



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 6 December 2017

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.

TERMS OF REFERENCE

(1) **Functions:** The Committee is responsible for:

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- To promote our region as clean and green.

(2) **It will achieve this by:**

- (a) Developing policies and strategies;
- (b) Establishing ways to measure progress;
- (c) Receiving progress reports;
- (d) Considering officer advice;
- (e) Debating topical issues;
- (f) Providing advice on effective ways to engage and report progress to the Community; and
- (g) Making recommendations to Council.

(3) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Works & Services, Executive Director Development Services

(7) **Delegated Authority:** None

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
6.	PUBLIC QUESTION TIME	5 - 6
7.	PETITIONS AND DEPUTATIONS	7
8.	CONFIRMATION OF MINUTES	7
9.	PRESENTATIONS	7
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	7
	REPORTS	
DIS064	REVIEW OF BULK WASTE COLLECTION SERVICE	8
DIS065	MIDDLETON BEACH FORESHORE – FORESHORE MANAGEMENT PLAN (Confidential)	13
DIS066	CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOTS 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 AMITY QUAYS, ALBANY	19
DIS067	CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.28 – Lot 312 Bay View Drive, Little Grove.	26
DIS068	PROPOSED ROAD CLOSURE – PORTION OF RANGE ROAD, YAKAMIA	31
DIS069	ROAD WIDENING - SOUTH COAST HIGHWAY, GREEN RANGE	34
DIS070	ACCEPTANCE OF GRANT FOR WELLSTEAD FIRE STATION	37
DIS072	TENDER C17029 – MT ELPHINSTONE TO CBD CYCLE LINK (STAGE 1)	40
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	44
12.	MEETING CLOSED TO PUBLIC	44
13.	CLOSURE	44

1. DECLARATION OF OPENING

The Chair declared the meeting open at [6:00:11 PM](#)

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

We would also like to pay respect to Elders both past and present”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor D Wellington

Councillors:

Member J Shanahun (Chair)
Member S Smith
Member A Goode JP
Member A Moir
Member R Sutton (Deputy Chair)
Member B Hollingworth (left meeting at 6.40pm)
Member E Doughty
Member R Hammond
Member R Stephens
Member T Sleeman
Member G Stocks

Staff:

Chief Executive Officer A Sharpe
Executive Director Development Services P Camins
Executive Director Works and Services M Thomson
Executive Director Corporate Services M Cole
Meeting Secretary A Paulley

Media and Members of the Public

Apologies:

Member P Terry

4. DISCLOSURES OF INTEREST - Nil

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Robin Budden, 94 La Perouse Rd, Goode Beach

- **QUESTION ON NOTICE** – “What new environmental information has emerged that supports such a radical change to size of the resort? The site has long been recognised as being fragile so why is it now less fragile and able to cope with a larger impact.”

RESPONSE:

The Minister for Environment 1993 EPA Bulletin 672 previously concluded that a proposal to subdivide the land into 15 lots and to develop onsite effluent disposal is environmentally acceptable subject to conditions.

The current Special Use site permits 10 chalets to be developed without specific limitations on bedrooms or beds, the proposed development proposes a specific number of beds that could be considered as a marginal increase to what is already allowed. This proposal is therefore not considered a ‘radical’ change

- **QUESTION ON NOTICE** – “Clarification – is it a legal requirement for the proponents to consult with the community while the Structure Plan was being drawn up.”

RESPONSE:

No, it is not a legal requirement for the proponents to consult with the community while the Structure Plan was being drawn up.

Consultation must take place if an application for a structure plan has been received and has been accepted by the local government in accordance with the regulations.

- **ADDITIONAL COMMENT:**

It should be noted that when making land use planning decisions, Elected Members perform a quasi-judicial role. This means that Elected Members must have regard to proper planning principles when making decisions. Officers are to ensure that advice is available to Elected Members on the decision-making criteria contained in the relevant planning schemes, policies and plans. Accordingly, when this item is presented to Council the Officers report will include all relevant information to assist Council make an informed decision. The Frenchman Bay Association will also have the opportunity to address Councillors as part of this process. Council will then decide on a recommendation to the WA Planning Commission, which will review the information and make a final decision.

6. PUBLIC QUESTION TIME

[6:02:25 PM](#) **Jeanette de Landgraff, 5 Festing Street, Albany**

Asked questions regarding item DIS066 – Local Planning Scheme Amendment -Amity Quays.

Questions:

- 1 My major concern is the visual impact on the immediate residents. How does this plan ‘protect the current lifestyle enjoyed by those adjoining residents’? (Planning Strategies).

RESPONSE: A Local Development Plan (LDP) shall be prepared before subdivision or development of the land within the Amity Quays Special Control Area.

The Local Development Plan is to address the following matters:

- Design Guidelines to achieve high quality built form in keeping with the prominent location on Princess Royal Drive and proximity to the Amity Historic Precinct.
 - The Design Guidelines are to have regard to view corridors from development adjacent to Festing Street by incorporating appropriate height and setback standards.
- 2 How does this new development 'respond sympathetically to the natural topography' (Albany Historic Town Design Policy) when three (3) storey residences rise from the waterfront, views blocked and obstructing everyone's appreciation of the foreshore?
RESPONSE: Lots on Festing Street and the subject of the amendment are zoned Residential R30. Under the R30 density coding, development may occur to a maximum roof height of 9m.

Under the proposed R60 density coding, generally development may occur to a maximum roof height of 12m. In order to reduce obstruction, two modifications have been recommended:

- That the Design Guidelines required in the LDP are to have regard to view corridors from development adjacent to Festing Street by incorporating appropriate height and setback standards.
- That for development at the R60 density code, the maximum building height is limited to 10m (only 1m higher than currently allowed).

It is worth noting that the ground level of the lots on Festing St are approximately 6m higher than the Amity Quays lots.

The impact is illustrated in the attachment to DIS066.

- 3 Is this setting a precedent for the Albany foreshore developments of the future?
I certainly hope not!

RESPONSE: Applications will be judged on merit in accordance with the City's Local Planning Strategy, which encourages infill development (higher densities).

- 4 The noise reduction wall of 4.5 metres. Will it absorb the noise or reflect it to those who live on Festing Street?

RESPONSE: Refer to response to question 2 above.

Statements:

1. May I suggest that the waterfront blocks are limited to single storey as they will have unobstructed views and then allow no more than two (2) storeys for subsequent residences in the Amity Quays subdivision?
2. Building Plan 2 would have us looking at the rooftops and building walls from our ground floor level and at best halfway into the harbour from the upstairs room.
I believe this R60 development is totally in favour of the developer to the detriment of the current Festing Street property owners who purchased their properties in 'good faith', believing any future subdivision would be in line with those on the then plans.

6:05:41 PM Susan Anderson, 19 Festing Street, Albany

Raised concerns about item DIS066 – Local Planning Scheme Amendment -Amity Quays.

Key points:

- Agrees with the previous public speaker's comments and questions.
- Concerned about noise issues and height of the proposed buildings.
- Would rather see the area created as a park, especially for tourists.
- Urged council to give this matter serious consideration.

RESPONSE: Please refer to the responses above.

[6:07:36 PM](#) Public question time closed.

7. **PETITIONS AND DEPUTATIONS - Nil**

8. **CONFIRMATION OF MINUTES**

RESOLUTION

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH**

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 13 November 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

9. **PRESENTATIONS - Nil**

10. **UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil**

DIS064: REVIEW OF BULK WASTE COLLECTION SERVICE

Proponent / Owner : City of Albany
Report Prepared By : Waste Sustainability Officer (S Parker)
Responsible Officers: : Executive Director Infrastructure & Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, green and sustainable.
 - **Objective:** To advocate for and support 'green initiatives' within our region
 - **Community Priority:** To deliver effective waste management services.

In Brief:

- As per the request by Council in 2016 and delivering on an action from the Strategic Waste Management Plan 2014, a review of the City's bulk waste collection service has been undertaken. It is recommended that the City retains the current annual bulk waste collection service.

RECOMMENDATION

[6:40:18 PM](#) *Cr Hollingworth left meeting after voting on this item.*

DIS064: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)

**MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR DOUGHTY**

THAT

1. Council **APPROVE** the continuation of an annual kerbside bulk waste collection service.
2. That City staff investigate alternative methods of bulk waste collection and report back to Council by June 2018.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Sutton

An amendment was then proposed to the Responsible Officer Recommendation

DIS064: ALTERNATE MOTION BY COUNCILLOR MOIR

**MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SUTTON**

THAT Council:

- a) **APPROVE** a biennial (every two years) kerbside bulk waste collection service with the first service commencing in 2018, with an additional waste facility pass to be provided in alternate years.
- b) The City further investigate opportunities around education and initiatives such as garage sale trails with the objective to minimise waste.

**THE VOTE WAS TIED 6-6
THE CHAIR THEN EXERCISED HIS CASTING VOTE
LOST 5-6**

Record of Vote

Against the Motion: Mayor Wellington and Councillors Goode, Sleeman, Doughty, Hammond and Shanhun.

Councillor's Reason: The annual bulk waste collection is a costly service which only 45% of the Albany residents are currently using. This would indicate that more than half of the residents in Albany are adopting a more sustainable approach to consumption of goods and disposal of waste. The above recommendation is in line current State and Local Government strategies and objectives to reduce waste. By adopting a biennial service, there will be an overall cost saving to the City of Albany and will provide the opportunity for City staff to explore a more sustainable approach in the longer term. One option which may be effective is the implementing of garage sale trails, as it builds relationships within communities and provides an avenue for community groups and associations to raise funds. It also brings about an increase in awareness about consumption of goods, re-use of goods and waste generation overall.

Officer's Comment (Executive Director Infrastructure & Environment: In terms of costs savings, it is agreed that there will be an overall cost saving to the City by conducting the bulk waste service every two years mainly due to economies of scale when waste volumes are higher. It is difficult to quantify an actual saving as it could vary from year to year. It is important to note that the bulk waste and green waste collections are combined, which also helps to keep costs down. The green waste service will continue to be provided annually. The provision of an additional waste facility pass is hoped to encourage people to bring any bulky items to the landfill, and the City has an opportunity to then divert these through the Tip Shop or for them to be recycled. The City's Waste Sustainability Officer will continue to explore opportunities around community education and events such as garage sale trail to assist with the ongoing aim to educate the community about sustainable waste practices. These can build on existing education programs already in place.

DIS064: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the continuation an annual kerbside bulk waste collection service.

BACKGROUND

2. A key action area of the City's Strategic Waste Management Plan 2014 was to investigate alternative options for the bulk hard waste collection service.
3. In 2016 Council requested that the City Administration investigate alternatives for the kerbside bulk waste collection service to improve aesthetics and amenity.
4. The City has provided a bulk waste collection service for 10 years and residents have embraced the service with an increasing volume of waste placed out for removal each year. Between 2009 and 2017 the volume of waste has more than doubled to over 565 tonnes in 2017.
5. There is concern that the service is costly and with hard waste being left of verges for a period of 4 - 5 weeks each year it is unsightly and detracts from the visual amenity of the town, thus the impetus for its review.
6. To inform the review of the bulk waste collection service, during the June / July 2017 collection, the City collated a range of detailed data on users of the service. This included the number of households participating; approximate volumes per household; household based numbers of whitegoods and number of mattresses. This information has been used to inform options considered in this report.
7. The review has also considered best practice guidelines from WALGA, state and local waste targets and overall community satisfaction, equity and expense for the service.

DISCUSSION

8. The 2017 bulk waste collection service was analysed and showed that approximately 45% of the community utilise the service; all suburbs participate to some extent; residents are averaging 2m³ of waste per household; 1,000 mattresses and 1,000 whitegoods are collected. The difference between a one and two yearly collection demonstrated that the waste presented for collection was double, showing that residents hold onto their waste for the following year's collection.
9. Feedback from the City's contractors delivering the service noted that in 2017 there was minimal hazardous household waste items placed in the waste (reducing the risk for collectors); the waste was generally well presented; residents were very happy with the service and commended the contractor on the professionalism, speed and neatness of the service.
10. These points identify that in general (noting there are outliers who do not comply) residents are complying to the City's directive (outlined in publications and promotions) that only 2m³ of waste is placed out for collection; no hazardous waste to be included; separate waste into piles to ease recycling and collection.
11. Based on the 2017 data collected, four alternatives to bulk waste collection were assessed, these were:
 - Retain the existing bulk waste collection service annually
 - Retain the existing bulk waste collection service, every two years
 - Remove bulk waste collection service and offer two additional tip passes anytime throughout the year
 - Remove bulk waste collection service and offer skip bin / collection on request.
12. From these alternatives, the recommended option is to retain the existing bulk waste collection service. This service is cost effective; meets WALGA Best Practice Guidelines; enables the City to recycle the most waste (based on current processes available); and meets community desire to salvage and recycle goods prior to collection.
13. The other alternatives are costly (in some options more than double), significantly exclude recycling and salvaging by both the City and residents, and present equity and ease of use concerns.
14. Should the option to retain the existing service be endorsed, improvements that will be considered at an operational level for future services will include:
 - Splitting the collection zones to enable a reduced amount of time that waste is visible on the verge;
 - Seasonal timing of the collection that will reduce amenity impact and scheduling with events whilst reducing damage to goods from the rain and thus maximising recycling and salvaging;
 - Increasing promotions and awareness raising to bring good quality recyclable goods to the Fossicker's Tip Shop or utilising other charity services.
15. The City has a vision to be clean, green and sustainable with the mission to be a leading regional agency for efficient waste management practices, building on past performance and establishing new benchmarks for waste minimisation and management.
16. At present by the City retaining the bulk waste collection service will be meeting these visions and meet community expectations for an efficient, easy and well managed service that maximises recycling.

GOVERNMENT & PUBLIC CONSULTATION

17. No government consultation is required.

18. Given the recommendation is to retain the existing bulk waste collection services it is not anticipated that additional consultation is required. However should Council consider one of the alternative options listed below then relevant public consultation should be planned into the delivery of this preferred option. The extent and type of consultation will depend on the option selected and Officers will provide this information as needed.

STATUTORY IMPLICATIONS

19. There are no statutory implications related to this item.
20. The provision of a bulk waste collection services is empowered through the Waste Local Law 2017.
21. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation</p> <p><i>Risk: There is a risk that by not making a decision on the proposed approach the City's contractors cannot cater for a collection in 2018.</i></p>	Likely	Minor	Low	Council to make a decision on the proposal and this service is negotiated with the contractors as soon as possible to ensure a timely collection date.
<p>Financial and Reputation</p> <p><i>Risk: There is a risk that should the proposed approach not be endorsed Council's reputation is damaged in delaying decision making.</i></p> <p><i>A risk for poor acceptance by the Community of other service delivery options.</i></p>	Likely	Moderate	High	<p>Seek Council endorsement as soon as possible.</p> <p>Provide adequate communication and education to the public should an alternative option be endorsed by Council.</p>
<p>Opportunity: Improvement to the existing service through changes to operational timings and educational materials.</p>				

FINANCIAL IMPLICATIONS

24. Should the proposed option to retain the existing annual bulk waste collection service be endorsed by Council there is an allocation within the 2017/18 budget for this service.

LEGAL IMPLICATIONS

25. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

26. The City of Albany values a clean, green and sustainable environment and works to deliver a sustainable and efficient waste management service. The current system of a kerbside bulk waste collection program offers the most efficient way of collecting and processing large scale volumes of waste from the community. It also offers the highest levels of

salvaging and recycling, based on current technologies and infrastructure. The alternative options considered will reduce recycling, increase waste to landfill and minimise community involvement in recycling practices via kerbside salvaging.

ALTERNATE OPTIONS

27. Council may elect not to proceed with the recommended option to retain the annual bulk waste collection service. Alternative options to endorse are:
- Bulk waste collection service every two years, with the potential for additional Waste Facility passes in alternate years.
 - Give further consideration to removing the bulk waste collection service and offer two additional Waste Facility passes each year, with the potential to include a courtesy trailer program.
 - Give further consideration to removing the bulk waste collection service and offer skip bin or verge collection on request.

CONCLUSION

28. A key action area of the City's Strategic Waste Management Plan 2014 is to investigate alternative options to the bulk hard waste collection and this was supported in 2016 with concerns by Council due to the aesthetic issues of waste left on street verges for extended periods of time.
29. The current bulk hard waste collection is a popular service demonstrated by increased participation volumes and any changes to it will attract community attention.
30. Given the City's desire to be clean, green and sustainable and provide the most efficient and effective waste service that will minimise waste to landfill and meet community needs it is recommended at this time that the annual bulk waste collection program is retained.

Consulted References	:	Strategic Waste Management
File Number (Name of Ward)	:	CM.STD.6 - All Wards
Previous Reference	:	OCM – 13/12/2016 – WS119

DIS065: MIDDLETON BEACH FORESHORE – FORESHORE MANAGEMENT PLAN

Land Description	: Lot 1474 Flinders Parade, Middleton Beach on deposited plan 219850 comprised in Certificate of Title Volume 3111 Folio 83
Owner	: City of Albany (Management order or vest crown land)
Attachments	: Commercial in Confidence: Middleton Beach Foreshore Briefing Note – Proposed Staging Plan. <i>(Note: The plan will be presented to Elected Members on the 6 December).</i>
Report Prepared By	: Executive Director Development Services – Paul Camins
Responsible Officers:	: Executive Director Development Services – Paul Camins

CONFIDENTIAL ATTACHMENT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - a. **Key Themes:**
 - 2. Smart, Prosperous & Growing
 - 3. Clean, Green and Sustainable
 - 4. Community Health and Participation
 - 5. A Connected and Built Safe Environment
 - b. **Strategic Objectives:**
 - 2.1 To strengthen and grow our region's economic base.
 - 2.3 To develop and promote Albany as a unique and sought-after visitor location
 - 3.1 To protect and enhance our natural and built environment in a changing climate
 - 3.2 To build, maintain and renew City assets sustainably
 - 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - 5.2 To advocate, plan and build friendly and connected communities.
 - c. **Community Priorities:**
 - 2.1.1 Work with business and other stakeholders to attract investment; diversify the economy; create jobs and support small business growth.
 - 2.3.1 Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.
 - 3.1.2 Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.
 - 3.2.1 Deliver environmentally & financial sustainable long term planning for infrastructure via a forward capital works program that meets the needs of our community.
 - 4.2.2 Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

- 5.2.2 Create infrastructure and connected streetscapes that are consistent and reflect our unique heritage.

Maps and Diagrams:



In Brief:

- LandCorp is developing the Middleton Beach Activity Centre (MBAC) site and is required to undertake a Foreshore Management Plan (FMP) in conjunction with the City of Albany.
- The Foreshore Management Plan document required for the LandCorp development must also include an adaptation plan for the development site. This plan has to commit to some interventions in relation to Coastal Protection over the next 100 years (i.e. coastal adaptation pathway). It is unlikely that any adaptation plan for the entire foreshore could be achieved without additional funding from the City.
- The FMP must meet the requirements of State Planning Policy 2.6 including the requirement to protect the development from coastal processes for 100 years
- The City of Albany is currently undertaking a CHRMAP (coastal hazard risk management and adaptation planning) process for Emu Point to Ellen Cove that is required by the State for Coastal Communities.
- The CHRMAP process shows that the Middleton Beach Foreshore and associated infrastructure will be at risk within a 20 year time frame. The City will have to prepare an adaptation plan as part of this process for the areas that are at risk.
- Whilst LandCorp have some funding available for coastal protection it would be an opportune time for the City of Albany to commit to protection works to incorporate their requirements into a larger integrated plan.
- The City of Albany has previously and will continue to advocate for state and federal funds to complete works on the Middleton Beach Foreshore.
- The benefits of an integrated approach to coastal protection to the LandCorp development and the Middleton Beach foreshore include:
 - Coastal protection requirements are met for at least 50 years;
 - High quality community amenity improvements on the dilapidated foreshore;
 - Removal of drainage that currently flows directly onto the beach;
 - Creation of a new beach promenade over the buried seawall.

RECOMMENDATION

DIS065: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

[7:42:03 PM](#) The meeting was re-opened to the public.

DIS065: RESOLUTION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SUTTON**

THAT the Committee comes out from behind closed doors.

CARRIED 11-0

[7:12:36 PM](#) The meeting was closed to the public.

DIS065: RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE**

THAT the Committee goes behind closed doors to discuss the confidential attachment.

CARRIED 11-0

Discussion was deferred to end of the Committee meeting.

DIS065: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. NOTE the proposed Adaptation Plan will require that the City of Albany to undertake works in timed stages to protect the Middleton Beach Foreshore, associated infrastructure and the Middleton Beach Activity Centre.
2. ACCEPT the funding contribution from LandCorp for the purpose incorporating a Middleton Beach Activity Centre Foreshore Management Plan – Adaptation Plan (*in accordance with the confidential briefing note*) and continue to advocate for State and Federal funds to complete works on the Middleton Beach Foreshore.
3. APPROVE THE ADVERTISEMENT of the completed Draft Middleton Beach Activity Centre Foreshore Management Plan (which includes the Landcorp Adaptation Plan) for the purpose of public consultation.

BACKGROUND

2. LandCorp is developing the old Esplanade Site. The Structure Plan and Scheme Amendment have been completed and conditional subdivision approval has been obtained. The development is known as the MBAC.
3. LandCorp have committed funding to complete Stage 1 of the works, which will realign Flinders Parade and tie it into Adelaide Crescent.

DISCUSSION

Development Conditions

4. A number of conditions have been applied within the planning instruments for the Middleton Beach Activity Centre. Relevant to this item are condition 5 from the Scheme Amendment and condition 18 from the subdivision conditions. These are repeated below:

Local Planning Scheme 1 Condition:

“Foreshore Protection and Management

5. Development within the Hotel/Mixed Use Precinct and/or creation of the Hotel/Mixed Use Lot will be subject to satisfactory arrangements for the implementation and ongoing management of coastal adaptation and protection measures consistent with State Planning Policy 2.6, including but not limited to—

- *Public advertising, adoption and implementation of a Foreshore Management Plan that includes the existing foreshore reserve adjacent to the Special Use zone, prepared in conjunction with the City of Albany in accordance with SPP2.6 Sub-Clause 5.10 Coastal Strategies and Management Plans and endorsed by the WAPC; and*
- *Notification on Title stating that the lot is within a Vulnerable Coastal Area.”*

Subdivision Condition:

“18. Prior to the commencement of subdivision works on Lot 'DA6' and any Public Open Space depicted on the approved plan of subdivision, a foreshore management plan in accordance with Condition 5 of Special Use Area 25 in Albany's Local Planning Scheme No. 1 is to be prepared and approved for the installation and ongoing management of coastal adaptation and protection measures, to the satisfaction of the Western Australian Planning Commission.”

Proposed Staging of the Integrated Approach

5. It is expected that the independent CHRMAP process being undertaken for the City of Albany will indicate a higher likelihood of risk of inundation and/or erosion and a requirement for earlier intervention, than the CHRMAP prepared only for the Ellen Cove Foreshore Management Plan (by Landcorp). This is particularly so in regards to the Foreshore and Albany Surf Life Saving Club.
6. An integrated solution as recommended by the City of Albany incorporates coastal protection structures built further out on the foreshore / beach edge as part of a wider foreshore protection plan inclusive of the development which will include drainage infrastructure and landscaping works as well as the seawall.
7. A staging plan has been proposed for the implementation of the coastal protection works.

GOVERNMENT & PUBLIC CONSULTATION

8. The Middleton Beach Working Group consists of representative from Department of Planning, Lands and Heritage, GSDC, City of Albany and LandCorp. This group has been meeting regularly for more than 2 years and has had an input into and provided comment on the draft document.
9. The Coastal Parks Enhancement Plan prepared in 2014 involved significant community consultation. The landscaping and amenity elements associated with this updated plan will remain consistent.
10. SPP2.6 includes a requirement for community consultation ;

‘Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.’

11. The Foreshore Management Plan will therefore be updated in accordance with the guiding principles (Should Council endorse them). The plan will then be advertised for public comment where after it will be presented to Council at another OCM for final endorsement.

STATUTORY IMPLICATIONS

12. Section 143 (1) (c) of the *Planning and Development Act 2005* allows WAPC to approve a subdivision with conditions. LandCorp are required to comply with the subdivision requirements including preparation of and commitment to a Foreshore Management Plan.
13. State Planning Policy No. 2.6 State Coastal Planning Policy and associated Guidelines is the most pertinent policy to inform and guide decision-making for coastal planning; including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.
14. The most relevant section of the policy is section 5.5 and deals with Coastal hazard risk management and adaptation planning.
15. The Foreshore Management Plan and any solution needs to meet/address the requirements of this policy.

POLICY IMPLICATIONS

16. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Property <i>Risk: There is a risk that doing nothing will result in damage to the foreshore and infrastructure.</i>	<i>Possible in the short term</i>	<i>Moderate in the short term</i>	<i>High</i>	<i>Undertake precinct-wide coastal protection works</i>
Financial <i>Risk: There is a risk that doing nothing will result in damage to the foreshore and infrastructure.</i>	<i>Possible in the short term</i>	<i>Severe</i>	<i>Extreme</i>	<i>Undertake precinct-wide coastal protection works</i>
Reputation <i>Risk: There is a risk that by protecting only the hotel site the City will be criticised by the community.</i>	<i>Possible in the short term</i>	<i>Major</i>	<i>High</i>	<i>Undertake precinct-wide coastal protection works</i>
Opportunity: <i>There is an opportunity to receive a contribution from LandCorp for a precinct-wide protection strategy.</i>				

FINANCIAL IMPLICATIONS

18. LandCorp have nominal funding available for the construction of a seawall around the hotel site.
19. LandCorp are prepared to make these funds their contribution to a precinct-wide protection strategy.
20. A commitment to the funding arrangements as discussed in the attached briefing paper.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. Nil.

ALTERNATE OPTIONS

23. That the City not commit to develop the Middleton Beach Foreshore and allow LandCorp to find alternate means to protect the Middleton Beach Activity Centre. Note that this would lose any contribution available to achieve a precinct-wide solution.

CONCLUSION

24. A decision on providing a commitment within the Foreshore Management Plan is required to complete the Draft Plan for advertising. Officers recommend that the benefits of a precinct-wide proposal being implemented in a staged approach over appropriate time-frames will give the City some time to advocate for funding to complete this important project.

Consulted References	:	<i>Local Government Act 1995, Planning and Development Act 2005. State Planning Policy No. 2.6 State Coastal Planning Policy and Guidelines and Local planning Scheme 1</i>
File Number (Name of Ward)	:	Frederickstown
Previous Reference	:	Nil

UNCONFIRMED

DIS066: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT – LOTS 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 AMITY QUAYS, ALBANY

Land Description	: Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany
Proponent / Owner	: Ayton Baesjou Planning / LandCorp
Business Entity Name	: LandCorp
Attachments	: Schedule of Submissions Schedule of Modifications
Supplementary Information & Councillor Workstation:	: Amendment Document Amendment appendices Bushfire report Acoustic report Coastal report Traffic report Urban Water Management Plan Submissions
Report Prepared by	: Senior Planning Officer – Strategic planning (A Nicoll)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - Theme: 5 - A connected and safe built environment.
 - Objective: 5.1 - To develop vibrant neighbourhoods which retain local character and heritage.
 - Community Priority: 5.1.2 - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

Maps and Diagrams



In Brief:

- Council previously initiated and advertised Local Planning Scheme Amendment No.20, which proposes to change the residential density code for lots on Amity Quays from R30 to R60.
- As a result of the referral process to state agencies, additional information and new scheme provisions have been provided to address the following matters:
 - Noise and vibration mitigation from the nearby road and rail infrastructure;
 - Coastal influences;
 - stormwater management; and
 - Access from Princess Royal Drive.
- City planning Staff support the local planning scheme amendment with new suggested provisions. The proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*, which encourages higher density development close to the central business district.
- Council is requested to consider submissions received, subsequent additional information provided, and new proposed provisions and then determine whether to support the local planning scheme amendment.

RECOMMENDATION

DIS066: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS066: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, with modifications, Amendment No. 20 to amend *Local Planning Scheme No. 1* by:

- (1) Incorporating Lots 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550 Amity Quays, Albany within a 'Special Control Area' and change the residential density code from R30 to R60;
- (2) Incorporating the Amity Quays Special Control Area within Part 6 – Special Control Areas of the Scheme Text; and
- (3) Amending the Scheme Maps accordingly.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.

5. The Council resolved at the November 2016 OCM to advertise Amendment No. 20, which proposes to increase the residential density available to lots located at Amity Quays, Albany.

The subject lots are located approximately 500 metres west-south-west of York Street and have a cumulative area of approximately 1.1 hectares. The land slopes very slightly upward in a northerly direction, from Amity Quays toward the railway line. The land has been cleared and extensive remediation works have been undertaken to remove soil contamination resulting from its former use as a gasworks.

6. Prior to advertising, the amendment was referred to the Environmental Protection Authority, where it was determined that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act.
7. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. At the close of advertising, 16 submissions were received.

DISCUSSION

8. A 'Schedule of Submissions' has been developed to identify issues raised during the advertising process. A 'Schedule of Modifications' has also been developed to address the issues. The schedules are available as an attachment to this report item. The key issues raised include:
 - a) The need for an investigation determining whether or not noise and vibration measures should be implemented in accordance with *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*;
 - b) The need for an investigation determining stormwater management measures due to sensitive wetlands;
 - c) A Public Open Space contribution being provided for the management of adjacent parklands;
 - d) Coastal processes (e.g. sea level rise) being assessed to determine if any mitigation measures are necessary;
 - e) Access routes to and from the heavy truck haulage route of Princess Royal Drive being assessed to determine if safety issues are evident and if mitigation measures need to be implemented;
 - f) Potential loss to harbour views due to development of the subject site.
9. The abovementioned issues are discussed and addressed in further detail under the headings below.

Noise and Vibration

10. Given proximity to the freight railway and Princess Royal Drive, the Public Transport Authority, Southern Ports Authority, Main Roads WA and Department of Transport recommended an investigation to determine if noise and vibration measures should be implemented in accordance with the *State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*.
11. Consequently a noise and vibration assessment was undertaken. The assessment determined that:
 - a) Two treatment options are available to mitigate noise exceedance. These are:
 - i. Limitation in building height on the dwellings along the Northern Boundary of the development;

- ii. Build a noise wall 4.5m high which reduces the noise levels on proposed dwellings. This will also reduce the required acoustic treatments.
 - b) Vibration is not expected to be at a scale whereby residents will be impacted.
12. It is recommended that the following provision is included to address noise exceedance:
- a) Quiet house design and construction methods/materials to reduce noise impacts, in accordance with State Planning Policy 5.4.
 - i. Two options to mitigate noise exceedance includes:
 - 1. Limitation in building height (single storey) on dwellings along the Northern Boundary of the development; or
 - 2. Build a noise wall (may include parapet wall) 4.5m high along the northern boundary.

Stormwater

13. The Department of Water recommended the development of a water management strategy to ensure treatment occurs on-site prior to discharge into adjacent wetlands.
14. Consequently, an 'Urban Water Management Strategy' was developed. The strategy determined that:
- a) Stormwater can be contained on-site or appropriately treated and connected to the local drainage system.
15. It is recommended that the following condition is included to address stormwater management:
- a) Implementation of an Urban Water Management Plan to the satisfaction of the Local Government. All stormwater to be contained on site or appropriately treated and connected to the local drainage system. No stormwater to be discharged into the rail corridor.

Public Open Space

16. The Department of Water recommended that a Public Open Space cash contribution is provided to the City of Albany to improve the condition and amenity value of adjacent wetlands, including access, weed control, improved signage and revegetation.
17. It is recommended that this comment is simply noted. Requirements for POS contributions are dealt with at the subdivision stage in accordance with the Commission's Development Control Policy 2.3, which states:

4.3.1 Sections 20C (1) to 20C (7) of the Act contain provisions under which a cash payment can be made by the subdivider in lieu of providing land for open space.

State Coastal Planning Policy 2.6

18. The Department of Planning (Coastal Division) recommended that the amendment document be updated to address policy requirements of the State Planning Policy 2.6.
19. The SPP2.6, Policy measure 5.5(i) states:

Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe.

20. Consequently, a 'Coastal Hazard Risk Management and Adaptation Plan' was developed. It was determined that:
- a) The proposed development has a low level of risk of coastal inundation over the 100 year planning timeframe, as its development level is above the 500 year ARI inundation level. Therefore adaptation and mitigation measures are not required.

Access

21. Main Roads WA requested the following development conditions be included:
- a) The rationalisation of access points from Princess Royal Drive to the land;
 - b) The construction of turning pockets and associated widening on Princess Royal Drive at the applicant's expense; and
 - c) Street lighting at the intersection with Princess Royal Drive.
22. The proponent decided to engage input from a traffic engineer. Consequently, a traffic report was developed. The report concluded that:
- a) Vehicular access to and from Princess Royal Drive is to comply with Austroads Design Guidelines.
23. It is recommended that the following condition is included to address traffic safety issues:
- a) Provision of a passing bulge on Princess Royal Drive located at the Western intersection to the specification of Main Roads WA.

Views

24. Three submissions were received from members of the public during the advertising process, expressing objections to the proposal.
25. Objections focussed on the effect that the rezoning could have on the height of buildings on the subject lots and their influence on the character of the surrounding area.
26. It is recommended that the following condition is included to address concerns in relation to building heights and views.
- a) For development at the R60 density code, the maximum building height is 10m to the top of the roof and setback between developments is to be incorporated to enable view corridor(s) to dwellings on Festing Street.
27. It is also of note that the development requirements which are in place to address noise also will have the affect ton limiting the height of development on the northern boundary.

GOVERNMENT & PUBLIC CONSULTATION

28. The local planning scheme amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
29. Sixteen submissions were received from government agencies and members of the public. Submissions are considered in a schedule available as an attachment to this report and discussed within the 'Discussion' section of this report item.

STATUTORY IMPLICATIONS

30. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

31. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
32. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
33. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

34. There are no policy implications relating to the proposed amendment. Relevant Policy documents include:
 - a) *State Planning Policy (SPP 5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning*;
 - b) *State Planning Policy No. 2.6 State Coastal Planning Policy*;
 - c) *Austrroads Design Guidelines*; and
 - d) *Better Urban Water Management Framework (2008)*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.</i>
Reputation. <i>The proposal may attract objections from members of the public or other public authorities.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Agree to support the proposed Scheme Amendment subject to provisions to address community and agency concerns.</i>
Opportunity: <i>Change the City's scheme to enable opportunity for a higher density development at a prime location.</i>				

FINANCIAL IMPLICATIONS

36. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

37. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

38. The subject land was formerly the site of Albany Gasworks. Extensive remediation works have been undertaken to remove soil contamination.
39. It is recommended that the following condition is included to address contamination:

- a) Confirmation that the site has been remediated to the satisfaction of Department of Environmental Regulation.
40. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

ALTERNATE OPTIONS

41. Council may consider alternate options in relation to this item, such as:
- To resolve to support the scheme amendment without modification; or
 - To resolve to support the scheme amendment without additional modifications; or
 - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

CONCLUSION

42. The comments received during the public consultation period raise a number of concerns relating to noise and vibration associated with an adjacent rail freight line, suitability of access to and from the Princess Royal Drive, appropriate management of stormwater, measures associated with the state's coastal planning policy and views.
43. Additional information was obtained and additional conditions have been recommended to address issues raised.
44. Given the unique nature of the site, its location near the CBD and the general amenity available in terms of water views and strategic siting, it is considered that a higher density coding is warranted and should be encouraged.
45. It is recommended that Council adopt Local Planning Scheme Amendment No. 20, subject to modifications as stated in the schedule of modifications.

Consulted References	:	<ol style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>; 6. <i>State Planning Policy (SPP 5.4) Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>; 7. <i>State Planning Policy No. 2.6 State Coastal Planning Policy</i>; and 8. <i>Better Urban Water Management Framework (2008)</i>.
File Number (Name of Ward)	:	LAMD20 (Frederickstown Ward)
Previous Reference	:	OCM - 22/11/2016 - PD146

DIS067: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.28 – Lot 312 Bay View Drive, Little Grove.

Land Description	: Lot 312 Bay View Drive, Little Grove
Proponent / Owner	: AYTON BAESJOU
Business Entity Name	: HORIZON HOLDINGS PTY LTD Mark Zafir James Tjhouw Njin Lie
Attachments	: Local Planning Scheme Amendment No. 28 Amendment Document
Report Prepared by	: Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. The proposal is also consistent with the *Activities Centre Planning Strategy (2010)*, which encourages the development of local-serving uses at an appropriate scale within local activity centres. Such uses could include local offices and residential development.
4. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - Theme: 5 - A connected and safe built environment.
 - Objective: 5.1 - To develop vibrant neighbourhoods which retain local character and heritage.
 - Community Priority: 5.1.2 - Provide proactive planning and building services that support sustainable growth while reflecting our local character and heritage.

Maps and Diagrams:



In Brief:

- The subject land is zoned ‘Local Centre’ under *Local Planning Scheme No.1*.
- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - Designate lot 312 as an additional use site;
 - Provide the ability to apply for group and multiple dwellings, in addition to the currently permitted commercial land uses; and
 - Establish conditions which apply to residential development on the land.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy and Activities Centre Planning Strategy (2010)*.
- Council is requested to adopt the amendment for the purpose of public advertising and referral to public authorities.

RECOMMENDATION

DIS067: COMMITTEE RECOMMENDATION
MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SLEEMAN
THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS067: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005 and Part 5, r.35 of the Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. ADOPT Amendment No. 28 to amend City of Albany *Local Planning Scheme No. 1* by:
 - a) Designating Lot 312 Bay View Drive as an ‘Additional Use’ site No. 33 and including it in Schedule 2 of the Scheme Text in the following manner:

Schedule 2 – Additional Uses (CI 4.5)			
No.	Description of land	Additional Use	Conditions
AU 33	Lot 312 Bay View Drive, Little Grove	Grouped Housing ('A') Multiple Housing ('A')	I. At the time of subdivision and/or development, the local government may request the provision of a Local Area Plan (to be adopted as a Local Planning Policy) to guide development of ‘Additional Uses’. II. The R30 code and Mixed Use Development requirements, as set out in the Residential Design Codes (Part 6) shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses.

			<p>III. Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.</p>
<p>b) Amending the Scheme Map accordingly.</p>			
<p>Note: The amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason.</p>			
<ul style="list-style-type: none"> • The amendment is consistent with the Albany Local Planning Strategy, which sets a strategic objective to support urban infill development based on compatibility of land uses and infrastructure capacity; • The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and • The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area. 			
<p>2. Advertise the amendment in accordance with Part 5, r.47 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>			

BACKGROUND

5. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
6. Lot 312 Bay View Drive, Little Grove is zoned 'Local Centre' under *Local Planning Scheme No.1* and is currently vacant. The subject lot is situated alongside Lot 1 Frenchman Bay Road, which is also zoned 'Local Centre'. The southern half of Lot 1 is currently developed as a shop, liquor store and service station, with the remaining section being vacant.
7. The 'Local Centre' zone does not currently support the development of residential land uses.
8. The proponent of Lot 312 approached the City of Albany and the Department of Planning, Lands and Heritage requesting to amend the City's Local Planning Scheme to enable group and/or multiple housing. It is proposed to have the option of adapting any housing which is developed into commercial land uses, should the demand arise.
9. The proponent advised that demand does not currently exist for additional commercial land uses within the subject 'Local Centre' zone. The proponent reasoned that, should demand for commercial land use rise, capacity exists within a vacant area of neighbouring Lot 1. Furthermore, there is potential to transform grouped and multiple housing developed on the subject lot to meet demand.
10. The proposal is consistent with the City's *Activity Centres Planning Strategy (2010)*, which encourages the development of mixed uses.

DISCUSSION

11. The City's planning Staff support the proposed local planning scheme amendment, as it is consistent with the *Activity Centres Planning Strategy (2010)* and will facilitate the development of the land, while also retaining the ability for commercial land uses to be developed as demand requires.
12. In order to provide for residential mixed use development within Lot 312, it is proposed to retain the 'Local Centre' base zone, which provides for a wide range of commercial uses, and to designate it as an 'Additional Use' site for 'Grouped Housing' and 'Multiple Housing' based on the R30 Residential Density Code.
13. Within this context, capacity exists for commercial development and/or grouped and multiple housing.
14. Conditions which are proposed to be to be incorporated in the scheme to guide residential development on the site include:
 - A 'Local Development Plan' is to be provided prior to development to illustrate expectations for the site and to prevent development occurring in an ad hoc basis; and
 - Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use, if required in the future.

GOVERNMENT & PUBLIC CONSULTATION

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment. Consequently, no consultation has been undertaken at this stage.
16. If a local government resolves under regulation 35(1) to adopt an amendment to a local planning scheme, the local government must advertise the amendment.
17. Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be assessed.

STATUTORY IMPLICATIONS

18. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
19. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to adopt a standard scheme amendment for advertising and referral to relevant public authorities.
20. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

21. There are no policy implications relating to the proposed amendment. While not specifically applicable to this proposal, the amendment is attentive to the *State Planning Policy 4.2, Activity Centres for Perth and Peel*. This policy states:

Activity centres are community focal points. They include activities such as commercial, retail, higher density housing, entertainment, tourism, civic/community, higher education, and medical services.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Operations and Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</p>	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.
<p>Community, Organisational Operations and Reputation The proposal may attract objections from members of the public or other public authorities.</p>	Possible	Minor	Medium	Widely consulting with all parties who may be affected and all relevant public authorities should mitigate any risk in this regard. If necessary, further information can be requested from the proponent as part of the amendment process.
<p>Opportunity: Change the City's scheme to enable opportunity for a mixture of uses at subject Lot 312 Bay View Drive, Little Grove.</p>				

FINANCIAL IMPLICATIONS

23. There are no financial implications relating to the proposal to amend the *Local Planning Scheme No.1*.

LEGAL IMPLICATIONS

24. There are no legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

25. The referral of Amendment No.28 to the EPA will clarify if environmental implications apply.

ALTERNATE OPTIONS

26. Council may consider alternate options in relation to this item, such as resolving:

- To adopt the amendment subject to modifications; and
- Not to adopt the amendment to the local planning scheme.

CONCLUSION

27. Amendment No.28 proposes to enable the development of grouped and multiple housing, in addition to the commercial activities allowed under the current zoning.

28. The proposed Amendment No. 28 is consistent with the current strategic direction set within the *Albany Local Planning Strategy (2010)*, the *Activity Centres Planning Strategy (2010)* and objectives for activity centres identified in the *State Planning Policy 4.2, Activity Centres for Perth and Peel*.

29. Council is requested to agree to adopt the Amendment No.28.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy (2010)</i> 3. <i>Activity Centres Planning Strategy (2010)</i> 4. <i>State Planning Policy 4.2, Activity Centres for Perth and Peel</i>
File Number (Name of Ward)	:	LAMD28 (Vancouver Ward)
Previous Reference	:	Nil

DIS068: PROPOSED ROAD CLOSURE – PORTION OF RANGE ROAD, YAKAMIA

Land Description	: Part of Range Road, Yakamia.
Proponent / Owner	: City of Albany.
Report Prepared By	: Lands Officer (A Veld)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 5. A Connected and Safe Built Environment.
 - **Objective:** 5.2. To advocate, plan for and build friendly and connected communities.
 - **Community Priority:** 5.2.2. Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

Maps and Diagrams:



In Brief:

- The *Yakamia / Lange Structure Plan 2015* and the *Catalina Outline Development Plan* provide for a significant district road link running between the Sanford Road / North Road intersection and Mercer Road, being Range Road.

- In order for the proposed new alignment to have the name 'Range Road' applied, a 16,386m² portion of the existing Range Road reserve is required to be closed.
- As required under s.58 of the *Land Administration Act 1997*, the City of Albany has completed the public advertising of the proposed road closure, and now requests Council make a final decision on the proposed closure.

RECOMMENDATION

DIS068: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS068: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council REQUESTS under s.58 of the *Land Administration Act 1997*, that the Minister for Lands close a 13,472m² portion of the Range Road reserve.

BACKGROUND

2. At the 22 August 2017 Ordinary Council Meeting, Council actioned the public notification process to close a portion of Sydney Street to facilitate the re-alignment of the current Range Road. The public submission process has now been completed, with no submissions received.
3. The City will be forwarding a request to the Minister for Lands to close a 2088m² portion of Sydney Street, as required under s.58 of the *Land Administration Act 1997*.
4. In order to allow the new realignment to become Range Road, an existing 13,472m² portion of the Range Road reserve, between North Road and Target Road is required to be closed.

DISCUSSION

5. The City has delegated authority to advertise any proposed road closure, with final decision to be made by Council (delegation 2017:036).
6. The advertising of the proposed closure of portion of the Range Road reserve occurred in conjunction with the proposed closure of a 2088m² portion of Sydney Street.
7. No submissions were received in respect to the proposed closures during the public advertising period.

GOVERNMENT & PUBLIC CONSULTATION

8. The proposed road closure was published in the public notices section of the Albany Advertiser Extra on 21 September 2017, as required under s.58 of the *Land Administration Act 1997*.
9. The submission period closed on Friday 27 October. No submissions were received during this process.

STATUTORY IMPLICATIONS

10. As per s.58 of the *Land Administration Act 1997*, any proposed road closures are required to be advertised for public comment. Advertising occurred between 21 September and 27 October 2017.

POLICY IMPLICATIONS

11. There are no policy implications related to this Item

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisation's Operations & Reputation</p> <p><i>Risk: If the proposed closure is not supported, the City will be unable to implement key deliverables detailed in the Yakamia / Lange Structure Plan 2015 and the Catalina Outline Development Plan.</i></p>	<p><i>Almost Certain</i></p>	<p><i>Major</i></p>	<p><i>High</i></p>	<p><i>The proposed road closure is supported.</i></p>
<p>Opportunity: <i>The City is proactively supporting the guidance on future development and land use as described in the Yakamia / Lange Structure Plan 2015 and the Catalina Outline Development Plan.</i></p>				

FINANCIAL IMPLICATIONS

13. All costs associated with the realignment of Range Road have been allocated for as part of the 2017 Land Assets budget.

LEGAL IMPLICATIONS

14. There are no legal implications related to this Item.

ENVIRONMENTAL CONSIDERATIONS

15. There are no environmental considerations related to this Item.

ALTERNATE OPTIONS

16. Council may consider alternate options in relation to this item, such as resolving:

- To deny the request to close portion of the Range Road reserve; and
- Support the request to close portion of the Range Road reserve, with modifications.

CONCLUSION

- The *Yakamia / Lange Structure Plan 2015* and the *Catalina Outline Development Plan* provide for a significant district road link running between the Sanford Road / North Road intersection and Mercer Road, being Range Road.
- At the Ordinary Council Meeting on 22 August 2017 Council actioned the public notification process in regards to closing portion of Sydney Street to facilitate re-alignment of the current Range Road. This has now been completed, with no submissions received. Therefore, the City will be forwarding a request to the Minister for Lands to close a 2088m² portion of Sydney Street, as required under s.58 of the *Land Administration Act 1997*
- In order to allow the new realignment to become Range Road, an existing 16,386m² portion of the Range Road reserve, between North Road and Target Road is required to be closed.
- The City of Albany has completed the public advertising of this proposed road closure, under delegation 2017:036 and now asks Council for a final decision on the proposed closure.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Yakamia/Lange Structure Plan 2017</i> <i>Catalina Outline Development Plan</i>
File Number (Name of Ward)	:	RD.RDC.2 (Yakamia)
Previous Reference	:	CCCS049 OCM 22/08/2017

DIS069: ROAD WIDENING - SOUTH COAST HIGHWAY, GREEN RANGE

Land Description	: South Coast Highway between Mettler Road & Cheyne Road, Green Range
Proponent / Owner	: Main Roads
Attachments	: ICR17281047 – Main Roads
Report Prepared By	: Lands Officer (A Veld)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 5. A connected and safe built environment.
 - **Objective:** 5.2 To advocate, plan for and build friendly and connected communities.
 - **Community Priority:** 5.2.1. Improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

Maps and Diagrams:



In Brief:

- Council is requested to consider a proposal by Main Roads WA to widen a portion of South Coast Highway between Cheyne Road & Mettler Road and also a portion of Mettler Road.
- The widening is required in order to facilitate improvement works.
- A resolution by Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

RECOMMENDATION

DIS069: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS069: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. SUPPORTS the proposal by Main Roads WA to dedicate the land detailed in Main Roads Land Dealing Plans 1760-001 to 1760-007 and 1760-009 to 1760-014 as a road pursuant to section 56 of the *Land Administration Act 1997*.
2. SUPPORTS the action by Main Roads WA to seek approval from the Minister for Lands, under section 56 of the *Land Administration Act 1997*, to dedicate the land to be taken for road widening as a public road;
3. INDEMNIFIES the Minister for Lands, on behalf of Main Roads WA, from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*;
4. Requires that Main Roads WA indemnify the Council against all costs and charges, including any claims for compensation that may arise, associated with this dedication

BACKGROUND

2. A portion of Mettler Road, and number of portions of South Coast Highway between Cheyne Road and Mettler Road, have been constructed outside of the designated road reserves.
3. These portions of road pass through 'A' Class' Reserve 26650, namely, Hassell National Park.
4. In order to widen the current road reserves, Main Roads WA needs to acquire portions of this 'A' Class reserve for dedication as road reserve.
5. Main Roads WA is now seeking Council's support for this proposal.

DISCUSSION

6. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that the local government makes a resolution to this effect.

GOVERNMENT & PUBLIC CONSULTATION

7. Main Roads has consulted with the Department of Biodiversity, Conservation and Attractions and other affected parties, with arrangements for the acquisition now in progress. In this instance, no public consultation by the City of Albany is required as Main Roads WA is the organisation progressing the land acquisition process.

STATUTORY IMPLICATIONS

8. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must also indemnify the Minister for Lands against any claim for compensation.

POLICY IMPLICATIONS

9. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>People & Safety.</p> <p><i>Risk: There is a risk that by not supporting Main Roads proposal, improvements to road safety cannot be fully implemented and the affected portions of South Coast Highway and Mettler Road will continue to be classed as part of the Hassell National Park.</i></p>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Support Main Roads WA proposal to dedicate portions of the Hassell National Park as road reserve.</i>
Opportunity: Support upgrades and improvements to one of the City's arterial transport routes.				

FINANCIAL IMPLICATIONS

11. All costs associated with the land acquisition, road widening, road dedication and any subsequent claims for compensation are to be borne by Main Roads WA.

LEGAL IMPLICATIONS

12. There are no direct legal implications relating to this item.

ENVIRONMENTAL CONSIDERATIONS

13. Any environmental considerations relating to widening of the South Coast Highway road reserve are to be the responsibility of Main Road WA.

ALTERNATE OPTIONS

14. Council may consider alternate options in relation to this item, such as
- To deny the request to dedicate a portion of Mettler Road and portions of South Coast Highway as road reserve; and
 - Support the request to dedicate a portion of Mettler Road and portions of South Coast Highway as road reserve, with modifications.

CONCLUSION

15. A portion of Mettler Road and number of portions of South Coast Highway between Cheyne Road and Mettler Road have been constructed outside of the designated road reserves.
16. In order to widen the current road reserves, Main Roads WA needs to acquire portions of the 'A' Class Reserve, Hassell National Park, for dedication as a road reserve.
17. A resolution of Council is required to enact the road dedication provisions of the *Land Administration Act 1997*.

Consulted References	:	<i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	RD.ACQ.1 (Kalgan)
Previous Reference	:	Nil

DIS070: ACCEPTANCE OF GRANT FOR WELLSTEAD FIRE STATION

Proponent / Owner	: Wellstead Volunteer Fire Brigade
Report Prepared By	: Manager Ranger and Emergency Services (T Ward) Community Emergency Service Manager (B Gordon)
Responsible Officers:	: Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

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

In Brief:

- Council is asked to formally resolve to accept a Local Government Grants Scheme funding of \$135,500 for the building of a new fire station for the Wellstead Bushfire Brigade.

RECOMMENDATION

DIS070: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SUTTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS070: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council accept the grant of \$135,500 offered by the Local Government Grants Scheme for building a new fire station for the Wellstead Fire Brigade.

BACKGROUND

2. The Wellstead Volunteer Bush Fire Brigade has been identified in the DFES replacement schedule for an upgrade of the existing fire appliance.
3. The replacement appliance is due for delivery in the 2017/18 financial year.
4. The Brigade appliance is stored in a twenty year old shed, which is co-habited by St Johns Ambulance Service.
5. The current facility will not house the new appliance due to the dimensions of the new truck.
6. The City of Albany applied to DFES for Local Government Grant Scheme (LGGS) funding, for the purpose of replacing the current facility with a suitable building.
7. The City's application was successful, with \$135,500 being offered to construct a new, two bay facility, with amenities.

DISCUSSION

8. Brigade infrastructure and replacement facilities are eligible through the LGGS program.
9. Costs associated with site works and connection of utilities are not supported by LGGS funding and must be met by alternative funds.

10. The current funding offer has been made to reflect the immediate needs of the Wellstead Volunteer Bush Fire Brigade and this remains the primary consideration, should such funding be accepted.
11. However, the City of Albany has also been approached by St John ambulance representatives, with a view to considering co-habitation of the new facility. To that extent, St Johns have committed its own funds towards the establishment of a new, shared facility.
12. Discussions are being conducted with DFES, St John’s and the City of Albany in relation to a facility that meets the needs of the two parties and early conversation indicates that pooling of funding could achieve this.
13. Despite this opportunity, it is important for the initial funding offer to be accepted in order to address the imminent arrival of the new brigade appliance.

GOVERNMENT & PUBLIC CONSULTATION

14. Initial consultation was between the Wellstead BFB, the City of Albany Emergency Services Department and the Chief Bushfire Control Officer.
15. Consultation with DFES was instigated through the Resource to Risk program which was then forwarded to a panel for determination.

STATUTORY IMPLICATIONS

16. There are no statutory implications directly related to this item.

POLICY IMPLICATIONS

17. There are no policy implications in this matter.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation.</p> <p><i>Risk: There is a risk that by not accepting the funding there will be substantiated public embarrassment, moderate impact and moderate news profile.</i></p>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Resolve to accept the grant for the extension of the fire station.</i>
<p>Opportunity: <i>Demonstrate the City of Albany and Council are committed to the Volunteer Bushfire Brigades and the importance of volunteer members.</i></p>				

FINANCIAL IMPLICATIONS

19. There will be costs to the City Of Albany associated with the new facility primarily around site works and connection of utilities.

LEGAL IMPLICATIONS

20. There are no immediate legal implications associated with this report, although further investigation of leasing or tenancy arrangements in relation to a joint facility will be required should a joint facility agreement eventuate.

ENVIRONMENTAL CONSIDERATIONS

21. Some clearing of vegetation may be required in order to establish a new facility but there are no apparent environmental considerations in considering this report.

ALTERNATE OPTIONS

22. Council may elect not to accept the funding offer. In making such a decisions it should be recognised that the local brigade’s ability to house the new appliance will be greatly diminished.

CONCLUSION

23. The Wellstead brigade has a proactive membership from local community members and the upgrade of their appliance would need to go hand in hand with the upgrade of their current facility.
24. It is recommended Council accept the current grant offer to establish a new brigade facility.

Consulted References	:	Nil
File Number (Name of Ward)	:	KALGAN
Previous Reference	:	Nil

UNCONFIRMED

DIS072: TENDER C17029 – MOUNT ELPHINSTONE TO CBD CYCLE LINK (STAGE 1)

Land Description	: Grey Street West road reserve & Reserve No R2681, Mount Melville
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Supplementary Information & Councillor Workstation	: <i>Confidential Briefing Note has been distributed under separate cover.</i>
Report Prepared By	: Senior Civil Engineering Officer (A Greenwood)
Responsible Officers:	: Executive Director Infrastructure & Environment (M Thomson)

Note: A Confidential Briefing Note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the local government.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 3 - Clean, Green and Sustainable.
 - **Objective:** 3.2 - To build, maintain and renew city assets sustainably.
 - **Community Priority:** 3.3.2 - Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

Maps and Diagrams:

Location Plan - extent of project is indicated by the red dashed line.



In Brief:

- Tender award for the construction of Stage 1 of the Mount Elphinstone to CBD cycle link.
- Two (2) complying tenders received with Tricoast Civil the recommended contractor.
- Construction is scheduled to commence in January 2018 with completion by end of April 2018.

RECOMMENDATION

DIS072: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HAMMOND**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

PROCEDURAL MOTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR**

THAT the Committee accepts DIS072 as a late item for consideration.

CARRIED 11-0

DIS072: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from Tricoast Civil and award Contract C17029 Mount Elphinstone to CBD Cycle Link (Stage 1) subject to negotiation of final terms.

BACKGROUND

2. City of Albany published the Cycle City Albany 2014-2019 Strategy in October 2014. The strategy has a bold vision 'to transform Albany into one of Australia's best cycling destinations, including both on and off road cycling'. To achieve this, the strategy 'aims to improve cycling infrastructure, encourage cycling as a legitimate mode of transport, improve the culture surrounding cycling by encouraging 'sharing the road' and provide more cycle tourism'.
3. The need for a safe route between the suburb of Mount Elphinstone and the CBD for pedestrians and cyclists was highlighted in the strategy. A feasibility study was undertaken the following year, with a route being recommended from a number of options. The recommendations of the feasibility study were adopted by Council in October 2015 and was the basis for funding.
4. The implementation of the project has been split into two stages:
 - Stage 1 runs along the north side of Grey Street West from the intersection of Collie Street through to Carlisle Street.
 - Stage 2 goes from Carlisle Street through the bush above Princess Royal Drive providing a gentle gradient down to a crossing point to the east of the Frenchman Bay Road intersection. The route then crosses Princess Royal Drive and the railway line, continuing alongside the eastern side of Frenchman Bay Road to Woolstores Place where it joins up with the existing shared path which goes through to Little Grove.
5. Grant funds have been secured from the State Government through the Western Australia Bicycle Network (WABN) Grants Program to undertake the construction of Stage 1 in the 2017-18 financial year, and Stage 2 in 2018-19.

6. Design and specification documentation was prepared by the City of Albany to the stage of 'Issue for Tender'. The tender was open from 8 November to 29 November 2017.

DISCUSSION

7. A total of 14 tender documents were issued by the City of Albany.
8. Two (2) completed tender documents were submitted on or before the stipulated closing date and time.
9. The tenderers 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	40%
Relevant Experience	20%
Key Personnel Skills & Experience	10%
Tenderer's Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Total	100%

10. The following table summarises the top tenderers and their weighted scores:

Tenderers	Weighted Score
Tricoast Civil	644.31
Tenderer B	579.02

GOVERNMENT & PUBLIC CONSULTATION

11. All relevant Government departments including the Department of Indigenous Affairs and SWALSC have been consulted on the project. There are no issues with stage 1 proceeding.
12. Stage 2 requires further consultation and is impacted by the future Ring Road alignment. The City will be better positioned to determine as to whether stage 2 should proceed once the timing for the Ring Road project can be established.
13. A request for tenders was published in the West Australian on Wednesday 8 November 2017 and the Albany Weekender on Thursday 9 November 2017.

STATUTORY IMPLICATIONS

14. 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 \$150,000.
15. 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.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

17. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>Interaction with motor vehicles and cyclists resulting in people being discouraged to cycle.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Progressively improve cycling infrastructure and explore funding opportunities.</i>
Finance <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing 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 \$500,000 and therefore the recommended tenderer requires approval from Council.
20. Grant funds have been secured from the State Government through the Western Australia Bicycle Network (WABN) Grants Program to complete these proposed works in the 2017/18 financial year. Funds have also been allocated in the 2017-18 budget.
21. The budget for the project is \$590,000 (ex GST) which is made up of Western Australia Bicycle Network (WABN) Grants Program (\$245,000) with the remainder coming from municipal funds.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

23. Some clearing of vegetation is proposed as part of this project. The alignment of the route has been designed to minimise the amount of clearing required.

ALTERNATE OPTIONS

24. Council can accept or reject tenders as submitted.

CONCLUSION

25. On reviewing the submissions, the evaluation team assessed Tricoast Civil as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, key personnel and experience, tenderer's resources, demonstrated understanding and corporate social responsibility. Tricoast Civil is recommended to be awarded the Mount Elphinstone to CBD Cycle Link (Stage 1) contract.

Consulted References	:	<ul style="list-style-type: none"> • Local Government (Functions and General) Regulations 1995 • Council Policy – Purchasing • Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C17029 (Frederickstown Ward)
Previous Reference	:	N/A

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil
12. MEETING CLOSED TO THE PUBLIC - [7:43:39 PM](#)
13. CLOSURE – [7:43:52 PM](#)

UNCONFIRMED