



MINUTES

Ordinary Meeting of Council

Tuesday 28 March 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032

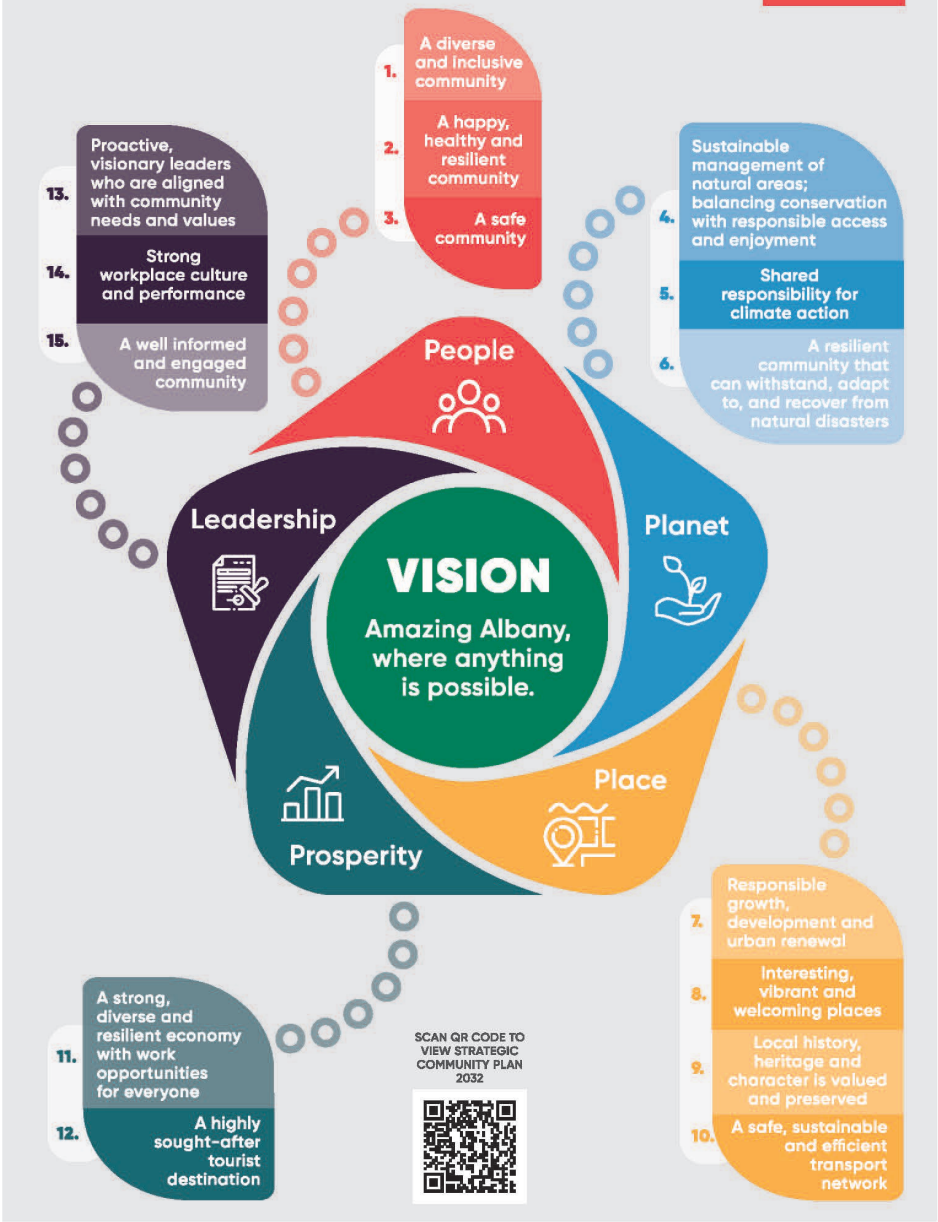


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1. DECLARATION OF OPENING

The Mayor declared the meeting open at **6.00pm**.

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 (Entered the meeting at 6.06pm)
West Ward	S Smith
West Ward	S Grimmer
Yakamia Ward	C Thomson
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	M Gilfellon
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:	
Yakamia Ward	R Sutton

Three media representatives and 21 members of the public were in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

6.01pm Councillor Thomson

Summary of key points:

Councillor Thomson congratulated the Albany RSL Sub Branch on creating a new bar. Councillor Thomson attended the Citizenship Ceremony on 16th March 2023, and said that it was very well attended.

Councillor Thomson also attended the Albany Art Group Pastels Exhibition at the Vancouver Arts Centre.

6.04pm Councillor Grimmer

Summary of key points:

Councillor Grimmer attended Volunteer Bush Fire Brigade Meetings and the Good Food Shed. Councillor Grimmer also visited the Recollections of War memorabilia collection, and said that it would be a valuable addition to the military heritage of Albany.

Councillor Grimmer said that the Youngs Siding Hall would be celebrating its 100 year anniversary and that he was looking forward to the celebration of such an important place to the local community.

6.06pm Councillor Baesjou entered the meeting.

6.06pm Councillor Benson-Lidholm

Summary of key points:

Councillor Benson-Lidholm attended the Albany Art Group Pastels Exhibition, which is open until 14 April 2023 at the Vancouver Arts Centre.

Councillor Benson-Lidholm also commented on climate change and the Doomsday Clock at 90 seconds to midnight.

6.11pm Councillor Baesjou

Summary of key points:

Councillor Baesjou attended the Great Southern International Women's Day Celebration.

6.12pm Councillor Brough

Summary of key points:

Councillor Brough facilitated four Community Conversations in Wellstead, Napier, Manypeaks and Kalgan, with 67 attendees across all the venues. Councillor Brough also commented on the Aboriginal Voice to Parliament proposal.

6.15pm Councillor Traill

Summary of key points:

Councillor Traill said that the Albany Farmers Market recently celebrated 21 years of the market, with 1092 market days.

6.19pm Councillor Terry

Summary of key points:

Councillor Terry commented on the recent visit by Elected Members and Executive staff from the City of Bunbury.

Councillor Terry said that he was pleased to see the variable message signs being used to raise awareness of the need to keep dogs leashed and under control. Councillor Terry also commented on the release of calicivirus at Emu Point and trapping on Mount Melville and Lake Seppings for rabbits and foxes.

Councillor Terry attended the Celebration of Youth Summer Sport at Retravision Centennial Stadium

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.*

6.22pm Ms Sandra Swain, 21 Leslie Street, Yakamia

Summary of key points:

Ms Swain address Council regarding proposed flora and fauna studies of bush land in Yakamia. Ms Swain's tabled address is detailed at Appendix A.

The following question from Ms Swain was taken on notice:

Will there be flora and fauna studies carried out over a 12-month period to capture all activities across the six Noongar seasons? We certainly hope so and since that means they will naturally take a year, we want to know if the surveys have started? If not, when will they begin?

Response:

“The Flora and Fauna Studies will be carried out in accordance with the requirements of DWER and will be carried out in the spring/summer prior to works commencing as per Department of Water, Environment and Regulation (DWER) requirements. We are uncertain who will be doing them, but quotations will be sought from third party qualified expert consultants. The study commencement will be dependent on the program of works and the availability of funding.”

6.25pm Ms Gloria Bartoli, 75a Sydney Street, Yakamia

Summary of key points:

Ms Bartoli addressed Council regarding the Yakamia bush land. Ms Bartoli's tabled address is detailed at Appendix A.

6.26pm Ms Norma Welsh Beaufort Road, Yakamia on behalf of Ms Sonia Emery

Summary of key points:

Ms Welsh addressed Council on behalf of Ms Sonia Emery regarding Yakamia bush land. Ms Emery's tabled address is detailed at Appendix A.

The following question from Ms Emery was taken on notice:

"It has been stated that 'The recommendations/actions from Albany Local Planning Strategy, as well as additional recommendations from the State and locally adopted guiding documents, were incorporated into the creation of Local Planning Scheme 2.'"

If this is the case, why are Yakamia Forest and some other areas of remnant vegetation still zoned as urban development and have not been rezoned as environment conservation in the LPS2, given that the Albany Local Planning Strategy states: 'There is a presumption against clearing for development' and it is known that retaining remnant vegetation helps to mitigate greenhouse emissions?"

Response:

The actions from ALPS are being implemented.

The Yakamia area is designated as an Urban Growth area and is specifically addressed in ALPS.

Below are 2 separate extracts from the Urban Growth section in the Albany Local Planning Strategy;

'Actions

1. Settlement growth will occur in areas designated as 'Urban Growth' on Figure 2. Priority will be given to areas already zoned 'Future Urban' under the Local Planning Scheme."

Land designated on Figure 2 as 'Urban Growth' has been identified in accordance with the following criteria:

- a structure plan has been approved or recommended for approval by the City at the time this Strategy was endorsed by the WAPC;*
- environmental assessment has been undertaken by EPA and vegetation has been assessed or land is predominantly cleared;*
- the land is part of the planned expansion of power, water and wastewater servicing;*
- the land is an extension of the existing developed urban front;*
- a Local Water Management Strategy has been prepared and endorsed;*
- the land is not impacted by buffers (noise, odour), or contained in a Special Control Area; and*
- appropriate community infrastructure has been identified and planned for (e.g. primary schools)."*

6.29pm Annabel Paulley, Parker Street Lockyer

Summary of key points:

Ms Paulley addressed Council regarding Yakamia bush land. Ms Paulley's tabled address is detailed at Appendix A.

The following question by Ms Paulley was taken on notice:

Please provide clear details of how a rezoning of Lot 4743 to a reserve can be achieved in the North Albany District Structure Plan while the Albany Local Planning Scheme still has it zoned as Future Urban Residential.

Response:

The "Future Urban" (LPS1) or "Urban Development" (LPS2) zones require and enable to the preparation of a Structure Plan prior to any extensive development/use or subdivision.

A Structure Plan guides how the land could be serviced, developed, used and subdivided. As part of this plan, areas earmarked for public open space or conservation are also shown.

Once the Structure Plan is complete, it can be implemented. Any public open space or conservation areas may be subdivided and ceded as part of the implementation. Following that the Structure Plan can be incorporated into the Planning Scheme via a Basic Scheme Amendment or Scheme Review.”

6.31pm Ms Lorna Wiggins, Orana

Summary of key points:

Ms Wiggins thanked the City for the recent E Waste collection.

There being no further speakers the Mayor declared Public Question Time closed at **6.32pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR SHANHUN

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.

CARRIED 12-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR TRAILL

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

CARRIED 12-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BENSON-LIDHOLM
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.
CARRIED 12-0

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SMITH**

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

CARRIED 12-0

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)

**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
Attachments	: Facilities Small Grant 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: RESOLUTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR GRIMMER

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)**

CARRIED 9-3

Record of Vote

Against the Motion: Councillors Smith, Stocks and Terry

CCS517: RESOLUTION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED; COUNCILLOR TRAILL

SECONDED: COUNCILLOR GRIMMER

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.

**CARRIED 8-4
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors Baesjou, Brough, Stocks and Terry

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

FINANCIAL IMPLICATIONS

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

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 12-0

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
<i>Legal & Compliance: 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>
<i>Opportunity: 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	:	• 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: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

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.

CARRIED 12-0
ABSOLUTE MAJORITY

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"> • <i>Local Government Act 1995</i> • 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY

THAT the confirmed minutes of the Audit and Risk Committee Meeting held on 14 November 2022 be RECEIVED.

CARRIED 12-0

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

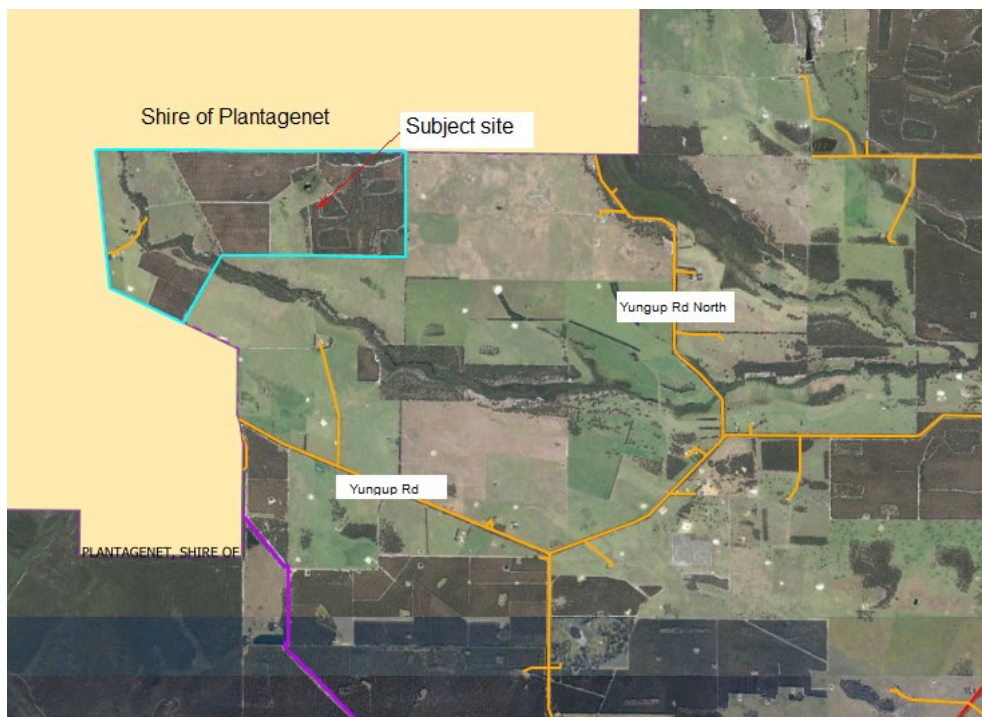
DIS338: ANIMAL HUSBANDRY – INTENSIVE (ROTATIONAL OUTDOOR PIGGERY)

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: RESOLUTION (AMENDMENT BY COUNCILLOR STOCKS)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BROUGH**

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 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.

CARRIED 12-0

DIS388: AMENDMENT BY COUNCILLOR STOCKS

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR BROUGH

THAT the Committee Recommendation be AMENDED to remove the word 'native' from point 3(e).

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Terry

Councillor Stocks then proposed an amendment to the motion.

DIS338: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
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) 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 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 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 habitate 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:

- (i) 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.
- (ii) 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.
- (iii) 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 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 Assesment 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*.

- (iv) Remnant vegetation areas abutting rotation areas shall be fenced to the satisfaction of the City of Albany.
- (v) 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)
- (vi) All rotational areas shall be adequately fenced to contain all pigs to the satisfaction of the City of Albany.
- (vii) All runoff from impervious surfaces shall be contained within the property and disposed of to the satisfaction of the City of Albany.
- (viii) 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.
- (ix) 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

10. 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.
11. 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

12. 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

13. 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

14. 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.
15. A total of five submissions from nearby landowners were received, all raising concerns in relation to the proposal.
16. 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
17. A summary of concerns raised during advertising are outlined under the Schedule of Submissions (refer Attachment 2).
18. 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

19. 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.
20. 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.

21. 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.
22. 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.
23. 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)

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

Impacts on Amenity & the Environment

25. 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.
26. In accordance with LPS1, Animal Husbandry – Intensive is a use that can be considered in the Priority and General Agriculture zones.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. 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.
34. 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.
35. 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.
36. 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

37. Concerns were raised that the access is not suitable for additional traffic.
38. 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.
39. The proposed access is via Settlement Rd and Elliot Rd which falls within the Shire of Plantagenet.
40. 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

41. Concerns were raised that the development would impact surrounding Aboriginal heritage.
42. 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
<p>Reputation The approval may generate unacceptable impacts on the amenity on the area.</p>	Unlikely	Minor	Low	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.
<p>Opportunity: Facilitate the sustainable development of the agricultural sector and maximise opportunities for diversification of agriculture and downstream processing.</p>				

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	:	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 TORNDIRRUP 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR TRAILL**

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.

CARRIED 12-0

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, 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.

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, Quaranup 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
<p>Legal & Compliance. <i>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.</i></p>	<i>Almost Certain</i>	<i>Major</i>	<i>Extreme</i>	<i>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.</i>
<p>Environmental <i>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.</i></p>	<i>Low</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Council supports the closure of these sections of road reserve and consolidation of these areas into R24258</i>
<p>Opportunity: <i>To clear up a historical land tenure anomaly to better reflect the current use of the land.</i></p> <p>Opportunity: <i>To provide clarification and appropriate protections for these areas of vegetation.</i></p>				

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, Quararup 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

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

CARRIED 12-0

**DIS341: BUDGET AMENDMENT REQUEST–LED STREETLIGHTING
ICT**

Proponent / Owner	: City of Albany
Attachments	: Confidential Briefing Note under separate cover.
Report Prepared By	: Manager Engineering and Sustainability (R March)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

It was recommended that if discussion was required in regards to details contained within the Confidential Attachment, that the matters be discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

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:** Planet.
 - **Outcomes:** Shared responsibility for climate action.
 - **Objective:** Work towards net zero greenhouse gas emissions.

In Brief:

- This is an additional review of grant funding allocation (budget) outside the normal budget review process.
- The review covers a budget reallocation to cover the ICT Works Contract upfront costs for the LED street lighting bulk replacement project.

RECOMMENDATION

**DIS341: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SHANHUN**

THAT Council amend the Budgets as follows:

1. **INCREASE** budget for new project LED Street Lighting ICT works from \$0 to \$68,200.
2. **DECREASE** budget for Mermaid Avenue Asphalt Overlay Job Number 3042 from \$198,400 to \$133,700.
3. **DECREASE** budget for Imperial Road Sealing Job Number 3031 from \$46,200 to \$42,700.

**CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Brough

BACKGROUND

2. At the Ordinary Council Meeting held 23 August 2022, Council resolved:
THAT:
 1. *The replacement of Western Power owned Luminaires with Smart Enabled LED Luminaire Streetlights including the Smart iTron Streetlight System be APPROVED.*
 2. *The expected cost of the replacement program of \$2,615,000 to be considered as part of the 2023/24 and 2024/25 budgets be NOTED.*
 3. *The Long Term Financial Plan being amended to indicate financing of the project from the following sources; \$300k municipal funding each financial year over two years, \$800k LRCI3 part funding 2, and \$1.215m from Roadworks Reserve be NOTED.*
3. The proposal is to fund the replacement of Western Power's current fleet of streetlight luminaires totalling 3,625 (excluding the already converted LED streetlights of 265 totalling 3,980) with Smart Enabled LED luminaires.
4. The luminaire is the frame plus LED lighting equipment and the smart enabled device is the hardware on top of the framework with the smarts to connect to the network.
5. The cost is estimated to be \$2.615m based on a fixed price established by Western Power. This price includes luminaires, project management, design, traffic management, smart enabled devices, insurance.
6. The changeover to LED lighting will reduce the energy used and therefore will result in a reduction of costs. It is estimated that there is a payback period of just over nine years assuming no loan interest payments.

DISCUSSION

7. Western Power has identified that to enable the Smart *iTron* Streetlight System there is a significant upfront software development cost.
8. This was originally going to be incorporated into the future operational management costs however has now been considered as better value by the other parties to pay it upfront.
9. This cost will be proportionally spread between the five local governments with milestone payments as agreed in the document.
10. It is expected that future LGAs coming onto the scheme would contribute to the software development costs by a reimbursement plan to the initial 5 LGAs.
11. Should Council decide not to support the Officer Recommendation, the City would be a debtor to the other 4 Local Governments.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. Risk: Community perception that savings realised should be used for other purposes	Possible	Moderate	High	Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.
Opportunity: To contribute equitably with the rest of the consortia				

FINANCIAL IMPLICATIONS

18. A new project for LED Street Lighting ICT works with a budget of \$68,200 is required.
19. Mermaid Avenue Asphalt Overlay Job Number 3042 has been completed and has a surplus budget of \$64,700.
20. Imperial Road Sealing Job Number 3031 has been completed and has a surplus of \$4,200.
21. It is proposed to use the above surplus to fund these works.

LEGAL IMPLICATIONS

22. Nil.

ENVIRONMENTAL CONSIDERATIONS

23. Nil.

ALTERNATE OPTIONS

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

CONCLUSION

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

Consulted References	:	Adopted Budget 2022/2023 Local Government Act 1995
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Report Item DIS311 OCM 23/08/2022 Report Item DIS262 OCM 22/06/2021

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

There being no further business the Mayor declared the meeting closed at **7.20pm**.



Dennis W Wellington
MAYOR

TABLED ADDRESS BY MS GLORIA BARTOLI

My name is Gloria Bartoli and my address is 75a Sydney Street, Yakamia.

At the February council meeting, the Friends of Yakamia Forest Boodja requested that the City immediately starts the process of subdividing the administration centre and land south of Yakamia Creek from the rest of Lot 4743 to make it easier to rezone the forest and bushland when the time comes.

Council stated that rezoning the council admin building to a reserve was not an appropriate zoning.

The admin centre and land south of Yakamia Creek is currently zoned Future Urban Residential which is also not appropriate for a commercial use.

Our group does not want any impediment to rezoning Lot 4743 when the time comes, so we request that this subdivision is processed without delay.

If the City is currently working through the subdivisions for Range Road, it should be perfectly feasible to subdivide the council admin centre at the same time.

Please respond. Thank you.

TABLED ADDRESS BY ANNABEL PAULLEY

Annabel Paulley and I live in Parker Street, Lockyer.

Mayor and Councillors

The Friends of Yakamia Forest Boodja are disappointed that Council has not provided us with an answer to a question we asked at the February full council meeting.

Now that our group and other members of the wider community have been redirected to the North Albany District Structure Plan to facilitate the rezoning of Lot 4743 to a conservation reserve, we are extremely concerned that when we make our submissions to this structure plan, we risk being told that Lot 4743 cannot be rezoned to a reserve because it's still zoned Future Urban Residential in the Albany Local Planning Scheme No 1 and 2!

We would like a guarantee from Council that this will not be the case, and we ask you to provide clear details of how a rezoning of Lot 4743 to a reserve can be achieved in the North Albany District Structure Plan while the Albany Local Planning Scheme still has it zoned as Future Urban Residential?

On another matter, we would like to follow up on a comment made by Cr Grimmer at the February DIS Committee meeting when he said that he would like a plan to protect native vegetation across Albany.

The Friends of Yakamia Forest Boodja support this and would like to see a Native Vegetation Protection Plan created as soon as possible for all of Albany, both urban and rural areas.

Thank you.

**TABLED ADDRESS BY MS NORMA WELSH
ON BEHALF OF MS SONIA EMERY**

Mayor and Councillors

I'm Norma Welsh and I live in Beaufort Road, Yakamia.

I'm speaking on behalf of Sonia Emery who unable to attend.

In February, Sonia's original question was:

“In formulating the Local Planning Scheme No 2, and making decisions about developments in Albany, in what ways are the council guided by the issues of climate change, the loss of habitat and the consequent 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 Paul Camins provided the following response:

“Every 5 years or so, the City reviews its Local Planning Strategy. The Albany Local Planning Strategy 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 the Strategy, 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.”

Sonia has a follow up question:

It has been stated that ‘The recommendations/actions from Albany Local Planning Strategy, as well as additional recommendations from the State and locally adopted guiding documents, were incorporated into the creation of Local Planning Scheme 2.”

If this is the case, why are Yakamia Forest and some other areas of remnant vegetation still zoned as urban development and have not been rezoned as environment conservation in the LPS2, given that the Albany Local Planning Strategy states: ‘There is a presumption against clearing for development’ and it is known that retaining remnant vegetation helps to mitigate greenhouse emissions?

Thank you.

TABLED ADDRESS BY MS SANDRA SWAIN

My name is Sandra Swain and I live in Leslie Street, Yakamia.

At the last few council meetings we have focused on the LGS2 submissions and left aside several other concerns. Tonight we would like to deal with three of them. My concern is the surveying studies that need to be done on lot 4743.

At the February council meeting, councillors briefly mentioned ‘studies’ being undertaken on Lot 4743. We are keen to see this happen and want to know who is or will be undertaking these studies?

Will there be flora and fauna studies carried out over a 12-month period to capture all activities across the six Noongar seasons? We certainly hope so and since that means they will naturally take a year, we want to know if the surveys have started? If not, when will they begin?

We request full responses to these questions.

The Friends of Yakamia Forest Boodja also request that full details of any flora and fauna studies carried out on Lot 4743 be made available to our group and the Albany community in a timely manner.

Thank you.