

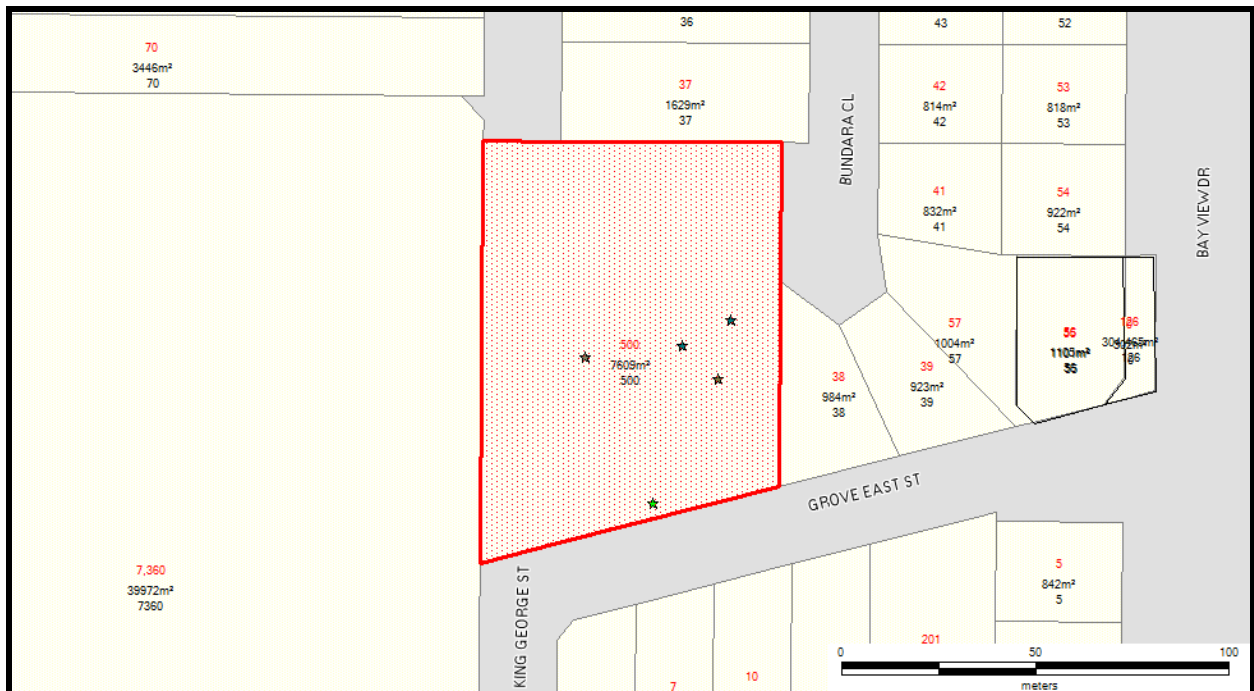
**5.6. REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – ROUND THREE FUNDING (RLCIP) – VARIATION REQUEST**

<b>Land Description</b>	: Reserve 33454 Mills Park, Little Grove
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Crown Land Managed by City of Albany
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: Concept Map of Mills Park
<b>Appendices</b>	: N/A
<b>Councillor Workstation</b>	: Developed Reserves Asset Master Plan
<b>Responsible Officer(s)</b>	: Executive Director Works and Services – K Ketterer

**ITEM WITHDRAWN**

**The project is the subject of Native Title queries and consultation and will not be completed by the funding deadline.**

**Maps and Diagrams:**



**IN BRIEF**

- To seek an amendment to vary the Regional and Local Community Infrastructure Program funding agreement – Round Three by requesting a change of scope for the allocated funds totalling \$195,000, from South Stirling Waste Transfer Station project to Mills Park Stage 1 project.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**ITEM 5.6: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council:**

- i. **SEEKS** approval from the Department of Regional Australia, Regional Development and Local Government to vary the Regional and Local Community Infrastructure Program funding agreement – Round Three by requesting a change of scope for the allocated funds totalling \$195,000, from South Stirling Waste Transfer Station project to Mills Park Stage 1 project’ and
- ii. **AUTHORISE** the CEO, that should the actual costs of the project vary from the above estimate, to administer the expenditure amounts within the total Regional and Local Community Infrastructure Program funding agreement – Round Three budget of \$276,000, as per OCM 20 July 2010 Item 15.2.1.A

**BACKGROUND**

1. The Regional and Local Community Infrastructure Program was announced by the Prime Minister at the Australian Council of Local Government inaugural meeting on 18 November 2008 as part of the Nation Building Economic Stimulus Plan. Since its inception, the Regional and Local Community Infrastructure Program has made more than \$1 billion available to local government authorities to build and modernise community infrastructure.
2. City of Albany has been allocated \$276,000. To obtain this funding, projects must be ready to proceed, begin construction within six months of signing the funding agreement, and the projects must be completed and expend all funding by 31 December 2011.
3. At the July 2010 Council meeting, Council resolved the following:

“That Council APPROVE the ready to proceed project list for RLCIP grant funding:

Ready to proceed projects:

<b>Priority</b>	<b>Group</b>	<b>Project</b>	<b>Revised Estimate</b>
1	South Stirling Transfer Station	Construction of transfer station	\$195,000
2	Centennial Park Drainage	Drainage ground improvements	\$81,000
<b>Total</b>			<b>\$276,000</b>

And

That should one of the preferred projects not be able to proceed, Council APPROVE the following reserve projects:

Priority	Group	Project	Amount
1	Wellington St Detention Basins	Drainage improvement	\$100,000

That should the actual costs of any project vary from the above estimates, the CEO be authorised, to administer the expenditure amounts within the total budget of \$276,000.”

## DISCUSSION

4. The South Stirling Waste Transfer Station project has been delayed due to various land matters requiring further time to comply with associated legislation. The waste site is located on vacant crown land, instead of on the nearby Crown reserve 38979 vested to the City with a purpose of ‘Rubbish Disposal Site’.
5. To correct this historical error, Council is required to prepare a Department of Environmental Protection closure plan to re-habilitate the existing site, request the Department of Lands to create a reserve for the Waste site, and address Native Title concerns. The expected timetable for compliance with these legislative requirements has highlighted the need for Council to review its options with the funding agreement, as the works will not be completed by the funding deadline of 31 December 2011.
6. In respect of the South Stirling Waste Transfer Station project, it is intended to complete the legislative activities and then source future external funds to complete this project.
7. The Department of Regional Australia, Regional Development and Local Government have advised they will not support the funds being held in trust until the South Stirling Waste Transfer Site is ready for construction, but are willing to consider another project, subject to a variation request being completed, explanation being provided for the changed request, and notification of Council approval for the change.
8. Staff have considered projects suitable for this funding opportunity, and recommend the Mills Park Stage 1 project, which involves installing reticulation, construction of paths and retaining walls, BBQ, shelter, and laying of turf (attached concept map). The park is a neighbourhood park in Little Grove, which is adjacent to Little Grove primary school and is located on reserve no 33454, vested in the City, with a purpose of ‘Public Recreation’.

### **GOVERNMENT CONSULTATION**

9. Staff have consulted with the Department of Regional Australia, Regional Development and Local Government to seek direction on possible options for application of the funding given the South Stirling Waste transfer site will not be completed.
10. The reserve no 33454 has a management order in the name of the City of Albany, and as such the City can develop the reserve accordingly. Native title claims have been cleared, and the usual government approvals for planning and building will be sought as the project progresses.

### **PUBLIC CONSULTATION / ENGAGEMENT**

11. There is community support for the development of the park, which was bequeathed to the community by Amy Mills. A Park Watch group have been formed as a community initiative, to encourage children to actively play in a safe environment. This group in consultation with Council staff, have developed a concept plan for the park (attached plan), which incorporates a diversity of play experiences appropriate for a range of ages, abilities, and interests.

### **STATUTORY IMPLICATIONS**

12. In accordance with the provisions of the *Local Government Act 1995*, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.
13. The development of the Mills Park Stage 1 project will require City planning and building approvals.

### **STRATEGIC IMPLICATIONS**

14. “Albany Insight ~ Beyond 2020 Corporate Plan” states –  
  
Albany will be a City where Recreation facilities provide a diverse range of sporting and exercise opportunities”
15. The Developed Reserves Asset Master Plan provides direction on the type of reserves required, the standards of infrastructure, and distinguishes between the different usages of reserves. The aim is to ensure the City constructs, maintains and sets standards for developed reserve infrastructure for community recreational needs.

### **POLICY IMPLICATIONS**

16. There are no policies relating to this item.

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
RLCIP funding project – South Stirling Waste transfer Site not completed by deadline of 31 December 2011- loss of funding	Likely	High	Extreme	Request variation to funding, by changing scope to new project – Mills Park Stage 1

**FINANCIAL IMPLICATIONS**

18. External funding for large infrastructure projects will enhance the local economy and social well being of its residents.
19. All costs associated with the development, execution and completion of the Mills Park Stage 1 project will be covered by the funding agreement, which totals \$195,000. The ongoing maintenance of the community park will be covered in the developed reserves annual budget account number 103360, as at present.

**LEGAL IMPLICATIONS**

20. If the City wishes to vary the funding agreement, it must seek written approval from the Department of Regional Australia, Regional Development and Local Government, or it is in contravention of the legal agreement and risks losing the funding.

**ALTERNATE OPTIONS**

21. Council has two options with the funding available from the Department of Regional Australia, Regional Development and Local Government -
- Decline the funding amount of \$195,000, or
  - Request a variation to the funding agreement to apply the funds to the Mills Park Stage 1 project.

The alternative of retaining the funds in trust until the South Stirling land tenure issues have been resolved, has been discussed with the Department of Regional Australia, Regional Development and Local Government, but been declined.

**SUMMARY CONCLUSION**

22. The Council can decline the funding opportunity, as the South Stirling Waste Transfer Site will not be completed by the funding deadline of 31 December 2011, or request a variation to the agreement, to apply the funds to the Mills Park Stage 1 project.

<b>Consulted References</b>	Developed Reserves Asset Management Plan
<b>File Number (Name of Ward)</b>	GSPRG.26
<b>Previous Reference</b>	OCM 20.07.11 Item 15.2.1.A