



AGENDA

Ordinary Meeting of Council

Tuesday 28 March 2023

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 28 March 2023 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

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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

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith

West Ward

S Grimmer

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Giffellon

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:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

During Public Question Time at the Ordinary Council Meeting held on Tuesday 28 February 2023, Ms Sonia Emery asked the following question which was taken on notice:

“In formulating the LPS2, and making decisions about developments in the City, in what ways are you guided by the issues of climate change, the loss of habitat and the consequently the loss of fauna and flora species and biodiversity. Can you explain how you are addressing these compelling problems?”

The Executive Director Infrastructure, Development and Environment has provided the following response:

“Every five years or so, the City reviews its Local Planning Strategy.

The Albany Local Planning Strategy (ALPS) review was completed in 2019. As part of this review, the City, in collaboration with the State government, took a wide range of factors into consideration, including amendments to state laws, policies, strategies, and position statements. This included issues relating to conservation and climate change, such as coastal risk considerations.

The recommendations/actions from ALPS, as well as additional recommendations from the State and locally adopted guiding documents, were incorporated into the creation of Local Planning Scheme 2.

We are aware that the State Government is also currently developing a "Climate Adaptation Strategy", which should provide a useful contribution to the future review of the Local Planning Strategy.”

This response has been provided to Ms Emery by email. (Synergy Reference EF23282009)

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
- 9. PETITIONS AND DEPUTATIONS
- 10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 28 February 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

- 11. PRESENTATIONS Nil
- 12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS513: FINANCIAL ACTIVITY STATEMENT – JANUARY 2023

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement – January 2023
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

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 31 January 2023 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 31 January 2023 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS513: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Financial Activity Statement for the period ending 31 January 2023 be RECEIVED.

CCS513: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR STOCKS**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS513: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 January 2023 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 CCS457, 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 2022/2023.
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 2022/23 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 January 2023 has been incurred in accordance with the 2022/23 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 regarding this report are submitted to the 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

CCS514: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2023

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

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/Priority:** 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

**CCS514: 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 February 2023 totalling \$6,585,870.83 be RECEIVED.

CCS514: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS514: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2023 totalling \$6,585,870.83 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 February 2023. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$10,106.09
Payroll	\$1,898,234.07
Cheques	\$26,178.20
Electronic Funds Transfer	\$4,651,352.47
TOTAL	\$6,585,870.83

3. The table below summaries the total outstanding creditors as at 15 February 2023.

Current	\$738,622.98
30 Days	\$182,042.52
60 Days	\$38,146.38
90 Days	\$22,102.13
TOTAL	<u>\$980,914.01</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 February 2023 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 February 2023 has been incurred in accordance with the 2022/2023 budget parameters.

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

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

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

**CCS515: DELEGATED AUTHORITY REPORTS – 16 JANUARY 2023 to
15 FEBRUARY 2023**

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

**CCS515: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 January 2023 to 15 February 2023 be RECEIVED.

CCS515: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS515: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 January 2023 to 15 February 2023 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 (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

CCS516: THREE MONTH TRIAL PERIOD FOR BODY WORN CAMERAS BY CITY RANGERS

Proponent / Owner	: City of Albany
Attachments	: Body Worn Camera Policy – Draft Standard Operating Procedure (SOP) - Draft
Report Prepared By	: Manager Public Health and Safety (S Reitsema)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

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
 - **Outcomes:** A safe community
 - **Objectives:**
 - Improve community safety.
 - Encourage responsible animal management.
 - **Pillar:** Leadership
 - **Outcomes:** Strong workplace culture and performance

In Brief:

- Council is requested to consider the endorsement of an initial three-month Body Worn Camera trial for the purpose of training, evaluation and testing of administrative policy and associated procedures.

RECOMMENDATION

CCS516: COMMITTEE RECOMMENDATION (PROCEDURAL MOTION) VOTING REQUIREMENT: SIMPLE MAJORITY

THAT this report be DEFERRED and be re-presented to the April 2023 round of meetings.

CCS516: COMMITTEE RECOMMENDATION (PROCEDURAL MOTION)

MOVED: COUNCILLOR THOMSON
SECONDED: MAYOR WELLINGTON

THAT this report be DEFERRED and be re-presented to the April 2023 round of meetings.

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Terry and Shanahun

Reason:

The amendment was not put to the vote as a Procedural Motion to defer consideration of this item was moved from the floor.

CCS516: AMENDMENT BY COUNCILLOR STOCKS

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR BROUGH

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

1. THAT Council NOTE the introduction of Body Worn Cameras (BWC) for use and evaluation by City of Albany Authorised Persons (Rangers) for a 3 month trial;
and add point 2:
2. That the evaluation of the trial period be reported to Council before BWC are adopted for ongoing use.

Councillor Stocks then moved an Amendment to the substantive motion.

CCS516: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CCS516: AUTHORISING OFFICER RECOMMENDATION

THAT Council NOTE the introduction of Body Worn Cameras (BWC) for use and evaluation by City of Albany Authorised Persons (Rangers).

BACKGROUND

2. The nature of complaints investigated by City of Albany Rangers (Authorised Persons), where they are required to ensure compliance with state legislation and local laws, from time to time brings them face to face with persons who may become confrontational and aggressive.
3. In acknowledging that aggression in the workplace is a serious hazard that requires management, the City of Albany engaged a consultant to undertake an assessment of risks faced by the Ranger Team in undertaking their day-to-day duties.
4. The “*Albany Rangers OSH Risk Review Report*” (the Franklyn Report) was produced in 2018.
5. The consultant recommended that body worn cameras be used as they have been proven to reduce the risk of verbal and physical abuse directed at Rangers and other authorised City staff undertaking their duties in the wider community.
6. Body worn cameras may also improve the safety of community members by ensuring transparency and accountability of authorised officers in their interactions with members of the community.
7. The use of body worn cameras by local government officers is becoming increasingly prevalent, providing an independent and objective resource to capture incidents and interactions between officers and members of the community.

DISCUSSION

8. Body worn cameras, which are attached to the front of an officer's uniform and are capable of capturing audio, video and photos, are recognised to aide in reducing the risk of verbal and physical abuse directed at Rangers and other authorised City staff undertaking their duties in the wider community.
9. Body worn cameras also ensure transparency and accountability of authorised officers in their interactions with members of the community.
10. The use of body worn cameras by local government officers is becoming increasingly prevalent, providing an independent and objective resource to capture incidents and interactions between officers and members of the community.
11. Local governments in WA that have adopted the use of body worn cameras include the City of Perth, Town of Claremont, Shire of Toodyay and Shire of Wyndham/East Kimberley.
12. Rangers and other authorised officers can record footage in certain circumstances that concern their safety, the safety of another person, in a violent incident or if the officer suspects that a violent incident will occur, or to gather evidence in relation to a breach of an Act, Legislation, Regulation or Local Law.
13. Body worn cameras are intended to capture specific incidents, minimising collateral intrusion to those not directly involved in particular situation.

Administrative Policy (Proposed)

14. A proposed administrative policy position has been developed and a Standard Operating Procedure (SOP) has been developed to ensure that body worn cameras are used in an appropriate, effective, auditable (accountable) and legislatively compliant manner.
15. In summary the draft Policy and SOP documents set out clearly the intent, purpose, when to use, storage and retrieval of data.
16. It is proposed that the decision to start or stop recording with a body worn camera, will rest with the Authorised Officer, having due regard to all the circumstances, guiding policy and the supporting SOP.

Privacy and Responsible Information Sharing

17. This is addressed in the Risk Identification and Mitigation and Legal Implication sections of this report.

Evaluation

18. At the completion of an initial evaluation period, feedback received from the Ranger Team and community will be reviewed. That feedback will inform any changes to the policy and procedures governing the use of BWCs by City staff.
19. Audits will be also conducted on the audio-visual recordings and the suitability of the data storage and software used.
20. It is the intention of the City to deploy the body worn cameras on a permanent basis and to provide the opportunity to other authorised persons within the City to utilise body worn cameras whilst fulfilling their duties.

Advantages

21. The ability to record events electronically as they occur has a range of benefits specifically relating to the safety of City officers including:
 - Moderated behaviour of people present at incidents;
 - Increased officer accountability, transparency and professionalism;
 - Increased public trust;
 - Reduction in complaints against officers;
 - Use as a training tool; and
 - Improved collection of evidence.
22. Body worn camera footage may:
 - Enable the City to efficiently process any incident reported by the community or authorised officers of the City;
 - Allow for the review of interactions with community members by authorised officers whilst undertaking their day to day duties; and
 - Provide the means and opportunity to capture evidence related to reportable incidents by recording visual and audio evidence.
23. Overall, with the use of body worn cameras, community members should feel protected, and staff feel secure in performing their duties.

Disadvantages

24. Body worn cameras may be unsafe in certain situations, particularly when in a public place where people may be under the influence of drugs and/or alcohol.
25. Recording of footage which is not in compliance with City of Albany policies and procedures or relevant legislation is possible; however it should be noted that this would result in disciplinary action if required.

Storage of Body Worn Camera Footage

26. The storage of body worn camera footage must be a secure system, in accordance with evidence management requirements and relevant legislation.
27. Recorded data that is required (or potentially required) as evidence must be retained in accordance with the State Records Act 2000. This is currently seven years.
28. Footage may not be edited or altered, however in very specific circumstances, for example, irrelevant footage can be removed if not required or where it has been captured in error.
29. Body worn camera footage is to be released or distributed only upon application and in accordance with relevant legislation. Access to body worn camera footage should be restricted, monitored and audited.
30. A member of the public has the right to apply for access to their personal information held by the City of Albany under the *Freedom of Information Act 1992*.
31. Any applications for access to body worn camera footage under Freedom of Information legislation will be processed in accordance with the provisions of that Act.

STATUTORY IMPLICATIONS

32. Statutory implications are the application of the following legislation on BWC use and the subsequent audio-visual record (data):
- Surveillance Devices Act 1998*
 - State Records Act 2000*
 - Freedom of Information Act 1992*
 - Evidence Act 1906*
 - Criminal Procedures Act 2004*
33. The *Privacy Act 1988* is a federal law which does not cover local, state or territory government agencies, and therefore does not apply in this instance. However, the City of Albany does adhere to the principles of the *Privacy Act 1988*.
34. The Office of the Information Commissioner (WA) administers the *Freedom of Information Act 1992* which includes some privacy principles related to the disclosure and amendment of personal information held by Western Australian State and local government agencies.
35. The voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

36. The use of body worn cameras by authorised officers will be in accordance with the *City of Albany Body Worn Camera Policy*.
37. The Policy and Procedures related to BWCs also address the Standard Operating Procedure (SOP) to ensure that body worn cameras are used in an appropriate, effective, auditable (accountable) and legislatively compliant manner.
38. The decision to start or stop recording with a BWC will rest with the Authorised Person/s, having due regard to all the circumstances including information contained within the City BWC Policy document and Standard Operating Procedures.
39. The draft Policy and Standard Operating Procedure documents set out clearly the intent, purpose, use of a body worn camera and the storage and retrieval of data.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal and Compliance: <i>Unauthorised use of a body worn camera.</i>	<i>Rare</i>	<i>Major</i>	<i>Low</i>	<i>Policy and procedures are in place to govern the use of body worn cameras, including monitoring and auditing of footage.</i>
People Health and Safety: <i>Risk of verbal or physical abuse or assault on Rangers or other authorised City Officers in the course of their work.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Body worn cameras may reduce the risk of physical injury or psychological harm to City of Albany authorised officers.</i>
Opportunity: <i>The ability to record events electronically as they occur has a range of benefits specifically relating to the safety of City officers including:</i> <ul style="list-style-type: none"> <i>Moderated behaviour of people present at incidents;</i> <i>Improved officer conduct and professionalism;</i> <i>Reduction in complaints against officers; and</i> <i>Improved collection of evidence.</i> 				

FINANCIAL IMPLICATIONS

41. The City purchased five body worn cameras, associated hardware, software and licencing at a cost \$11,866 in 2020. The body worn cameras have not yet been used, due to delays with the establishment of the Policy and Procedure documents.

42. Whilst the Milestone CCTV server provides a digital storage and playback capacity, it is a limited platform for the management of digital evidence.
43. A Digital Evidence Management System would be the preferred method of storing and managing the digital evidence and will incur an annual subscription cost.

LEGAL IMPLICATIONS

44. The Surveillance Devices Act 1998 regulates the use of listening devices and optical surveillance devices in respect of private activities and conversations.
45. BWC audio-visual recordings will be stored and retained in accordance with the *State Records Act 2000*.
46. Applications for access to audio-visual footage from a BWC can be made in accordance with the *Freedom of Information Act 1992*.
47. Audio-Visual recordings may be tendered as evidence in the event of a prosecution.

CONCLUSION

48. The evaluation period will provide an opportunity to ensure that policies and procedures related to the use of body worn cameras are appropriate.

Consulted References	:	<ul style="list-style-type: none">• <i>Surveillance Devices Act 1998</i>• <i>State Records Act 2000</i>• <i>Freedom of Information Act 1992</i>• <i>Evidence Act 1906</i>• <i>Criminal Procedures Act 2004</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	N/A

**CCS517: COMMUNITY SPORTING AND RECREATION FACILITIES
FUND 2022/23 SMALL GRANT ROUND APPLICATIONS**

Proponent / Owner	: City of Albany CSRFF Small Grants Application Form & Project Assessment Sheet; Community Sport and Recreation Facilities Small Grant
Attachments	: Funding Policy; Multi-use Court and Art Project Sheet; Multi-use Court Budget Estimate; YCP Multicourt Plans.
Report Prepared By	: Manager Recreation Services (M Green)
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/Priority:** 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.

RECOMMENDATION

**CCS517: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RANK the CSRFF application in the following order for the CSRFF Small Grant Application 2022/23 Funding Round:

1. City of Albany – Multi-Use Outdoor Court – Youth Challenge Park (Ranked 1 of 1)

**CCS517: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council SUPPORT including a total of \$199,900 (exc. GST) within the 2023/24 Budget as Council's commitment towards the CSRFF Small Grant Application for the City of Albany Youth Challenge Park – Multi Use Outdoor Court.

CCS517: COMMITTEE RECOMMENDATION 1

**MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TRAILL**

THAT Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Stocks

CCS517: COMMITTEE RECOMMENDATION 2

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR GRIMMER

THAT Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 7-5

Record of Vote

Against the Motion: Councillors Sutton, Thomson, Smith, Brough and Stocks

CCS517: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council RANK the CSRFF application in the following order for the CSRFF Small Grant Application 2022/23 Funding Round:

1. City of Albany – Multi-Use Outdoor Court – Youth Challenge Park (Ranked 1 of 1)

CCS517: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council SUPPORT including a total of \$199,900 (exc. GST) within the 2023/24 Budget as Council's commitment towards the CSRFF Small Grant Application for the City of Albany Youth Challenge Park – Multi Use Outdoor Court.

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; or
 - 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 March 31, 2023.
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; and
 - 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; or
 - 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; and
 - 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 has received one (1) Small Grant application this round.
20. The CSRFF February small grant round has been advertised in the same manner as previous rounds and City officers have been in liaison with a number of potential applicants for projects they have considered submitting his round.
21. In conversations with each of these groups, City officers advised that the Capital Seed Fund for 2022/23 is fully subscribed due to existing commitments and this Fund did not have capacity to provide City of Albany financial contributions in this round.
22. Applicants could still submit applications, however they would need to demonstrate they had the capacity to fund two thirds of the project cost to make the project eligible for application.
23. All clubs advised that they did not have the capacity to fund this amount of the project and as such would target the next small grant round in July 2023.
24. The following table provides an update on Council's existing capital seed fund commitment for 2022/23.

2022/23 - Capital Seed Allocations					
Year + CSRFF Round	Applicant + Project	Total Project Cost	Capital Seed Funding Commitment	Capital Seed Funding Payments	Capital Seed Commitment Expiry
2021 Club Night Lights (July)	Albany Speedway Club - Lighting Upgrade	\$404,410.00	\$70,000.00	\$70,000.00	Paid - 06/07/2022
2022 Small Grant Round (Feb)	North Albany Football Club - Facility Upgrade	\$251,382.00	\$83,794.00	\$83,794.00	30-Jun-23
	Middleton Beach Bowling Club - Kitchen Upgrade	\$52,310.00	\$17,436.00	\$17,436.00	Paid - 02/09/2023
	Green Range Country Club - Bowling Rink	\$299,752.00	\$25,000.00	\$-	30-Jun-23
2022 Small Grant Round (July)	Albany City Kart Club - Safety Light Upgrade	\$36,954.00	\$12,318.00	\$12,318.00	30-Dec-23
	Cricket Great Southern - Indoor Centre (Ag Society)	\$299,900.00	\$99,967.00	\$50,000.00	30-Dec-23

Capital Seed Budget for 2022/23:	\$234,233.00
Total Capital Seed Funding Commitments:	\$308,515.00
Total Capital Seed Payments for 2022/23:	\$233,548.00
Remaining Budget for 2022/23:	\$685.00

25. As there has only been one grant application received this round an independent peer review has not been required to assess the ranking process and subsequent ranking of projects.
26. The following additional information is provided about the project and funding application:

Project: Multi-Use Outdoor Full Court – Youth Challenge Park

27. This funding application is a Small Grant Application to develop a Multi-Use Outdoor Court at the Youth Challenge Park, located within the Centennial Park Sporting Precinct.
28. The proposed project is to construct a full-size multi use outdoor court which will ultimately complete the Youth Challenge Park as a key recreational asset to the City of Albany and Great Southern region.
29. The project will provide Albany with its only publicly available full-sized outdoor multi-purpose court and is intended to be shared by many groups including the City of Albany (Recreation Services), local sporting organisations, and the wider general public (namely youth). The facility will support all genders, people with disability and people of all ages.
30. The project will be made available for many different sports and activities. With no full-sized outdoor courts available to the public within the City of Albany, there is a need and a demand for this facility. Indoor courts at Albany Leisure & Aquatic Centre are at capacity, and there are no other additional spaces available with many sports unable to utilise the centre when desired.
31. The additional court space will provide increased participation in training, outdoor competitions, and social activities. This is particularly relevant for young people from first nations and CaLD communities who wish to participate in more culturally-centred team sports without the barriers that hiring an indoor facility can present.
32. The outdoor facility removes the cost barrier for families and young people in the community who cannot afford to participate in structured sporting programs, and this project will provide youth with a space to recreate within the existing youth precinct.
33. The project will leverage off a wide range of key assets, including Centennial Park Sporting Precinct, PCYC, Albany Men's Shed, the Albany Aquatic and Leisure Centre (ALAC), Scouts and the Little Athletics Club. This will provide critical linkages to enable optimised usage of a range of other assets and investments.
34. The project is well planned and needed by the City.
35. The application, installation and project will be managed by the City of Albany.
36. 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.

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	City of Albany.	Multi-Use Outdoor Full Court – Youth Challenge Park	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 high priority and based on hierarchy of facilities this project is ranked 1 of 1

GOVERNMENT & PUBLIC CONSULTATION

37. The City of Albany has consulted with The Department of Local Government, Sport and Cultural Industries – Sport and Recreation Regional Manager for the Great Southern in February 2023.

STATUTORY IMPLICATIONS

38. There is no statutory requirement.
39. The voting requirement for Authorising Officer Recommendation is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation & Community Property</i> 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.
<i>People Health & Safety</i> 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.
<i>Reputation & Financial</i> Failure to distribute the Council's Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.	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

42. The total projected costs estimate for the proposed project is \$299,850.
43. The requested total from the 2023/24 Budget is \$199,900.
44. In addition to the financial contribution, the City of Albany will act as the lead agency for the project delivery.
45. 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)	City of Albany contribution (ex GST)	CSRFF Grant (ex GST)
City of Albany Multi-Use Outdoor Court Youth Challenge Park	\$ 299,850.00	\$ 199,900.00	\$ 99,950.00
TOTAL	\$ 299,850.00	\$199,900.00	\$ 99,950.00

46. In discussion with officers at the February 2023 Strategic Workshop, Elected Members indicated in-principle support for funding the City's contribution towards this project through the City's allocation of Local Roads & Community Infrastructure (LRCI) Program Phase 4 funding.

47. Should the project not meet the guidelines for LRCI 4, officers will discuss with Council other options to meet the City's funding commitment to this project.
48. The next CSRFF Small Grant round is July 2023.
49. If the application is unsuccessful, the applicant can reapply in the next round.
50. As per CCS464 Resolution 2 of OCM 23 August 2022, the budget allocation to the Capital Seed Fund will need to be reviewed to meet existing funding commitments. This can be achieved as part of the 2023/2024 Budget process.

LEGAL IMPLICATIONS

51. There are no direct legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

53. Council may choose to provide more or less funding assistance to the submitted project.

CONCLUSION

54. 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.
55. The project meets the criteria provided by the Department of Local Government, Sport and Cultural Industries – Sport and Recreation. Council is required to endorse the officers ranking.
56. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.
57. 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 31 March 2023.

Consulted References	:	Community Sports & Recreation Facilities Small Grant Funding Policy
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 23/08/2022 – Report Item CCS464 OCM 27/09/2022 – Report Item CCS471

AR130: COMPLIANCE AUDIT RETURN (CAR) - 2022

Business Entity Name	: City of Albany
Attachments	: Albany – Compliance Audit Return 2022
Report Prepared By	: Manager Governance & Risk (S Jamieson)
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:
 - **Pillar:** Leadership.
 - **Objectives:** Proactive, visionary leaders who are aligned with community needs and values

In Brief:

- Receive and critique the Compliance Audit Return (CAR) Report – 2022.

RECOMMENDATION

AR130: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2022 to 31 December 2022 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2023.

AR130: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2022 to 31 December 2022 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2023.

CARRIED 6-0

AR130: AUTHORISING OFFICER RECOMMENDATION

THAT a Certified Copy of the Compliance Audit Return (CAR) for the period 1 January 2022 to 31 December 2022 be ENDORSED by Council and any additional information explaining or quantifying the compliance audit is to be submitted to the Department before 31 March 2023.

BACKGROUND

2. Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council.
3. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk."
4. The Audit Committee is required to review the results of the annual CAR prior to presentation to Council for endorsement.
5. To complete the process, the CAR is signed by the Mayor and the CEO and submitted to the Department.

DISCUSSION

6. Additional information explaining and quantifying the compliance review is detailed in the attachment.

GOVERNMENT & PUBLIC CONSULTATION

7. Guidance has been communicated by the Department of Local Government, Sport & Cultural Industries via government circulars and guidelines.

STATUTORY IMPLICATIONS

8. **Compliance audits by local governments:** Prescribed actions are detailed at Regulation 14 of the *Local Government (Audit) Regulations 1996*.
9. An adopted return is required to be submitted to the Department by 31 March 2023.

POLICY IMPLICATIONS

10. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance: <i>The CAR not endorsed by Council.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>CAR re-presented once concerns are adequately addressed and submitted to the Dept. prior to the 31 March 2023.</i>
Opportunity: <i>Facilitates Audit & Risk Committee critique.</i>				

FINANCIAL IMPLICATIONS

12. Nil.

LEGAL IMPLICATIONS

13. Nil.

ENVIRONMENTAL CONSIDERATIONS

14. Nil.

ALTERNATE OPTIONS

15. Nil.

CONCLUSION

16. Nil.

Consulted References	:	<ul style="list-style-type: none"><i>Local Government Act 1995</i><i>Local Government (Audit) Regulations 1996</i>Department Circulars
File Number (Name of Ward)	:	(All Wards)
Previous References	:	<ul style="list-style-type: none">OCM 22 March 2022 Resolution AR107

AR131: REVIEW OF DELEGATIONS & AUTHORISATIONS REGISTER

Proponent	: City of Albany
Attachments	: Delegations & Authorisations Register 2023
Report Prepared by	: Manager Governance & Risk (S Jamieson)
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:
 - **Pillar:** Leadership.
 - **Outcomes:** Strong workplace culture and performance.

In Brief:

- Council review and approve the Register of Delegations & Authorisations.

RECOMMENDATION

AR131: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the reviewed and amended Register of Delegations & Authorisations, consisting of the following:

- **Main document** (document control, forward, contents);
- **Attachment A – Delegations Register – Assigned Authorised Persons.**
- **Attachment B – Local Law Register – Assigned Authorised Persons.**
- **Attachment C – Statutory Delegations – Assigned to local government.**
- **Attachment D – Policy Position Register – Council adopted and EMT approved.**

be ADOPTED.

AR131: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 6-0

AR131: AUTHORISING OFFICER RECOMMENDATION

THAT the reviewed and amended Register of Delegations & Authorisations, consisting of the following:

- **Main document** (document control, forward, contents).
- **Attachment A – Delegations Register – Assigned Authorised Persons.**
- **Attachment B – Local Law Register – Assigned Authorised Persons.**
- **Attachment C – Statutory Delegations – Assigned to local government.**
- **Attachment D – Policy Position Register – Council adopted and EMT approved.**

be ADOPTED.

BACKGROUND

2. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.
3. Without delegated authority, most decisions of the City would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.
4. The Act requires local government to keep a register of its delegations and review this register once every financial year.
5. The last review was adopted by Council on 22 March 2022 and a review is now due.

DISCUSSION

6. Proposed amendments are detailed in the document control section of the register.
7. The reviewed and amended Register of Delegations & Authorisations, consisting of the following elements, has been prepared for your review and re-approval:
 - Main document (document control, forward, contents);
 - Attachment A – Delegations Register – Assigned Authorised Persons.
 - Attachment B – Local Law Register – Assigned Authorised Persons.
 - Attachment C – Statutory Delegations – Assigned to local government.
 - Attachment D – Policy Position Register – Council adopted and EMT approved.
8. Council Policies and their associated delegation(s) are listed at attachment D to the Delegations Register.
9. Council may choose to identify and prioritise specific:
 - Delegations; and/or
 - Council Policy Positions for separate review.

GOVERNMENT & PUBLIC CONSULTATION

10. The Executive Management Team and relevant staff have been provided with an opportunity to review their respective delegations.

STATUTORY IMPLICATIONS

Legislative powers for delegations in local government

11. The *Local Government Act 1995* (the Act) has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'council' is used, then it is the council itself which must carry out that function.
12. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.
13. It is a requirement of section 5.18 of the Act, that Council review the delegations at least once every financial year.
14. Voting requirement: **Absolute Majority**.

POLICY IMPLICATIONS

15. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Legal & Compliance. Non-compliance with the City's statutory requirement to review the delegations every financial year.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Review and bring back to Council for adoption prior to 31 March 2023.</i>

FINANCIAL IMPLICATIONS

17. Nil.

LEGAL IMPLICATIONS

18. There are no direct legal implication related to this report.

SUMMARY CONCLUSION

19. That the reviewed registers received for review and adoption.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Local Government Operational Guidelines
File Number (Name of Ward)	:	PE.AUT.1 (All Wards)
Previous Reference	:	OCM 22 March 2022 Resolution AR110.

AR133: RECEIVE THE MINUTES OF THE AUDIT AND RISK COMMITTEE MEETINGS HELD IN NOVEMBER 2022

Proponent / Owner	: City of Albany
Attachments	: Confirmed Minutes of Audit and Risk Committee Meeting held 14 November 2022 - CONFIDENTIAL
Report Prepared By	: Senior Team Leader (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

**AR133: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 14 November 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	: OCM 23/08/2022 Resolution AR123

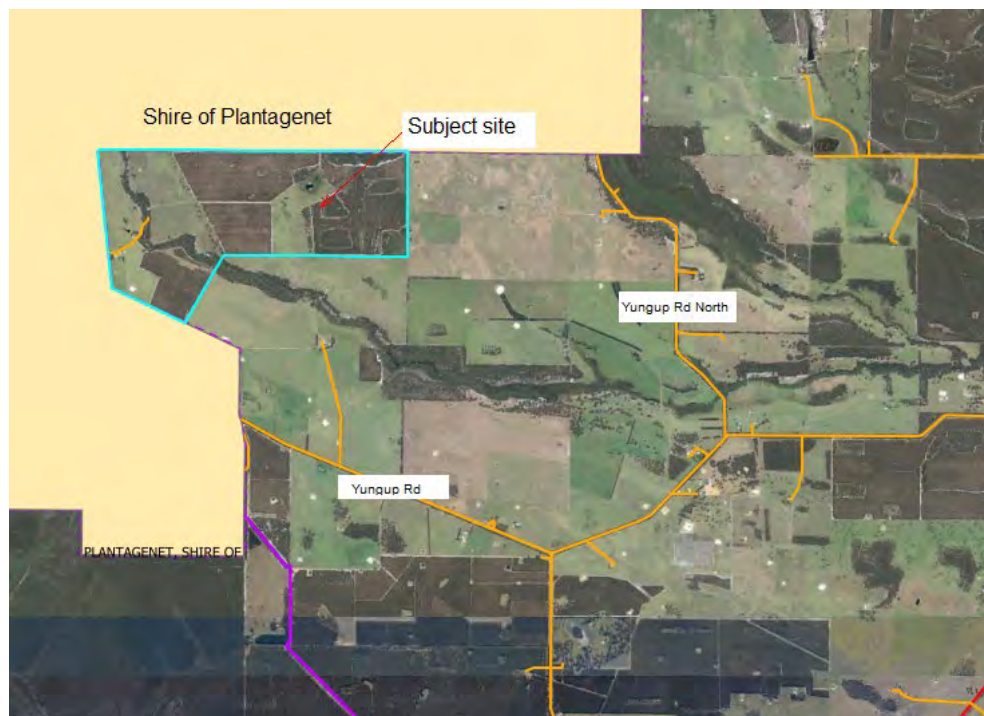
DIS338: ANIMAL HUSBANDRY – INTENSIVE (ROTATIONAL OUTDOOR PIGGERY)

Land Description	: Lot 5856, 1028 Yungup Road, Napier 6330
Proponent / Owner	: Sangarra Southern Pty Ltd
Business Entity Name	: Sangarra Southern Pty Ltd, (MJ Micke)
Attachments	: 1. Environmental Assessment & Management Plan 2. Schedule of submissions
Supplementary Information & Councillor Workstation	: 1. Copies of submissions & agency comments
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 City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **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: Lot 5856, 1028 Yungup Road, Napier 6330



In Brief:

- Council is asked to consider an application for development approval for an Animal Husbandry – Intensive (Rotational Outdoor Piggery) at Lot 5856, 1028 Yungup Road, Napier. The land use designated as a 'D' use within the Priority Agricultural zone.
- The application was advertised for public comment via direct mail out to surrounding landowners within a 1500 metre radius. Five submissions were received during advertising, all of which raised concerns in relation to the proposal.
- The application in its current form, including an updated Environmental Management Plan (EMP), has been assessed on its merit. Advice from state agencies and relevant matters raised during the advertising period, have been considered as part of the City's assessment.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area, as the use is consistent with the relevant objectives of the Priority Agricultural zone.
- Operational and environmental matters have been addressed, with the proposal required to operate in accordance with recommended conditions of development approval, including the approved Management Plan, and national guidelines and state government requirements.
- Staff therefore recommended that Council approve the proposed development, subject to conditions.

RECOMMENDATION

**DIS338: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ISSUE a notice of determination granting development approval with conditions for Animal Husbandry - Intensive (Rotational Outdoor Piggery) at 1028 (Lot 5856) Yungup Road, Napier.

Conditions:

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2210668, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.**
- 3. Prior to commencement, all measures and actions identified in the stamped and approved Environmental Assessment and Management Plan dated ~~XXXXXX~~, referenced P2210668, being implemented and maintained to the satisfaction of the City of Albany, including but not limited to the following:**
 - a) The operations of the approved Animal Husbandry – Intensive (Rotational Outdoor Piggery) shall be contained within the nominated areas, unless otherwise agreed in writing by the City of Albany.**
 - b) The maximum capacity of the piggery shall be 700 sows.**
 - c) The piggery shall be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).**
 - d) The piggery shall comply with, and be managed in accordance with the National Environmental Guidelines for outdoor rotational piggeries including waste management, rotation, all setbacks to watercourses, lot boundaries and dwellings on adjoining properties.**
 - e) Suitable screening native vegetation shall be provided as shown on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan, to the satisfaction of the City of Albany. All**

screening vegetation shall be retained in perpetuity, unless otherwise agreed to in writing with the City.

- f) Appropriate mortalities management practices shall be implemented to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding, in accordance with the *National Environmental Guidelines for Rotational Outdoor Piggeries*.
4. Remnant vegetation areas abutting rotation areas shall be fenced to the satisfaction of the City of Albany.
 5. No remnant vegetation shall be removed in association with the approved Animal Husbandry - Intensive (Rotational Outdoor Piggery), without the prior approval of the Department of Water and Environment Regulation. (DWER)
 6. All rotational areas shall be adequately fenced to contain all pigs to the satisfaction of the City of Albany.
 7. All runoff from impervious surfaces shall be contained within the property and disposed of to the satisfaction of the City of Albany.
 8. 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.
 9. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice Note: Please refer to the *City of Albany Local Planning Policy – Signs* for further information.

Advice Note: The level of noise emanating from the development shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.

Advice Note: Development is required to comply with all relevant Health regulations; particular regard should be paid to those matters outlined on the attached 'Environmental and Health Conditions'.

Advice Note: Elliott Road is under the care, control, and management of the Shire of Plantagenet, who has advised that Elliot Road will require the applicants to contribute to the upgrade of this road to a standard suitable for increased light and heavy vehicles access.

Advice Note: The Piggery shall be Registered with the City of Albany Environmental Health Section as an offensive trade.

DIS338: COMMITTEE RECOMMENDATION (AMENDMENT BY COUNCILLOR TERRY)
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Authorising Officer Recommendation be ADOPTED with the following amendment:

3)

- e) Suitable screening native vegetation shall be provided as shown on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan, to the satisfaction of the City of Albany. All screening vegetation shall be retained in perpetuity, unless otherwise agreed to in writing with the City.

CARRIED 11-0

DIS338: AMENDMENT BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY

SECONDED: MAYOR WELLINGTON

THAT point 3 (e) of the Authorising Officer Recommendation be AMENDED to read as follows:

- 3) ~~e) Areas of screening vegetation (bluegums) indicated on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan shall be retained in perpetuity, unless otherwise agreed to in writing with the City.~~ Suitable screening vegetation shall be provided as shown on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan, to the satisfaction of the City of Albany. All screening vegetation shall be retained in perpetuity, unless otherwise agreed to in writing with the City.

CARRIED 6-5

Record of Vote

Against the Motion: Councillors Thomson, Grimmer, Brough, Benson-Lidholm and Stocks.

Councillor Reason:

During the site visit the proponent indicated he would plant native vegetation rather than replant Blue gums along the lines indicated in Appendix I.

I would argue that it would be more beneficial to have native vegetation planted as screening vegetation compared to Blue gums to provide native fauna a corridor to habitat in compared to an introduced flora species such as Blue gums.

Officer Comment:

The proponent had initially indicated they would leave 2 rows of blue gums which officers supported.

Noting comments on site that native vegetation would be planted, it would not be the officer's intention that blue gums were removed (if the proponent wanted them to stay) to be replaced with natives, especially given the time frame required to establish new native screening vegetation.

This is perhaps the unintended consequence that specifying the word "native" would create. Besides use of the word native, officers agree with the intent of the amendment.

Councillor Terry then proposed an amendment to the Authorising Officer Recommendation.

DIS338: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SHANHUN

THAT Council ISSUE a notice of determination granting development approval with conditions for Animal Husbandry - Intensive (Rotational Outdoor Piggery) at 1028 (Lot 5856) Yungup Road, Napier.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2210668, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. Prior to commencement, all measures and actions identified in the stamped and approved Environmental Assessment and Management Plan dated XXXXXX, referenced P2210668,

being implemented and maintained to the satisfaction of the City of Albany, including but not limited to the following:

- a) The operations of the approved Animal Husbandry – Intensive (Rotational Outdoor Piggery) shall be contained within the nominated areas, unless otherwise agreed in writing by the City of Albany.
 - b) The maximum capacity of the piggery shall be 700 sows.
 - c) The piggery shall be registered and operated in accordance with the Australian Pork Industry Quality Assurance Program (APIQ®).
 - d) The piggery shall comply with, and be managed in accordance with the National Environmental Guidelines for outdoor rotational piggeries including waste management, rotation, all setbacks to watercourses, lot boundaries and dwellings on adjoining properties.
 - e) Areas of screening vegetation (bluegums) indicated on the map under Appendix I – Rotation Areas and Management of the Environmental Assessment Management Plan shall be retained in perpetuity, unless otherwise agreed to in writing with the City.
 - f) Appropriate mortalities management practices shall be implemented to prevent groundwater and surface water contamination, odour nuisance, spread of infectious diseases and vermin breeding, in accordance with the *National Environmental Guidelines for Rotational Outdoor Piggeries*.
4. Remnant vegetation areas abutting rotation areas shall be fenced to the satisfaction of the City of Albany.
 5. No remnant vegetation shall be removed in association with the approved Animal Husbandry - Intensive (Rotational Outdoor Piggery), without the prior approval of the Department of Water and Environment Regulation. (DWER)
 6. All rotational areas shall be adequately fenced to contain all pigs to the satisfaction of the City of Albany.
 7. All runoff from impervious surfaces shall be contained within the property and disposed of to the satisfaction of the City of Albany.
 8. 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.
 9. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

Advice Note: Please refer to the *City of Albany Local Planning Policy – Signs* for further information.

Advice Note: The level of noise emanating from the development shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.

Advice Note: Development is required to comply with all relevant Health regulations; particular regard should be paid to those matters outlined on the attached 'Environmental and Health Conditions'.

Advice Note: Elliott Road is under the care, control, and management of the Shire of Plantagenet, who has advised that Elliot Road will require the applicants to contribute to the upgrade of this road to a standard suitable for increased light and heavy vehicles access.

Advice Note: The Piggery shall be Registered with the City of Albany Environmental Health Section as an offensive trade.

BACKGROUND

4. The subject site lies to the eastern side of Yungup Road, approximately 21km north of the Albany city centre, 6.8km west of Napier Hall and 16km east of Redmond and Narrikup townsites. The site is also adjoins the Shire of Plantagenet border to the north and west.
5. Site details:

Local Planning Scheme	City of Albany Local Planning Scheme No. 1 (LPS1)
Zone	Priority Agriculture
LPS1 Use Class & Permissibility (Table 2)	Animal Husbandry – Intensive (Rotational Outdoor Piggery) - D
Existing Land Uses:	Agriculture-Extensive Tree Plantation
Bushfire Prone Area:	Yes

Site Context

6. The topography of the site is described as gently undulating which slopes from the northern eastern corner, down to the southwestern portion of the site. Napier Creek is located to the west of the site and flows from north to the south of the site.

DISCUSSION

Proposal

7. The proposed Animal Husbandry – Intensive (Rotational Outdoor Piggery) involves the following:

Area of use:	Approx total area 126.97 ha to allow for maximum of 3 rotation areas
Summary	<ul style="list-style-type: none"> • Maximum capacity 700 sows • Breeder site - pigs are bred, and piglets removed at weaning (approx. 4 weeks) to an external grow-out facility <p><u>Rotational areas</u></p> <ul style="list-style-type: none"> • Approx. 43ha each • Setback 20m from the property boundaries, and 100m from any dams and soaks. • Used for 2 years, then used for cropping for 4 seasons to utilise nutrients - harvestable crops such as oaten hay, sorghum, millet • Pigs will be free range within the designated rotational area, in accordance with an accredited free-range system • Pigs housed within removable communal shelters and farrowing huts, designed to accommodate a sow and litter of piglets. <p><u>Traffic</u></p> <ul style="list-style-type: none"> • Estimated 14 truck movements (arriving and departing) per week, including: <ul style="list-style-type: none"> ○ Delivering breeder pigs – initially brought in every week until operation is at capacity, then replacement animals brought in every month ○ Transporting weanlings from site to grow-out facility, on a weekly basis ○ Delivering feed approx. 4 times per week ○ Straw bedding: <ul style="list-style-type: none"> ▪ Sourced from offsite when required ▪ Spent bedding removed weekly via maximum two truck visits • The main vehicle access point to the operation will be via Settlement and Elliot Roads, that are under the jurisdiction of Shire of Plantagenet.

	<p><u>General operations</u></p> <ul style="list-style-type: none"> • Deceased pigs will be placed in a designated burial trench and immediately covered with soil • Remnant vegetation to be retained • Screening vegetation (two rows of bluegums) to be retained adjacent for drainage management and visual amenity. • Installation of incidental infrastructure including water pipes and pumps to transport water from dams or bores • Two silos for feed storage, 6m in height, approx. 60 tonnes in size • Straw used for bedding to be partially sourced from subject land or imported periodically, to be stored in two open areas on the site • Fuel storage for approximately 3000L of diesel. • Biosecurity measures to comply with the Australian Pork Industry Biosecurity Program and AUSVETPLAN • Clearing of remnant native vegetation is not proposed
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Public Consultation

8. As outlined elsewhere in the report, the proposal was advertised to adjoining landowners within a 1,500m radius of the subject site, and published on the City of Albany website.
9. A total of five submissions from nearby landowners were received, all raising concerns in relation to the proposal.
10. The following key concerns were raised:
 - Amenity
 - Noise and odour & environmental impact – waterways, dust and air pollution
 - Impact on future development on adjoining sites, including future dwellings and bore location
 - Visual impact
 - Access – not sufficient for additional traffic
 - Aboriginal place
 - Anaerobic pond
 - Animal welfare concerns
 - Value of property
11. A summary of concerns raised during advertising are outlined under the Schedule of Submissions (refer Attachment 2).
12. The proposal was also referred to the Department of Water and Environmental Regulation (DWER), Department of Primary Industries & Regional Development (DPIRD), Shire of Plantagenet and Department of Planning Lands and Heritage (DPLH) Aboriginal Heritage Operations branch.

Assessment

13. The City has considered the proposal against the relevant provisions contained under LPS1 including the objectives of the Priority Agricultural zone, as well as matters outlined under cl. 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), advice from state agencies and relevant submissions received during advertising.
14. To assist the City in determining the appropriateness of a proposal under the local planning framework, DWER were referred the proposal for comment, as the responsible authority on considering environmental matters, including determining compliance with designated buffer distances and the environmental acceptability of a proposal, in accordance with relevant legislation, guidelines and standards.

15. As an Environmental Assessment and Management Plan (EAMP) was prepared for the site, the *National Environmental Guidelines for Rotational Outdoor Piggeries* (ROP Guidelines) are the applicable standards when considering the proposal regarding buffer distances to sensitive land uses and waterbodies.
16. The EAMP submitted with the development application incorporates site specific studies that consider the potential impacts of the proposal on sensitive land uses and outlines methodology and approaches to mitigate potential environmental impacts.
17. The ROP Guidelines outlines the following buffer distances:

Minimum required buffer distances (ROP Guidelines 2013)	Proposed
Rural Residential area – 500m Rural Dwelling – 250m Property boundary – 20m Bore – 20m	<ul style="list-style-type: none"> • Closest dwelling (not on the site) measured from the boundary of rotational Area 1 - 629m (north) • Other dwellings within 1km of the boundary: <ul style="list-style-type: none"> ○ 742m (northwest) ○ 805m (south)

18. Detailed discussion of the proposal, including advice from state agencies and concerns raised during submissions is provided below.

Impacts on Amenity & the Environment

19. Concerns consistently raised in the submissions in relation potential negative impacts of the proposal on amenity and the environment:
 - Due to the proposed operation's proximity to existing dwellings and potential impacts on Napier Creek and groundwater.
 - Future development of adjoining land, including a future retirement home and bore to provide water for animals.
 - Visual impacts on adjoining properties once the existing tree farm was harvested.
20. In accordance with LPS1, Animal Husbandry – Intensive is a use that can be considered in the Priority and General Agriculture zones.
21. In their advice to the City, DWER confirmed that the management techniques to be engaged as outlined under the EAMP, indicate that the proposal would not have an unacceptable risk on public health or the environment.
22. A condition of approval is also recommended to be applied requiring that the use be implemented and operated in accordance with the requirements outlined under the updated EAMP, including the revised maximum capacity of 700 sows.
23. In relation to concerns regarding impacts on future development, staff contacted the adjoining landowner who raised these concerns, seeking clarification on the proposed location of the future dwelling and bore. In their response, the landowner indicated that they had not exactly decided where the future dwelling would be located and would not be known for at least 5 years.
24. In terms of the future bore, the concerned landowner is located upstream of the proposal, and therefore the proposal will not affect groundwater or bore water at their property.
25. In response to concerns raised during submissions, the applicant has also indicated they are prepared to retain blue gums on the periphery of the property to prevent visual impacts. This is recommended to be addressed via a condition of planning approval.
26. When assessing the potential negative impact of a proposal on surrounding amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within the wider locality.

27. The existing amenity within the immediate and wider area can be classified as having a rural landscape, defined by large open paddocks with clusters of remnant vegetation. Surrounding land uses are largely used for grazing, cropping, mixed horticulture and blue gum plantations.
28. Noting the concerns raised during advertising, staff consider that proposal has satisfactorily demonstrated that any impacts on adjoining landowners from the proposal will be adequately addressed and mitigated.
29. Furthermore, DWER have advised that the proposal will not have an unacceptable risk on public health or the environment, with management measures contained under the EAMP satisfactorily mitigating potential impacts on the environment and adjoining sensitive land uses.
30. In summary, the proposal is not considered to be out of character with the surrounding predominant agricultural setting and functions, with appropriate methods identified to manage and mitigate potential impacts on the environment and surrounding properties. Staff consider the proposal it is consistent with the objectives of the Priority Agricultural zone in this instance and is unlikely to have a detrimental impact the amenity of the area.

Access Not Suitable for Additional Traffic

31. Concerns were raised that the access is not suitable for additional traffic.
32. Piggeries have little traffic generated. It is anticipated that there would be 14 truck movements per week, including 2 road trains per week to deliver feed, along with one truck per month transporting pigs.
33. The proposed access is via Settlement Rd and Elliot Rd which falls within the Shire of Plantagenet.
34. The proposal was referred to the Shire of Plantagenet, who advised in their response that they had no objections to the proposal, however requested advice be applied should the proposal granted approval, notifying the proponent of contribution arrangements to be made with the Shire relating to the upgrade of Elliot Road to a suitable standard. The requested advice is recommended to be applied to the approval.

Aboriginal Place

35. Concerns were raised that the development would impact surrounding Aboriginal heritage.
36. In response to the concern raised, the proposal was referred to DPLH Aboriginal Heritage Operations for assessment. DPLH advised they were satisfied that there were not any registered Aboriginal Heritage Sites on or near the site, and therefore had no objections to the proposal.

Other Matters

33. The following concerns were raised during advertising, that are not considered relevant planning matters:
 - Anaerobic Pond - ponds would not be leakproof and odour free;
 - Animal Welfare Concerns; and
 - Value of property.
34. The concerns raised regarding odour and leakage from anaerobic ponds as part of piggery operations are noted. However, there are no effluent treatment ponds proposed as part of the subject use.
35. Consideration of odour and other emissions from the use and potential impact on amenity are discussed in detail above.

36. Animal welfare not within the matters to be considered under clause 67 of the Planning Regulations; and therefore are not a valid planning consideration.
37. However the applicant has provided response to the concerns raised, outlining that the proposed ROP intends to operate in compliance with Model Code of Practice for the Welfare of Animals – Pigs (Revised).
38. 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.

GOVERNMENT & PUBLIC CONSULTATION

39. Agency responses, concerns raised during advertising, staff comment and the proponent's justification for the proposal are summarised and discussed above.
40. Public advertising

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to nearby landowners within a 1500m radius, including individual landowners in Shire of Plantagenet City website Public Comment page – copy of application made available and online submission form	24 days between 30/11/2021 – 23/12/2021 With further extensions granted	5 submissions received, all raising concerns in relation to the proposal	As outlined above – advertising of the proposal was not mandatory, however the standard process was followed as per the Planning Regulations

41. As outlined above, the proposal was also referred to the DWER, DPIRD, Shire of Plantagenet and DPLH Aboriginal Heritage Operations.

DWER & DPIRD

42. DWER also undertook a thorough assessment of the proposal, in consultation with DPIRD, via a separate Works Approval application submitted to DWER by the proponent.
43. Following their consideration of the Works Approval application, DWER indicated that they were intending to issue a Works Approval for the proposal, subject to restricting the maximum capacity to 700 sows, and following development approval being granted by the City.
44. The proponent subsequently submitted an updated EAMP reflecting the reduced the maximum capacity to 700 sows, which is the subject of the recommendation for development approval.
45. The revised EAMP was subsequently referred to DPIRD for further comment, who indicated they had no further comments to provide as all aspects were addressed in the EMP and monitoring included as part of the Work Approval from DWER.

Shire of Plantagenet

46. The Shire of Plantagenet have no objections to the proposal however have requested the following advice be applied:

Advice: Elliott Road is under the care, control and management of the Shire of Plantagenet, who has advised that Elliott Road will require the applicants to contribute to the upgrade of this road to a standard suitable for increased light and heavy vehicles access.

47. Detailed discussion regarding the advice from DWER, DPIRD, DPLH Aboriginal Heritage Operations and comments from Shire of Plantagenet are addressed above in the Discussion section of the report.

STATUTORY IMPLICATIONS

48. Animal Husbandry – Intensive (Outdoor Rotational Piggery) is considered a “D” use within the “Priority Agricultural” zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval.
49. The National Environmental Guidelines for Rotational Outdoor Piggeries 2013 (revised) encapsulates a national approach to environmental management for rotational outdoor piggeries and include best practice environmental management for rotational outdoor piggeries and complement the industry’s quality assurance program - APIQ® Free Range.
50. The 1,000m buffer for outdoor piggery farming outlined under the WA Environmental Protection Authority’s *Separation Distances between Industrial and Sensitive Land Uses* (2005) is intended as a generic separation distance in the absence of site specific studies. The EAMP submitted with the development application incorporates site specific studies that consider the potential impacts of the proposal on sensitive land uses.
51. Voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

52. Not applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>The approval may generate unacceptable impacts on the amenity on the area.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>The application has been assessed against the relevant statutory framework. The proposed use is considered a form of rural activity. Potential amenity impacts from the development can be mitigated through identified measures.</i>
Opportunity: <i>Facilitate the sustainable development of the agricultural sector and maximise opportunities for diversification of agriculture and downstream processing.</i>				

FINANCIAL IMPLICATIONS

54. All costs associated with the development will be borne by the proponent.
55. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions 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

56. 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*.
57. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

58. The subject lot is under pasture and blue gum plantations.
59. The removal of native vegetation is not proposed as part of this proposal.
60. Napier Creek is located to the west of the site, and travels from north to the south of the site. The closest rotational outdoor piggery area is 100m from Napier Creek.
61. A 100m buffer will be provided around each bore or soak.
62. The WA Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses* (2005) also sets out a generic buffer of 1,000m for outdoor piggery farming, however it should be noted that a buffer stipulated under these guidelines is intended as a generic separation distance in the absence of site specific studies, such as the Environmental Assessment and Management Plan submitted as part of the development application.
63. DWER are the responsible body for determining the environmental acceptability and required buffers.

ALTERNATE OPTIONS

64. Council has the following alternate options in relation to this item, which are:
 - a) To determine that the proposed use is unacceptable and to resolve to refuse the application; or
 - b) To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

CONCLUSION

65. The proposal is considered to be consistent with the Local Planning Scheme No. 1 and the objectives of the zone.
66. Furthermore, advice from state agencies confirmed that the proposal will not have an unacceptable risk on public health or the environment, with management measures contained under the EAMP satisfactorily mitigating potential impacts on the environment and adjoining sensitive land uses.
67. Noting the concerns raised during advertising, staff consider that proposal has satisfactorily demonstrated that any impacts on adjoining landowners from the proposal will be adequately addressed and mitigated.
68. On this basis, it is considered the proposal can be approved and appropriately managed through conditions.
69. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Environmental Protection (Noise) Regulations 1997</i> 3. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses 2005</i> 4. <i>Environmental Guidelines for Rotational Outdoor Piggeries 2013 (EGROP 2013)</i>
File Number (Name of Ward)	:	A5771 (West Ward)
Previous Reference	:	Nil

DIS339: ROAD RATIONALISATION – MULTIPLE ROADS AFFECTING RESERVE 24258 TORNDIRRUPT NATIONAL PARK

Land Description	: Portions of Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Holes Road, Torndirrup
Proponent	: City of Albany & Department of Biodiversity Conservation & Attractions
Attachments	: R24258
Report Prepared By	: Lands Officer (A. Veld)
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 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place.
 - **Outcome:** A safe, sustainable and efficient transport network.

In Brief:

- A number of roads managed by the City of Albany that provide access to Reserve 24258 Torndirrup National Park, have been constructed outside of their designated road reserves.
- The City is now seeking Council support to rectify the historical road alignment anomalies by excising portions of land from Reserve 24258 Torndirrup National Park for dedication as public road as well as closing those portions of road reserve that do not contain any roads, for inclusion into the National Park.

RECOMMENDATION

DIS339: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. **REQUEST** the Minister for Lands to excise 17.6Ha of land from Reserve 24258 for dedication as road reserves for Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Holes Road, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. **INDEMNIFY** the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*;
3. **REQUEST** the Minister for Lands to close 9.5Ha of the unused road reserves for Frenchman Bay Road, Quaranup Road, The Gap Road and Blowholes Road, pursuant to section 58 of the *Land Administration Act 1997*, subject to final survey;
4. **REQUEST** the Minister for Lands to incorporate the closed roads into Reserve 24258, Torndirrup National Park.

DIS339: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SHANHUN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS339: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. REQUEST the Minister for Lands to excise 17.6Ha of land from Reserve 24258 for dedication as road reserves for Frenchman Bay Road, Quararup Road, The Gap Road, Blowholes Road and Salmon Holes Road, pursuant to section 56 of the *Land Administration Act 1997*, subject to final survey;
2. INDEMNIFY the Minister for Lands from any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, pursuant to section 56(4) of the *Land Administration Act 1997*;
3. REQUEST the Minister for Lands to close 9.5Ha of the unused road reserves for Frenchman Bay Road, Quararup Road, The Gap Road and Blowholes Road, pursuant to section 58 of the *Land Administration Act 1997*, subject to final survey;
4. REQUEST the Minister for Lands to incorporate the closed roads into Reserve 24258, Torndirrup National Park.

BACKGROUND

2. The Department of Biodiversity Conservation & Attractions (DBCA) have been engaged in discussions with the City since 2019, following a number of historical road alignment anomalies identified within Torndirrup National Park.
3. These anomalies have created management and operational implications for both the City and DBCA, in relation to matters such as road maintenance, responding to overflow parking issues and facilitating the implementation of future upgrades to facilities and infrastructure of various attractions within Torndirrup National Park.
4. In September 2022, the City of Albany received formal support from DBCA to progress a road rationalisation of the affected portions of Frenchman Bay Road, Quararup Road, The Gap Road, Blowholes Road and Salmon Hole Road that have been constructed through National Park land.

DISCUSSION

5. The proposed road rationalisation aims to resolve historical road alignment anomalies and support the facilitation of a more consistent approach to management of this area. The road rationalisation involves:
 - Portions of land containing currently constructed roads to be excised from Reserve 24258 Torndirrup National Park for dedication as public road; and
 - Portions of undeveloped road reserve to be closed and consolidated into Reserve 24258 Torndirrup National Park.
6. The proposed road rationalisation actions will better reflect the current use of the land, provide improved protections over areas of remnant vegetation and allow for DBCA to progress upgrades to parking and other infrastructure within the National Park.

GOVERNMENT & PUBLIC CONSULTATION

7. Pursuant to section 58 of the *Land Administration Act 1997*, the City of Albany is required to undertake public consultation on the proposed road closures.
8. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Public Notice in locally distributed newspaper	35 days 16 December 2022 - 20 January 2023	0	Yes
Consult	Public Comments page on City of Albany website	35 days 16 December 2022 - 20 January 2023	0	Yes
Consult	Letters and email to public service providers	6 December 2022 – 10 January 2023	4 No objections	Yes

STATUTORY IMPLICATIONS

9. Section 56 of the *Land Administration Act* allows a local government to request the Minister for Lands to dedicate land acquired for use by the public as a road under the care, control and management of the local government.
10. Section 58 of the *Land Administration Act* allows for a local government to request the Minister for Lands to close a road permanently.

POLICY IMPLICATIONS

11. There are no policy implications relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. Risk: There is a risk that by not having a designated road reserve over the constructed roads that the City doesn't have legal jurisdiction over the care, control and management of the road reserves.	Almost Certain	Major	Extreme	Council supports the rationalisation of the Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Hole Road reserves by excising land along the current alignments of the constructed roads and closure of the unused road reserves for inclusion into R24258.
Environmental Risk: That by keeping the current alignment of the existing road reserve, creates uncertainty of protection of some sections of road reserve that incorporate high quality, undisturbed vegetation.	Low	Moderate	Moderate	Council supports the closure of these sections of road reserve and consolidation of these areas into R24258
Opportunity: To clear up a historical land tenure anomaly to better reflect the current use of the land. Opportunity: To provide clarification and appropriate protections for these areas of vegetation.				

FINANCIAL IMPLICATIONS

13. The costs of advertising the road closures have been allocated out of the Lands budget 1142970. Any associated costs for surveying the new road reserve will be jointly shared between the DBCA and the City of Albany, with the City's apportioned costs being allocated from the Lands budget 1142970.

LEGAL IMPLICATIONS

14. There are no legal considerations relating to this item.

ENVIRONMENTAL CONSIDERATIONS

15. Some sections of road reserve do not contain any roads and include high quality, undisturbed vegetation. Road rationalisation of these sections to consolidate them into Reserve 24258 will ensure protection of these areas.

ALTERNATE OPTIONS

16. Council may choose to:
- Refuse this request; or
 - Support this request with modifications.

CONCLUSION

17. Rationalisation of the Frenchman Bay Road, Quaranup Road, The Gap Road, Blowholes Road and Salmon Hole Road reserves will allow for the constructed roads to be contained within their designated road reserves.
18. The proposed road rationalisation actions will better reflect the current use of the land, provide improved protections over areas of remnant vegetation and allow for DBCA to progress upgrades to parking and other infrastructure within the National Park.
19. Officer recommendation is for Council to support the proposed road rationalisation.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	Vancouver
Previous Reference	:	none

DIS340: PLANNING AND BUILDING REPORTS FEBRUARY 2023

Proponent / Owner	: City of Albany.
Attachments	: Planning and Building Reports February 2023
Report Prepared By	: Technical Support Officer (P Ruggera)
Authorising Officer:	: Acting Manager Planning and Building Services (J Wardell-Johnson)

RECOMMENDATION

DIS340: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for February 2023.

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