of the Planning Strategy.

Objectives:

- Meet the service infrastructure requirements for settlement growth.

Directions:

Service Infrastructure:

- Meet the service infrastructure requirements for Albany's Settlement Growth.

In Brief:

- City officers have recently commenced a periodic review of the City's existing Local Planning Policy Manual. As part of this review, the City has identified the need for a Waste Management Local Planning Policy, to ensure on-site waste management solutions for specific developments are adequately captured at the application stage.
- Draft Local Planning Policy 1.9: Waste Management (LPP1.9) has been developed with the intention of addressing issues that arise when waste management is not adequately considered at the development application stage, including:
 - Inappropriate location and space identified for the storage of waste and recycling bins
 - Inconvenient access provided for collection vehicles
 - Impacts of inappropriate waste management on local amenity
 - Increased cost of waste collection for ratepayers
 - Increased risk of accidents due to inappropriate waste collection and storage methods
- Council is requested to endorse the draft LPP1.9 for advertising.

RECOMMENDATION

**DIS313: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.9: Waste Management for the purpose of advertising.

DIS313: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BENSON-LIDHOLM**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS313: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 1.9: Waste Management for the purpose of advertising.

BACKGROUND

5. City officers have recently commenced a periodic review of the City's existing local planning policies. The last in-depth policy review occurred in 2014.
6. Planning Services, in collaboration with the Sustainability and Waste Strategy team have identified the need for a Waste Management local planning policy to ensure incorporation of waste management considerations into development applications.
7. Within development applications, waste management considerations are commonly addressed through the provision of Waste Management Plans (WMPs).
8. The City of Albany generally requests the preparation of WMPs to accompany larger development applications. However, if planning officers have not been given the opportunity to provide comment on applications before lodgement, WMPs may not be provided.
9. As there is no established criteria in place, either under the local or state planning frameworks that outlines when a development application should be accompanied by a WMP, this has resulted in an element of uncertainty and inconsistency when providing advice to applicants.
10. Previously, where a WMP has not been provided as part of the development application, but the type and/or scale of the development warrants preparation of a WMP, the requirement would subsequently be applied as a condition of development approval.
11. The condition would require that the WMP be submitted for approval by the City, prior to the commencement of development. Based on the timeframe outlined in the condition, it is most likely that a WMP would then be submitted at a similar time to the application for a building permit.
12. Following the current process, the preparation of a WMP after development approval has been granted (and also issue of a building permit) is too late. Where onsite waste management considerations haven't been incorporated into a design from the outset, it is likely this would result in a range of issues emerging at the later implementation stages of development, that are difficult to remedy or retrofit during the later stages of design.

13. Retrofitting onsite waste management at such a late stage in the development may require significant amendments to approved plans, or result in reactive ad hoc solutions that may have unintended consequences or significant detrimental impacts to both the development and the adjacent street.
14. To support local government in implementing adequate waste management considerations through the local planning framework, the Western Australian Local Government Authority (WALGA) developed a model Waste Management Local Planning Policy and associated guidelines to assist local governments in incorporating waste management into the planning process.
15. The requirements to incorporate waste management considerations into the planning system is also addressed at the State level, within the State Planning Strategy 2050.
16. The community has also identified sustainability and climate action as a key priority within the City of Albany Strategic Community Plan 2032.
17. As part of this, there is a need to ensure waste facilities and services meet the needs of the environment and community into the future by simultaneously reducing levels of waste generation, and ensure the provision of cost effective and efficient waste management services.

DISCUSSION

18. Draft LPP1.9 has been prepared in order to formalise the instances in which the City will require waste management plans to be submitted with a development application for specific types of development.
19. A WMP outlines how large amounts of waste created by a development will be managed and dealt with, including information on estimates of waste type, storage area requirements, estimated volume and proposed management methods.
20. A local planning policy was considered the appropriate mechanism to address this, to provide clarity and statutory weight for the requirement of a WMP to be provided as part of the assessment of a development application. It was considered that this would not be adequately addressed via a customer information sheet.
21. The importance of including waste management considerations in the development application process has been highlighted by experience with historic development approvals, where inadequate consideration of waste management has resulted in operational issues, such as inefficient and non-compliant outcomes for commercial waste collection vehicles accessing a site, or insufficient, unsafe or inconveniently located onsite storage space for waste and recycling bins.
22. This limits aspects of onsite waste management such as providing recycling opportunities, and for larger scale developments, particularly in established commercial or residential areas, where offsite collection is proposed, insufficient verge space for kerbside collection results in the creation of unsafe pedestrian environments, and has a detrimentally impact on streetscape and local amenity.
23. Insufficient consideration of waste management at the development application stage can also increase the cost of waste collection for ratepayers and raise the risk of accidents due to inappropriate collection and storage methods.
24. Requiring a WMP as part of a planning application and subsequently referencing compliance as a condition of development approval, ensures waste management planning is incorporated into the design and functioning of a development upfront, rather than being something added later as a remedial measure.
25. Draft LPP1.9 identifies criteria for development that would require submission of a WMP as part of a development application. This criteria is generally based on WALGA's Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications (attached), with some amendments.

26. One key change, in line with other local governments and based on recent changes to waste collection, expands the criteria of developments requiring a WMP to a minimum of 4 dwellings proposed, from 10 identified by WALGA.
27. It is noted that this reduction was discussed with the Sustainability and Waste Management Team and it was agreed that the reduced numbers are more appropriate for the City of Albany as this would ensure consideration was given to relevant waste management aspects, including whether sufficient verge area requirements for kerbside collection could be provided.
28. As a worst case scenario this could result in a minimum of 8 bins being placed in the verge during general waste and FOGO collection, and where a WMP has not been submitted, it may not be identified until too late whether suitable space is available for kerbside collection.
29. It is also common for communal waste storage areas to be incorporated in to developments of 4 or more dwellings.
30. Provision of communal waste storage areas are sometimes preferred as they offer an efficient and convenient area for waste storage onsite, and where appropriately located, can allow for easy relocation of bins to the verge for kerbside collection (if available). Or otherwise where bins are not collected using kerbside collection, provide ready access onsite collection by waste vehicles.
31. However, where these areas are not incorporated into the overall design of the development from the outset, these areas have the potential to result in access difficulties for the residents due to their inappropriate location or layout, as well as amenity and operational issues, especially if there is a lack of identified management or maintenance responsibilities.
32. These issues can be addressed at the development application stage via submission of a WMP.
33. Draft LPP1.9 allows the City to request either a Level 1 or Level 2 WMP. The City recommends that preliminary advice should be sought for proposals involving development of the scale outlined in the criteria of LPP1.9.
34. The requirement such as the level of a WMP would be determined during preliminary assessment of a proposal, in consultation with the City of Albany Sustainability and Waste Strategy Team, prior to submission of the application. This will ensure the WMP requirements are not too onerous for developers in these circumstances.
35. WALGA templates for Level 1 and Level 2 WMPs are intended be included as supplementary information to draft LPP1.9. For information, the template for WALGA Level 1 WMPs are included as an appendix to relevant guidelines.
36. For residential development, and in instances where a WMP is required for a development that incorporates between 4 and 10 residential units, it is likely that a Level 1 WMP would be requested by the City.
37. Requirements for a WMP as part of an application for commercial and mixed-use developments are consistent with WALGA's Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications (attached).
38. Draft LPP 1.9 also enables the City to request waste management information as part of a Construction Management Plan, to ensure waste is dealt with appropriately during construction.
39. Once submitted, WMPs are referred to the City of Albany Sustainability and Waste Strategy team for review to ensure compliance with the City's waste management objectives and practices.
40. Should development approval be granted, compliance with the Waste Management Plan will be an ongoing condition to be complied with at all times.

Guidelines for the preparation of WMPs

41. The City of Albany currently has no guidelines addressing waste management considerations or the content of WMPs. Therefore, there was a desire for this local planning policy to be a high-level policy document, with reference to external guidelines containing technical details.
42. Staff considered that the guidelines previously prepared by WALGA adequately outline the preferred content and structure of WMPs for different types of development. Therefore, in the absence of any City guidelines, LPP1.9 states WMPs should generally be prepared in accordance with the relevant WALGA guidelines.
43. However, as there are WALGA guidelines specifically created for 'grouped dwellings' or 'lodging houses', the policy advises that WMPs for residential uses shall generally be provided in accordance with the WALGA Multiple Dwelling Waste Management Plan Guidelines.
44. Given the content and structure of residential WMPs are similar, the Sustainability and Waste Strategy team has advised this approach is preferred.
45. Waste Management Plans for Commercial, Industrial and Non-Residential Development shall generally be provided in accordance with the WALGA – Commercial and Industrial Waste Management Plan Guidelines.
46. Although not specifically required, LPP1.9 advises that a qualified waste consultant should be engaged to prepare a WMP. This is expected to ensure the quality of the report given some degree of expertise is required to determine waste generation rates and collection procedures.
47. This may also have the benefit streamlining assessment timeframes by minimising the likelihood of design changes.
48. In addition to the information requirements established in the relevant guidelines, draft LPP1.9 requires WMPs to identify measures to ensure waste management activities have no adverse visual, environmental or amenity impacts, either directly on site or indirectly off site.
49. This provision has been deliberately kept open and high level, therefore allowing the City to request a number of measures to improve amenity such as the screening of bin storage area or management of litter emanating from commercial premises.

GOVERNMENT & PUBLIC CONSULTATION

50. Approval is sought to advertise the draft LPP1.9 in accordance with Schedule 2, cl. 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
51. If the Council resolves to support the draft LPP1.9 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS1 area for 2 consecutive weeks.
52. The policy will also be published on the City of Albany website for 21 days.
53. Both the newspaper and the website will give details of:
 - a) Where the draft local planning policy can be inspected;
 - b) The subject and nature of the draft local planning policy; and
 - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
54. A copy of the policy will also be made available for inspection at the City of Albany.
55. After expiry of the period within which submissions may be made, the Local Government is to:
 - a) Review the draft local planning policy in light of any submissions made; and
 - b) Resolve to adopt the local planning policy with or without modification, or not to proceed with the local planning policy.

STATUTORY IMPLICATIONS

56. Voting requirement for this item is **SIMPLE MAJORITY**.

City of Albany local planning policy review

57. The City of Albany has a suite of LPP's which it uses to augment the provisions contained under LPS1 to guide land use and development across the City, and inform the exercise of discretion when determining applications.
58. The State Administrative Tribunal has previously determined that the age of an LPP has direct relevance to the weight afforded to it. Therefore regular reviews are warranted and necessary, to ensure validity and relevance when used in decision-making.
59. Furthermore, it is critical that local planning policies are maintained to be consistent with the latest legislation and State Planning Policies.

Preparation and adoption of new local planning policies

60. The City of Albany Local Planning Scheme No. 1 (LPS1) is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
61. To address this, the Deemed Provisions of the Planning Regulations contains provisions enabling local governments to adopt local planning policies in order to:
- a) address specific planning and development matters unique to the local government's context.
 - b) amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.
62. New or amended local planning policies must be advertised in accordance with Schedule 2, clause 4 of the Planning Regulations prior to their formal adoption.
63. Following completion of advertising and review of submissions, a report must be prepared for council requesting formal adoption of the local planning policy, subject to modifications.

Waste management under the planning framework

64. There are no specific instruments under the planning framework that address waste management considerations for non-residential and industrial developments. However it is acknowledged that onsite waste management considerations for residential development are broadly identified under State Planning Policy 7.3 Residential Design Codes (Volumes 1 and 2).
65. Draft LPP1.9 does not conflict with or vary any provisions relating to waste management considerations as outlined under either volume of SPP7.3.
66. In accordance with cl. 4 (3A) of the Planning Regulations, Council cannot resolve to adopt a local planning policy, where the policy:
- a) amends or replaces a deemed-to-comply provision of the R-Codes; or
 - b) where the Commission's approval is required for the policy under the R-Codes; and
 - c) the Commission has not approved the policy.
67. Following the above, additional approval from the Commission is not required in this instance.

POLICY IMPLICATIONS

68. Adoption of proposed LPP1.9 will add an additional LPP to the City of Albany Local Planning Policy Manual.
69. Draft LPP1.9 is based on *WALGA's Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications* (attached).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Advertising the proposed policy could give rise to objectionable comments from developers and landowners owners concerned with additional requirements that may apply to them.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Policy provisions are consistent with the recommendations of State Government relating to waste management in the planning system.</i> <i>The Policy can be amended once feedback is assessed; this is the purpose of advertising prior to final adoption.</i>
Opportunity: <i>Ensure the provision of high quality, functional waste and resource recovery infrastructure and cost-effective waste collection services.</i>				

FINANCIAL IMPLICATIONS

71. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

72. There are no legal implications relating to endorsing the proposed draft LPP1.9 for advertising.

ENVIRONMENTAL CONSIDERATIONS

The implementation of WMPs will contribute to the improved targets of the State's rates of waste diversion from landfill, increase resource recovery and address the challenges associated with servicing larger developments.

73. By developing a waste management plan as part of a Construction Management Plan, proponents have an opportunity to rationalise the use of materials during construction. Furthermore, preparation of waste management plans as part of a proposal will also improve a development's overall sustainability rating, and may assist to inform accreditation processes such as Greenstar, NABERS and Envirodevelopment.

ALTERNATE OPTIONS

74. Council has the following alternate options in relation to this item, which are:
 - To resolve to proceed with advertising the policy without modification;
 - To resolve to proceed with advertising the policy subject to modification; and
 - To resolve not to proceed with advertising the policy.

CONCLUSION

75. The City has identified the need for a Waste Management Local Planning Policy to ensure incorporation of waste management considerations into development applications.
76. Draft LPP1.9: Waste Management seeks to achieve this outcome by establishing circumstances where the City will request a Waste Management Plan to form part of a development application, whilst also outlining WMP content requirements.
77. Council is requested to resolve to endorse draft Local Planning Policy 1.9: Waste Management for advertising.

Consulted References	:	<ol style="list-style-type: none">1. <i>Local Planning Scheme 1</i>2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>3. <i>WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications</i>4. <i>WALGA Model Local Planning Policy: Waste Avoidance & Resource Recovery – Development Applications Explanatory Notes</i>5. <i>WALGA Commercial and Industrial Waste Management Guidelines</i>6. <i>WALGA Multiple Dwelling Development Waste Management Plan Guidelines</i>
File Number (Name of Ward)	:	All
Previous Reference	:	N/A

DIS314: PLANNING AND BUILDING REPORTS JULY 2022

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports July 2022
Report Prepared By : Technical Support Officer (P Ruggera)
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS314: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for July 2022 be NOTED.

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