

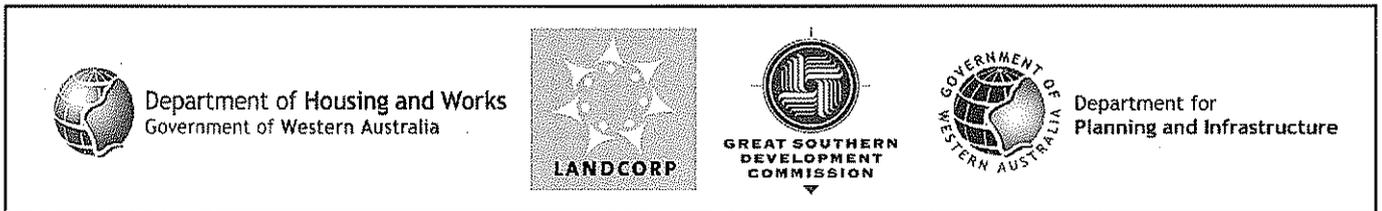
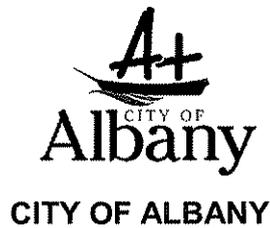
**ALBANY WATERFRONT**  
**MEMORANDUM OF AGREEMENT**

**September 2007**



**STATE OF WESTERN AUSTRALIA**

And



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## **1. PURPOSE**

This document represents an agreement between the State of Western Australia and City of Albany in planning, funding, constructing and managing the Albany Waterfront Project.

The key stakeholders involved in the implementation of the project are:

- LandCorp
- City of Albany
- Great Southern Development Commission (GSDC)
- Department for Planning & Infrastructure (DPI)
- Department of Housing and Works

The Albany Waterfront has the approval of State Cabinet and the City of Albany, and has the support of the key stakeholder agencies.

The project also carries strong and well-demonstrated support from the community at large.

This document replaces the previous memoranda of agreement relating to the waterfront executed in December 2002 and September 2005 respectively and serves to confirm and identify the strategic alliance that exists between the key stakeholders and the roles and responsibilities each organisation has in bringing the project to fruition. It introduces the Department of Housing & Works as project manager for the Albany Entertainment Centre.

This Memorandum of Agreement is intended to be a high level document and not to resolve all project details. It is anticipated that as the project progresses, further supplementary agreements will be entered into serving the intent of this agreement.

## **2. BACKGROUND – KEY MILESTONES**

- The Albany Waterfront project dates back to 1983 with early planning driven by the Great Southern Development Commission and the then Town of Albany.
- In April 2001 the State Government approved in principle a marina based waterfront precinct known as the Albany Boat Harbour Project and allocated \$12.7 million in funding.
- In August 2002 a Management Steering Committee was formed consisting of the GSDC, DPI and the City of Albany which developed a design concept that was subsequently approved by the City of Albany in March 2004.

- In September 2004 the Minister for Planning and Infrastructure advised that LandCorp would work with the other stakeholders to review the design concept to give greater focus to the land development.
- In February 2005 the State Government announced a \$14.9m funding contribution towards the proposed Albany Entertainment Centre (AEC) planned for construction in York Street next to the Albany Town Hall Theatre.
- In March 2005 the Member for Albany and the Minister for Planning and Infrastructure proposed that consideration be given to co-locating the AEC with the Waterfront Development.
- In May 2005 the City of Albany appointed 7 Councillors to the newly constituted Albany Waterfront Development Committee to work with LandCorp officers and City staff in recommending preferred design options and concepts to the City Council.
- On 21 June 2005 the City of Albany gave approval to a concept plan which incorporated the relocation of the AEC from the York St Civic precinct to the western portion of the waterfront development site.
- On 19 July 2005 the State Government announced the allocation of additional funding for the Albany Waterfront bringing the total allocation to \$27.8m including a \$1m contribution from the City of Albany.
- On 16 May 2006 the City of Albany approved the structure plan for the development.
- On the 19 September 2006 the City of Albany adopted the precinct plan that will be used to guide and facilitate development at the Albany Waterfront.
- On the 11 October 2006 the Premier of Western Australia announced funding for up to a further \$19.95 million for the Albany Entertainment Centre project with a total project cost of \$37.55 million. *Includes \$1.2m commitment from the City of Albany and \$1.5m funding being sought by the City of Albany from the Australian Government's Regional Partnerships program of the Department of Transport and Regional Services. (Funding unconfirmed at time of Agreement).*
- The Department of Housing and Works was also appointed as project managers and coordinators for the development of the Albany Entertainment Centre. In December 2007, the Department of Housing and Works appoint Cox, Howlett Bailey Woodland to undertake the detailed design of the Albany Entertainment Centre.
- On 25 July 2007, the Premier of Western Australia announced additional \$10.5 million funding, taking the total project cost to \$49 million. The additional allocation was to cater for increased building

costs and the costs associated with the crystalline concept design, a design in keeping with the iconic location.

- On 14 August 2007 the City of Albany endorsed the concept design.

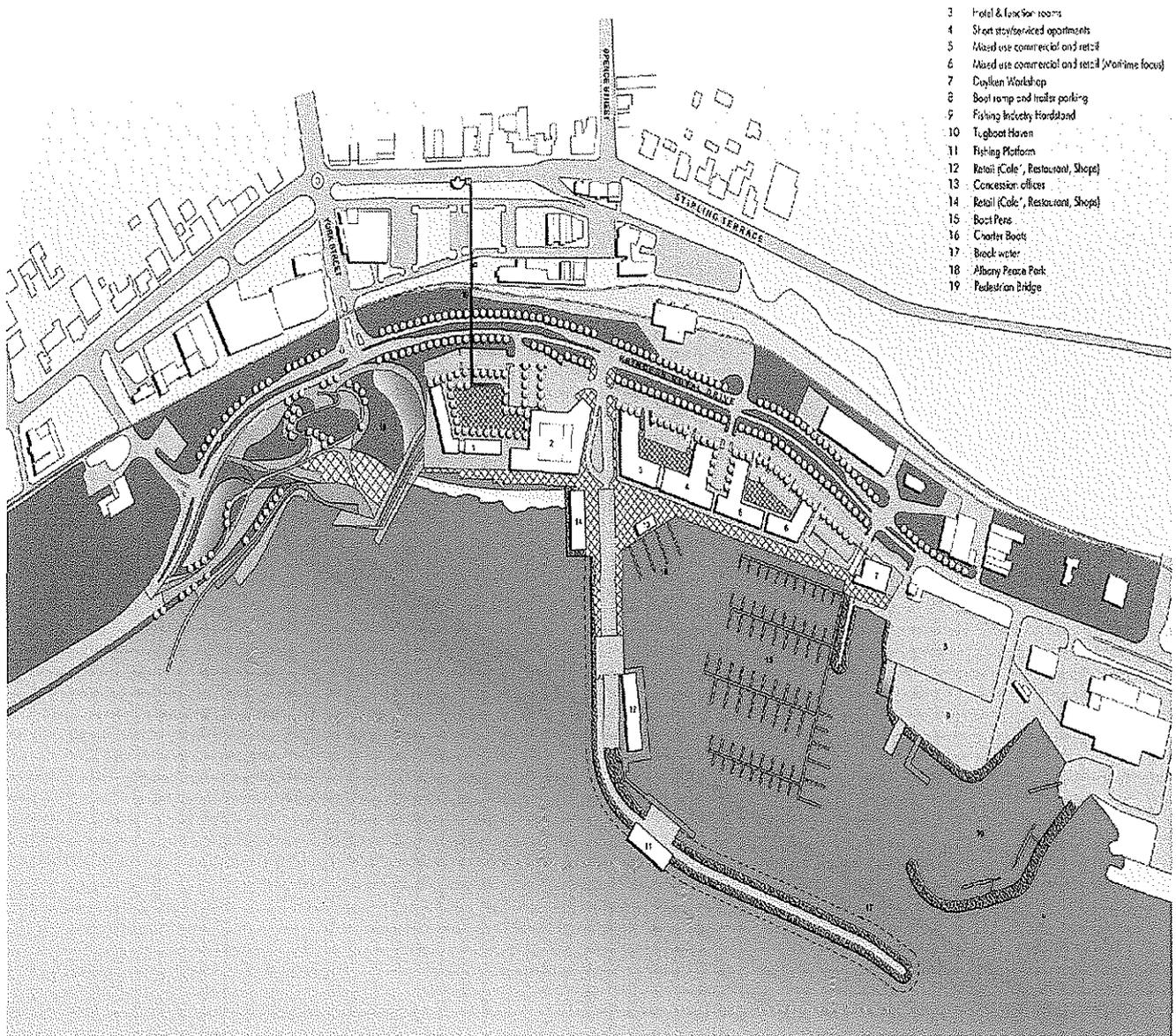


Fig1 Structure Plan – approved by City of Albany in May 2006

### 3. PROJECT VISION

The vision is to create a sustainable, attractive and exciting world-class waterfront precinct for the Albany community, the Great Southern Region, and visitors to the region.

The Albany Waterfront will provide a protected boat harbour serving the recreational, fishing and tourism industries together with land-based development adjacent to the town jetty providing a range of tourist accommodation, maritime servicing, entertainment, recreational and community based facilities.

#### **4. PROJECT OBJECTIVES**

- Extend the Town to the Waterfront
- Create a New Focus for the Town by creating a tourism and entertainment precinct
- Capitalise on the location and its surrounds:  
Port – Harbour – Anzac Park – Town – Tourism
- Create New Maritime Facilities:  
Recreation – Fishing – Charter – Support Industries
- Build a New Entertainment Centre in keeping with the Waterfront Development and iconic nature of Princess Royal Harbour.
- Create a vibrant Activity Mix  
Tourism – Retail – Commercial – Maritime – Entertainment-  
Public Facilities
- Respect Port Access

#### **5. COMMITMENTS TO THE COMMUNITY**

The State of Western Australia and the City of Albany are committed to the following underlying principles regarding the development and ongoing operation of the Albany Waterfront:

- Acknowledgement and respect of 24 hour a day, 7 day a week heavy haulage access to the Port of Albany.
- Prohibition of permanent residential activity.
- Unfettered community access to the foreshore.
- Maintenance of the iconic Princess Royal Harbour vista as seen from the York Street Commercial Precinct.

#### **6. PROJECT SCOPE**

This agreement consists of the following components (refer figure 2 & 3):

##### **6.1 Albany Waterfront, Boat Harbour & Pedestrian Bridge**

- Albany Waterfront - The appropriate remediation and development of approximately 5.5 hectares of waterfront land

into subdivided lots and civic space to accommodate and service the Albany Entertainment Centre, tourism accommodation, retail, commercial, maritime, parking and public facilities.

- Boat Harbour - The development of a marina immediately to the east of the Jetty for approximately 70-80 vessels.
- Pedestrian Bridge - The construction of a pedestrian bridge linking the Albany Waterfront Project to Stirling Terrace and the Albany Railway Station Precinct has been completed.

### **6.2 Purchase of Waterfront Land**

- The provision of \$1 million in revenue to the waterfront project from the City of Albany for the purchase of land to accommodate the Albany Entertainment Centre.

### **6.3 Albany Entertainment Centre**

- Construction of a 620 seat Albany Entertainment Centre, architecturally compatible with, and complementary to, the future development of contiguously located hotel and convention/function facilities.
- The City of Albany will work to facilitate, in conjunction with LandCorp, an appropriately scaled and sufficient standard of convention/function facilities in the proposed hotel development which can link to and synergise with the Albany Entertainment Centre.

### **6.4 Anzac Peace Park**

- The appropriate remediation and development of the 1.4Ha waterfront land approximately west of York St for public parkland purposes.

### **6.5 Emu Point Land Development**

- The development of lots 1512 and 1523 at Emu point with associated funding linkages to the Waterfront project (refer fig 3).

## **7. ASSOCIATED LAND TRANSACTIONS**

- The transfer in freehold to the City of Albany a parcel of land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage.

- The City of Albany has relinquished the Management Order over Lot 1512 Emu Point. (refer fig 3).

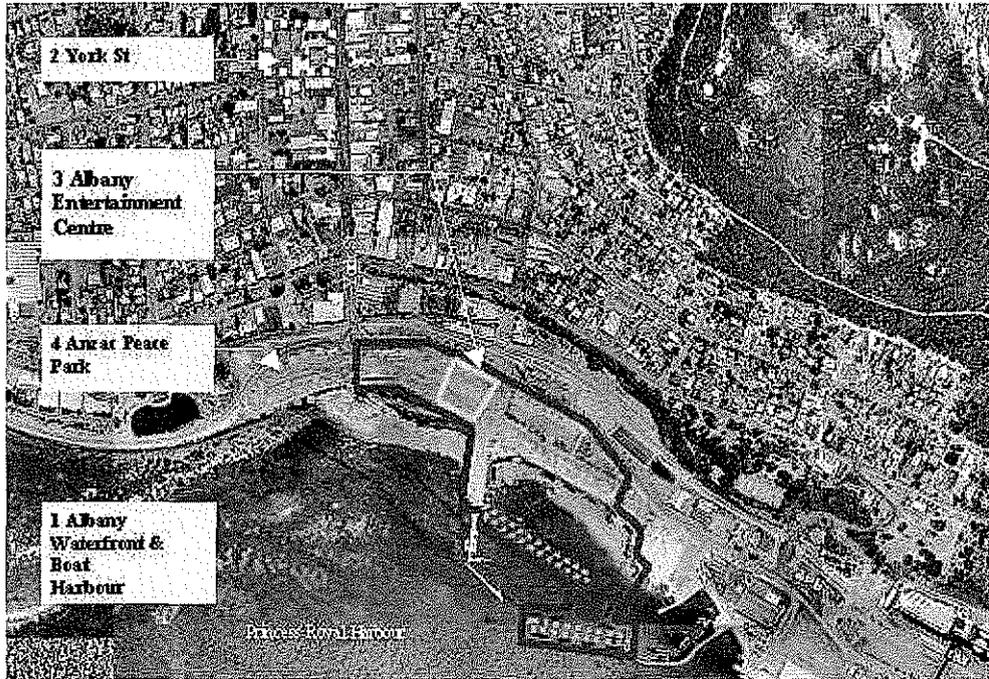


Fig2 Location Plan

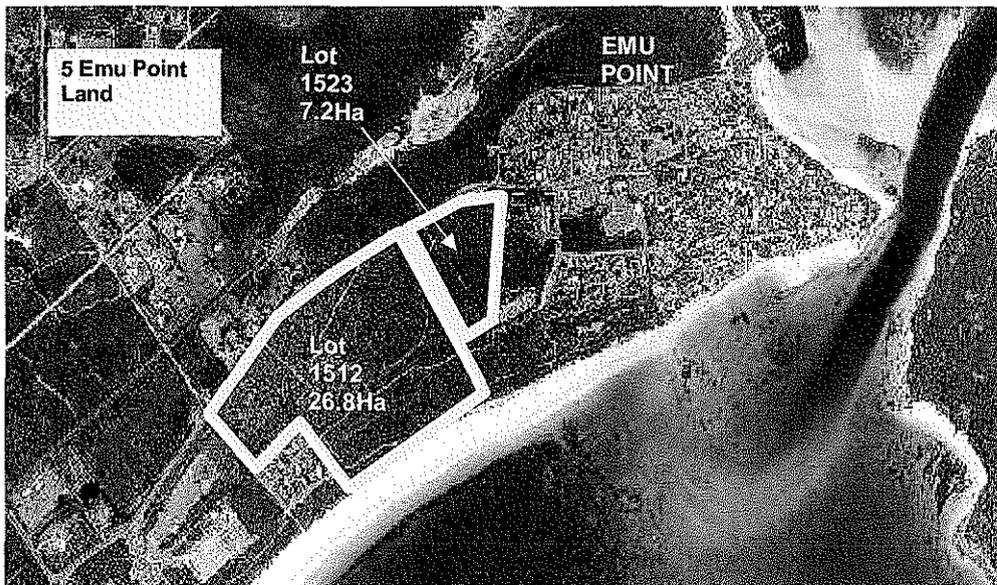


Fig3 Emu Point Land

## 8. ROLES & RESPONSIBILITIES

### 8.1 Overall Co-ordination - Stakeholder Reference Group

A group consisting of representatives of the key stakeholders will meet at least bi-annually to facilitate coordination and timely delivery of the project components at an operational level. This group will consist of:

- Member for Albany (Chairman)
- LandCorp
- City of Albany
- Great Southern Development Commission (GSDC)
- Department of Planning & Infrastructure
- Department of Housing and Works

The group will be advisory in nature and will not hold any specific decision-making powers. The Stakeholder Reference Group will be chaired by the Member for Albany or his representative.

If appropriate the Stakeholder Reference Group may invite other agencies or parties to participate in meetings on matters of common interest.

### 8.2 Project Roles and Responsibilities

Roles and responsibilities for the delivery of the various project outcomes are as follows:

#### 8.2.1 The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *LandCorp* will be principally responsible for and project manage the urban design, statutory approvals process, construction of infrastructure, and subdivision and release of land.
- *The City of Albany* will be responsible for the care and management of all road reserves, the pedestrian bridge, civic spaces, waterfront promenades and all fixtures and improvements coming into its control as a result of the subdivision process.
- *The Department of Planning and Infrastructure* will be responsible for the management of the Marina and the care and management of maritime infrastructure and any leasehold land coming into its control as a result of the subdivision process.

### **8.2.2 The Albany Entertainment Centre**

*The Department of Housing and Works* will be responsible for constructing the Albany Entertainment Centre including the project management, design, statutory approval processes, construction and commissioning.

The Great Southern Development Commission will oversee and administer the project capital works budget.

*The Department of Housing and Works* and the *Great Southern Development Commission* will provide the *City of Albany* with the opportunity to contribute to the design and selection of fitout for the facility and the endorsement of the selection of the architect and the final design and statutory approval (as necessary).

*The Department of Housing and Works, Great Southern Development Commission* and *City of Albany* will establish a Project Control Group (PCG) to provide strategic leadership and direction to the project.

The PCG will establish, as required, reference groups to input into the project, for example

- a design review committee to oversee the design phase of the project,
- a local reference group comprising of appropriately qualified *City* personnel to liaise with the project architect on matters relating to interior fitout, landscaping and public art

*The City of Albany* will own and operate the Albany Entertainment Centre and be responsible for the ongoing, care, control and management of the facility which includes any annual operating deficit.

*The City of Albany* will work to facilitate, in conjunction with LandCorp, an appropriately scaled and sufficient standard of convention/function facilities in the proposed hotel development which can link to and synergise with the Albany Entertainment Centre.

### **8.2.3 Anzac Peace Park**

*The City of Albany* will be principally responsible for and project manage the design, statutory approvals process,

development, commissioning and ongoing care, control and management of the facility.

*The City of Albany* will collaborate with *LandCorp* in undertaking coordinated environmental investigations of the Anzac Peace Park site and Albany Waterfront site. *The City of Albany* will be the proponent for the environmental assessment and any resulting conditions pertaining to the development of the Anzac Peace Park.

*The City of Albany* will use best endeavours to construct the Anzac Peace Park project in the same timeframe as the Albany Waterfront project.

#### **8.2.4 Emu Point**

*LandCorp* will seek approvals to develop of lots 1512 and 1523 at Emu point these lots primarily for residential purposes with development proceeds to be allocated to the waterfront project and any surplus development profits are to be returned to the State Government.

#### **8.2.5 Associated Land Transactions**

*LandCorp* will transfer land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage to the City of Albany upon the creation of the new lot. *LandCorp* may consider a development lease to the City of Albany to allow construction of the Albany Entertainment Centre Facility to commence prior to the creation of the new lot.

*The City of Albany* has advised the Department of Land Administration that it has relinquished the Management Order over Lot 1512 Emu Point.

### **9. FINANCING**

- 9.1** The State of Western Australia will contribute \$38 million to the Albany Waterfront Project.
- 9.2** The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project.
- 9.3** The City of Albany will contribute \$1.0 million to the Albany Waterfront project in the 2007-08 financial year as payment for the land necessary to accommodate the Albany Entertainment Centre Project.

- 9.4** The City of Albany will contribute \$1.2 million plus any Federal grant monies obtained in the order of \$1.5million to the Albany Entertainment Centre Project.
- 9.5** The City of Albany is responsible for financing and obtaining further funding for the design and development of Anzac Peace Park.
- 9.6** The City of Albany acknowledges that the proceeds of the development of Lots 1512 and 1523 Emu Point are to be applied by the State Government to the Albany Waterfront Project.
- 9.7** Project Cash Flow table: – Albany Waterfront, Albany Entertainment Centre and Anzac Park.

<b>FORECAST CASHFLOW (\$million)</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>TOTAL</b>
<b>ALBANY WATERFRONT (PROJECT)</b>							
<b>State of Western Australia</b>							
Capital works allocation and land sales from the Waterfront and Emu Point	5.4	5.2	7.0	1.7	18.7		<b>38.0</b>
<b>City of Albany</b>							
City of Albany Contribution from development of the York St site			1.0				<b>1.0</b>
<b>TOTAL</b>	<b>5.4</b>	<b>5.2</b>	<b>8.0</b>	<b>1.7</b>	<b>18.7</b>		<b>39.0</b>
<b>ALBANY ENTERTAINMENT CENTRE</b>							
City of Albany Contribution			0.4	0.8			<b>1.2</b>
State Government through GSDC		0.68	0.42	25.46	15.44	4.3	<b>46.3</b>
Australian Government (unconfirmed)			1.5				<b>1.5</b>
<b>TOTAL</b>		<b>0.68</b>	<b>2.32</b>	<b>26.26</b>	<b>15.44</b>	<b>4.3</b>	<b>49</b>
<b>ANZAC PEACE PARK (Notional In Negotiation)</b>							
Australian Government Veterans Affairs			0.45				<b>0.45</b>
Australian Government DoTARS			0.44				<b>0.44</b>
City of Albany			0.68				<b>0.68</b>
Lotterywest			0.72				<b>0.72</b>
Premier and Cabinet (175 <sup>th</sup> Anniversary Fund)			0.25				<b>0.25</b>
<b>TOTAL</b>			<b>2.54</b>				<b>2.54</b>

## 10. PROGRAM

The following timeframes are estimates only and subject to statutory approvals and more detailed planning.

### Albany Entertainment Centre Program

ID	Task Name	2007				2008				2009				2010			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1	Schematic Drawing	Schematic Drawing															
2	Design Detail					Design Detail											
3	Construction									Construction							
4	Completion													Completion			

### Albany Waterfront Program

ID	Task Name	2007				2008				2009				2010	
		Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1
1	Structure Plan Approval by WAPC														
2	Subdivision Approval														
3	Design Detail - Stage 1														
4	Tender Stage 1														
5	Award and Constuction - Stage 1														
6	Environmental Approval - Stage 1 and 2														
7	Design - Stage 2														
8	Tender - Stage 2														
9	Award and Construction - Stage 2														
10	Completion and Opening														

## 11. FUTURE AGREEMENTS

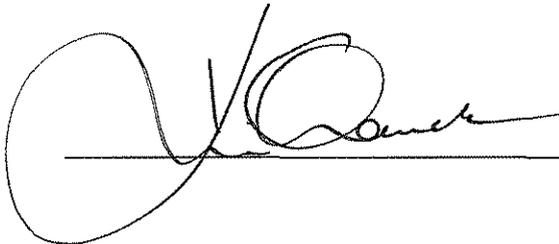
It is anticipated that as the project progresses, further supplementary agreements, partnerships, contracts and leases will emerge between project stakeholders and other parties serving the intent of this document.

**THE AGREEMENT**

**THE PARTIES HERETO AGREE TO THE FORMATION OF THIS PARTNERSHIP TO GUIDE THE PLANNING AND DELIVERY OF THE ALBANY WATERFRONT PROJECT AS EXPRESSED ABOVE.**

Executed on behalf of the State of Western Australia

KIM CHANCE MLC  
MINISTER FOR THE GREAT SOUTHERN



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25, 09, 2007

ALANNAH MACTIERNAN MLA  
MINISTER FOR PLANNING AND INFRASTRUCTURE



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24, 09, 07

Executed on behalf of the City of Albany

HER WORSHIP THE MAYOR ALISON GOODE



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8, 10, 07