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# AGENDA

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## Ordinary Meeting of Council

**Tuesday 17 November 2013**

6.00pm

City of Albany Council Chambers

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

### VISION

Western Australia's most sought after and unique regional city to live, work and visit.

### VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

#### **Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

#### **United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

#### **Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

#### **Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING  
AGENDA –17/12/2013  
\*\* REFER DISCLAIMER \*\*

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**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS:**

**II. OPENING PRAYER:**

*“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.”*

**PROCEDURAL MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**

**III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION:**

**MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**The Mayor’s Report be RECEIVED.**

**IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC: Nil.**

**V. PUBLIC QUESTION AND STATEMENT TIME:**

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

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**VI. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED):**

**Mayor** Mayor D Wellington

**Councillors:**

Breaksea Ward	R Hammond
Breaksea Ward	V Calleja JP
Frederickstown Ward	C Dowling
Frederickstown Ward	G Stocks
Kalgan Ward	Vacant
Kalgan Ward	J Price
Vancouver Ward	S Bowles
Vancouver Ward	N Williams
West Ward	G Gregson
West Ward	A Goode JP
Yakamia Ward	A Hortin JP
Yakamia Ward	R Sutton

**Staff:**

Chief Executive Officer	G Foster
Executive Director Corporate Services	G Adams
Executive Director Community Services	C Woods
Executive Director Planning and Development Services	D Putland
Executive Director Works and Services	M Thomson
Minutes	J Williamson

**Apologies:**

**VII. APPLICATIONS FOR LEAVE OF ABSENCE:**

ORDINARY COUNCIL MEETING

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\*\* REFER DISCLAIMER \*\*

**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:**

**OCM001**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 26 November 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**OCM001**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Special Council Meeting held on 27 November 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**IX. DECLARATIONS OF INTEREST:**

<b>Name</b>	<b>Committee/Report Item Number</b>	<b>Nature of Interest</b>
Councillor Bowles	CSF031	<b>Impartiality.</b> Councillor Bowles is the secretary of the Great Southern Factor Inc. Paperbark Merchants and H&H Architects have a sponsorship arrangement with Great Southern Factor Inc. Paperbark Merchants and H&H Architects are both companies on the list of payments authorised under delegated authority report for October 2013.
Councillor Stocks	CSF031	<b>Impartiality.</b> Councillor Stocks is a shareholder of a listed company on the list of payments authorised under delegated authority report for October 2013.

**X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS:**

**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS:**

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC:**

**CS006: COMMUNITY FUNDING AND EVENTS SPONSORSHIP 2014-2015 BUDGET ALLOCATION OPTIONS**

**Proponent** : City of Albany  
**Attachments** : Council Policy: Community Funding and Events Sponsorship  
**Responsible Officer(s):** : Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - **Key Theme: 1.** Smart, Prosperous and Growing, **Key Theme: 2.** Clean, Green & Sustainable and **Key Theme: 4.** A Sense of Community.
  - **Strategic Objectives:**
    - 1.3 To develop and promote Albany as a unique and sought after visitor destination.
    - 2.1. To protect and enhance our natural environment.
    - 4.1. To build resilient and cohesive communities with a strong sense of community spirit;
    - 4.2. To create interesting places, spaces and events that reflect our community's identity, diversity and heritage;
    - 4.3. To develop and support a healthy, inclusive and accessible community.
  - **Strategic Initiative:**
    - 1.3.1 Events Management.
    - 4.1.5. Community Funding.

**In Brief:**

- Outline the 2014-2015 budget allocation for Council Policy: Community Funding and Events Sponsorship.



**RECOMMENDATIONS**

**CS006: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ENDORSE the Officer recommendation for 2014-2015 total funding pool allocations for Council Policy: Community Funding and Sponsorship (as detailed at paragraph 28) and that the 2013-2014 funding assessment panel members review the program guidelines and assessment system prior to advertising next year’s funding.**

**BACKGROUND**

2. At its May 2013 Ordinary Council Meeting, Council adopted the Council Policy *Community Funding and Event Sponsorship* (the Policy).
3. The objective of the Policy is to provide an equitable and accessible framework for the provision of Community Funding and Event Sponsorship that aligns with Council’s strategic objectives.
4. The Policy has four programs as follows:
  - Community Leadership Grants;
  - Community Enterprise Grants;
  - Community Events Sponsorship; and
  - Regional Events Sponsorship.
5. A total budget of \$405,000 was allocated by Council to the Policy for three financial years: 2013-2014, 2014-2015 and 2015-2016. For the 2013-2014 program a budget of \$135,000 was allocated as outlined in Table 1 below:

<b>Table 1: 2013-2014 Budget Allocation to Council Policy Community Funding and Events Sponsorship</b>			
<b>Program</b>	<b>Year 1 Funding Pool</b>	<b>Timing</b>	<b>Focus</b>
<b><i>Community Enterprise Grants</i></b>	\$50,000	Annual	Equipment, Capacity, Programs
<b><i>Community Leadership Grants</i></b>	\$5,000	Year round until funds exhausted	Travel and resources
<b><i>Regional Event Sponsorship</i></b>	\$50,000	Annual with multi-year options	Demonstrated tourism or economic impact
<b><i>Community Event Sponsorship</i></b>	\$30,000	Annual	Community event focused
<b><i>Total</i></b>	<b><u>\$135,000</u></b>		

6. A summary of total funds disbursed in each program for 2013-2014 is outlined in Table 2 below:

<b>Table 2: 2013-2014 Budget Total Funds Disbursed</b>			
<b>Program</b>	<b>Year 1 Funding Pool Available</b>	<b>Total Funding Disbursed</b>	<b>Program Summary</b>
<b>Community Enterprise Grants</b>	\$50,000	\$15,130	11 Applications Received 8 Applications Supported
<b>Community Leadership Grants</b>	\$5,000	~\$5,000 In progress	12 Applications Received 11 Applications Supported (TBC)
<b>Regional Event Sponsorship</b>	\$50,000	\$60,000	12 Applications Received 7 Applications Supported (TBC) Oversubscribed due to shortfall in other programs
<b>Community Event Sponsorship</b>	\$30,000	\$24,620	10 Applications Received 8 Applications Supported
<b>Total</b>	<b><u>\$135,000</u></b>	<b><u>\$104,750</u></b>	
<b>Over/Under Funded</b>	- <b><u>\$30,250</u></b>		

7. A total of \$300,250 remains for the Policy over the financial years 2014-2015 and 2015-2016.
8. The Policy notes that unallocated funds are to be carried forward and that the total budget to be allocated each financial year is to be determined on an annual basis.

#### **DELEGATED AUTHORITY**

9. Delegated Authority for Community Enterprise Grants, Community Leadership Grants and Community Event Sponsorship is as per the Register of Delegations No. 69:

#### **Financial - Authority to Approve Grants, Donations, Sponsorship, Community Funding, and Waiver Fees and Charges**

**Function and Delegation** (Authority to exercise the following functions and sub delegate is):

#### **Authority to:**

- (1) Approve donations, grants, sponsorship, financial assistance and waive fees and charges, the Local Government Act 1995, Section 6.7(2) and Section 6.12(1)(2)&(3).
- (2) Waive fees for goods, services and charges.
- (3) Determine eligibility of charitable or benevolent community based organisations within the City of Albany to qualify for the Waste Services Subsidy.
- (4) Appoint persons to administer any or all of the above functions.

**Conditions and Exceptions:** Nil

*Note: A local government may approve grants, donations or sponsorship and waiver fees and charges.*

**Conditions:**

- (1) *This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.*
- (2) *Subject to:*
  - a. *Conditions contained in Council Policies;*
  - b. *Funding being allocated in the City's Annual Budget; and*
  - c. *Funding/Donations limited to \$10,000.*

**Delegate(s):** *Chief Executive Officer*

**Sub-Delegates (Authorised Officers):**

- *Executive Directors*

**Legislative Powers (Reference):**

- *Local Government Act 1995, s6.7(2), s6.12 (1)(2) & (3)*
- *Council Policy – Community Financial Assistance & Events Funding Program Policy*
- *Delegator: Council*

10. A delegation for the Regional Events Sponsorship Program does not exist and recommendations must be approved by full Council.

**DISCUSSION**

**2013-2014 Allocation**

*Community Leadership Grants*

11. Community Leadership Grants remain open until the pool of funding is exhausted. Applications are assessed and approved as they are received, and funds disbursed accordingly. To date 12 applications have been received, of which 11 will be recommended for approval.
12. Applications are assessed by relevant City officers, and approved by the Executive Director Community Services.

*Community Enterprise Grants*

13. Community Enterprise Grants were substantially undersubscribed in 2013-2014. This was due to several factors, in particular the short period of notification of the funding to the community, and the short timeframe for applications to be received.
14. The funding program received 11 applications, of which eight were approved for funding.
15. Applications were assessed by City officers, and approved by the Executive Director Community Services.

*Community Event Sponsorship*

16. Community Event Sponsorship was also undersubscribed in 2013-2014. This was largely due to the short notification period, and the short timeframe for applications to be received. In addition, the program received applications for multiple long-term annual community events.
17. The sponsorship program received ten applications, of which eight were approved for funding.
18. Applications were assessed by City officers and elected members, and approved by the Executive Director Community Services.

*Regional Event Sponsorship*

19. Regional Event Sponsorship provides for broader support of larger-scale tourism related event activity, and was oversubscribed in 2013-2014. Concern has been expressed that this funding program may not be leveraging its full economic benefits because of the amount of funding allocated to it.
20. Applications were assessed by the Economic Development Committee, and recommendations submitted to Council for approval.

**2014-2015 Proposed Allocation**

*Community Leadership Grants*

21. This funding program is working well, and the current administrative arrangements are appropriate for the nature of the applications, and the amount of funding per application. However, for 2014-2015 it is recommended the funding pool and individual amounts that may be applied for be increased to accommodate applications that were ineligible in other funding categories in 2013-2014. This would cater for funding requests that exhibit robust community benefits but do not meet any of the existing programs' guidelines - such as recurrent community events.
22. It is recommended that \$12,500 is allocated to Community Leadership Grants in 2014-2015. It is further recommended that applications for recurrent activity be eligible and guidelines be revised to support larger applications up to \$2,000.

*Community Enterprise Grants and Community Event Sponsorship*

23. Given these funding programs were undersubscribed it is recommended that their funding allocation be reduced in 2014-2015, to gauge community demand. In addition, it is recommended that applicants be given a longer timeframe to apply, and greater effort be given to raising community awareness of the funding program.
24. It is proposed to further enhance the transparency and accountability of the assessment process for these funding programs, that the assessment be undertaken by a panel of elected members.
25. To support community groups deliver Anzac Centenary Commemorative Events the Community Event Sponsorship program would be open to Anzac Centenary Commemorative Event applications endorsed by the Great Southern Anzac Centenary Events Committee (GSACEC). Opportunities to leverage additional funding to support Anzac Centenary Events will also be pursued.

26. It is recommended that \$30,000 is allocated to Community Enterprise Funding and \$30,000 to Community Event Sponsorship in 2014-2015.

*Regional Event Sponsorship*

27. Given the demand for this sponsorship program, and to maximise the benefits of the program, it is recommended that allocation is increased to \$75,000 in 2014-15. It is further recommended that the assessment arrangements remain unchanged.

*2014-2015 Proposed Allocation – Summary*

28. A summary of the proposed total funds for disbursement in each program for 2014-2015 is outlined in Table 3 below.

<b>Table 3: 2014-2015 Proposed Budget Allocation to Council Policy Community Funding and Events Sponsorship</b>			
<b>Program</b>	<b>Year 2 Funding Pool</b>	<b>Timing</b>	<b>Focus</b>
<i>Community Enterprise Grants</i>	\$30,000	Annual	Equipment, Capacity, Programs
<i>Community Leadership Grants</i>	\$12,500	Year round until funds exhausted	Travel, resources and recurrent community projects
<i>Regional Event Sponsorship</i>	\$75,000	Annual with multi-year options	Demonstrated tourism or economic impact
<i>Community Event Sponsorship</i>	\$30,000	Annual	Community event focused including Anzac Centenary Commemorative Events endorsed by the GSACEC.
<b>Total</b>	<b><u>\$147,500</u></b>		

**GOVERNMENT & PUBLIC CONSULTATION**

29. No public or government consultation relates to this report. Public consultation was facilitated by the funding submission process.

**STATUTORY IMPLICATIONS**

30. Nil.

**POLICY IMPLICATIONS**

31. *Council Policy: Community Funding and Event Sponsorship (2013)* applies, in particular the clauses relating to Budget Allocation and Timeframe.

**RISK IDENTIFICATION & MITIGATION**

32. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Negative feedback from the community as to funding Pool allocations</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<p><i>The process for determining funding pool allocations for 2014-2015 has been undertaken over a number of years and considered substantial feedback from previous applicants.</i></p> <p><i>Feedback will be collated from community groups or members with negative feedback and this will be taken in to account when determining the 2015-2016 allocation.</i></p>

**FINANCIAL IMPLICATIONS**

33. Council has endorsed the *Council Policy: Community Funding and Event Sponsorship (2013)* which includes an allocation of \$405,000 for 2013-2014, 2014-2015 and 2015-2016.
34. The Policy specifies that unspent funding allocations shall be carried forward with the total budget to be allocated on an annual basis.
35. Implementing the recommendations of this report commit Council to allocating \$147,500 to the specified programs for 2014-2015 and if full funding is disbursed \$152,750 will be allocated to 2015-2016.
36. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Services Directorate, within existing allocated budgets.

**LEGAL IMPLICATIONS**

37. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

38. Nil.

**ALTERNATE OPTIONS**

39. Council could make alternative recommendations for funding allocations to each program.

**SUMMARY CONCLUSION**

40. The Council Policy Community Funding and Event Sponsorship (2013), inclusive of, guidelines, application, assessment and acquittal represents a greater level of transparency and accountability for Council.
41. The increase to funding for Community Leadership Grants will enable recurrent community events and community initiatives to be supported that deliver robust community outcomes, but are ineligible under other programs.

42. It is considered that undersubscription to Community Enterprise Grants and Community Events Grants is due to the short period of notification of the funding to the community, and the short timeframe for applications to be received. These issues will be resolved for the 2014-2015 program with longer leads times for communication and delivery.
43. Oversubscription to the Regional Events Sponsorship program will be resolved in 2014-2015 through an increase in funding from \$50,000 to \$75,000.
44. It is recommended that the Council endorse funding allocations as recommended and outlined in paragraph 28.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Community Funding and Event Sponsorship Program (2013). Synergy Ref: NP098841_4.</li> <li>• Delegated Authority Register: No. 69. Financial – Authority to approve grants, donations, sponsorship, community funding and waiver fees and charges.</li> </ul>
<b>File Number (Name of Ward)</b>	:	FM.SPO.4 (All Wards)
<b>Previous Reference</b>	:	OCM 21/08/2012 Item 3.1: 2012-13 Community Funding Recommendation Endorsement

**CSF044: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2013**

**File Number (Name of Ward)** : FM.FIR.2 - All Wards  
**Appendices** : List of Accounts for Payment  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**CSF044: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2013 totalling \$6,388,606.61.**

**BACKGROUND**

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2013. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

**Municipal Fund**

Trust	\$0.00
Credit Cards	\$11,962.23
Payroll	\$1,561,670.06
Cheques	\$80,127.63
Electronic Funds Transfer	\$4,734,846.69
<b>TOTAL</b>	<b><u>\$6,388,606.61</u></b>

3. As at 15 November 2013, the total outstanding creditors, stands at **\$691,010.38** and made up follows:

Current	\$484,311.08
30 Days	\$207,465.58
60 Days	\$803.66
90 Days	-\$1,569.94
<b>TOTAL</b>	<b>\$691,010.38</b>

4. **Cancelled cheques: - Cheque 29384 and 29419 – paid by eft.**



**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 15 November 2013 has been incurred in accordance with the 2013/2014 budget parameters.

**POLICY IMPLICATIONS**

9. The City's 2013/2014 Annual Budget provides a set of parameters that guides the City's financial practices.

**SUMMARY CONCLUSION**

10. That list of accounts have been authorised for payment under delegated authority.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF045: FINANCIAL ACTIVITY STATEMENT – 31 OCTOBER 2013**

**Appendices** : Financial Activity Statement  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF045: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October 2013.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 October 2013 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Expenditure for the period ending 31 October 2013 has been incurred in accordance with the 2013/14 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

**POLICY IMPLICATIONS**

- 7. The City's 2013/14 Annual Budget provides a set of parameters that guides the City's financial practices.
- 8. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF046: FINANCIAL ACTIVITY STATEMENT – 30 NOVEMBER 2013**

**Appendices** : Financial Activity Statement  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF046: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 30 November 2013.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 November 2013 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Expenditure for the period ending 30 November 2013 has been incurred in accordance with the 2013/14 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

**POLICY IMPLICATIONS**

- 7. The City’s 2013/14 Annual Budget provides a set of parameters that guides the City’s financial practices.
- 8. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF047: DELEGATED AUTHORITY REPORTS**

**Responsible Officer** : Chief Executive Officer (G Foster)  
**Attachments** : Common Seal and Executed Document Report

<b>Responsible Officers Signature:</b>	
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**RECOMMENDATION**

**CSF047: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 November 2013:**

**CSF048: CONTRACT C13024 – TENDER FOR BAGGAGE HANDLING SYSTEM for STAGE 2 ALBANY AIRPORT TERMINAL SECURITY UPGRADE**

**Land Description** : Albany Airport  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Business Entity Name** : NA  
**Appendices** : NA  
**Responsible Officer(s):** : Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):

**Key Theme:**

1. Smart, Prosperous and Growing
2. Clean, Green and Sustainable
5. Civic Leadership

- a. **Strategic Objective:** 1.3 To develop and promote Albany as a unique and sought-after visitor destination.
- b. **Strategic Initiative:** 1.3.2\_Tourism Destination, Upgrade the airport to jet compliance and security level 3 standard prior to October 2014.

**In Brief:**

- The tender for baggage handling system for the Stage 2 Albany Airport is for the delivery of the Arrival Carousel, Check In and Baggage Sorting. Request for tender C13024.
- A decision is required in order to award the baggage handling system contract and commence works, achieving a completion end of July 2014.

**RECOMMENDATION**

**CSF048: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ACCEPT the Tender from ANSIR Systems and AWARD contract C13024 for the Stage 2 Albany Airport Terminal Security Upgrade, Baggage Handling System.**

## BACKGROUND

2. The City of Albany has completed Terminal Expansion (Stand-Alone building structure, Stage 1) in 2012 in order to meet new Federal Government security regulations.
3. Subsequently The City of Albany has secured funds from Regional Airports Development Scheme to undertake Terminal Security Upgrade (Stage 2) including checked baggage, baggage claim and security screening upgrade that will enable Albany Airport to transition to a Category 3 screened airport in line with Office of Transport Security (OTS) and Civil Aviation Safety Authority (CASA) requirements no later than June 2014.

## DISCUSSION

4. The City of Albany advertised locally and at a state level seeking tenders for the Baggage Handling Systems for the Stage 2 Albany Airport Terminal Security Upgrade. West Australian newspaper 16.10.13 and Albany Weekender 17.10.13, closing date 2pm Thursday 7.11.14.
5. A total of 10 sets of documents were downloaded from the City of Albany tender website.
6. Two completed tender documents were submitted to the Procurement and Contracts Office on/before the stipulated closing date and time. Tenders were subsequently opened, the name of the tenderer/s were recorded in the tender register and logged into Records.
7. Evaluation of Tenders.

The tender panel evaluated tenders using the weighted (out of 10) criteria methodology. Criteria and weighting were evaluated in four key areas;

Criteria	% Weighting
Technical Compliance	5%
Relevant Experience	20%
Reliability	20%
Demonstrated Understanding	10%
Safety and Quality Management and other considerations	5%
Cost	40%
<b>Total</b>	<b>100%</b>

8. Technical Compliance
  - Personnel technical skills as evidenced by CV's of key site personnel.
  - Provide evidence of technical backup and support staff, with State based and regional support
  - Provide evidence of training requirements for staff.



9. Relevant Experience

- Provide details of similar work
- Provide evidence of staff on site working on the project who have similar or relevant experience.
- Provide scope of the Tenderer's involvement including details of outcomes
- Demonstrate competency and proven track record of achieving outcomes of time, cost and quality.

10. Reliability

- Demonstrated abilities to deliver work on time.
- Flexibility of the contractor to align with minor deviation from original Schedule of works.
- Ability to deliver effective maintenance and support programs
- Timeliness responses to maintenance and support issues.
- Reliability of the product, suppliers, installation, service and warranties
- Provide evidence of any abilities to deliver under budget.
- Reference checking responses.

11. Demonstrated Understanding

- A demonstrated understanding of the scope of work, time, budget and value for money considerations.

12. Safety and Quality Management and other considerations

- Provide proof of a OH&S policy or plan suitable to the work environment
- Demonstrated evidence of Quality Standards of product and services.

13. On the basis of the total evaluation score, the highest weighting being applied to cost, technical compliance, relevant experience, reliability, demonstrated understanding and safety & quality management the most suitable company is considered to be ANSIR Systems.

<b>Tenderer</b>	<b>Total</b>
ANSIR Systems	604.54
BCS Airport Systems	455.36

14. The tender submitted by ANSIR Systems addressed all areas satisfactorily, there were no deficiencies. The tender met all criteria and was deemed to be a conforming tender.

## GOVERNMENT & PUBLIC CONSULTATION

15. There is no government or public consultation required for the appointment of the Baggage Handling System Contractor for the Stage 2 Albany Airport Terminal Security Upgrade.
16. The funding sponsor will be contacted in relation to the arrangement of allocated costs to each component of work once finalised.

## STATUTORY IMPLICATIONS

17. Local Government Act 1995, in accordance with Division 2 – Section 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.
18. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

## POLICY IMPLICATIONS

19. Council Policy – Purchasing Policy (Tenders and Quotes) as it relates to Tenders and a Major Purchase.

## RISK IDENTIFICATION & MITIGATION

20. The risk identification in the City's Risk Management Framework, as it relates specifically to the awarding of the tender for Baggage Handling System for of the Stage 2 Albany Airport Terminal Security Upgrade.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council rejects/fails to support recommendation for tender award</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Detailed Council agenda item</i>
<i>Tender responses higher than available budget</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Peer review of documentation before negotiation with preferred tenderer. Undertake value management</i>
<i>Delayed procurement of baggage handling system and long lead time items and manufacturing times</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>Award tender without delay to provide successful tenderer with the best opportunity to mitigate this risk</i>
<i>Delays in construction put project behind schedule</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Ensure baggage handling and construction contractor requirements are adhered to and understood roles and responsibilities</i>

## FINANCIAL IMPLICATIONS

21. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
22. The tender was checked for arithmetical errors, and corrections were made as appropriate. A summary of the tenderer/s financial offer as submitted and corrected.
23. ANSIR Systems has the highest tender score and meets the total project budget.

**LEGAL IMPLICATIONS**

24. Contractual terms for all aspects of this project will need to be rigorous.

**ALTERNATE OPTIONS**

25. The options are:

- Council can elect to approve the recommended tender
- Not approve any tender, or
- Appoint a different submitted tender.

**SUMMARY CONCLUSION**

26. On reviewing the submissions, ANSIR Systems was assessed as being the most suitable tenderer across the evaluation criteria for the Baggage Handling System for the Stage 2 Albany Airport Terminal Security Upgrade. Their tender was well detailed and demonstrated a good understanding of the tender objectives.

27. ANSIR Systems be awarded the Baggage Handling System for the Stage 2 Albany Airport Terminal Security Upgrade contract.

<b>Consulted References</b>	:	Purchasing Policy CM.STD.7/NP072938_5
<b>File Number (Name of Ward)</b>	:	CP.DEC.7 Synergy File Number
<b>Previous Reference</b>	:	Not Applicable

**WS022: CONTRACT C13022 – FRENCHMAN BAY ROAD  
(SLK 3.38 – 3.58) / PRINCESS AVENUE (SLK 0.02 – 0.65)  
UPGRADE VERSION TWO**

**Land Description** : Frenchman Bay Road (SLK 3.38 – 3.58)  
Princess Avenue (SLK 0.02 – 0.65)  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Business Entity Name** : N/A  
**Attachments** : Location Plan  
**Responsible Officer(s)** : Executive Director Works & Services (M Thomson)

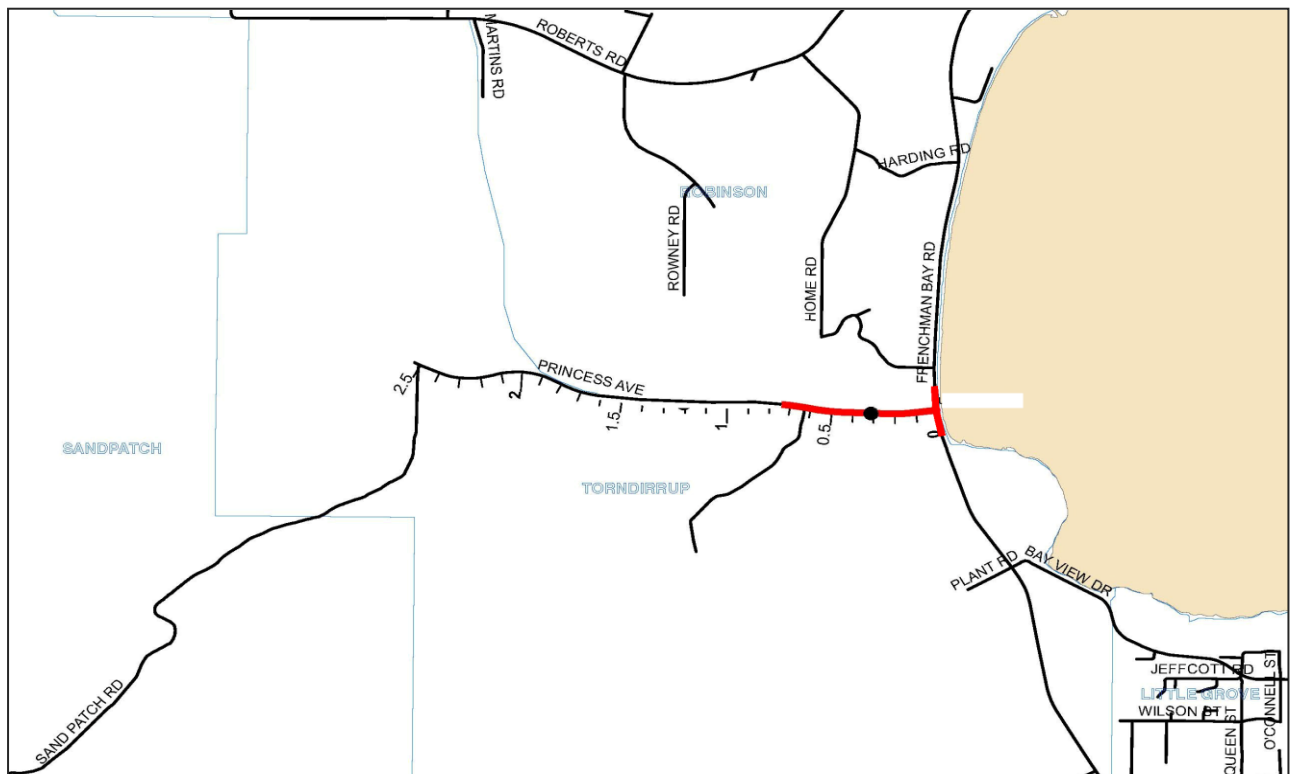
**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean Green & Sustainable.
  - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset management.

**Maps and Diagrams:**



 extent of Proposed Works

**In Brief:**

- Tender award for:
  - Separable Portion 1 - widening and reconstruction of 650m of Princess Avenue, from Frenchman Bay Road to just west of Scrub Bird Road.
  - Separable Portion 2 - installation of a right turn pocket on Frenchman Bay Road at the intersection with Princess Avenue.
- Two compliant tenders were received with Palmer Earthmoving being the recommended contractor.
- Construction is scheduled to commence 13 January 2014 with completion by 18 April 2014.

**RECOMMENDATION**

**WS022: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. Seek **APPROVAL** from the Great Southern Regional Road Group to defer the widening and reconstruction of 650m of Princess Avenue until the 2014-15 financial year.
2. **AWARD** Contract C13022 Frenchman Bay Road (SLK 3.38-3.58) for **Separable Portion 2** only to Palmer Earthmoving.

**WS022: AMENDED RESPONSIBLE OFFICER RECOMMENDATION**

**MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR GREGSON**

**THAT Council:**

1. Seek **APPROVAL** from the Great Southern Regional Road Group to defer the widening and reconstruction of 650m of Princess Avenue until the 2014-15 financial year.
2. **AWARD** Contract C13022 Frenchman Bay Road (SLK 3.38-3.58) for **Separable Portion 2** only to Palmer Earthmoving.

**CARRIED 5-0**

**Officers Reason:**

The preferred tenderer's price was in excess of the allocated budget. Preliminary discussions with the preferred tenderer have revealed that it is not likely that significant price reductions will be possible from combining the two separable portions.

The City of Albany is likely to attract funding for the next stage of the reconstruction and widening of Princess Avenue in the 2014/15 financial year (**separable portion 1**). To achieve an improved economy of scale, it is considered prudent to defer the scheduled 2013/14 works to be combined with planned 2014/15 works to deliver two stages in one year. As this project is funded in part by the Great Southern Regional Road Group – approval must be sought.

The Frenchman Bay/Princess Avenue project (**separable portion 2**) can be delivered in the 2013/14 financial year as scheduled, however there is likely to be a budget overrun. The City's contribution to the Princess Avenue project (1/3 of the total budget allocation) can be transferred to the Frenchman Bay/Princess Avenue project (addressed in the next budget review) and cover any over expense without any overall budget impact.

**WS022: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT:

1. Council GRANT the CEO delegated authority to negotiate with Palmer Earthmoving with a view to AWARDING contract C13022 Frenchman Bay Road (SLK 3.38 – 3.58)/Princess Avenue (SLK 0.02 – 0.65) Upgrade; and
1. THAT Council AUTHORISE an over budget expenditure of up to 10% of the combined allocated budget, and those variances be adjusted in the next budget review.

**BACKGROUND**

2. Separable Portion 1 (widening & reconstruction of Princess Avenue). The first section of Princess Avenue requires reconstruction and upgrading to provide a 7.2m wide seal. Work will also include drainage improvements to extend the life of the pavement.
3. Separable Portion 2 (installation of a right turn pocket on Frenchman Bay Road at the intersection with Princess Avenue). The lack of a turning pocket and narrow shoulder have resulted in rear-end crashes. Also the sub-standard intersection layout does not allow for large vehicle turning movements.
4. Design and specification documentation was prepared by external consultants to the stage of "Issue for Tender". The tender was advertised from 23 October 2013 to 13 November 2013.
5. The City of Albany will act in the role of Principal with an external consulting Engineer being employed in the role of Superintendent for the project.

**DISCUSSION**

6. A total of 23 tender documents were issued by the City of Albany
7. Two completed tender documents were submitted on or before the stipulated closing date and time.
8. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	20%
Relevant Experience	20%
Key Personnel & Experience	20%
Tenderer's Resources	20%
Demonstrated Understanding	20%
<b>Total</b>	<b>100%</b>

9. The following table summarises the tenders and overall evaluation scores applicable to each submission:

Tenderer	Total Evaluation Score
Palmer Earthmoving	528.11
Great Southern Sands	391.89

10. Both tenders submitted were in excess of the allocated budget.

#### GOVERNMENT & PUBLIC CONSULTATION

11. All relevant Government departments including Department of Environment, Department of Water, Department of Indigenous Affairs and SWALSC have been consulted on the project.
12. A request for tenders was published in the West Australian on 23 October 2013 and the Albany Weekender on 24 October 2013.

#### STATUTORY IMPLICATIONS

13. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.
14. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
15. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
16. In accordance with the provisions of the Local Government Act 1995, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.

#### POLICY IMPLICATIONS

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

#### RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>A vehicle accident occurs due to an unsafe environment for road users</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>Ensure upgrade of road is undertaken this financial year</i>
<i>Non compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services.</i>

### **FINANCIAL IMPLICATIONS**

19. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
20. Both portions of the project are funded externally and have separate budget lines. As follows:
  - o Separable Portion 1 (widening & reconstruction of Princess Avenue) of this project has been received from Regional Road Group. Funds have also been allocated in the 2013-2014 budget.
  - o Separable Portion 2 (installation of a right turn pocket on Frenchman Bay Road at the intersection with Princess Avenue) of this project has been received from State Black Spot program. Funds have also been allocated in the 2013-2014 budget.
21. The tender submissions from both Contractors are over the allocated budget considerably.
22. A possible reason for the prices being inordinately high is due to the tender having separable portions where the contracts can be easily combined and thus produce an economy of scale.
23. It is proposed to negotiate with the highest ranking tender with a view to combining the two portions of work and reduce the overall costs.
24. The City has some flexibility with its budget, as there are a number of projects expected to be delivered under budget, therefore variances can be managed within the budget review process.
25. Following negotiations with the preferred Contractor, if the combine project cost is over 10% of the combined allocated budget, then the project will need to be reviewed.

### **LEGAL IMPLICATIONS**

26. There are no legal implications associated with this item.

### **ENVIRONMENTAL CONSIDERATIONS**

27. Some clearing of native vegetation will take place to accommodate the proposed road widening and associated roadside open drainage.
28. An Environmental Impact Assessment has been undertaken by a City of Albany Reserves Officer. No declared rare fauna were identified within the area of the proposed works.
29. An application to clear native vegetation has been lodged with the Department of Environment Regulation (formely Department of Environment and Conservation).
30. Replanting of native vegetation will take place along Frenchman Bay Road to offset that cleared by the proposed works.
31. A dredging permit has been obtained from Department of Water to allow the installation of a rock revetment wall in Princess Royal Harbour along Frenchman Bay Road.

### **ALTERNATE OPTIONS**

32. Council can accept or reject tenders as submitted.



**SUMMARY CONCLUSION**

- 33. On reviewing the submissions, the evaluation team assessed Palmer Earthmoving as being the most suitable tenderer across the evaluation criteria in terms of relative cost, demonstrated understanding, key personnel (skills & experience) and relevant experience. Palmer Earthmoving are recommended to be awarded the Frenchman Bay Road / Princess Avenue contract.
- 34. Given the submitted prices are considerably over budget, the recommendation allows the CEO to negotiate the price in order to reduce the impact on the budget while ensuring the projects are delivered.
- 35. If negotiations do not yield savings to within a reasonable range of the allocated budget, then the projects will be reviewed.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C13022 (Vancouver Ward)
<b>Previous Reference</b>	:	Not applicable

**WS023: CITY OF ALBANY POLICY – STREET TREE MANAGEMENT**

**Land Description** : City of Albany Local Government Area  
**Proponent** : City of Albany  
**Owner** : Crown land managed by the City of Albany and freehold land owned by the City of Albany  
**Attachments** : City of Albany Policy – Street Tree Management  
**Appendices** : City of Albany Street Tree Guideline  
**Responsible Officer(s):** : Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean, Green and Sustainable.
  - b. **Strategic Objective:** 2.1. To protect and enhance our natural environment.
  - c. **Strategic Initiative:** 2.2. To maintain and renew city assets in a sustainable manner

**In Brief:**

- The existing Street Tree Guideline 2013 is now required to become a Council policy.
- A City of Albany Policy – Street Tree Management has been prepared as a result.

**RECOMMENDATION**

**WS023: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ADOPT City of Albany Policy-Street Tree Management.**

WS023: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR GREGSON

THAT Council ADOPT City of Albany Policy – Street Tree Management

CARRIED 5-0

**WS023: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ADOPT City of Albany Policy-Street Tree Management.

**BACKGROUND**

2. Council regularly receives requests for pruning or removal of street trees for a number of different reasons. To assist with the decision making process on how to manage these requests a guideline on Street Tree Management (provided in Appendices) was developed in October 2013.

**DISCUSSION**

3. Staff are having ongoing issues with street tree maintenance requests from the community and it is considered appropriate to provide some guidance and clarity to this issue.
4. The City's Corporate Business Plan identifies a focus on the need to reduce the City's carbon footprint. As a part of this objective, street trees play an integral role in the aesthetic and environmental aspects of streetscapes within the City.
5. The adoption of a Policy and the associated Guidelines enables the City to support this objective in an accountable and transparent manner.

**GOVERNMENT & PUBLIC CONSULTATION**

6. Relevant Government Department websites and documents were utilised to write this Policy.
7. Internal City department consultation was undertaken as a part of this Policy development.
8. Public consultation was not undertaken as part of this Policy development and is not considered a required given the nature of the policy.

**STATUTORY IMPLICATIONS**

9. This Policy and associated Guidelines aim to ensure compliance with the codes and standards listed below:
  - Code of Practice for Personnel Electrical Safety for Vegetation Control Work Near Live Power Lines, January 2013
  - Australian Standard 4373-2007 'Pruning of Amenity Trees'

**POLICY IMPLICATIONS**

10. This item involves the adoption of City of Albany Policy– Street Tree Management

**RISK IDENTIFICATION & MITIGATION**

11. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>City of Albany Policy – Street Tree Management. Assessment not adopted. Street Trees will be maintained not in accordance to the guideline and relevant codes and standards.</i>	<i>Almost certain</i>	<i>Moderate</i>	<i>Medium.</i>	<i>Apply the guidelines consistently.</i>

**FINANCIAL IMPLICATIONS**

12. No financial implications for Council.

**LEGAL IMPLICATIONS**

13. There are no legal implications relating to this matter.

**ENVIRONMENTAL CONSIDERATIONS**

14. This Policy and associated procedure aim to minimise the environmental impacts that could be caused by inappropriate maintenance of street trees, and ensure good practice in line with relevant codes and standards.

**ALTERNATE OPTIONS**

15. The Council may elect not to support the adoption of the policy and associated guideline and continue to manage street trees maintenance on an individual basis rather than following a standard approach.

**SUMMARY CONCLUSION**

16. This Policy and associated Guideline provide advice and guidance for the management of street trees on Council owned/managed land in accordance with current best practice standards.

<b>Consulted References</b>	:	Refer to Bibliography in Council Procedure – Street Tree Guideline
<b>File Number (Name of Ward)</b>	:	CM.STD.7 (All wards)
<b>Previous Reference</b>	:	None

**WS024: APPROVAL FOR DELEGATED AUTHORITY TO AWARD  
VARIOUS TENDERS**

**Land Description** : Various City of Albany sites  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Responsible Officer(s):** : Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean Green & Sustainable.
  - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset management.

**In Brief:**

- Delegated authority is required for the CEO to award tenders for particular projects over \$250,000.
- Given there is no Ordinary Council Meeting scheduled in January 2014, project schedules are likely to be impacted as tenders would not be able to be awarded until late February 2014.
- Projects have timeframes that are related to tight funding and construction deadlines.

**RECOMMENDATION**

**WS024: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council GRANT the CEO and Mayor delegated authority to award the following tenders, subject to them having less than 10% variance over the allocated budget, and for any over budget variance to be dealt with at the next budget review:**

1. **Contract C13026 - North Road Drainage Upgrade;**
2. **Contract for Westrail Barracks Upgrade Stage 1;**
3. **Contract for Golf Links Road/Emu Point Drive Path;**
4. **Contract for Centennial Park Central Precinct Multi Use Playing Field Lighting;**
5. **Contract for Centennial Park-Railways Football Club Lighting;**
6. **Contract for Centennial Park Central Precinct Multi Purpose Playing Field, Earthworks and Drainage.**

WS024: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING  
SECONDED: COUNCILLOR GREGSON

THAT Council GRANT the CEO and Mayor delegated authority to award the following tenders, subject to them having less than 10% variance over the allocated budget, and for any over budget variance to be dealt with at the next budget review.

1. Contract C13026-North Road Drainage Upgrade.
2. Contract for Westrail Barracks Upgrade Stage 1.
3. Contract for Golf Links Road/Emu Point Drive Path.
4. Contract for Centennial Park Central Precinct Multi Use Playing Field Lighting.
5. Contract for Centennial Park-Railways Football Club Lighting.
6. Contract for Centennial Park Central Precinct Multi Purpose Playing Field Earthworks and Drainage.

CARRIED 5-0

WS024: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council GRANT the CEO and Mayor delegated authority to award the following tenders, subject to them having less than 10% variance over the allocated budget, and for any over budget variance to be dealt with at the next budget review.

1. Contract C13026-North Road Drainage Upgrade.
2. Contract for Westrail Barracks Upgrade Stage 1.
3. Contract for Golf Links Road/Emu Point Drive Path.
4. Contract for Centennial Park Central Precinct Multi Use Playing Field Lighting.
5. Contract for Centennial Park-Railways Football Club Lighting.
6. Contract for Centennial Park Central Precinct Multi Purpose Playing Field Earthworks and Drainage.

2. The City has a range of projects in its approved 2013/14 budget that are to be tendered out, and are also tied to various funding agreements with execution timetables related to funding conditions.
3. The projects in question are -
  - North Road Drainage Upgrade project - involves the removal of older stormwater pipe infrastructure within the North Road alignment and installation of new, larger capacity pipes, pits and grates. Budget \$580,000. Funding - Country Local Government Fund
  - Westrail Barracks Upgrade Stage 1 - works to remove the verandas that were introduced in the 1940's, to reveal the original facades and showcase the original architecture of the building. Budget \$329,000. Funding - Lotterywest
  - Golf Links Road/Emu Point Drive Path - widen road formation and provide sealed designated cycle lane both sides. Budget \$450,000. Funding – Regional Bicycle Network

- Centennial Park Central Precinct Multi Use Playing Field Lighting, electrical design, supply and installation of sports field lighting. Combined budget see below.
  - Centennial Park-Railways Football Club Lighting - electrical design, supply and installation of sports field lighting engage. See below for budget amounts.
  - Contract for Centennial Park Central Precinct Multi Purpose Playing Field, earthworks and drainage. Earthworks and drainage multi purposed sports field. Combined funding \$1,685,600. Funding – Department of Sport and Recreation, Country Local Government Fund (subject to Ministerial Approval).

## **DISCUSSION**

4. The Council meeting timetable over the Christmas period does not allow sufficient turnaround time to progress the tender administrative processes. As there is no January Council meeting, any approvals for works are delayed for a period of up to two and half months.
5. The summer months are an important work period for many Capital Works projects, as the fine weather ensures optimum construction conditions. Also, the Centennial Park Multi Surface and Railways Lighting projects have sporting demands throughout the year, and the Christmas – New Year period has been identified as the best time to complete these works programs.
6. To ensure works can be completed through this period and comply with designated funding deadlines, Council approval is sought for the CEO to assess and award tenders for these projects.
7. Specific delegated authority approval is sought to allow the CEO to negotiate the conditions of each contract for the nominated projects, as his current threshold amount for tenders is limited to \$250,000.
8. The standard tender process would be applied by the CEO to ensure the necessary accountability and transparency when considering submissions. The tenders are evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender.

## **GOVERNMENT & PUBLIC CONSULTATION**

9. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the projects.
10. Requests for tenders will be published in the West Australian and the Great Southern Weekender for each project to ensure compliance with the tender regulations.
11. The Westrail Barracks Upgrade Stage 1, Centennial Park Multi Use Playing Field and Centennial Park-Railways Football Club Lighting projects have been referred to the South West Aboriginal Land and Sea Council for consideration.

## **STATUTORY IMPLICATIONS**

12. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$100,000.

13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
15. In accordance with the provisions of the Local Government Act 1995, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

17. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Failure to deliver project within specified timeframe.</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Post tender evaluation, assess capacity to deliver against other concurrent projects for the City of Albany.</i>
<i>Non compliance with funding contract</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>

**FINANCIAL IMPLICATIONS**

18. The value of each of these tenders is expected to be in excess of \$250,000 and therefore approval is required to be referred to Council for consideration. Delegated authority is sought for the CEO to approve the tenders, to ensure the projects are completed on time and in accordance with the funding agreements.

**LEGAL IMPLICATIONS**

19. There are no legal implications associated with this item.

**ENVIRONMENTAL CONSIDERATIONS**

20. Some clearing of native vegetation will take place to accommodate the proposed road widening and associated roadside open drainage.
21. An Environmental Impact Assessment has been undertaken by a City of Albany Reserves Officer. No declared rare fauna were identified within the area of the proposed works.
22. An application to clear native vegetation has been lodged with the Department of Environment Regulation (formerly Department of Environment and Conservation).



**ALTERNATE OPTIONS**

23. Council can decline the request to grant the delegated authority to enable the tenders submissions to be assessed by the CEO, and completion of the projects will be delayed.

**SUMMARY CONCLUSION**

24. Using the delegated authority granted by the Council, the CEO would review any submissions, to determine the most suitable tenderer across the evaluation criteria in terms of cost, demonstrated understanding, key personnel (skills & experience) and relevant experience, and award the project tender accordingly.
25. This course of action will ensure the continuity of each project and that they can be completed on time and in accordance with the appropriate funding agreements.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C13026, GS.APC.61, RD.DEC.36, RD.DEC.37, PR.TEN.9, PS.CLM.40
<b>Previous Reference</b>	:	Not applicable

**WS025: FINANCIAL EXPENDITURE AND WORKS PROGRESS REPORTING**

**Proponent** : City of Albany  
**Attachments** : Works and Services Capital Works Progress Report  
**Responsible Officer(s)** : Executive Director Works & Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean, Green and Sustainable.
  - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.2. Project Reporting.

**In Brief:**

- Improved Capital Works Project reporting is a strategic initiative committed to by the Works and Services directorate.
- The report as at November 30, 2013 is attached.

**RECOMMENDATION**

**WS025: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Works and Services Capital Works Progress Report.**

WS025: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR DOWLING

THAT Council NOTE the Works and Services Capital Works Progress Report.

CARRIED 5-0

WS025: RESPONSIBLE OFFICER RECOMMENDATION

That Council NOTE the Works and Services capital works progress report.

**BACKGROUND**

- The attached report, combining the reporting of both actual expenditure and actual progress of work against planned in the same cost-time relationship chart is prepared monthly to update elected members.

**DISCUSSION**

- The report draws information from the annual budget, the Works & Services Infrastructure works schedule and monthly financial reports utilising actual data.

**GOVERNMENT & PUBLIC CONSULTATION**

- Not required – internal reporting requirement only.

**STATUTORY IMPLICATIONS**

- Not applicable

**POLICY IMPLICATIONS**

- Improved project reporting underpins good asset management practices.

**RISK IDENTIFICATION & MITIGATION**

- The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Project cost overruns</i>	<i>Possible</i>	<i>Significant</i>	<i>Medium</i>	<i>Reporting will identify trends toward budget overruns allowing for intervention in advance.</i>
<i>Project time overruns</i>	<i>Possible</i>	<i>Significant</i>	<i>Medium</i>	<i>Reporting will identify overall schedule performance and trends allowing for early interventions and implementation corrective strategies.</i>
<i>Misunderstanding/misinterpretation of reporting documents.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Officer available to explain reports and how to interpret.</i>
<i>Lack of action following reported expenditure and/or progress.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>High</i>	<i>Ensure that cost and programme variations are investigated and resolved in a timely manner.</i>

**FINANCIAL IMPLICATIONS**

- The reporting will highlight budget variances early on resulting in issues being dealt with in a timely manner.

**LEGAL IMPLICATIONS**

- Not applicable

**ENVIRONMENTAL CONSIDERATIONS**

- Not applicable

**ALTERNATE OPTIONS**

11. Not applicable.

**SUMMARY CONCLUSION**

12. The attached Earned Value reporting documentation reflects the variances of cost and time most effectively and will ensure that Council is apprised of the progress of works at all times.

<b>Consulted References</b>	:	Not applicable
<b>File Number (Name of Ward)</b>	:	Not applicable
<b>Previous Reference</b>	:	Not applicable

**PD017: DEVELOPMENT APPLICATION: SINGLE HOUSE – DESIGN CODES RELAXATION AT 18 CALEDONIA CRESCENT, GOODE BEACH.**

<b>Land Description</b>	: 18 (Lot 121) Caledonia Crescent, Goode Beach
<b>Proponent</b>	: Roger Jeffery
<b>Owner</b>	: Mr R D & Mrs C S Jeffery.
<b>Business Entity Name</b>	: Not Applicable
<b>Attachments</b>	: Application details – site plan, floor plans, elevations and covering letter; Site location plan at 1:5,000; Letters of objection.
<b>Appendices</b>	: None.
<b>Councillor Workstation</b>	: None.
<b>Responsible Officer(s):</b>	: Executive Director Planning & Development Services (D Putland).

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:**
    3. A connected built environment.
  - b. **Strategic Objective:**
    - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.

**In Brief:**

- The proponent is seeking approval for a single house. The house proposed is part two-storey, part single storey and is intended to be elevated above natural ground level on steel columns.
- The proposed development seeks a relaxation of the front boundary requirement under Town Planning Scheme No.3 as well as Residential Design Code (R-Codes) relaxations of the 7m height limit for a flat roofed dwelling and multiple visual privacy relaxations relating to neighbouring properties.
- The application has been advertised to surrounding landowners in the vicinity potentially impacted by the relaxations requested, in conjunction with specific adjoining properties impacted by the visual privacy relaxation requests.
- A total of three written responses were received to this consultation. All three raised objections.
- Due to the nature of the objections and the relaxations being sought, it is considered appropriate that this proposal be referred to Council for consideration and determination.

**RECOMMENDATION**

**PD017: COMMITTEE RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Single House at 18 Caledonia Crescent, Goode Beach subject to the following conditions:**

- 1) Prior to occupancy of the development, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans, including any details or amendments marked in red as shown on the approved plans.
- 2) Notwithstanding the submitted detail the dwelling hereby approved shall be re-designed with a finished floor level of the upper ground floor at a maximum relative level of 9.40 according to the submitted survey detail.
- 3) The dwelling hereby approved including any external fixtures and fittings shall not exceed a maximum height of 7m, which is measured vertically from the existing natural ground level, unless otherwise approved in writing by the City of Albany.
- 4) Prior to occupancy of the development a privacy screen to prevent overlooking below the eaves level of 33 Karrakatta Road shall be installed on the east edge of the deck. Exact details of the privacy screen shall be submitted to and approved in writing by the City of Albany.
- 5) All privacy screens and measures shall be maintained in good condition in perpetuity, to the satisfaction of the City of Albany.
- 6) Notwithstanding the submitted detail, prior to the commencement of construction full details of the proposed external finish for the roof, including materials, colour and reflectance value, shall be submitted to and approved in writing by the City of Albany.
- 7) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.

**Advice:**

- A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).proposed development is to comply with any details and/or amendments marked in red as shown on the approved plan.
- 8) The pedestrian access bridge shall not encroach within the road reserve.
  - 9) An appropriate effluent disposal system that is designed for long term usage shall be installed for the development hereby approved, to the satisfaction of the City of Albany.
  - 10) Stormwater disposal plans, details and calculations shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

**Advice:**

- Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';
  - Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;
  - The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
- 11) Suitable acoustic attenuation being incorporated to the exposed/elevated floor

**areas, to the satisfaction of the City of Albany**

PD017: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR GREGSON

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Single House at 18 Caledonia Crescent, Goode Beach subject to the following conditions:

- 1) Prior to occupancy of the development, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans, including any details or amendments marked in red as shown on the approved plans.
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- 7) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.

Advice:

- A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).proposed development is to comply with any details and/or amendments marked in red as shown on the approved plan.
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  - 9) An appropriate effluent disposal system that is designed for long term usage shall be installed for the development hereby approved, to the satisfaction of the City of Albany.
  - 10) Stormwater disposal plans, details and calculations shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.

Advice:

- Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';
- Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;
- The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.

- 11) Suitable acoustic attenuation being incorporated to the exposed/elevated floor areas, to the satisfaction of the City of Albany

CARRIED 8-0

**PD017: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Single House at 18 Caledonia Crescent, Goode Beach subject to the following conditions:

- 1) Prior to occupancy of the development, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans, including any details or amendments marked in red as shown on the approved plans.
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- 7) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.

Advice:

- A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. 97024 1/3 – 97024 3/3 (refer to the City of Albany's Subdivision and Development Guidelines).proposed development is to comply with any details and/or amendments marked in red as shown on the approved plan.
- 8) The pedestrian access bridge shall not encroach within the road reserve.
  - 9) An appropriate effluent disposal system that is designed for long term usage shall be installed for the development hereby approved, to the satisfaction of the City of Albany.
  - 10) Stormwater disposal plans, details and calculations shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.



Advice:

- Stormwater disposal is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines';
- Soil capability testing will likely be required to determine if soakwell infiltration is the appropriate method of disposal for the site;
- The stormwater disposal system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.

11) Suitable acoustic attenuation being incorporated to the exposed/elevated floor areas, to the satisfaction of the City of Albany

## BACKGROUND

2. The subject site is an irregular shaped lot 935.8m<sup>2</sup> in area and is located at the Cul-de-Sac head of Caledonia Crescent. It is zoned Residential under Town Planning Scheme No.3 and is not connected to mains sewerage. The lot slopes significantly from west to east across its width. It is undeveloped and has an established coverage of substantial vegetation.
3. Planning Scheme Consent has previously been sought and granted for a single house in 2003. This approval was not commenced and has since lapsed.
4. The current proposal is the second revision to the submitted plans. The proponent has reduced the extent of the overheight relaxation requested, but the proposal remains over the deemed-to-comply height provision of the Residential Design Codes.

## DISCUSSION

5. The proposed development is for a single house with a concealed (flat) roof. It is a part two-storey, part single storey dwelling set above natural ground level on steel columns. The living accommodation is all on one level with the lower ground/undercroft level being utilised as a car port, storeroom and service area.
6. The proponent seeks consent for multiple relaxations, including the Scheme front setback; overheight development and visual privacy relaxations to the adjoining residential properties. These issues will be explained in turn.

### Scheme Front Setback

7. Town Planning Scheme No.3 establishes a required front setback for Residential zoned areas in ( Clause 5.8(b) ). The minimum setback from the primary street is 7.5m and a note following this clause states that '*averaging of the 7.5m primary street setback will not be permitted*'.  
*permitted*'.
8. Although the Scheme clearly states that 7.5m is the minimum required setback and will not be averaged, there are examples where the City of Albany has relaxed the 7.5m setback, particularly where access has been problematic on steep sloping sites or the site has been otherwise constrained. In such instances the relaxation of the front setback has been approved following referral to other landowners in the street to ascertain if there are any objections. In general, people understand the topographic constraints and do not raise objections.
9. The proposal seeks consent for relaxation of the 7.5m setback to 4.14m, a relaxation of 3.36m.

10. The relaxation request has been referred to the owners of six properties in this portion of Caledonia Crescent. One of the letters of objection received (written on behalf of a landowner) makes comment on the requested setback relaxation. This objection suggests any development forward of the usual building line may affect views from the uphill lot and being setback further into the lot may help to lower the development in the wider landscape. The objection also suggests that by reducing the setback, there is reduced driveway manoeuvring space for vehicles.
11. The matters raised in the objection have been considered and although the proposal could be moved further back into the lot, this would result in further reduced visual privacy setbacks from the adjoining properties on the lower land to the northeast. This would increase the overlooking of these properties. Moving the development back may also increase its appearance in the views from the existing dwelling on the adjoining uphill lot.
12. The City's Development Engineer has assessed the access and recommended a minor modification, but is of the opinion there would be sufficient manoeuvring space for vehicles.
13. No significant justification has been advanced by the proponent in support of the relaxation. However, the site is an irregular shape with two lot boundaries abutting the Caledonia Crescent road reserve at the Cul-de-Sac end. There is a wider than usual road verge and it is where the verge is at its widest that the vehicular access is proposed. The road verge is unlikely to be lost to further development/expansion of the road and it is considered the requested front setback relaxation will not impinge on the streetscape appearance of Caledonia Crescent. Accordingly, the front setback relaxation is considered acceptable.

#### **Overheight**

14. The Residential Design Codes of Western Australia (R-Codes) sets a maximum external wall height of 7m for dwellings with a concealed (flat) roof. This height is measured from natural ground level directly below the corresponding point of the building.
15. The proposal seeks consent for a building with a living accommodation level and an undercroft parking, service and storeroom level. These are both a height of 3.3m; giving a total building height of 6.6m. However, due to the slope of the lot, some minor cut and fill is proposed and according to the submitted detail the maximum height of the building is 7.24m above the existing natural ground level. This overheight element of the dwelling is shown on the plans as extending 1.2m back across the roof from the east elevation.
16. The overheight request has been referred to the owners of six properties that abut or are in close proximity to the subject site and may be impacted by the requested overheight relaxation. Two of the letters of objection make comment on the overheight element of the proposal.
17. One objection states, that even at the permitted maximum height, the proposal would loom over the houses on the lower land to the northeast. The bulk and mass of the proposal will have an overbearing impact and give a sense of being crowded in upon. The objector states this will have a detrimental impact on the amenity of the lower property and objects to any height exceeding that permitted under the R-Codes.
18. The second objection quotes the design principles of the R-Codes and objects on the basis that the proposal will have an impact on the views of significance from this adjoining property. They further state that it appears possible for the house to be lowered and thus comply with the deemed-to-satisfy requirements.

19. City staff advised the proponent that the initial design was unacceptable due to the extent of the height relaxation being sought. This proposal represents the revision advanced by the proponent to address these concerns. Whilst the revised proposal has reduced the height to some degree, more could be done to further reduce the height and make the development compliant. For example; the house is proposed set on steel columns and where the natural ground level is highest, the finished floor level of the house is 0.92m above the ground level. As a result, the floor level would be 0.6m higher than the ridge of the roof of the adjoining property to the northeast. Using a different construction method for this section of the floor could easily reduce the overall height of the building by 1m and thus the proposal would comply and overcome the objections raised.

### **Visual Privacy**

20. The proposed development has a north facing living room and a deck that give rise to visual privacy issues with adjoining properties.
21. The north facing living room is subject to a 6m cone of vision privacy setback requirement as the floor level is greater than 0.5m above natural ground level. The cone of vision extends over the western boundary and impacts a small portion of the northeast corner of the neighbouring property.
22. The adjoining owner has been consulted for the requested relaxation and has raised an objection due to the loss of privacy. As part of their objection the adjoining owner has referenced their 2010 retaining wall application. This retaining wall was objected to by the current proponent and during the State Administrative Tribunal review; the development was mediated such that the retaining wall was required to be developed with an open style fence to a maximum 1.2m above the wall so that the boundary treatment was not so dominant and overbearing or overshadowed the current proponent's property. The proponent is now seeking to build a house elevated above the ground and the fence will not afford the privacy provided by a standard residential fence.
23. If the house were to be set with a lower floor level and thus comply with the height requirements as suggested above, this objection would no longer be relevant as the visual privacy cone of vision would no longer apply and the retaining wall together with the fence and vegetation would provide the necessary privacy screening.
24. The deck is an unenclosed outdoor active habitable space that attracts a requirement for a 7.5m cone of vision privacy setback requirement. The deck is proposed 4.775m from the boundaries of two adjoining properties (33 & 35 Karrakatta Road). This is a setback relaxation of 2.725m.
25. The adjoining owners of these properties have been consulted on the requested relaxation. The owners of one property have stated they have no objection, but the owner of the other property has objected to the loss of privacy. The objection is on the grounds that the area to the rear of the house is the only useable private open space being screened from the road and sheltered from prevailing wind. Also, given the elevation of the proposal, the dwelling would loom over the back yard giving the impression of '*being watched from on high*'.
26. As suggested above, if the proposed dwelling were to have a reduced floor level, at the requested setback the proposal would still represent an imposing tall structure giving a perception of being overlooked. The plans show the intention to retain the trees and vegetation between the proposed dwelling and its eastern boundary to offer some screening and privacy. However, some, if not all, of these may have to be cleared to accommodate space for effluent disposal and depending on the type of system for effluent disposal; it may not be advisable to re-plant vegetation as it may lead to problems for longevity of the system.

27. The objecting adjoining owner also states that the proponent has in the past requested their trees be cut back, so they do not have confidence that vegetation would be maintained as an effective privacy screen in the future.
28. In order to overcome the objection, a permanent privacy screen on the deck can be required by condition on any approval. This could be a horizontal screen or angled louvres that would obscure the view down to the lower properties without obscuring views to the ocean. This form of screen allows views above a set angle and the ocean view from the proposed deck could be maintained.

### **Other Issues**

29. The other letter received in response to the consultation with surrounding landowners objects to the proposed access as depicted on the site plan. The objector does not support the alignment as it is close to the existing crossover serving the adjacent property to the south.
30. The referenced crossover is not a standard crossover as it occupies almost the entire road frontage of this adjacent property at an approximate width of 16m. Following inspection of the City's records, it is unclear when this crossover was constructed and if it received the necessary consent.
31. The City's Development Engineer has considered the proposal in terms of the crossover and access. It has been suggested that modifications from the proposed position and layout be required in order to be considered acceptable and meet the City's requirements. These have been marked in red on the site plan and a suggested condition relates to these changes.
32. The suggested modified crossover is considered acceptable and overcomes the objection raised.
33. As the proposed development is located in Goode Beach it is subject to the '*Reflective Roofs – Goode Beach*' Local Planning Policy. This policy requires '*Low reflective building materials*' with a reflectance value of 50% or less to be used on roofs, unless justification is advanced and accepted. The proposed development intends the roof to be a corrugated metal with a Gull –Grey colour finish. This is noted as non-reflective. However, planning staff note that Gull Grey is no longer sold as a standard Colorbond colour and the proponent has not provided a reflectance specification for the selected material. This can be required by condition on any approval to be granted.
34. Overall, it is considered the dwelling can re-designed with a lower finished floor level no higher than 500mm above the highest ground level. Such a re-design would eliminate the overheight relaxation and address one of the adjoining owner's objections for loss of privacy. Screening on the balcony can overcome the loss of privacy to the other objecting adjoining landowner and on this basis, the proposed development could be considered acceptable subject to general and specific conditions.

### **GOVERNMENT & PUBLIC CONSULTATION**

35. Consultation with State Government Departments was not required or undertaken.
36. Under the Town Planning Scheme No.3 and R-Codes requirements a 14 day consultation was undertaken with potentially affected surrounding landowners.
37. This public consultation commenced on Tuesday 8 October, 2013, with letters sent to local landowners outlining the relaxations being requested that potentially affected their properties. A total of eleven letters were sent out and requested comments be provided by Wednesday 23 October, 2013.

38. A total of four responses were received, three of which were written responses. Copies of the written responses are attached to this report.
39. One response was received by telephone from the owner of two vacant lots. This owner stated they have no issue with the requested front setback relaxation or the minor overheight relaxation.
40. The three written objections raised the following points:
- Object to the proposed access as shown on the site plan. Will the proposed access impact on the existing access? Can some alternative be agreed?
  - Information with the application has a number of incorrect statements relating to the Scheme, the R-Codes and use of land on adjoining properties.
  - The proposal will overlook the useable private open space – permanent screening should be required.
  - The proposed house will loom over the lower properties and give a feeling of being watched from on high.
  - Any relaxation of the height will have a detrimental impact and together with other existing houses would give a sense of being crowded in upon.
  - The site has rock and shallow soils as well as the slope. Can stormwater and effluent disposal be accommodated and controlled.
  - This is a pole home and will need to have noise attenuation addressed as well as visual screening of the underside services.
  - There are few examples of the reduced setback for houses in Goode Beach. This relaxation impinges on views and the proposal should be moved back.
  - The reduced front setback reduces vehicle manoeuvring space.
  - The proposal results in overlooking and loss of privacy, this can be avoided by reducing the finished floor level which appears easily achievable.
  - The overheight requested impacts on views of significance and should be revised.
41. The matters raised in the objections are discussed and addressed in the preceding discussion section above in this report.

### STATUTORY IMPLICATIONS

42. Section 73 (1) of the *Planning and Development Act 2005* states that ‘A local planning scheme is to – (b) specify the local government to be responsible for enforcing the observance of the scheme, and for the execution of any works which, under the scheme or this Act, are to be executed by a local government.’
43. Clause 1.4 of the City of Albany Town Planning Scheme 3 specifies the Responsible Authority as ‘The responsible authority for carrying out the Scheme is the Council of the Shire of Albany (hereinafter referred to as the Council).’ A note on the cover page of the Scheme states ‘On 1/7/98 Shire of Albany and Town of Albany was amalgamated to form “City of Albany”. Therefore, the City of Albany is responsible for the administration and observance of Town Planning Scheme 3.’
44. Clause 5.4 of the City of Albany Town Planning Scheme 3 specifies the Matters to be Considered by Council and states:

*The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:*

*(a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;*

*(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*

*(f) any Town Planning Scheme Policy adopted by the Council under clause 6.9, and any other plan or guideline adopted by the Council under the Scheme;*

*(i) the compatibility of a use or development with its setting;*

*(n) the preservation of the amenity of the locality;*

*(o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of height, bulk, scale, orientation and appearance of the proposal;*

*(p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

*(y) any relevant submission received on the application;*

*(zb) any other planning consideration the Council considers relevant.*

45. These relevant matters have been considered and addressed by staff in arriving at the recommendation.

## POLICY IMPLICATIONS

46. The Local Planning Policy ‘*Reflective Roofs – Goode Beach*’ is applicable to this proposed development.
47. The policy requires roofs of developments within the identified policy area to be finished externally with materials with a solar reflectance value of 50% or less, unless justification for a higher reflectance is advanced and accepted.
48. This policy has been considered and the requirements of the policy are the subject of a suggested condition.

## RISK IDENTIFICATION & MITIGATION

49. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approving the proposed use could give rise to unacceptable detrimental impacts on the residential amenity of adjoining and surrounding properties.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>These issues have been considered and the suggested conditions address, overcome or minimise the potential of this occurring. Impose the suggested conditions on any approval.</i>

### **FINANCIAL IMPLICATIONS**

50. All costs associated with the development will be borne by the proponent.

### **LEGAL IMPLICATIONS**

51. The Council is at liberty to use its discretion to approve the proposal with or without conditions or refuse the proposal. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
52. The proponent or any person aggrieved by a decision 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**

53. The proposed development seeks approval for a single house on a vacant lot. The site is constrained by topography and geology, but no more so than many other lots in Albany. As such, there are no significant Environmental Considerations that require special attention.

### **ALTERNATE OPTIONS**

54. Council may determine that the proposed development is unacceptable due to the potential adverse impacts on surrounding properties and may resolve to refuse the application. A detailed reason for refusal would need to be provided as part of such a determination. This reason could include reference to non-compliance with deemed-to-comply and design principle requirements of the Residential Design Codes and the Town Planning Scheme No.3.
55. The proponent would be able to seek a review of Council's decision, including any conditions attached to an approval or refusal and the City of Albany may be required to defend the reasons for refusal or the conditions at a State Administrative Tribunal hearing.

### **SUMMARY CONCLUSION**

56. The application seeks consent for a part two-storey, part single storey dwelling. The dwelling is overheight, seeks a reduced front setback and relaxations to the side boundaries regarding overlooking/privacy with adjoining properties.
57. The proposal has been referred to surrounding landowners with properties that are potentially impacted by the requested relaxations. Three written objections have been received and two of these are objections relating to overlooking/loss of privacy and amenity.
58. There is scope to reduce the finished floor level of the proposal and doing so would remove the overheight element as well as the loss of privacy impact on one adjoining owner. This would also reduce the impact on the other objecting adjoining owner. It is considered by City staff that a re-design to achieve this outcome is required in order to approve this proposal, otherwise refusal would be recommended.
59. In addition to the re-design for reduced floor level, an element of overlooking remains to an adjoining landowner. Screening to prevent/minimise overlooking can be provided, that will not reduce ocean views from the proposed dwelling. It is appropriate that this privacy screening be required by condition.
60. The vehicular access indicated on the site plan also requires minor revision to be considered acceptable. An indicative draft of an acceptable solution has been sketched on the site plan and this is also the subject of a proposed condition.

61. City staff are of the opinion the proposal can be supported and recommend approval subject to the recommended conditions.

<b>Consulted References</b>	:	City of Albany Town Planning Scheme 3.
<b>File Number (Name of Ward)</b>	:	A14136 (Vancouver Ward)
<b>Previous Reference</b>	:	N/A



## PD018: ADOPT AMENDED POLICIES

<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Business Entity Name</b>	:	N/A
<b>Attachments</b>	:	Follow Report – <ul style="list-style-type: none"><li>○ Amended Temporary Caravan Accommodation Policy;</li><li>○ Amended Relocated Dwelling Policy;</li><li>○ Amended Holiday Home Policy; and</li><li>○ Amended Ancillary Accommodation Policy.</li></ul>
<b>Appendices</b>	:	Nil
<b>Councillor Workstation</b>	:	Nil
<b>Responsible Officer(s)</b>	:	Executive Director Planning & Development Services (D Putland)

Responsible Officer's Signature:



### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):

- a. **Key Theme:**

3. A connected built environment.

- b. **Strategic Objective:**

- 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.

- 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.

### IN BRIEF

- The following policies have been amended and then advertised to seek public comment:
  - Temporary Caravan Accommodation Policy;
  - Relocated Dwelling Policy;
  - Holiday Home Policy; and
  - Ancillary Accommodation Policy.
- No submissions were received at the close of advertising (3 October, 2013).
- It is recommended that Council resolves to finally adopt the amended policies.

## **RECOMMENDATION**

**PD018: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ADOPT the following amended policies:**

- a. Temporary Caravan Accommodation Policy;**
- b. Relocated Dwelling Policy;**
- c. Holiday Home Policy; and**
- d. Ancillary Accommodation Policy.**

**PD018: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HORTIN  
SECONDED: MAYOR WELLINGTON**

**THAT Council ADOPT the following amended policies:**

- a. Temporary Caravan Accommodation Policy;**
- b. Relocated Dwelling Policy;**
- c. Holiday Home Policy; and**
- d. Ancillary Accommodation Policy.**

**CARRIED 8-0**

**PD018: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ADOPT the following amended policies:**

- a. Temporary Caravan Accommodation Policy;**
- b. Relocated Dwelling Policy;**
- c. Holiday Home Policy; and**
- d. Ancillary Accommodation Policy.**

## **BACKGROUND**

2. At the August 2013 Ordinary Council Meeting, Councillors moved to advertise the following amended policies:
  - o Temporary Caravan Accommodation Policy;
  - o Relocated Dwelling Policy;
  - o Holiday Home Policy; and
  - o Ancillary Accommodation Policy.
3. The City advertised the amended policies twice in the local newspaper and on the City's website. At the close of advertising, zero (0) submissions were received.
4. The amended policies are in response to:
  - o changes in state policy;
  - o improving the assessment process;
  - o improving the outcome of development and land-use.

## DISCUSSION

5. The 'Temporary Caravan Accommodation Policy' enables owners of a property to live in a caravan at their property whilst their dwelling is being constructed. The following changes have been proposed for this policy:
  - a. A procedural requirement has been added to ensure neighbouring properties are consulted at the planning assessment phase to safeguard the amenity of the area.
  - b. The existing policy requires the builder of the dwelling to be an 'Owner Builder'. This requirement has been deleted meaning that the builder can be an 'Owner Builder' or a 'Registered Builder'.
  - c. In order to safeguard the occupants of the caravan from the activities occurring at the construction site, a condition has been added to ensure safety barriers are constructed around the dwelling during construction.
  
6. The 'Relocated Dwelling Policy' administers the relocation of previously constructed dwellings. The following changes have been proposed for this policy:
  - a. A requirement has been added to this policy to ensure asbestos is removed prior to relocation of a dwelling.
  - b. A requirement has been added to ensure that any relocated dwelling is clad in materials similar to materials used on existing dwellings in the neighbourhood.
  - c. The existing policy evidently requires the owner to lodge a performance bond of \$5000 with the City of Albany. If redevelopment of the dwelling is not to the satisfaction of the City, the performance bond is utilised to complete the necessary works. The City is of the opinion that the bond should be increased to \$10,000 to provide enough of an incentive to undertake incomplete work.
  
7. The 'Holiday Home Policy' administers the letting of a dwelling for a maximum stay of 3 months within any 12 month period. The following changes have been proposed for this policy:
  - a. An advice note has been added to ensure that owners are aware that; in-order to revert back to permanent occupancy, a new Planning Scheme Consent will need to be lodged requesting approval for 'Single Dwelling'.
  - b. The existing policy dictates that approvals are issued to the owner of the land and not the land itself. This type of approval complicates the land use rights of the property, especially if the property is sold. This requirement has therefore been deleted.
  
8. The 'Ancillary Accommodation Policy' administers the development of a self contained apartment on the same lot as a single house. The following changes have been proposed for this policy:
  - a. The existing policy restricts the occupants of the ancillary unit to family members of the main dwelling. This requirement has been deleted to give homeowners the opportunity to rent their self contained apartment to gain extra income. This change is in accordance with *State Planning Policy 3.1 (Residential Design Codes)* and will assist in achieving cost-effective housing development.
  - b. The existing policy restricts the size of an ancillary unit to 75m<sup>2</sup>. This has been changed to 70m<sup>2</sup> in accordance with the *State Planning Policy 3.1 (Residential Design Codes)*.
  - c. A new condition has been added in accordance with the *State Planning Policy 3.1 (Residential Design Codes)*, requiring the size of a property on which an ancillary unit is proposed to be greater than 450m<sup>2</sup>.

## GOVERNMENT AND PUBLIC CONSULTATION

9. An advertisement was placed in the local newspaper for two consecutive weeks and on the City's website. The advertisement gave details of where the amended policies may be inspected and during what period (being not less than 21 days) comments may be made to the City.
10. At the close of advertising, zero (0) comments were received.

## STATUTORY IMPLICATIONS

11. As required by the City's Town Planning schemes 1A and 3; following final endorsement of the policies, details thereof shall be advertised publicly and a copy kept with the Scheme documents (Policy Manual) for inspection during normal office hours.

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

13. The risk identification and categorisation is summarised in the following table:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations Poor decision making as a result of unnecessary or inconsistent requirements.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy Manual.</i>

## FINANCIAL IMPLICATIONS

14. There are no financial implications related to this item.

## LEGAL IMPLICATIONS

15. There are no legal implications related to this item.

## ENVIRONMENTAL CONSIDERATIONS

16. There are no pertinent environmental considerations relating to this item.

## ALTERNATE OPTIONS

17. Council has the options of supporting, refusing or deferring consideration of the amended policies.

## SUMMARY CONCLUSION

18. The processing of applications, the quality of development and land-use and the benefit to the community in Albany is expected to be improved as a result of the amended policies. Amendments are a response to changes in State planning policy and are therefore in line with standard practices.
19. It is recommended that Council finally supports the amended policies.

<b>Consulted References</b>	:	Local Planning Scheme 1A and 3 Policy Manual State Planning Policy 3.1 (Residential Design Codes)
<b>File Number (Name of Ward)</b>	:	City of Albany
<b>Previous Reference</b>	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual). OCM 27/08/13 – Item PD005 (Consider advertising amendments to 'Policy Manual')

**PD020: DEVELOPMENT APPLICATION: FAMILY DAY CARE AT 118  
COLLINGWOOD ROAD, SEPPINGS.**

<b>Land Description</b>	:	118 Collingwood Road, Seppings WA.
<b>Proponent</b>	:	Sandra Tindale
<b>Owner</b>	:	Mrs Lexy Grover and Mr Duncan Trueman
<b>Attachments</b>	:	Application details – site plan, elevations and covering letter; Site location plan at 1:1894; Street view of proposed day care Letters of objection.
<b>Appendices</b>	:	N/A
<b>Councillor Workstation</b>	:	N/A
<b>Responsible Officer(s):</b>	:	Executive Director Planning & Development Services (D Putland).

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates directly to the following element of the *Community Strategic Plan "Albany 2023"*:

**Key Theme:** 1. Smart, Prosperous & Growing

**Strategic Objective:** 1.1 To foster education, training and employment opportunities that support economic development.

**Strategic Objective:** 3.1 To advocate, plan and build friendly and connected communities.

2. This item relates to the following Strategic Objective of the Albany Local Planning Strategy (ALPS):

**Section 8.6.3 Community, Heritage and Cultural**

Establish and protect sustainable community facilities and services located within or near centres in the Albany town site urban area and rural settlements.

**In Brief:**

- Council is asked to consider an application for a Family Day Care at 118 Collingwood Road, Seppings.
- The day care would cater for a maximum of seven children operating from 7:30am-5:30pm daily.
- The children will have access to the outside areas between 9am and 11:30am and 3:30pm and 5:30pm.
- The application has been advertised to surrounding residents with two objections received.
- It is due to the nature of these objections that the matter is referred to Council for determination.
- Staff recommends that Council do not support the proposal, due to the probable detrimental impact on traffic flow and safety in the area and the likely impact the proposed use will have on the amenity of the adjoining residential properties.

**RECOMMENDATION**

**PD020: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE the proposal subject to the following conditions:**

1. A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.  
**Advice: for overall traffic safety vehicles leaving the property must do so in a forward gear. One way of achieving this is through the construction of a “U” shaped driveway.**
2. Standard conditions pertaining to a Day Care Centre.
  - a. Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans.
  - b. The premises shall comply with the Child Care Services Act 2007 and shall be licensed by the Childcare Licensing and Standards Unit, and registered with the City of Albany.
  - c. The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
  - d. A maximum of seven children including the carers own children are to be minded on the premises at any one time, unless otherwise agreed in writing by the City of Albany.
  - e. The premises shall require inspection and approval in writing by a City of Albany Environmental Health Officer, prior to the commencement of use.
  - f. No signs are to be erected on the lot without prior approval of the City of Albany.
  - g. Car parking shall be staggered at times when the clients arrive to drop off and collect children. The applicant is to provide details of when children will be dropped off and collected.

PD020: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR GREGSON

THAT Council APPROVE the proposal subject to the following conditions:

1. A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.  
Advice: for overall traffic safety vehicles leaving the property must do so in a forward gear. One way of achieving this is through the construction of a “U” shaped driveway.
2. Standard conditions pertaining to a Day Care Centre.
  - a. Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans.
  - b. The premises shall comply with the Child Care Services Act 2007 and shall be licensed by the Childcare Licensing and Standards Unit, and registered with the City of Albany.
  - c. The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
  - d. A maximum of seven children including the carers own children are to be minded on the premises at any one time, unless otherwise agreed in writing by the City of Albany.
  - e. The premises shall require inspection and approval in writing by a City of Albany Environmental Health Officer, prior to the commencement of use.
  - f. No signs are to be erected on the lot without prior approval of the City of Albany.
  - g. Car parking shall be staggered at times when the clients arrive to drop off and collect children. The applicant is to provide details of when children will be dropped off and collected.

CARRIED 8-0

PD020: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a Notice of Planning Scheme Refusal for Family Day Care at Lot 7, 118 Collingwood Road, Seppings.

**BACKGROUND**

3. The subject site is 1260m<sup>2</sup> with a double garage and 11m driveway that has frontage to Collingwood Road along its Northern boundary. The site backs onto undeveloped bush blocks to the South.
4. The lot is zoned ‘Residential’ R20 under the *of Albany Town Planning Scheme No. 1*.
5. The proposal seeks Planning Scheme Consent to run a family day care from the property.
6. The property is currently under offer to lease pending approval of the use. The lease period is for a period of 12 months commencing 30 November, 2013.
7. The owner has indicated approval for the applicant to undertake minor improvements to the property, in order for the application to meet licensing requirements.



8. The applicant is qualified in Early Childhood Education and is registered with the Nature Alliance Family Day Care Service, who will regularly attend the property to monitor the care of children.
9. The proposal was advertised for public comment, in accordance with Clause 7.5 of *Town Planning Scheme No. 1*, between 17 October 2013 and 7 November 2013.
10. Council is now requested to consider submissions received during the public advertising period and determine whether to grant Planning Scheme Consent for the proposed business.

## **DISCUSSION**

11. The current application is for Planning Scheme Consent to operate a Family Day Care from the property.
12. The proponent has provided a covering letter detailing the intended operation. In brief, the applicant has proposed the use of four bedrooms, games room, dining room, family room, bathroom and backyard as 'family day care licensed areas'.
13. The proposed use would operate from 7:30am-5:30pm daily. The children will have access to the outside areas between 9am and 11:30am and 3:30pm-5:30pm.
14. Seven children (including the owner's children) will be permitted to be cared for at any one time in accordance with the Nature Alliance Family Day Care Services standards.
15. In regards to parking of cars the applicant has advised that parents will be advised to stagger the pick-up times to limit any chance of traffic congestion. It is stated in the application that there is adequate parking in the driveway for a total of 4 vehicles.
16. Two letters of objection were received in response to the public consultation. The following concerns and issues were raised in the submissions:
  - That Collingwood Road is a busy arterial road, a designated bus route with a speed limit of 60kph. Before and after school are the busiest times.
  - Congestion at the front of 118 Collingwood Road is extremely probable with the intersection of Rycraft Drive almost opposite.
  - The staggering of drop offs and concern whether cars can safely enter and leave the subject site..
  - Noise from the proposed use – Generated from vehicles arriving and leaving as well the noise generated from up to seven (7) children.
  - Noise/disturbance jeopardizing one objector's medical condition, that often requires being able to have low stress surroundings.
17. Weekly Vehicle Counts have been obtained from the City's Works and Services Department for Collingwood Road during the week 7 October 2013- 13 October 2013. The data indicates the road is used by approximately 3600 vehicles a day with peak times between 0800-0900 and 1500-1600 averaging 361 and 344 cars per hour respectively.
18. The application was referred internally to staff within the Engineering, Building and Environmental Health departments on 15 October, 2013.
19. Officers note that traffic flow and traffic safety in Collingwood Road is a legitimate concern as raised in the letters received.

20. Due to site constraints, the only way of mitigating these concerns may be to require modifications to the drive way so as to allow vehicles to leave the site in forward gear.
21. It is possible for a turning bay in, similar to that of other properties on Collingwood Road to be created.
22. The day care use could have a detrimental impact on the amenity of the neighbouring properties as per the concerns raised in the submissions, noise especially noticeable whilst the children have access to the outside areas between 9:00am and 11:30am and 3:30pm and 5:30pm.
23. This potential impact on the amenity cannot be allayed without affecting the functioning of the proposed day care.
24. Therefore on balance it is the opinion of City staff that the application for the proposed use should be refused.

### **GOVERNMENT & PUBLIC CONSULTATION**

25. Consultation with State Government Departments was not required or undertaken.
26. Under the Town Planning Scheme requirements a 21 day public consultation was undertaken.
27. This public consultation commenced on Thursday 17 October, 2013, with an advertisement appearing in the public notice section of the Albany Advertiser. The City also wrote letters to six surrounding landowners and placed a site notice on the Collingwood Road verge at the vehicular access entrance to the property. The public consultation period was open until close of business on Thursday 7 November, 2013.
28. Two letters of objection were received in response to the consultation. Copies of these objections are attached to this report. In summary, the issues and concerns raised in the objection are:
  - Increased traffic and congestion on Collingwood Road and Rycraft Drive.
  - The 'staggering' of drop offs and how this will be monitored.
  - The impact that the noise generated by the family day care will have on neighbouring property owners.
  - The health impacts it may have on one resident.
29. The matters raised in the objection are discussed and addressed in the preceding discussion section above in this report.

### **STATUTORY IMPLICATIONS**

30. The subject site is zoned Residential under Town Planning Scheme No.1A. Family Day Care is a 'use not listed' in this Scheme. The proposed use is not permitted unless planning consent to it is granted by the Council after notice has been given in accordance with Clause 7.5.
31. Clause 7.8A of the City of Albany Town Planning Scheme 1A specifies the Matters to be Considered by Council and states:

The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:

- (a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (i) The compatibility of a use or development within its setting;
- (j) Any social issues that have an effect on the amenity of the locality;
- (n) The preservation of the amenity of the locality;
- (o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) Whether adequate provision has been made for access by aged or disabled persons;
- (y) Any relevant submissions received on the application;

32. These relevant matters have been considered by staff in arriving at the recommendation.

### POLICY IMPLICATIONS

33. This matter has no direct planning policy implications.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approving the proposed use could give rise to detrimental impacts on the residential amenity of the area.</i>	<i>Unlikely</i>	<i>Possible</i>	<i>Medium</i>	<i>Proposed use is a daily activity and suggested conditions should adequately mitigate the potential adverse impacts.</i>
<i>Approving the proposed use could give rise to increased traffic and congestion around the site area.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Any decision must be made on a sound basis with reasoned justification. Mitigation entirely dependent on Council's determination.</i>

### FINANCIAL IMPLICATIONS

35. All costs associated with the development will be borne by the proponent.

### LEGAL IMPLICATIONS

36. The Council is at liberty to use its discretion to refuse the proposal with or without conditions. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
37. 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

38. The proposed development seeks to re-use an existing building on the developed lot. As such, there are no significant Environmental Considerations.

### ALTERNATE OPTIONS

39. Council may determine that the proposed use is acceptable and may resolve to approve the application subject to any conditions that Council deems appropriate.

### SUMMARY CONCLUSION

40. The application seeks Planning Scheme Consent to run a Family Day Care on the subject site. The day care is proposed for seven children with one full time staff member being the applicant. The proponents have indicated a willingness to undertake minor improvements to the property, in order to meet licensing requirements. However, it should be noted that creating a turning bay would not be minor in nature and at this stage it is unclear whether this would be supported by the applicant/ landowner.
41. The proposal has been advertised as required, with two objections received in response.
42. Much of the objections relate to the increase in traffic and congestion that the approval will generate on Collingwood Road and Rycraft Drive during peak hours of the morning and afternoon.
43. Accordingly, City staff are of the opinion the proposal should be refused.

<b>Consulted References</b>	:	City of Albany Town Planning Scheme 1A.
<b>File Number (Name of Ward)</b>	:	A115594 (Breaksea Ward)
<b>Previous Reference</b>	:	Not Applicable

**PD021: PLANNING AND BUILDING REPORTS NOVEMBER 2013**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports November 2013  
**Responsible Officer(s):** : Executive Director Planning & Development Services  
(D Putland)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**PD015: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Planning and Building Reports for November 2013.**

**XIV. MOTIONS WITH NOTICE:**

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING:**

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING:**

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION:**

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING:**

**XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC:**

**XX. NEXT ORDINARY MEETING DATE:**

6.00pm 25 February 2014

**XXI. RESUME STANDING ORDERS 3.1:**

**PROCEDURAL MOTION**

**THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.**

**XXII. CLOSURE OF MEETING:**

**XXIII. STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS:**

<b>Meeting Date</b>	<b>Committee/ Report Item Number</b>	<b>Details/Status</b>
		Nil.