



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

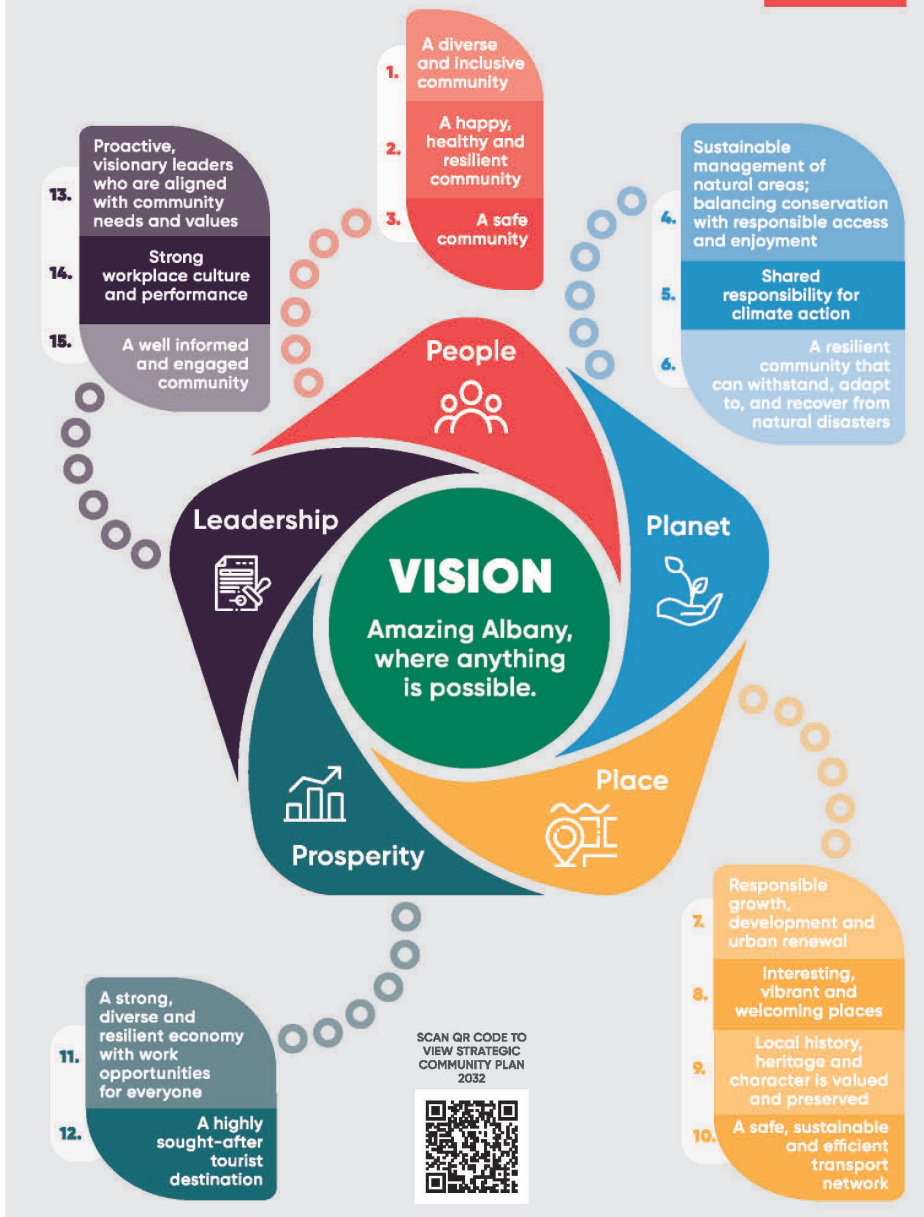
Wednesday 13 September 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members.

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 13/09/2023

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
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1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6:00pm

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

3. **RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor	D Wellington
Councillors:	
Member	C Thomson (Chair)
Member	R Sutton
Member	G Stocks
Member	T Brough
Member	J Shanhun
Member	D Baesjou
Member	S Smith
Member	S Grimmer
Member	M Benson-Lidholm JP
Member	P Terry
Staff:	
Executive Director Infrastructure, Development & Environment	P Camins
Manager Planning and Building	J van der Mescht
Meeting Secretary	N Banyard
Apologies:	
Member	M Traill
Member	A Cruse
Chief Executive Officer	A Sharpe

The were 10 members of the public (including Council Candidates - L Maclaren, J Doust, L Dean) in attendance. There were no media in attendance.

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
John Shanhun	DIS366	Financial: The nature of the Interest being that Councillor Shanhun is employed part time by one of the Tenderers, at the museum. Councillor Shanhun left the Chamber and was not present during the discussion or vote.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE - Nil

6. PUBLIC QUESTION TIME

In accordance with City of Albany Standing Orders Local Law 2014 (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

6:03pm Mr Rob Johnson – 241 Deep Creek Road, Kalgan

Summary of Key Points

Mr Johnson addressed council regarding DIS363 – Industry – Extractive (Gravel), Lot 4 Deep Creek Road, Kalgan. Mr Johnson had no objections about the application, but had concerns about Deep Creek Road

6:07pm Mr Peter Donovan – 485 Deep Creek Road, Kalgan

Summary of Key Points

Mr Donovan addressed council regarding DIS363 – Industry – Extractive (Gravel), Lot 4 Deep Creek Road, Kalgan. Mr Donovan supports the application in principle, but road condition needs to be addressed.

6:09Statepm Ms Janelle Price – 75 Boronia Road, Kalgan

Summary of Key Points

Ms Price addressed council regarding DIS363 – Industry – Extractive (Gravel), Lot 4 Deep Creek Road, Kalgan. Ms Price stated that Infrastructure contributions are required for Deep Creek Road.

There being no further speakers the Chair declared Public Question Time closed at 6:13pm

7. PETITIONS AND DEPUTATIONS – Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

MOVED: COUNCILLOR BENSON-LIDHOLM

SECONDED: COUNCILLOR SUTTON

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 9 August 2023 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

9. PRESENTATIONS - Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

DIS363: INDUSTRY – EXTRACTIVE (GRAVEL), LOT 4 DEEP CREEK ROAD, KALGAN

Land Description	: Lot 4 Deep Creek Rd, Kalgan 6330
Owner	: Aldamach Investments Pty Ltd
Business Entity Name	: Directors being Charles A Hill, Mark D Buggins, Alvin A Sprigg and David R Jackson
Attachments	: 1. Planning Report & Operation Management Plan 2. Schedule of Submissions & Proponents Response
Supplementary Information & Councillor Workstation	: Copy of submissions
Report Prepared By	: Senior Planning Officer (J Anderson)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

Electoral Caretaker Period Policy Statement

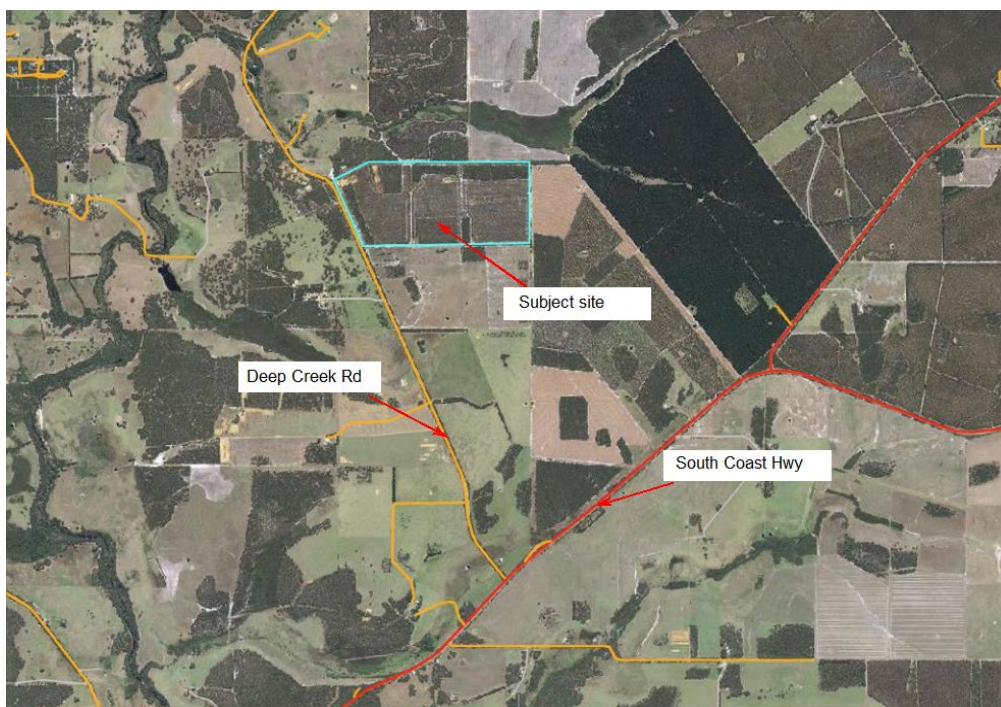
The Officer Recommendation has been reviewed in context of the City of Albany's Electoral Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore, recommends this report for Council's consideration.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development, the Council is obliged to draw conclusion from its adopted *City of Albany Local Planning Strategy 2019* and *City of Albany Strategic Community Plan 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well-informed and engaged community.
4. The proposal is consistent with the strategic directions identified in the Planning Strategy.

Maps and Diagrams:



In Brief:

- Council is asked to consider an application for development approval for an Industry – Extractive (Gravel) at Lot 4 Deep Creek Road, Kalgan. The land use is designated as an ‘A’ use within the Priority Agricultural zone.
- The application was advertised for public comment via direct mail out to surrounding landowners within a 1km radius. Six submissions were received in relation to the proposal; five submissions were generally supportive should the ongoing issue with the road be addressed, with the remaining submission objecting to the proposal.
- The application in its current form, including an updated Operations Management Plan, has been assessed on its merit against relevant state regulations and guidelines, the City’s *Local Planning Scheme No. 1*, and applicable local planning policies. Advice from state agencies and relevant matters raised during the advertising period, have been considered as part of the City’s assessment.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area, and the use is consistent with the relevant objectives of the zone.
- Operational and environmental matters have been addressed, with the proposal required to operate in accordance with recommended conditions of development approval, including the approved Management Plan and applicable state government requirements.
- Due to the number of concerns raised, the application is being referred to Council for determination.
- Staff therefore recommend that Council approve the proposed development, subject to conditions.

RECOMMENDATION

DIS363: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY**

That the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS363: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting temporary development approval with conditions for Industry – Extractive (Gravel) at Lot 4 Deep Creek Road, Kalgan.

Conditions:

1. This consent is valid until XX September 2028, after which a new application will be required to be lodged with the City of Albany.
2. All development shall occur in accordance with the stamped, approved plans referenced P2200207 and dated XX September 2023, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
3. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke, or dust.
4. The development is required to comply with all relevant Health Regulations, regard should be paid to dust management and noise regulations.
5. The level of noise emanating from the development shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.

6. Prior to commencement of operations, the operator shall liaise with the school bus operator to establish a traffic schedule to avoid potential conflict with school bus operations.
7. Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating to Extractive Industries.
8. The measures and actions identified in the Planning Report and Operations Management Plan dated April 2023 being implemented and maintained to the satisfaction of the City of Albany.
9. The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans referenced P2230154 and dated XX September 2023.
10. Only one hectare of the extraction area identified on the stamped, approved plans shall be opened at any one time, unless otherwise agreed in writing by the City of Albany.
11. In accordance with Planning Report and Operations Management Plan dated April 2023, operation of the pit shall be restricted to the following hours, unless otherwise agreed in writing by the City of Albany:
 - 7.00am – 5.00pm Monday to Friday
 - No operation at all on Saturdays, Sundays or Public Holidays
12. Prior to commencement of operations, a Stormwater Management Plan shall be submitted for approval, in consultation with the Department Water and Environmental Regulation. Prior to occupation of development, the approved Stormwater Management Plan shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.

Advice:

 - The proponent should be required - at minimum - to calculate stormwater runoff volumes and provide detailed design of drainage measures, prior to approval.
 - Stormwater channels/bunds to be constructed around the pit to direct stormwater away from the pit and into the surrounding pasture.
 - Installing a water collection point (sediment trap) to prevent the outflow of sediment from the gravel pit. Stormwater within the pit to be directed to the sediment trap for the settling of suspended solids. The stormwater collected in the sediment trap to evaporate and/or be discharged into pastured areas; and
 - Drainage of the rehabilitated gravel pit will re-establish the contours to allow for water movement to freely drain over the surrounding environment.
 - Detail should be provided including the design of systems to manage stormwater flowing from disturbed areas, including areas for stockpiles, to prevent turbidity (e.g., via settling pits) and uncontrolled run off.
13. The applicant will be responsible for the repair of any damage to any road within the City of Albany, caused by the extraction operations. Where repair works are required, they are to be undertaken within an appropriate timeframe by the applicant at their cost, to the satisfaction of the City of Albany.
14. No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Water and Environment Regulation.
15. Management of the site shall include measures to monitor for any impacts on remnant vegetation and to mitigate any risks to its integrity, to the satisfaction of the City of Albany.
16. No direct discharge shall occur from the extraction area to any watercourse, without the prior approval of the Department of Water and Environment Regulation.

17. In accordance with the measures and actions outlined in the Planning Report and Operations Management Plan dated April 2023, and to the satisfaction of the City of Albany, the development shall comply with the following:
 - No fuels, oils and chemicals shall be stored on the site.
 - Refuelling to be undertaken in a designated area with spill kits available at all times.
 - Running repairs may be conducted only if effective measures are in place to prevent fuel, lubricants, coolant and hydraulic fluid losses to the environment.
18. Any off-site fill must be clean soil, free of weed material or of uncontaminated Inert Waste Type 1 (as defined by the *Landfill Waste Classification and Waste Definitions 1996* (as amended 2019) of the *Environmental Protection Act 1986*).
19. Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system to be undertaken in accordance with the Department of Water and Environmental Regulation *Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities 2011* and the City of Albany *Prevention and Abatement of Sand Drift Local Law 2000*.
20. No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
21. Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating to Extractive Industries.
22. The site shall be suitably rehabilitated and re-contoured on a per hectare basis (prior to commencement of the next extractive process), including re-battering of banks and reseeded and stabilising of former extraction areas. Rehabilitation shall be undertaken in accordance with the Rehabilitation Management measures and actions outlined in the Planning Report and Operation Management Plan dated April 2023, to the satisfaction of the City of Albany.
23. A minimum of 150mm of topsoil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the City of Albany.
24. A refundable bond/bank guarantee of \$5,000.00 per hectare shall be lodged with the City of Albany for remediation work if required.

General Advice:

The management of all activities involving hazardous chemicals shall be in accordance with best practice recommendations outlines in the Department of Water Quality Protection Note No. 15 – ‘Basic Raw Materials Extraction’, to the satisfaction of the Department of Environment.

BACKGROUND

5. The subject site lies to the eastern side of Deep Creek Road, approximately 22km north-east of the Albany City centre.
6. The footprint of the extraction area is within a previously cleared blue gum plantation.
7. Site details:

Local Planning Scheme	City of Albany Local Planning Scheme No. 1 (LPS1)
Zone	Priority Agriculture
LPS1 Use Class & Permissibility (Table 2)	Extractive Industry - A
Existing Land Uses:	Agriculture-Extensive
Total site area	Approx. 94 hectares
Bushfire Prone Area:	Yes

Site context

8. Adjoining land to the north, south and west are zoned 'Priority Agriculture'.
9. Deep Creek Road is an unsealed road, connecting South Coast Highway to Mindijup Road.

DISCUSSION

Proposal

10. The proposed Extractive Industry involves the following:

Area of use	<ul style="list-style-type: none"> • Approximately total area 2.95ha • Divided into three stages (refer staging plan) ranging from in area from 0.95ha to 1ha
Summary of proposed operations	<p><u>Available resource and duration</u></p> <ul style="list-style-type: none"> • Estimated total gravel resource available is approximately 24,500 tonnes, proposed to be extracted over a period of 5 years. • The maximum amount of extraction per year is estimated to be 4.9 tonnes, subject to demand. <p><u>Siting & setbacks</u></p> <ul style="list-style-type: none"> • The proposed (approximate) setbacks are as follows: • 209m from the northern boundary; • 93m from the western boundary (Deep Creek Road); • 160m from the southern boundary; and • 1188m from the eastern boundary. • The closest dwellings are located to the north-north west, and south-south east, with an approximate setback of 320m from the nominated extraction area. This exceeds the required 200m setback under the City of Albany's <i>Mining and Extractive Industries Policy</i>. <p><u>Extractive operations</u></p> <ul style="list-style-type: none"> • The proposed operation times are between 7.00am to 5.00pm on weekdays (Monday to Friday). • Extract from one pit at a time, with a maximum of 1ha exposed/operated at any given time. • A dozer will strip the area of approximately 150mm to 200mm of overburden/topsoil to be stockpiled in windrows adjacent to the site and used in the rehabilitation stage. • Total depth of gravel extraction is estimated to be between 0.4m - 1.2m, with a dozer to push the material into a stockpile in readiness for processing (screening/crushing). • Gravel will be fed into the crushing and screening plant (located to the east of the proposed extraction area) and stockpiled within a designated area adjacent to the pit for use as demand requires, prior to being loaded onto trucks; • Overburden/topsoil (approximately 150-200mm) will be windrowed and stored adjacent to each stage in readiness to be used in the rehabilitation process. Each windrow will have a maximum height of 3m; • Progressive rehabilitation of each pit prior to the commencement of a new pit, and upon completion, the area will be rehabilitated and returned to pasture.

	<p><u>Access & traffic</u></p> <ul style="list-style-type: none">• Material to be transported off-site for use within the Albany area.• Access will be via the existing access crossover, which is located to the south of the lot, approximately 3km north from South Coast Highway intersection;• Extracted gravel will be removed from site via pocket road trains and semi-trailers;• The number of truck movements will vary dependent on demand, however at peak times it is expected that there will be ten truckloads per day, which equates to twenty truck movements per day. During low demand times, it is likely that 0–2 movements per day will occur. <p><u>General operations</u></p> <ul style="list-style-type: none">• There will be no hydrocarbons, chemicals, fuels, coolants stored onsite. These will be transported onsite as required by a contained mobile service vehicle which will be appropriately equipped with spill kits in the unlikely event that there is a spillage;• There is an area of remnant vegetation located 90m to the north-eastern area of the property/extraction area. There is no removal of remnant vegetation proposed as part of the proposal. The areas of intact remnant vegetation will not be cleared during the extraction project;
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Public consultation

11. The application was advertised for public comment via direct mail out to surrounding landowners within a 1km radius.
12. A total of six submissions were received in relation to the proposal. Of these submissions, five were generally supportive should the ongoing issues with the condition of the road be addressed, with one objection received.
13. The concerns or objections relate primarily to the following:
 - Current condition of Deep Creek Road & not suitable for additional traffic.
 - Amenity – Noise and odour and environmental impact (waterways, dust, and air pollution).
 - Hours of operation.
 - Other matters, including impacts on value of property.
14. As a result of the concerns raised during the submission period, the applicant provided a response, which is included under the attached schedule of submissions.
15. The proposal was also referred to the Department of Water and Environmental Regulation (DWER).

Assessment

16. The City has considered the proposal against the relevant provisions contained under LPS1 including the objectives of the Priority Agricultural zone, as well as matters outlined under cl. 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), advice from state agencies and relevant submissions received during advertising.

17. To assist the City in determining the appropriateness of a proposal under the local planning framework, DWER were referred the proposal for comment, as the responsible authority on considering environmental matters, including determining the environmental acceptability of a proposal, in accordance with relevant legislation, guidelines and standards.
18. As outlined elsewhere in the report, buffer distances for this type of extractive operation are to be determined on a case by case basis, in accordance with *EPA Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005*. The City of Albany *Extractive Industries and Mining Policy* requires that buffer distances are to be in accordance with EPA requirements, with LPS1 and *Extractive Industries and Mining Policy* further stipulating the following buffer distances between excavation and dwellings that are not located on the subject property:

Minimum required buffer distances	Proposed
200m	Closest adjoining dwelling 320m

19. The Planning Report and Operation Management Plan prepared for the development outlines the consideration of the potential impacts of the proposal on sensitive land uses, and methodology and approaches to mitigate potential environmental impacts.
20. Detailed discussion of the proposal, including advice from state agencies and concerns raised during submissions is provided below.

Road Safety & Maintenance

21. The concerns raised primarily related to use of Deep Creek Road and associated safety matters, including:
 - Sight lines on Deep Creek Road too short at the entrance to the site for other road users.
 - Operating hours will overlap with the school bus.
 - Ongoing issues with the existing condition of the road, with submissions from adjoining landowners claiming that the condition of the road was inadequate to cater for current volumes of traffic, with any increase resulting in further safety issues from the continual impacts from wear and tear. To address these concerns a number of submissions included requests for Deep Creek Road being reconstructed or sealed.
22. The proposal was referred to the City’s Engineering team who confirmed that the sight lines at the entry to the site were sufficient.
23. To address concerns raised relating to potential for conflict between trucks and school buses on Deep Creek Road, a standard condition is recommended to be applied requiring the proponent to liaise with school bus operators to commence a dialogue and establish a schedule that both parties agree to.
24. In terms of traffic volume and potential impacts on Deep Creek Road, the following considerations are to be taken into account for assessment of extractive industries:
 - Vehicle movements associated with operations are seasonal and vary according to construction demand, which the proponent has confirmed will be the case for this operation.
 - During times of high demand, the proponent has indicated that there would be up to a maximum of 10 trips per day (this equates to 20 movements).
 - During times of low demand, the proponent has further indicated that it was likely there would be no movements at all.
25. The concerns raised in submissions regarding ongoing issues by users with the current condition of the road were raised with the City’s Operations team. City Operations advised that at this stage extra maintenance would be considered as needed, however no substantial upgrades are currently identified for Deep Creek Road.

26. In terms of the capacity of the road network, the City is required to take into account the amount of traffic generated by a proposed development and potential impacts on traffic flow and safety. Officer's opinion is that additional traffic generated by the use is unlikely to have a significant impact on the road from a traffic flow and safety perspective, to the extent that a refusal of the development application is recommended.
27. It is acknowledged that the City in certain circumstances has required via a condition of development approval an extractive industry operation to provide a cost contribution or undertaken substantial upgrades (such as sealing) to road infrastructure impacted by the development. Such a requirement is applied where there is an identified need and nexus demonstrating that the proposed development and the associated traffic generated by the use would be likely to have a significant enough impact on the road infrastructure to warrant a cost contribution or upgrades being undertaken by the proponent.
28. Due to the nature of the development and associated traffic generated by the use, there is an expectation of some level of impact on any road infrastructure, especially during peak periods. To address this, it is recommended that a standard condition be applied requiring the proponent to rectify any damage to any road within the City of Albany municipality, as a result of the extractive industry operations.
29. The concerns raised regarding the issues with the existing condition of Deep Creek Road are noted, including the requests for substantial upgrades for either reconstruction and/or sealing. However, it is in the officer's opinion that in this instance it is unreasonable to require the proponent to provide a cost contribution or undertake significant upgrades to the road via a condition of approval, given the smaller scale of the proposed operation (maximum 3ha over a 5 year period). The potential traffic volumes expected to be generated on Deep Creek Road by the use are unlikely to have a significant enough impact to create a need and nexus for the City to condition such a requirement.
30. However, should Council be of a mind to require a cost contribution or significant upgrades being implemented by the proponent, this can be applied as a condition of approval.

Amenity – noise, dust & environmental impact

31. Concerns were also raised in relation to potential negative impacts of the proposal on amenity and environment:
 - There will be an increase in noise and dust and the proposal did not identify adequate measures to mitigate these. The Operations Management Plan does not quantify the noise produced by the screening process or provide an acceptable quantifiable noise level at the site boundaries to allow testing.
 - The dust would be carried into dam catchments, roof spaces, from which personal drinking and stock water are drawn.
 - The hours of operation should be limited to the hours of 7am to 5pm on weekdays to minimise impacts on the amenity of adjoining neighbours.
32. In accordance with LPS1, Extractive Industry is a use that can be considered in the Priority Agriculture zone.
33. The applicant agreed to reduce the standard operating hours as requested and has amended the Operation Management Plan in response to this.

34. In their advice to the City, DWER identified that the proposal has the potential for impact on environment and/or water resource values and/or management, outlining the following key issues and recommendations:
- The proposed operations in its current form, including maximum tonnage of material extracted per year, were below the minimum threshold for consideration as a Prescribed Premises. However any modification to the Operations Management Plan and associated equipment and production capacity had potential to go above the minimum threshold. Prescribed Premises require additional approval from DWER, who outlined that the *Environmental Protection Act 1986* makes it an offence to undertake any works that causes a premises to become or capable of being a Prescribed Premises, and therefore it was recommended that the applicant be advised of the relevant information and requirements, including DWER's Industry Regulation Guide to Licensing.
 - The proposed gravel pit activity footprint was adjacent to remnant vegetation on the Deep Creek Road boundary, and therefore management of the site should include measures to monitor for any impacts on remnant vegetation and to mitigate any risks to its integrity.
 - That management of all activities involving hazardous chemicals shall be in accordance with best practice recommendations outlines in the Department of Water Quality Protection Note No. 15 – 'Basic Raw Materials Extraction'.
 - The requirement for a Stormwater Management Plan to be prepared and submitted for approval by the City, in consultation with DWER, to be imposed as a condition of development approval. The Stormwater Management Plan to be prepared in accordance with WQPN 15 (above) and shall address minimum requirements and information regarding the management of stormwater runoff and drainage, with the measures to be implemented, completed and maintained thereafter to the satisfaction of the City.
35. In regard to dust emissions, DWER is also the responsible body for the assessment of the emissions and buffers for screening and crushing plants. The applicant is responsible for ensuring that they have obtained the required licences from DWER prior to undertaking this activity onsite.
36. When assessing the potential negative impact of a proposal on surrounding amenity, it is necessary to determine the level of existing amenity within the immediate area and secondly, within the wider locality. The existing amenity within the immediate and wider area can be classified as having a rural landscape, defined by open paddocks with clusters of remnant vegetation. Surrounding land uses are predominantly agricultural – extensive and blue gum plantations.
37. Noting the concerns raised during advertising, staff consider that the proposal in its current form has satisfactorily demonstrated that any impacts on adjoining landowners will be adequately addressed and mitigated, subject to compliance with requirements outlined under approved management plans.
38. General advice from the Department of Health outlines that unless adequately treated, rainwater is not reliably safe to drink and it is almost impossible to completely protect rainwater from contamination. The City provides general advice to consumers that installing screens, filters and first flush devices will reduce contamination if people are using rainwater for this purpose.
39. In summary, the proposal is not considered to be out of character with the surrounding predominant agricultural setting and functions, with appropriate methods identified to manage and mitigate potential impacts on the environment and surrounding properties. Staff consider the proposal it is consistent with the objectives of the Priority Agricultural zone in this instance and is unlikely to have a detrimental impact the amenity of the area.

Other matters

40. A concern was raised which claimed property value would be affected.
41. Property value is not a matter to be considered under the Planning Regulations.

GOVERNMENT & PUBLIC CONSULTATION

42. The proposal was advertised for public comment for a period of 21 days, in accordance with clause 64 of the Planning Regulations. Surrounding landowners were notified directly by letter.
43. A total of six (6) submissions were received in relation to the proposal. Of these submissions, five (5) were generally supportive should the ongoing issue with the road be addressed, and one (1) objection was received. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in the paragraphs.
44. In addition to the public consultation, the proposal was also referred to the Department of Water and Environmental Regulation (DWER).
45. DWER stipulated that it was the proponent's responsibility for obtaining all necessary separate licences, approvals and permits before commencing any works on site.
46. The advice from DWER will be addressed through appropriate planning conditions.

STATUTORY IMPLICATIONS

47. Extractive Industry is classified as an 'A' use within the 'Priority Agriculture' zone under LPS1, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
48. The *EPA Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005* set out the criteria for buffers. The guidelines do not set out a specific buffer for this type of extraction operation, and individual operations are assessed on a case by case basis.
49. The Department of Planning, Lands and Heritage *SPP 2.4 – Basic Raw Materials Guidelines (2021)* incorporates a site selection checklist intended on guiding the applicant during the site selection process. Within this checklist it recommends that adequate setbacks for Extractive Industries from sensitive lands uses should be between 300m and 1km. The guidelines however state that local government assessment and approval should be based on relevant local planning scheme provisions, policies or strategies where applicable.
50. The City of Albany Extractive Industries and Mining Policy requires that buffer distances are to be in accordance with EPA requirements. Although the EPA's *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005* do not set out a specific buffer for this type of extraction operation, and operations are assessed on a case by case basis, the City of Albany LPS1 and Extractive Industries and Mining Policy further stipulate that 200m should be achieved between excavation and dwellings that are not located on the subject property. Refer to Assessment section of the report for detailed discussion.
51. Voting requirement is a **Simple Majority**.

POLICY IMPLICATIONS

52. The primary assessment criteria for the application are set out in the City of Albany *Extractive Industries and Mining Policy*.
- The proposal is classified as a Class 2 extractive industry under the policy. Class 2 extractive industries have site extraction areas of between 0.75 and 3 hectares with a maximum depth of 3 metres.
 - The policy requires that buffer distances are to be in accordance with the setbacks outlined within the Environmental Protection Authority requirements. The EPA *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005* do not set out a specific buffer for this particular type of extraction as it is assessed on a case-by-case basis. The closest dwelling to the west is 320 metres from the nominated extraction area and therefore compliant with the City of Albany *Extractive Industries and Mining Policy* and the intent of the EPA *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005*.
 - It should be noted that the applicant is required to obtain a separate licence through DWER for screening and crushing plants. A full assessment by DWER of this aspect of the proposal would be undertaken at this time.
 - The proposed extraction area is compliant with the provision of the policy that requires pits being located 40 metres from any public road and 20 metres from any other boundary.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisational Operations and Reputational: The proposal may be perceived as having detrimental impacts on the locality.</p>	Possible	Moderate	Medium	Mitigation of impacts is addressed through the implementation and adherence to an approved management plan.
<p>Opportunity: Facilitate the sustainable development of the agricultural sector and maximise opportunities for diversification of agriculture and downstream processing. Approval of operations to supply gravel resources within proximity of rural areas with roads requiring upgrades, assists lowering costs of materials.</p>				

FINANCIAL IMPLICATIONS

54. All costs associated with the development will be borne by the proponent.
55. However, should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

LEGAL IMPLICATIONS

56. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
57. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

- 58. DWER are the responsible body for the assessment of the environmental impacts of the proposal.
- 59. There is no clearing proposed as part of this application, and there are no waterways within close proximity to the site.
- 60. DWER stipulated that it was the proponent’s responsibility for obtaining all necessary separate licences, approvals and permits before commencing any works on site.

ALTERNATE OPTIONS

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

CONCLUSION

- 62. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany LPS1 and *Extractive Industries and Mining Policy*.
- 63. The matters raised in the public submissions have also been broadly addressed by the proponent and mitigated through the application of appropriate planning conditions.
- 64. On this basis, it is considered the proposal can be approved and appropriately managed through ongoing compliance with conditions and the City’s annual licence renewal process for Extractive Industries.
- 65. It is therefore recommended that Council approve the proposed development, subject to conditions.

Consulted References	:	<ul style="list-style-type: none"> 1. <i>Local Planning Scheme No. 1</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 3. <i>City of Albany Extractive Industries and Mining Policy</i> 4. <i>Environmental Protection (Noise) Regulations 1997</i> 5. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses 2005</i>
File Number (Name of Ward)	:	A223228 (Kalgan Ward)
Previous Reference	:	Nil

DIS364: NEW DRAFT LOCAL PLANNING POLICY 3.1: CARAVAN PARK AND TOURIST DEVELOPMENT USES IN THE RURAL OR PRIORITY AGRICULTURE ZONES – DRAFT LOCAL PLANNING SCHEME NO.2

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Draft Local Planning Policy 3.1: Caravan Park and Tourist Development Uses in the Rural or Priority Agriculture Zones
Report Prepared By	: Coordinator Planning Services (J Wardell-Johnson)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

Electoral Caretaker Period Policy Statement

The Officer Recommendation has been reviewed in context of the City of Albany's Electoral Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore, recommends this report for Council's consideration.

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed policy, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Place
 - **Outcome:** Interesting, vibrant and welcoming places.
 - **Pillar:** Planet
 - **Outcome:**
 - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment; and
 - A resilient community that can withstand, adapt to, and recover from natural disasters.
 - **Pillar:** Prosperity
 - **Outcome:**
 - A strong, diverse and resilient economy with work opportunities for everyone; and
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.

In Brief:

- To assist the implementation of LPS2, staff have identified specific provisions under draft LPS2 that require further guidance through the preparation of new local planning policies.
- Specifically, draft LPS2 allows for consideration of incidental Caravan Park and Tourist Development uses in the Priority Agriculture and Rural zones, subject to meeting specific requirements and submission of required documentation as part of a development application.

- To assist with the transition to the new local planning policy framework following gazettal of LPS2, including providing the community an opportunity as part of pre-consultation, staff have prepared draft Local Planning Policy 3.1: Caravan Park and Tourist Development Uses in the Rural or Priority Agriculture Zones for Council's consideration and endorsement for advertising.

RECOMMENDATION

DIS364: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GRIMMER

That the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

DIS364: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to ENDORSE the draft Local Planning Policy 3.1: Caravan Park and Tourist Development Uses in the Rural or Priority Agriculture Zones for the purpose of advertising.

BACKGROUND

4. In February 2023, Council resolved to advise the Western Australian Planning Commission (WAPC) that it supports the replacement of the existing Local Planning Scheme No.1 (LPS1), with a new Local Planning Scheme No.2 (LPS2).
5. Draft LPS2 was referred to the Statutory Planning Committee of the Western Australian Planning Commission (WAPC) on 15 August 2023. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) draft LPS2 is then referred to the Minister for review and endorsement, with gazettal expected later this year.
6. With the development of a new LPS2, the City needs to consider reviewing its policy position. Local Planning Policies guide decision making by helping users of a Local Planning Scheme to understand how a particular decision is likely to be exercised.
7. Draft LPS2 is considered to be a seriously entertained document under the local planning framework, therefore enabling the ability to prepare and undertake preliminary advertising of draft LPPs that are prepared in alignment with the new draft scheme.
8. It is considered that the benefits of being proactive outweigh the risk of advertising pre-gazettal, with policy guidance being developed early on to address specific matters of community interest such as the consideration for incidental Caravan Park and Tourist Development land uses in the Priority Agriculture and Rural zones.
9. Staff have therefore prepared draft LPP3.1 for Council consideration and endorsement to undertake preliminary advertising and stakeholder consultation, prior to formal gazettal of LPS2.
10. Draft LPP3.1 will be added to the City's current suite of local planning policies, that is currently undergoing substantive review, that includes identification of administrative updates as part of the implementation of draft LPS2.

DISCUSSION

11. Draft LPS2 allows incidental Caravan Parks and Tourist Development land uses in the Priority Agriculture and Rural zones, including requirements and standards for the land use and zones.

12. Draft LPP3.1 has been prepared guide the assessment of proposals for Caravan Park and a Tourist Development land uses in the Rural and Priority Agriculture zones under draft LPS2, where they are incidental to the predominant agricultural activity on the site and within proximity to a tourist attraction or destination.
13. Caravan Park and Tourist Development land uses are defined under draft LPP3.1, draft LPS2, associated legislation (relating to Caravan Parks and Camping Grounds) as well the Planning Regulations (Model Provisions).
14. Draft LPP3.1 has been prepared to inform and provide guidance to Council, staff, the community, and proponents in the City's consideration of proposals and application of these standards, including:
 - Inclusions and exclusions of associated land uses and development permitted by draft LPS2 and addressed by the policy;
 - Ensuring the proposals are incidental in use and scale to the predominant agricultural activities, including maintaining the primacy of existing agricultural activities and demonstrating compatibility;
 - Considerations and requirements for the location, siting, design and operation of such land uses in the zones;
 - Preparation and implementation of management plans; and
 - Minimum development application requirements.

Land use

15. As outlined above, draft LPS2 includes provisions to enable consideration of Caravan Park and Tourist Development land uses in the Priority Agriculture and Rural zones of draft LPS2.
16. The Zoning Table of draft LPS2 designates these uses as 'I', meaning that a proposed Caravan Park or Tourist Development land use is required to be incidental to the current predominant use of the land.
17. The designation of Caravan Park and Tourist Development land uses as incidental:
 - Ensures that the priority of agricultural production and rural activities within these zones is maintained, and that operation of such proposals align with the applicable zone objectives; and
 - Provides the opportunity for further diversification of rural based activities such as rural based tourism, that provides economic benefits both to the proponent as well as the broader community.

Demonstrating compatibility and mitigating impacts on existing agricultural activities

18. Draft LPS2 outlines general development standards for Caravan Parks as well as specific development requirements for cabins/chalets as part of Tourist Development land uses in the Priority Agriculture and Rural zones.
19. The development standards and requirements outlined under draft LPS2 aim to mitigate the risk of impacts between and on existing agricultural activities on the subject site and with adjoining properties as well as the broader locality.
20. Caravan Parks and Tourist Development land uses are considered sensitive premises, and therefore draft LPP3.1 outlines requirements for development applications to demonstrate:
 - Compatibility of the proposal with existing predominant agricultural uses;
 - That the land is suitable for the proposal use, including scale, siting and design of the proposal; and
 - Considerations have been taken into account in relation to minimising environmental impact and mitigating vulnerability to natural hazards (such as coastal or bushfire).

21. To support this, draft LPP3.1 outlines the requirement for preparation and submission of management plan to accompany any development application. If approved, compliance with the management plan will be on ongoing condition of approval.

Advertising

22. Draft LPP3.1 does not contain specific requirements for advertising of proposed Caravan Park and Tourist Development land uses as they are proposed to be designated as 'I' under the Zoning Table for Priority Agriculture and Rural zones of draft LPS2. There are no minimum requirements for the advertising development proposals that involve an 'I' use, as the intention of the designation is to ensure uses that are small scale, low-key and incidental to the predominant land use of the land.
23. However, where in the officer's opinion there is potential impact by a development proposal on the environment and/or amenity of adjoining properties or the locality, draft LPS2 provides discretion to undertake advertising to further inform the local government's consideration of the proposal.

GOVERNMENT & PUBLIC CONSULTATION

24. If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy. The period for making submissions must not be less than the period of 21 days after the day on which the notice is first published.
25. After the expiry of the period within which submissions may be made, the local government must review the proposed policy in the light of any submissions made; and resolve to proceed with the policy without modification; or proceed with the policy with modification; or not to proceed with the policy.
26. If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87. A policy has effect on publication of a notice.
27. The local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.
28. A local planning policy may be revoked by a notice of revocation.

STATUTORY IMPLICATIONS

29. In accordance with the Planning Regulations:
- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.
 - (2) A local planning policy may apply generally or in respect of a particular class or classes of matters specified in the policy; and may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
 - (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
 - (4) The local government may amend or repeal a local planning policy.
30. As outlined above, draft LPS2 is considered to be a seriously entertained document under the local planning framework, therefore enabling the ability to prepare and undertake preliminary advertising of draft LPPs that are prepared in alignment with the new draft scheme.
31. Staff have therefore prepared draft LPP3.1 for Council consideration and endorsement to undertake preliminary advertising and stakeholder consultation, prior to formal gazettal of LPS2.

POLICY IMPLICATIONS

32. A Policy is a ‘due regard’ document and as such should not prescribe mandatory requirements in the way a Local Planning Scheme does.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational <i>Advertising the proposed policy could give rise to objectionable comments from community and/or landowners concerned with the proposed requirements.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Policy provisions are consistent with the scheme standards and requirements.</i>
Opportunity: <i>Ensure high-quality land use and development outcomes that align with zone objectives and potential detrimental impacts on environmental and amenity considerations are adequately mitigated.</i>				

FINANCIAL IMPLICATIONS

34. There are no financial implications beyond what will be used for notice of adoption.

LEGAL IMPLICATIONS

35. Subject to following the applicable processes set out under the Planning Regulations, there are no legal implications relating to preparing, amending or revoking policy positions.

ENVIRONMENTAL CONSIDERATIONS

36. There are no environmental implications relating to endorsing the proposed draft LPP3.1 for advertising.

ALTERNATE OPTIONS

37. Council has the following alternate options in relation to new policy preparation and amending policies:
- Agree to amend/prepare and advertise policy positions subject to modifications.
 - Agree not to proceed with policy positions.

CONCLUSION

38. To assist with the transition to the new local planning policy framework following gazettal of LPS2, draft LPP3.1 has been prepared to inform and guide the assessment of requirements and standards of the planning scheme in relation to incidental Caravan Park and Tourist Development land uses in the Rural or Priority Agriculture Zones.
39. Council is requested to resolve to endorse draft LPP3.1 for preliminary advertising, as part of the implementation of draft LPS2 prior to gazettal.

Consulted References	:	1. <i>Local Planning Scheme 1</i> 2. <i>Draft Local Planning Scheme 2</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	DIS333

DIS365: PANEL OF SUPPLIERS – EXTRUDED CONCRETE KERBING AND/OR ASPHALT

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment Under Separate Cover
Report Prepared By	: Operations Administration Coordinator (<i>T Rogister</i>)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (<i>P Camins</i>)

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.

Electoral Caretaker Period Policy Statement

The Officer Recommendation has been reviewed in context of the City of Albany's Electoral Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision. The CEO therefore, recommends this report for Council's consideration.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place
 - **Outcome:** A safe, sustainable and efficient transport network.

In Brief:

- Tender to appoint preferred contractors to supply extruded concrete kerbing and/or asphalt to the City of Albany.
- The contract shall be for an initial period from 1st September 2023 or date of award (whichever occurs latest) until 31st August 2024, with a mutually agreed and price negotiated option to extend for a further one (1) year period, and then a final mutually agreed and price negotiated option to extend for a further one (1) year period.

RECOMMENDATION

DIS365: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BENSON-LIDHOLM

That the Authorising Officer Recommendation be ADOPTED.

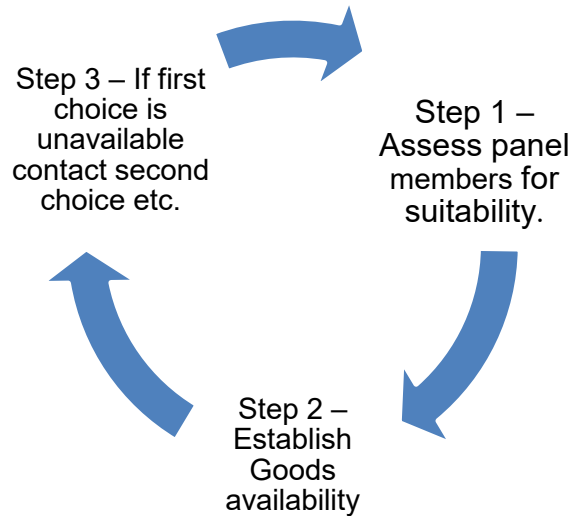
CARRIED 11-0

DIS365: AUTHORISING OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for Contract C23015 - Panel of Suppliers – Extruded Concrete Kerbing and/or Asphalt to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. The City of Albany (“the City”) is seeking to establish a “Panel of Suppliers” for the supply and application of:
 - a. Premixed concrete and the construction of extruded concrete kerbing along roads and car parks (“Concrete Works”); and
 - b. Hot mix asphalt on roads (“Asphalt Works”).
3. Tenderers had the option of tendering for either the Asphalt Works or Concrete Works portions of the contract, or both portions.
4. The City requires concrete and asphalt works to be completed from time to time. The supply of these goods and services shall be on an “as and when required” basis, and only when requested by purchase order.
5. Following is the Process Map of how the Panel Members will be engaged:



6. Utilising the panel arrangement has provided multiple businesses the opportunity of delivering these goods and services to the City. We have tried one supplier in past years, but they were unable to provide all the goods and services as and when required.
7. This Panel will be the City’s preferred supplier list and requests for supply of goods and services will be directed to members of this Panel before all others. However, the City reserves the right to engage other contractors should members of the Panel be unable to deliver. No guarantee will be given as to the amount of work that is required.

DISCUSSION

8. A total number of nine (9) tender documents were issued by the City of Albany.
9. Tenderers were asked to provide a schedule of rates to allow for prices to suit a range of kerbing requirements and/or for the supply of asphalt.

10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below: -

Criteria	% Weight
Cost	40
Relevant Experience	20
Key Personnel skills and experience	15
Tenderer's Resources	20
Corporate Social Responsibility	5
Total	100%

11. Six (6) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City's intention was to appoint up to five (5) Contractors to the Panel of Suppliers.
12. Three (3) Contractors have been selected for kerbing with Two (2) of those Contractors also recommended to supply asphalt services.
13. The following table summarises the recommended tenderers and overall evaluation scores applicable to each category. The rates have not been included in the table as these are "commercial in confidence" and will not be made publicly available.

Tender (Kerbing)	Total Evaluation Score
Tenderer A	645.41
Tenderer B	582.10
Tenderer C	546.24

Tender (Asphalt)	Total Evaluation Score
Tenderer A	808.05
Tenderer B	800.98
Tenderer C	787.80
Tenderer D	755.00
Tenderer E	377.50

GOVERNMENT & PUBLIC CONSULTATION

14. A request for tenderers was published in the West Australian on Wednesday 5th July 2023 and the Albany Extra on Friday 7th July 2023.

STATUTORY IMPLICATIONS

15. 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 \$250,000.00.
16. Regulation 18 of the Regulations outline 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.
17. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

18. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
19. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations: <i>Delays in achieving the capital works and maintenance program.</i>	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>Approve the recommended panel.</i>
Reputational & Financial: <i>Not awarding a panel arrangement and appointing a single Contractor. City not obtaining competitive pricing.</i>	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>Approve the recommended panel. Public tender process ensures competitive pricing.</i>
Legal & Compliance: <i>Non-compliance with Contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services.</i>
Opportunity: <i>To provide flexibility in project delivery.</i>				

FINANCIAL IMPLICATIONS

21. The estimated value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
22. Tenderers were required to provide a schedule of rates. The supply of products is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

23. Nil

ENVIRONMENTAL CONSIDERATIONS

24. Nil

ALTERNATE OPTIONS

25. Council can accept or reject the tenders as submitted.

CONCLUSION

26. The City has undergone a competitive process in line with the relevant legislation and established policies.

Consulted References	:	Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C23015 (All Wards)
Previous Reference	:	C22011

DIS366: C23016 – PROVISION OF CLEANING SERVICES

Proponent / Owner	: City of Albany.
Attachments	: Confidential Attachment Under Separate Cover.
Report Prepared By	: Acting Operations Administration Coordinator (E Tomkinson)
Authorising Officer:	: Executive Director Infrastructure, Development and Environment (P Camins)

[6:55pm](#) Councillor Shanhun left the Chamber after declaring a Financial Interest in this item.

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.

Electoral Caretaker Period Policy Statement

The Officer Recommendation has been reviewed in context of the City of Albany's Electoral Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore, recommends this report for Council's consideration.

STRATEGIC IMPLICATIONS

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

In Brief:

- Council approval is sought to appoint the preferred tenderer to provide cleaning services for the City of Albany.
- The agreement is set to commence on October 1, 2023, and run until July 31, 2024. It includes a provision for an initial extension of twelve (12) months, subject to mutual agreement and negotiated pricing. Following this, there are subsequent options for three additional twelve (12) month extensions, with the final option being for another twelve (12) months.

RECOMMENDATION

DIS366: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SMITH

That the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS366: AUTHORISING OFFICER RECOMMENDATION

THAT Council ACCEPT the tender RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C23016 – Provision of Cleaning Services.

BACKGROUND

2. Tenders were called for the Provision of Cleaning Services to City buildings for a period of up to four (4) years and ten (10) months. The tender is for the following Council buildings:
 - a) Albany Airport – 35615 Albany Highway
 - b) Albany Public Library – 221 York Street
 - c) Mercer Road Offices – 39 Mercer Road
 - d) Mercer Road Depot – 39 Mercer Road
 - e) Albany Regional Day Care Centre – Corner Grey & Collie Street
 - f) Lotteries House – 211-217 North Road
 - g) Administration Building – North Road
 - h) Albany Visitors Centre – 221 York Street
 - i) Vancouver Arts Centre – 85 Vancouver Street
 - j) Hanrahan Landfill Site/AWARE Centre – Cumming & Chester Pass Roads
 - k) National ANZAC Centre – 1347 Forts Road
 - l) Albany Leisure and Aquatic Centre – Barker Road
 - m) Bakers Junction Weigh Bridge Office – 1206 Chester Pass Road
 - n) Mary Thompson House – 85 Vancouver Street
 - o) Albany Town Hall – 217 York St
 - p) Turf Grounds Shed – Barker Road

3. The current contract expires 30 September 2023

DISCUSSION

4. Tender documents were evaluated using the weighted attribute method. This method scores the evaluation criteria and weighs their importance to determine an overall point score for each tender. The criteria are tabled below: -

Criteria	% Weight
Cost	30
Relevant Experience	25
Key Personnel skills and experience	20
Tenderer's Resources	20
Corporate Social Responsibility	5
Total	100

5. A total number of fourteen (14) tender documents were issued with two (2) completed tender documents submitted on or before the stipulated closing date and time.
6. The following table summarises the tenderers and the overall evaluation scores applicable.

Tenderer	Weighted Score
Tenderer A (Preferred)	659.22
Tenderer B	540.78

GOVERNMENT & PUBLIC CONSULTATION

7. A request for tenders was published in the West Australian on 26 July 2023 and the Albany Extra on 28 July 2023.

STATUTORY IMPLICATIONS

8. 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 \$250,000.00.

9. Regulation 18 of the Regulations outlines a number of requirements relating to the 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.
10. Regulation 19 of the Regulations requires the Council to advise each tenderer in writing the result of the Council's decision.

POLICY IMPLICATIONS

11. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
12. The value of this tender is expected to exceed \$500,000.00; therefore, Council approval is required as this exceeds the CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community: <i>Contractors failing to turn up to complete their cleaning duties at a public/community site, for example; Library, Airport or ALAC.</i>	Possible	Moderate	Medium	<i>The cleaning communication booklet clearly outlines tasks and frequency. Facility Managers are responsible for ensuring those tasks are undertaken and communicating any performance issues to the Responsible Officer.</i>
Operational: <i>Non-compliance delay or failure to carry out contracted works.</i>	Possible	Moderate	Medium	<i>General Conditions of contract allow for contracted termination on the basis of failure to supply services.</i>
People Health & Safety: <i>Failure to clean sites to relevant public health standards.</i>	Possible	Moderate	Medium	<i>Facility Managers undertake monthly cleaning inspections with the Contractor to ensure public health standards are met.</i>
Property: <i>Contract personnel have access to City facilities after hours and could access confidential information or loss of property items..</i>	Possible	Moderate	Medium	<i>Importance is given to the experience and reliability of the tenderer in the evaluation process.</i>
Reputational: <i>Community dissatisfied with the standard of cleanliness of a facility.</i>	Possible	Moderate	Medium	<i>General conditions of contract allow for contract termination on the basis of failure to supply services.</i>
Opportunity: <i>To support local business and offer a regional opportunity for employment</i>				

FINANCIAL IMPLICATIONS

14. Each location maintains individual operational budgets for cleaning purposes with the tendered price being shared across the organisation. Each directorate and facility manager has provided for cleaning services in their respective operational budgets as required.
15. The value of the tender is more than \$500,000.00, which exceeds officer delegation; therefore, the approval is referred to Council for consideration.

LEGAL IMPLICATIONS

16. Nil

ENVIRONMENTAL CONSIDERATIONS

17. Nil

ALTERNATE OPTIONS

18. Council may accept or reject the tenders as submitted.

CONCLUSION

19. The City has undergone a competitive process in line with the relevant legislation and established policies. On reviewing the submissions, the evaluation team assessed Tenderer A as the most advantageous tenderer across the evaluation criteria for providing the City’s cleaning services. It is recommended that the nominated tenderer be accepted.

Consulted References	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C23016 (All Wards)
Previous Reference	:	C20008

[6:57pm](#) Councillor Shanhun returned to the Chamber. Councillor Shanhun was not present during the discussion or vote for this item.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN - Nil

12. MEETING CLOSED TO THE PUBLIC – 6:58pm

13. CLOSURE – 6:58pm

There being no further business the Chair declared the meeting closed at **6:58pm**

(Unconfirmed Minutes)

Councillor Thomson
CHAIR