



MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

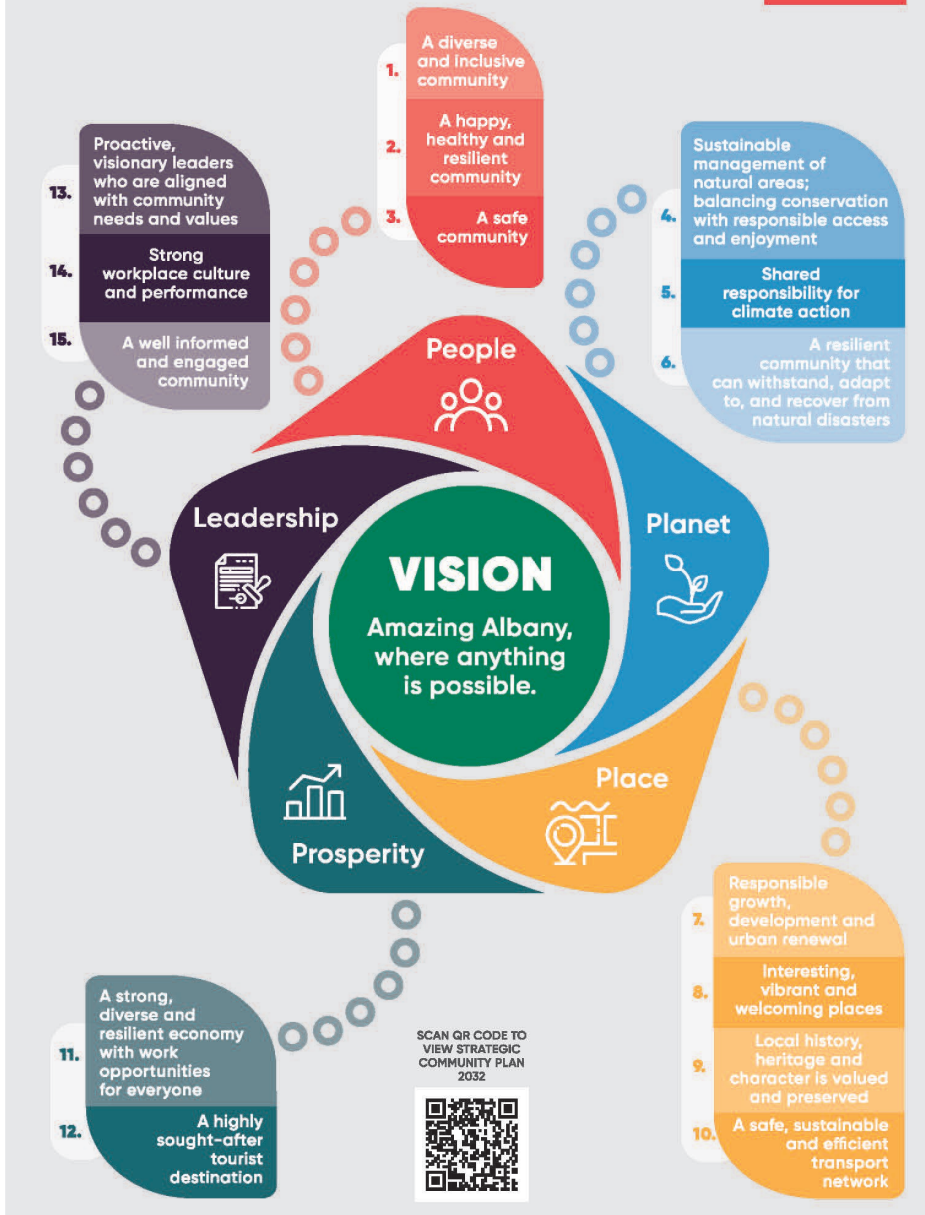
Wednesday 14 June 2023

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

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 14/06/2023

1. **DECLARATION OF OPENING** – The Chair declared the meeting open at 6.01pm due to technical difficulties with Zoom connection with Andrew Sharpe, Chief Executive Officer.

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 (Deputy Chair)
Member	M Traill
Member	G Stocks
Member	T Brough
Member	J Shanhun
Member	D Baesjou
Member	A Cruse
Member	S Smith
Member	S Grimmer
Member	M Benson-Lidholm JP
Member	P Terry
Staff:	
Chief Executive Officer	A Sharpe (via Zoom)
Executive Director Infrastructure, Development & Environment	P Camins
Manager Planning and Building	J van der Mescht
Manager Operations	D Lawrence
Meeting Secretary	P Ruggera

Apologies:

Public and Media: There were no media or members of the public in attendance.

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Terry	DIS356	Financial. The nature of the interest being that Councillor Terry is closely associated with one of the Tenderers. Councillor Terry left the chamber and did not participate in the discussion or vote on the item.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

During Public Question Time at the Development and Infrastructure Services Committee Meeting held on Wednesday 10 May 2023, Ms Diana Caley asked the following questions which were taken on notice:

Can you advise if the Department of Biodiversity, Conservation and Attractions still intends to change the purpose of the Reserve from camping and recreation to Conservation Park?

Response by Executive Director Infrastructure, Development and Environment:

“The Department of Biodiversity, Conservations and Attractions plans to change the purpose of the Reserve from camping and recreation to Conservation Park at the same time that this matter will be presented to Parliament.”

Can the City confirm that it will protect the native vegetation within the excised 4.5 hectares of this A Class Reserve?

Response by Executive Director Infrastructure, Development and Environment:

“This decision does not mean that Keith Road (that has existed and been maintained as a track for many years) will be upgraded. The City has no plans to upgrade Keith Road at this time, and any future clearing would require a clearing permit from DWER.”

Why did it say there are no environmental concerns in the report?

Response by Executive Director Infrastructure, Development and Environment:

“The administrative process of creating a road reserve on the alignment of an existing road does not change any environmental conditions that exist for that road.”

These responses have been provided to Ms Caley by email. (Synergy Reference EF23286231)

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.*

There were no requests to address Council from members of the Public.

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 14/06/2023

7. PETITIONS AND DEPUTATIONS – Nil
8. CONFIRMATION OF MINUTES

RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH**

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 10 May 2023 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

9. PRESENTATIONS - Nil
10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS - Nil

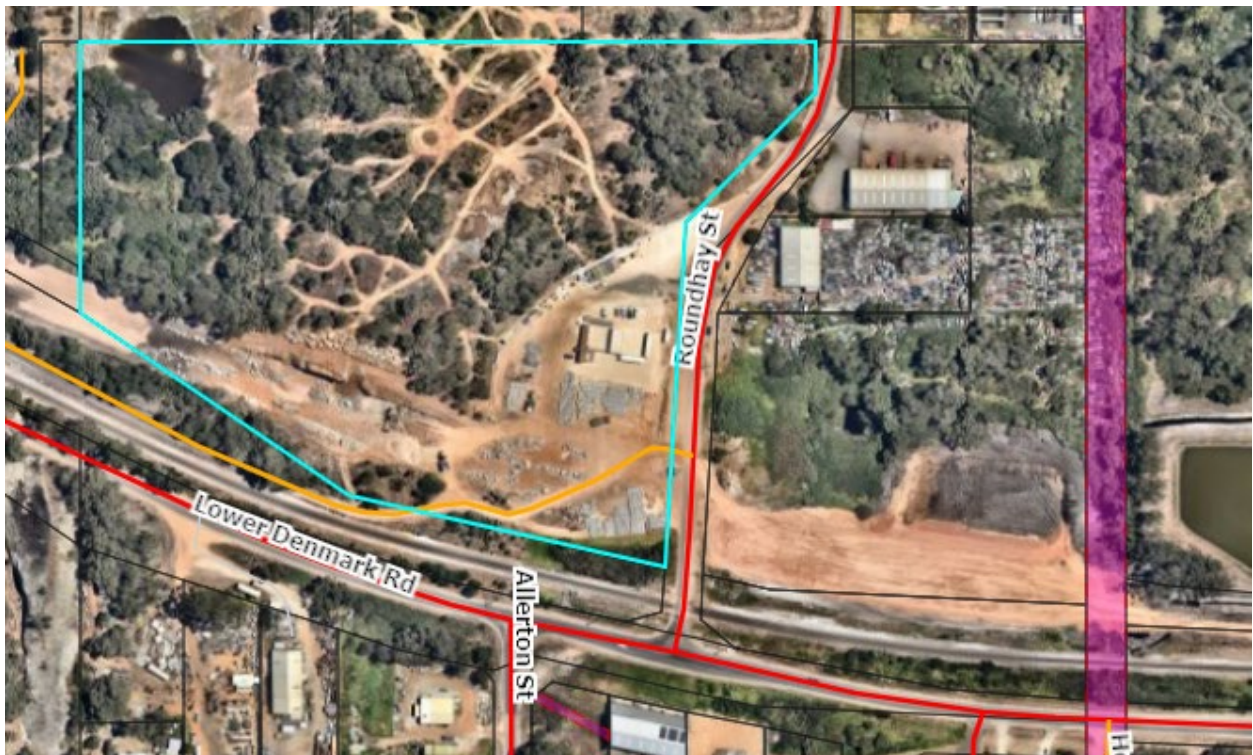
DIS352: DEDICATION OF PORTION RESERVE 30599 FOR ALBANY RING ROAD

Land Description	: Lot 127 Reserve 30599 managed by the City of Albany
Proponent / Owner	: Main Roads WA
Attachments	: Main Roads WA Drawings 2160-089
Report Prepared By	: Lands Officer (A. Veld)
Authorising Officer:	: Executive Director Development Infrastructure and Environment (P. Camins)

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider dedicating a portion of City of Albany managed Crown Reserve 30599 as public road to enable construction of a section of the Albany Ring Road project.

RECOMMENDATION

DIS352: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be adopted.

CARRIED 13-0

DIS352: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. SEEKS the approval of the Minister for Lands pursuant to section 56 of the *Land Administration Act 1997*, to dedicate the land subject of Main Roads Land Dealing Plan 2160-089 as a public road.
2. INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*.
3. AUTHORISES Main Roads to deliver this request to the Minister for Lands.

BACKGROUND

2. Main Roads WA have identified that a 4.9ha portion of Crown Reserve R 30599 (adjoining Lower Denmark Road at the intersection with Roundhay Street) is required to be dedicated as road reserve for the Albany Ring Road.
3. The entirety of R 30599 is currently vested with City of Albany via Management Order for the purpose of Council Depot and General Industrial Activities. The land is zoned General Industry in accordance with City of Albany Local Planning Scheme No. 1.
4. Main Roads have already commenced preliminary works associated with the Albany Ring Road on the land in question.

DISCUSSION

5. Main Roads are seeking Council's support to undertake the proposed land actions.
6. The subject portion of R 30599 to be dedicated as public road is currently vacant, with some remnant vegetation of low quality identified in the northern section.
7. City staff have reviewed the request from Main Roads. The dedication of the 4.9ha portion of R 30599 as a public road for the Albany Ring Road will not conflict with existing tenure arrangements over other portions of R 30599, nor the existing purpose, vesting, or zoning of the land.
8. Council is asked to support the request from Main Roads to dedicate the subject portion of R 30599 for the construction of a public road as part of the Albany Ring Road project.

GOVERNMENT & PUBLIC CONSULTATION

9. There was no requirement to undertake any government or public consultation for this matter.

STATUTORY IMPLICATIONS

10. The *Land Administration Act 1997* and *Land Administration Regulations 1998* provides the legislative process for how land may be dedicated as a road reserve.
11. Section 56 of the *Land Administration Act 1997* gives authority to the local government to request the Minister to dedicate land as a road.

POLICY IMPLICATIONS

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

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
Business Operation, Reputation & Financial Risk: <i>There is a risk that by not resolving to dedicate portions of Reserve 28465 & 30599, the Albany Ring Road project will be significantly impacted.</i>	<i>Almost Certain</i>	<i>High</i>	<i>Extreme</i>	<i>Council resolves to dedicate portions of Reserve 28465 & 30599 as public roads.</i>
Opportunity: <i>To support Main Roads WA in delivering a significant State Government project.</i>				

FINANCIAL IMPLICATIONS

14. All costs for the land acquisition are the responsibility of Main Roads WA.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

17. Council could request Main Roads WA to redesign the proposed Ring Road. It is unlikely that a redesign will result in a more efficient layout with lesser land requirement.

CONCLUSION

18. In order for the Albany Ring Road project to progress, land is required to be taken from a portion of R 30599 and dedicated as a public road reserve.
19. Acquisition and dedication of this land as public road is not in conflict with the current and future use of this land.
20. Staff therefore recommend Council support MRWA's request for the City to dedicate a 4.9 ha portion of R 30599 as a public road.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	RD.ACQ.1 (Vancouver)
Previous Reference	:	N/A

DIS353: PROPOSED CLOSURE OF PORTION OF LAKE POWELL ROAD, ELLEKER

Land Description	: Portion of Lake Powell Road, Elleker
Proponent / Owner	: Road reserve: City of Albany managed Lot 3140: A. Roth Lot 11: C & E McGarva
Attachments	: Lake Powell Road map
Supplementary Information & Councillor Workstation	: Lake Powell Road feature survey 2013
Report Prepared By	: Lands Officer (A Veld)
Authorising Officer:	: Executive Director Infrastructure Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Two landowners adjoining Lake Powell Road have applied to the City of Albany to close a portion of the Lake Powell Road reserve, for inclusion into their properties.
- Council's resolution is required to formally close the portion of road reserve, in accordance with the relevant legislation.

RECOMMENDATION

DIS353: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS353: AUTHORISING OFFICER RECOMMENDATION

THAT Council RESOLVE to permanently close portion of Lake Powell Road pursuant to section 58 of the Land Administration Act 1997 on condition that this land is amalgamated with adjoining Lot 3140 and Lot 11, subject to final survey.

BACKGROUND

2. Lake Powell Road services two properties, No. 23 (Lot 3140) Lake Powell Road and No. 31 (Lot 3) Lake Powell Road. It is approximately 400m long with a tapering gravel pavement 9m wide at the intersection with Elleker-Grasmere Road reducing to a sand track 3m wide at its western extent, where it ends at Reserve 25849.
3. The City received a request in 2012 from the landowner of No. 23 (Lot 3140) Lake Powell Road to purchase a portion of the Lake Powell Road reserve adjoining their property. The landowners of No. 459 (Lot 11) Elleker-Grasmere Road subsequently submitted a request in January 2023. Both landowners have indicated they are prepared to pay all costs associated with the road closure and amalgamation process.
4. Initial officer investigations in 2012 revealed an anomaly that the road had wholly been constructed within the adjoining Lake Powell Nature Reserve (Reserve No. 25809) which is designated as an A-Class reserve and managed by Department of Biodiversity Conservation and Attractions (DBCA).
5. The constructed road encroachment anomaly needed to be addressed before the City could continue its investigations into the requested closure of the portion of road reserve. The process undertaken to address the anomaly is summarised as follows:
 - In 2013 the City advised DBCA of the encroachment anomaly of the constructed road. DBCA agreed to include the encroachment anomaly into a project they were implementing at that time to address encroachments from adjoining private properties into the A-Class reserve.
 - This proposal was presented by DBCA to the Lands division of the Department of Planning Lands & Heritage (DPLH) in 2015. Following consultations between the two agencies, DPLH began planning in 2019 to present recommended land administration actions to the A-Class reserve to State Parliament.
 - In December 2021 DPLH commenced due diligence investigations into the current tenure arrangements around Lake Powell Nature Reserve.
 - DPLH subsequently advised the City in August 2022 that the encroachment anomaly had been addressed as part of these investigations, with a boundary adjustment undertaken at the time that resulted in the constructed road being located within the road reserve.
6. Following the constructed road encroachment anomaly being addressed as outlined above, the City progressed in finalising its investigations into the proposed closure for a portion of Lake Powell Road. The outcomes and recommendations of the City's investigations are discussed in detail below.

DISCUSSION

7. The road reserve in its current form is 40m wide, most of which is undeveloped. The City’s standard width for a local rural road reserve is 20m.
8. A site investigation by City Reserves team in 2015 found that the road reserve consists of:
 - Quality remnant native vegetation to the north of the constructed road, where it adjoins Lake Powell Nature Reserve;
 - Grassed area maintained by the owners of Lot 3140 directly in front of their lot on the southern side of the constructed road; and
 - Predominantly overgrown with weeds with some poor-quality native vegetation for the remaining areas.
9. The City undertook the required public consultation of proposed road closure land actions in March and April 2023, with no objections received during advertising.
10. The proposed closure of a portion of the Lake Powell Road reserve aims to resolve legacy issues in relation to ambiguity of boundaries between the various land tenures, exacerbated by the current width of the road reserve, that is not in accordance with the City’s standards for local rural roads. The City’s consideration of the request found that there was no benefit to the local government or broader community in retaining the subject portion of road reserve.
11. Following the above, it is therefore recommended Council resolve to formalise the proposed road closure.

GOVERNMENT & PUBLIC CONSULTATION

12. Pursuant to section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*, the City publicly advertised the proposal.
13. The proposal was advertised for 36 days, between 23 March and 28 April 2023, with no submissions from the public received.
14. Two responses were received from Telstra and Main Roads with no objections to the proposal.
15. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letters and emails to service providers	22 March – 28 April 2023	9	yes
Consult	Public notice in local newspaper	22 March – 28 April 2023		yes
Consult	Notice on Public Comments page City of Albany website	22 March – 28 April 2023		yes

STATUTORY IMPLICATIONS

16. Lake Powell Nature Reserve is designated as an A-Class reserve and administered in accordance with the *Land Administration Act 1997*.
17. Reducing the area of an A-Class reserve is only allowed under a limited number of circumstances pursuant to the legislation under Part 4 the Act.
18. Land actions relating to A-Class reserves are administered by the relevant management agency of the reserve. The land actions and tenure arrangements in relation to the adjoining A-Class Lake Powell Nature Reserve are being progressed by DBCA and DPLH Lands division accordingly.
19. Section 58 of the *Land Administration Act 1997* gives authority to a local government to request the Minister for Lands to close a road.
20. Regulation 9 of the *Land Administration Regulations 1998* outlines the actions a local government must take to prepare and deliver a request to the Minister to close a road.

POLICY IMPLICATIONS

21. There are no policy implications in relation to this proposal.

RISK IDENTIFICATION & MITIGATION

22. No risks have been identified related to this report.

FINANCIAL IMPLICATIONS

23. All costs associated with this proposal are the responsibility of the landowners.

LEGAL IMPLICATIONS

24. There are no legal implications in relation to this item.

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations in relation to this item.

ALTERNATE OPTIONS

26. Council can either choose to:
 - a) Refuse the proposed road closure or;
 - b) Support the proposed road closure with modifications.

CONCLUSION

27. Staff have investigated the proposal and undertaken the required actions to close a portion of the road, pursuant to the relevant legislation. The proposed closure is supported, based on the reasons outlined above.
28. Council's resolution is therefore sought to formalise the road closure of a portion of Lake Powell Road reserve.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Number (Name of Ward)	:	RD.RDC.2 (West)
Previous Reference	:	none

DIS354: RESERVE 31700 AND CITY OF ALBANY PORTIONS OF LOT 741 & 744 DISPOSAL FOR DEDICATION AS A PUBLIC ROAD

Land Description	: Reserve 31700 Management Order to City of Albany Lot 741 & Lot 744 freehold ownership to City of Albany
Proponent / Owner	: City of Albany
Attachments	: R31700 Map, Lot 741 Map & Lot 744 Map
Report Prepared By	: Lands Officer (A Veld)
Authorising Officer:	: Executive Director Infrastructure Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Council is requested to consider the disposal of City Managed Reserve 31700 and various portions of City owned land adjoining the intersection of Sanford and North Roads, for dedication as road reserves.
- The land actions will allow for implementation of proposed upgrades to the intersection of North and Sanford Roads and future connection with Range Road.

RECOMMENDATION

DIS354: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS354: AUTHORISING OFFICER RECOMMENDATION

THAT Council;

1. RESOLVE to dispose of the following portions of City of Albany owned land for dedication as road reserve, subject to final survey:
 - Portion Lot 741 (534 m²)
 - Portion Lot 744 (134m²)
2. REQUESTS the Minister for Lands revoke the City of Albany's Management Order over Reserve 31700, pursuant to section 50 of the *Land Administration Act 1997*.
3. REQUESTS the Minister for Lands to cancel the vesting of Reserve 31700, pursuant to section 51 of the *Land Administration Act 1997*.
4. SEEKS the approval of the Minister for Lands to dedicate the following land as road reserve, pursuant to section 56 of the *Land Administration Act 1997*:
 - Lot 813 on Deposited Plan 27567 (385m²)
 - Lot 1278 on Deposited Plan 27567 (324m²)
5. INDEMNIFIES the Minister for Lands from any claims for compensation, as is required under section 56 of the *Land Administration Act 1997*.

BACKGROUND

2. The City of Albany has been progressing the realignment of Range Road in accordance with the Albany Local Planning Strategy and the Yakamia Structure Plan.
3. The realignment design is expected to be finalised shortly, with construction works to upgrade the intersection of North and Sanford Roads and incorporate the future connection with Range Road commencing in 2023/24.

DISCUSSION

Reserve 31700

4. Reserve 31700, being Lots 813 and 1278 on Deposited Plan 27567, needs to be resumed for dedication as a public road, to facilitate the proposed intersection upgrades.
5. R 31700 is vested with the City via Management Order for the purpose of Recreation, and zoned Parks and Recreation in accordance with the City of Albany Local Planning Scheme No. 1.
6. R 31700 is currently being used primarily for informal parking for the adjoining athletics ground and playing fields, it also incorporates footpath and other service and utility infrastructure.
7. The City intends to have Reserve 31700 divested and dedicated as a public road.

City owned Lots 741 & 744

8. The City also requires portions of adjoining freehold land owned by the City of Albany to be excised and dedicated as road reserve.
9. A 534m² portion of Lot 741 proposed for road dedication is currently being used as a carpark for the athletics ground on North Road.
10. A 134m² portion of Lot 744 proposed for road dedication is currently a grassed area adjoining the Yakamia Creek drainage Reserve 34381.
11. As this land is owned by the City of Albany, Council is being asked to support the disposal of this land.

GOVERNMENT & PUBLIC CONSULTATION

12. There was no requirement to undertake any government or public consultation for this matter.
13. The Department of Planning, Lands & Heritage have provided preliminary support for the proposal, subject to the City of Albany complying with the relevant legislation in relation to this matter.

STATUTORY IMPLICATIONS

14. Section 50 of the *Land Administration Act 1997* states that a management body can agree with the Minister for Lands to have its management order revoked.
15. Section 51 *Land Administration Act 1997* states the Minister for Lands may by order cancel a reserve.
16. Section 56 of the *Land Administration Act 1997* states that a local government can resolve to reserve land for use by the public as a road, under the care, control and management of the local government.

POLICY IMPLICATIONS

17. There are no policy implications.

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
Business Operation, Reputation & Financial Risk: <i>There is a risk that by not seeking to dedicate Reserve 31700 and portions of Lot 741 & Lot 744 as a public road, the required upgrades to the intersection will not be implemented.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Resolve to revoke the City's management order over the Reserve and have Lots 813, 1278 and portions of 741 and 744 dedicated as public road.</i>
<i>Clubs and users of the locality may be disrupted by proposed works that this item relates to</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Consultation to occur prior to works commencing.</i>
Opportunity: <i>To deliver on a much needed road infrastructure upgrade for the City.</i>				

FINANCIAL IMPLICATIONS

19. Any costs associated with the road dedication have been allocated from the City of Albany's Road Network Capital Works budget.

LEGAL IMPLICATIONS

20. There are no legal implications.

ENVIRONMENTAL CONSIDERATIONS

21. There are no environmental considerations.

ALTERNATE OPTIONS

22. Council can either;
- a) Refuse this request; or
 - b) Support this request with modifications.

CONCLUSION

23. Council is requested to support the recommended land actions to support the implementation of the Range Road project.

Consulted References	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i> <i>Planning & Development Act 2005</i>
File Number (Name of Ward)	:	RD.ACQ.1 (Frederickstown)
Previous Reference	:	None

DIS355: DRAFT LOCAL PLANNING POLICY 2.1 NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Attachments	: Draft LPP 2.1 Non-Residential Development in the Residential Zone.
Supplementary Information & Councillor Workstation	: DIS332 Agenda and Minutes OCM - February 2023 State Planning Policy 7.3 – Residential Design Codes Volume 1 (July 2021) State Planning Policy 7.3 – Residential Design Codes Volume 2 (May 2019) WAPC Designing Out Crime Guidelines (June 2006) Elected Member Briefing Note (October 2022)
Report Prepared By	: Planning Officer – (D Ashboth)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When considering the proposed amendment, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. Relevant elements, objectives and strategic directions of these documents relevant to this item are outlined under the Strategic Implications section of the previous report item DIS332, presented to Council in February 2023.

In Brief:

- Draft *Local Planning Policy 2.1: Non-Residential Development in the Residential Zone* (LPP2.1) was advertised for public comment in March and April 2023, following Council's endorsement to advertise at its meeting in February.
- No submissions were received on draft LPP2.1 during the advertising period.
- Staff recommend Council resolve to adopt final draft LPP2.1, without modification (refer Attachment 1).

RECOMMENDATION

DIS355: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BENSON-LIDHOLM**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS355: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- ADOPT Local Planning Policy 2.1: Non-Residential Development in the Residential Zone, pursuant to Schedule 2, clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

NOTE the existing local planning policy *Consulting Rooms, Public Worship & Child Care Centres* will be superseded upon adoption of LPP2.1, and subsequently revoked via a notice issued in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- Draft LPP 2.1 was endorsed for advertising by Council at its February 2023 Ordinary Council Meeting.
- The draft policy was prepared to provide development standards for non-residential development in the Residential Zone, given these uses are not addressed by *State Planning Policy 7.3 – Residential Design Codes*.
- Draft LPP 2.1 is proposed to replace the existing *Consulting Rooms, Public Worship & Child Care Centres* local planning policy (LPP).
- Refer to previous report item DIS332 for further information and background on the draft policy.

DISCUSSION

- Draft LPP 2.1 was advertised for public comment in March and April 2023. No submissions received during advertising.
- No changes are proposed to the draft policy following close of advertising.
- It is recommended that Council adopt *Local Planning Policy 2.1: Non-Residential Development in the Residential Zone*.

GOVERNMENT & PUBLIC CONSULTATION

- The draft policy was advertised in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), for a period of 22 days.
- Details of advertising as follows:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Notice in Local Paper	21/03/2023	No submissions received	Yes
Consult	Public comment – City website	21/03/2023 to 11/04/2023		Yes

STATUTORY IMPLICATIONS

- Voting requirement for this item is **Simple Majority**.
- A periodic review of the City’s suite of LPPs is underway.
- Consideration of draft new LPPs and proposed modifications to existing LPPs require resolution of Council for endorsement to advertise and final adoption following advertising, subject to modifications, in accordance with the Planning Regulations.
- Should Council resolve to adopt LPP2.1, a notice of the policy must be published in accordance with clause 87 of the Planning Regulations.

17. It is noted that the policy currently references current Local Planning Scheme No. 1. Should Council resolve to adopt LPP2.1, it will form part of the City’s current LPPs that are proposed to be retained following gazettal of Local Planning Scheme No. 2, following referral to Council in due course for amendment and adoption, aligning with the new planning scheme.

POLICY IMPLICATIONS

18. Adoption of proposed LPP2.1 will add an additional LPP to the City of Albany Local Planning Policy Manual.
19. An LPP may be revoked by:
- a) A subsequent LPP adopted in accordance with the Planning Regulations, that expressly revokes the local planning policy; or
 - b) A notice of revocation prepared and published by the local government, in accordance with the Planning Regulations.
20. Draft LPP2.1 aims to update relevant provisions from the existing *Consulting Rooms, Public Worship and Child Care Centres* LPP, with the existing policy to be revoked following formal adoption of LPP2.1.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Risk Policy position may result in development applications for non-residential development in the Residential Zone being more difficult and/or time consuming to prepare/approve.</p>	Possible	Minor	Low	Policy includes clear guidelines and clarifies the desired outcomes.
<p>Opportunity: Ensure non-residential development in the residential zone is compatible with adjoining residences and does not detract from residential amenity.</p>				

FINANCIAL IMPLICATIONS

22. There are no financial implications beyond what will be used for notice of adoption and revocation.

LEGAL IMPLICATIONS

23. There are no legal implications relating to adopting LPP2.1.

ENVIRONMENTAL CONSIDERATIONS

24. There are no environmental implications relating to adopting LPP2.1.

ALTERNATE OPTIONS

25. Council has the following alternate options in relation to this item, which are:
- To resolve to adopt the policy without modification;
 - To resolve to adopt the policy subject to modification; and
 - To resolve not to adopt the policy.

CONCLUSION

26. Based on the discussion above, staff recommend Council resolve to adopt *LPP2.1: Non-Residential Development in the Residential Zone*, without modification.
27. Upon formal adoption of LPP2.1, a notice will be published in a local newspaper and on the City of Albany website advising of the adoption of LPP2.1, in accordance with clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Consulted References	<ul style="list-style-type: none"> 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> 4. <i>State Planning Policy 7.3 – Residential Design Codes Volume 1</i> 5. <i>State Planning Policy 7.3 – Residential Design Codes Volume 2</i> 6. <i>WAPC Designing Out Crime Guidelines</i>
File Number (Name of Ward)	: All
Previous Reference	: OCM 28/02/2023 – DIS332

DIS356: C23008 – PANEL OF SUPPLIERS – CIVIL AND RESERVES PRODUCTS

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.

6.30pm Councillor Terry left the Chamber after declaring a Financial Interest in this item.

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 civil and reserves products to the City of Albany.
- The contract shall be for an initial period from 1st July 2023 to 30th June 2024, with a mutually agreed and price negotiated option for a renewal for one (1) year, then an option to extend for a further one (1) year, then a final option to extend for another one (1) year.

RECOMMENDATION

DIS356: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS356: AUTHORISING OFFICER RECOMMENDATION

THAT Council;

ACCEPT the tendered rates for Contract C23008 - Panel of Suppliers – Civil and Reserves Products to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

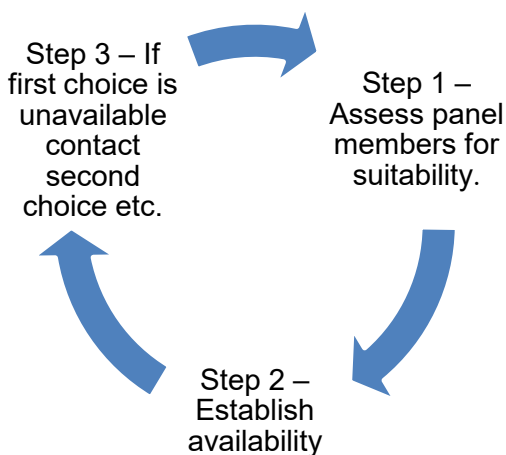
BACKGROUND

2. The City of Albany (“the City”) is seeking to establish a “Panel of Suppliers” for the supply of civil and reserves products primarily delivered to the City of Albany Works Depot at 61 Mercer Road, Hanrahan Road Waste Management Facility, Bakers Junction Waste Management Facility and the Centennial Precinct.
3. There is provision for supply and delivery to other City locations, as well as other locations to be negotiated with the supplier at time of delivery.
4. The City also reserves the right to collect products from the supplier’s yard, particularly for smaller quantities that won’t be stored at the Depot.
5. The contract additionally includes a schedule for gravel crushing at the City’s various pits/quarries. Gravel from these sites is to remain at the pit/quarry where it is crushed with transport arranged by the City of Albany.
6. This Panel shall be Council’s preferred suppliers and requests for supply of products shall be directed to members of this Panel before all others.
7. It is expected that the City will require irregular quantities and deliveries of the following products:

Description	Possible annual quantities – cubic metres
CIVIL PRODUCTS	
1. 5mm Aggregate	300
2. 7mm Aggregate	120
3. 10mm Aggregate	200
4. 14mm Aggregate	70
5. Road Base	100
6. Metal Dust	450
7. Gravel 37.5mm minus	5,000
8. Gravel 75mm minus	7,500
9. Compaction/Bedding Sand	1,100
10. Coarse Sand	400
11. General Fill	1,100
12. Rock Spall (200mm)	500
13. Clay	1,000
14. Clean Crushed Concrete	1,000
15. Mixed Crushed Concrete	1,000
16. Yellow Brickies Sand	50
17. 20mm Aggregate	30
18. Premix Concrete	30
19. Natural Granite Boulder 0.5t to 2t	40

Description	Possible annual quantities – cubic metres
20. Natural Granite Boulder 2t to 5t	40
21. Natural Granite Boulder 5t to 10t	40
TURF REHABILITATION PRODUCTS	
22. Screened Lime Sand	1,100
23. Screened Turf Sand	2,000
24. Unscreened Turf Sand	1,000
VERGE AND GARDEN PRODUCTS	
25. Screened Topsoil	1,000
26. Lime Rubble (Garden)	200
27. Blue Gum Woodchips	100
28. Pine Woodchips	10
29. Red River Gum Woodchips	20
30. Mixed Species Woodchips	120
31. Jarrah Woodchips	10
32. Native Bedding Mix	5
33. Sheep Manure	5
34. 10mm Pea Gravel	10
35. 20mm Quartz	10

8. Products will be selected from the Contractor identified from the panel who will likely be able to offer the product for the required works and the Contractor will be engaged by the following methodology:



9. In addition to the process map highlighted above, panel members will be engaged after consideration has been given to job requirement, ability to meet the timeframe for the particular works, and best value for money for the City.

10. The City requires flexibility in this panel to negotiate and evaluate requirements by individual works. The City acknowledges that all Contractors will not necessarily be able to supply all products.

DISCUSSION

11. A total of seventeen (17) tender documents were issued.
12. Tenderers were asked to provide rates for the various products at a cubic metre rate of supply only, supply and delivery to each of the Mercer Road Depot, Hanrahan Rd Waste Facility and Bakers Junction Waste Facility. A delivery per kilometre rate to other locations was also requested.
13. Should there be a requirement for products not on the preferred supplier listing, then the normal procedure for quoting of these products will apply.
14. 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	35
Relevant Experience	20
Key Personnel Skills and Experience	15
Tenderer’s Resources	25
Corporate Social Responsibility	5
Total	100

15. Eight (8) 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 eight (8) Contractors to the Panel of Suppliers however only five (5) Contractors have been recommended to be appointed to the Panel of Suppliers.
16. The following table summarises the recommended tenderers and overall evaluation scores. The cost scoring was evaluated based on the delivered rates to Mercer Road Depot. The rates for supply have not been included in the table as these are “commercial in confidence” and will not be made publicly available.

Tenderer	Weighted Score
Tenderer A	802.50
Tenderer B	652.79
Tenderer C	600.87
Tenderer D	512.79
Tenderer E	501.35

GOVERNMENT & PUBLIC CONSULTATION

17. A request for tenders was published in the West Australian on Wednesday 19 April 2023 and the Albany Extra on 21 April 2023.

STATUTORY IMPLICATIONS

18. 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.
19. 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.

20. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

21. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
22. 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

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations. Council does not award this Contract delays in achieving the capital works and maintenance programme may result.	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>This Contract is awarded so products can be purchased.</i>
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	<i>Unlikely</i>	<i>Major</i>	<i>High</i>	<i>No single Contractor would be able to supply the varied products list. This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes.</i>
Legal & Compliance. Non-compliance with Contract or business failure	<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>
Reputation. The communities expectation of completion of capital works or maintenance programmes.	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Community are advised of any work delays.</i>
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

26. Nil

ENVIRONMENTAL CONSIDERATIONS

27. Nil

ALTERNATE OPTIONS

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

CONCLUSION

29. 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)	:	C23008
Previous Reference	:	C20003

6.33pm - Councillor Terry returned to the Chamber, Councillor Terry was not present during the discussion or the vote for this item.

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

12. MEETING CLOSED TO THE PUBLIC

13. CLOSURE

There being no further business the Chair declared the meeting closed at **6:33pm**

(Unconfirmed Minutes)

Councillor Thomson
CHAIR