



AGENDA

WORKS AND SERVICES COMMITTEE

15 July 2015

5.30pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

TERMS OF REFERENCE

(1) Function:

The Works & Services Committee will be responsible for the delivery of the following Clean and Green Objectives contained in the City of Albany Strategic Plan:

- (a) To protect and enhance our pristine natural environment;
- (b) To promote environmental sustainability;
- (c) To promote our region as clean and green.

(2) It will achieve this by:

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

(3) Chairperson: Cr Alan Hortin JP

(4) Membership: Minimum of 4 and a maximum of 7 elected members.

Current Membership: Mayor Wellington, Councillor Hortin JP, Councillor Gregson, Councillor Dowling, Councillor Bowles, Councillor Hollingworth

(5) Meeting Schedule: Monthly

(6) Meeting Location: City of Albany Council Chambers

(7) Executive Officer: CEO or Executive Director Works and Services

(8) Delegated Authority: None

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor Mayor D Wellington (Member)

Councillors:

Member A Hortin JP (Chair)
Member S Bowles (Deputy Chair)
Member C Dowling

Staff:

Executive Director Works and Service M Thomson
Minutes Secretary S Parker

Apologies:

Member B Hollingworth
Member G Gregson

WORKS AND SERVICES COMMITTEE
AGENDA –15/07/2015

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
M. Thomson (Executive Director Works and Services)	WS081	Proximity

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Works and Services Committee Meeting held on 10 June 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

WS078: UNDERGROUND POWER PROGRAM, LOCALISED ENHANCEMENT PROJECTS – ALBANY HIGHWAY, YORK STREET TO SANFORD ROAD

File Number (Name of Ward) : ET.COG.1 (Frederickstown)
Land Description : Albany Highway – York Street to Sanford Road
Maps and Diagrams : Locality plan
: Design drawing
: Artist impressions
Reporting Officer(s) : Executive Director Works and Services (M Thomson)
Responsible Officer(s) : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2. Clean Green & Sustainable.
 - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
 - c. **Strategic Initiative:** 2.2.1. Asset management.

In Brief:

- The City is invited to take part in the State Government's Underground Power Program (Localised Enhancement Projects, Round Five) to replace overhead power lines with underground systems on Albany Highway, from York Street to Sanford Road.
- This project has undergone a lengthy development and consultation phase culminating in the provision of a design and cost estimate. Various funding options are possible to recoup the costs during the 2016/17 budget process for consideration by Council.
- Council endorsement is sought for the project to proceed, with authorisation given to the CEO and Mayor to execute relevant project agreement documentation.

RECOMMENDATION

WS078: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1. AUTHORISE expenditure of up to \$1,100,000 and ACCEPT the funding offer of \$500,000 from the Underground Power Program, Local Enhancement Projects for the provision of underground power on Albany Highway between Sanford Road and York Street, Albany.**
- 2. AGREE to the raising a loan up to the value of \$600,000 specific to the project as detailed in this report, subject to compliance with Clause 6.20 of the *Local Government Act 1995*;**
- 3. NOTE that consideration will be given to the imposing of an appropriate service charge to recover project cost, in part, prior to the 2016/2017 financial year and REQUEST that the Executive Director of Works and Services provide a report providing detailed options for consideration.**

BACKGROUND

2. The Underground Power Program is an initiative by the State Government, administered by the Office of Energy. The program was established in 1996 to improve the standard of electricity supply by addressing the reliability issues in areas with existing overhead power lines. The program offers two types of projects; Major Residential Projects which involve suburban areas, and Localised Enhancement Projects which aim to beautify urban gateways, scenic routes and tourism/heritage centres.
3. Power lines are currently underground at the intersections of Albany Highway/York Street and Albany Highway/Sanford Road, by converting the overhead lines to underground power in this location the gap between these two intersections will be closed.
4. The approximate distance of this project is 500m consisting of around 40 property connections, including a minimal amount of residential properties (see attached design drawings).
5. Funding arrangements are based on 50% from the State Government (up to a maximum of \$500,000) and 50% from the Local Government.
6. In November 2010, the City considered an internal project proposal under this scheme and resolved the following:
 - a. *“That Council adopt the proposal to convert existing overhead power lines to underground systems across Albany.*
 - b. *The Council accept Albany Highway, from York Street to Sanford Road, as the first stage to be completed*
 - c. *Council commit to raising the funds for this first stage from the general rate base to a minimum of 25% of the total project value to the project.*
 - d. *That Council include a provision for adjoining property owners to make a contribution of a maximum of 25% of the total project value to the project.*

- e. Council advise staff to proceed with community consultation and complete an expression of interest for round five of the Localised Enhancement projects of the Underground Power Program which will be called later this year*
 - f. Council agreed to payment of the non-refundable deposit of \$5,000 if the expression of interest is short-listed."*
7. An Expression of Interest was submitted in November 2011 when the State Underground Power Program – Localised Enhancement Project (Round 5) opened. The City was notified in October 2012 that it was successful and a non-refundable deposit of \$5,000 was paid prior to the start of the detailed proposal stage being assessed.
 8. Western Power has been liaising with staff since 2012, providing updates of the project design. The City has recently been provided with a cost estimate (ex GST) for the works totalling \$1.1million (\$500,000 State Government contribution, \$600,000 City of Albany).
 9. Two rounds of community consultation have been undertaken for the project and this revealed support for the project but a reluctance to contribute to the capital cost.

DISCUSSION

10. The project has undergone a lengthy development process culminating in a cost estimate (\$1.1million) being provided and a request through Western Power to confirm if Council wished to proceed. Given the cost and the timing issues associated with the development of the project, the impetus had lost considerable momentum and warrant for the project to proceed at this time had become questionable.
11. It was therefore considered prudent to undertake further consultation prior to Council giving consideration to either accept or decline the offer of funding.
12. The main issues which the City required feedback on from the consultation were:
 - a. Whether there is support or otherwise for the project;
 - b. Whether an appetite exists for adjacent landowner to contribute to the project, if it was to ensure that it would proceed.
13. The City of Albany wrote to affected landowners and called a public meeting in June 2015. Each landowner was provided (in writing) some indication of what the possible contribution requirements may be. The contribution was calculated based on recovery of \$300,000 proportional to the street frontage of the property.
14. A public meeting was held on the 8th June 2015. Those who attended this meeting were provided with an explanation of the project. Some artist's impressions were shown (attached) which gave a representation of how the streetscape may look should the project proceed.
15. The general comments made at the meeting were around the following themes:
 - a. Very strong in principle support for the project to move ahead and that the City should be mindful not to pass up the opportunity for the funding;
 - b. General (but by no means representative) support from those who attended who had an interest in commercial property in making a contribution to the project;
 - c. General lack of support from residential properties in making a contribution to the project;
 - d. There had been an alleged precedent (Lockyer Avenue) where landowners were not required to make a contribution to underground power projects, similarly there have

been other precedences (Middleton Road) where there had. The officer notes that this has been confirmed to be correct however there were other complicating circumstances around this particular project which made it difficult to make a direct comparison. In particular, there were a range of negotiations which took place with landowners as part of a much larger project.

- e. There had also been a precedent in Albany where landowners were required to contribute to underground power, in particular Middleton Beach Road.
 - f. It was noted and acknowledged from those present that commercial properties potentially have more to benefit than residential and it was therefore seen as possibly inequitable for residential properties to make contribution.
 - g. There were comments that the charges were seen as high and that if they could be lowered that there would be some interest.
 - h. Attendees encouraged the City of Albany to take up the offer and proceed with the project;
 - i. The project benefits the whole of Albany, and more in particular the Central Business District and not just those who are directly impacted by the works.
16. It was concluded from the consultation that:
- a. The affected residents see the project as a great opportunity that benefits the whole of the Central Business District not just the affected area;
 - b. Imposing a charge to residential properties is likely to be resisted.
 - c. Imposing a charge to commercial properties will meet with resistance; however, there are a number of property owners who indicated their acceptance to a charge if imposed.

GOVERNMENT & PUBLIC CONSULTATION

- 17. Two rounds of public consultation have been undertaken on the proposed project. Firstly in 2011 during the initial project proposal, where at that time of the 27 landowners contacted (some owning multiple properties) 9 were in support and 4 were not, with 14 not responding at all.
- 18. Secondly a consultation effort was undertaken during June 2015. A public meeting was held with 14 adjacent landowners and City of Albany officers in attendance. There were very few writing responses received 4 in total, 2 in support for the project, 2 not in support of the project and one of the responses indicated a willingness to make a contribution.

STATUTORY IMPLICATIONS

- 19. Division 5 and 6, Part 6 of the *Local Government 1995*, deals with the imposition, setting and public advertising of fees and charges. If a service charge is imposed on owners within a defined part of the district for prescribed work/service in relation to the land, the money is to be used within the financial year it is imposed, or placed in a reserve account created for the purpose.

POLICY IMPLICATIONS

- 20. Council's Policy – Long Term Borrowing applies to this item. This policy provides for the prudent use of loan borrowings for the acquisition of City assets.
- 21. As the recommendation commits Council to expenditure the voting requirement is ABSOLUTE MAJORITY.

RISK IDENTIFICATION & MITIGATION

22. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Property, Environment, Community, Reputation, and Financial: <i>If the project is not pursued, an opportunity to improve the visual amenity, mitigate vulnerability to storm damage, infrastructure upgrade and funding will be missed.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Proceed with project.</i>
Operations and Financial: <i>The City's Long Term Financial Plan may be compromised, if a service charge is <u>not</u> imposed.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Impose a service charge or develop an alternate contribution model, take out a loan.</i>
Reputation: <i>Landowners who do not support the project may provide negative feedback, in respect to the imposition of a service charge.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Develop a legitimate equitable contribution arrangement.</i> <i>Publically communicate rationale.</i>

FINANCIAL IMPLICATIONS

23. The project estimate of the proposed location on Albany Highway is \$1.1 million. This would consist of the following funding arrangements:
- State Government funding: \$500,000
 - City of Albany: \$600,000
24. In accordance with the November 2010 resolution of Council it was committed to fund (minimum) 25% of the cost from general revenue income, and (up to) 25% contributed by adjoining property owners by way of a service charge.

Options for Cost Recovery - Service Charge.

25. Should the Council wish to proceed with the project any costs recovered through landowners would need to be through a Service Charge.
26. A "Service Charge" is the only legitimate mechanism to recover the costs (either wholly or in part) of the project.
27. The Local Government Act (1995) enables the Local Government to apply a service charge for specific works, services or facilities. Provision of underground electricity is one of the prescribed works listed in the Act.
28. Under a service charge arrangement, and given the feedback during the public meeting of June 2015, there exists a number of possible models which Council will be required to consider in future, if the project progresses:

- a. Recover 25% of the total project cost applying to each property which has a frontage to the proposed works (in accordance with Council resolution of November 2010) The City can offer a one off payment, 6 year or 10 year repayment options.
 - b. Fully subsidise the contribution from residential properties affected and recover cost from commercial properties. This will result in less cost being recovered, somewhere in the order of 20% (approx \$240,000).
 - c. Recover 15% or any amount specified by Council and increase the general rate base to cover the additional costs.
29. Under option (a) above, for reference, indicative charges would be as follows (depending on road frontage):
- a. One off payment ranging from \$1,100 to \$38,600;
 - b. City raises a 6 year loan payments (per annum) would range from \$200 to \$7,100.
 - c. City raises a 10 year loan, payment (per annum) would range from \$130 to \$4,000.
30. Should Council agree to a service charge, it must give local public notice of its intention to do so, and the date from which it is proposed the fees or charges will be imposed.
31. In any case, the City will need to raise a loan of up to \$600,000 to cover the costs required for the project to proceed. And costs can be recovered retrospectively.

LEGAL IMPLICATIONS

32. Should the City agree to the imposition of a service charge, at a future time, compliance with the specific provisions of the Local Government Act 1995, including Division 5 and 6, Part 6 of the *Local Government 1995*, which deals with the imposition, setting and public advertising of fees and charges would apply.
33. Clause 6.20 of the Local Government Act 1995 allows a local government to borrow money. Where this power is exercised and the details of the proposal have not been included in the annual budget, the local government must give one month's public notice of the proposal and the resolution to exercise that power must be by absolute majority.
34. Clause 6.21(2) states that when a local government borrows money, it may only be secured by giving security over the general funds of the local government.

ENVIRONMENTAL CONSIDERATIONS

35. The introduction of underground power for Albany Highway, York Street to Sanford Road may enable the planting of street trees providing environmental benefits to the City and improvements in visual amenity with the removal of overhead powerlines.

ALTERNATE OPTIONS

36. Council may wish to not proceed with the project and therefore decline the funding offer from Western Power.

SUMMARY CONCLUSION

37. The Localised Enhancement Project for the undergrounding of power and provision of street lighting for Albany Highway, York Street to Sanford Road is an opportunity to improve the overall streetscape and amenity at the entrance to the Central Business District.

38. This report recommends that the project proceed, funded through the raising of a loan, and that the City consider options for partial cost recovery through a service charge applied affected properties prior to the 2016/2017 financial year.

Consulted References	:	<i>Local Government 1995</i>
File Number (Name of Ward)	:	ET.COG.1 (Frederickstown)
Previous Reference	:	OCM 16.11.10 ITEM 3.3

WS079: C15010 PROVISION OF TRAFFIC MANAGEMENT SERVICES

Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Senior Civil Engineering Officer (R Skipper)
Responsible Officer : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner.
 - c. **Strategic Initiative:** Not Applicable

In Brief:

- Council approval is sought to accept tendered rates for Contract C15010 – Provision of Traffic Control for a period from the date awarded by Council until 30th June 2016, with an option for a further 12 month period.
- The tender from Advanced Traffic Management is considered most advantageous to Council.

RECOMMENDATION

WS079: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from Advanced Traffic Management and award contract C15010 Provision of Traffic Management Services until 30th June 2016 with an option to extend for a further 12 months.

BACKGROUND

2. The City currently do not have a traffic control contract in place as it expired in June 2015. It is necessary to establish a new contract for the provision of this service.
3. Tenders were called for the provision of traffic control from the date awarded by Council until 30th June 2016.
4. The tender is for all work necessary to provide for the safe movement of traffic and the protection of persons and property through and or around work sites within the City.

DISCUSSION

5. A total of 10 tender documents were requested from the City of Albany.
6. 6 completed tender documents were submitted on/before the advertised closing date and time. The following table summarises the tender submissions and overall evaluation scores applicable to each submission.

Tenderer	Weighted Score
Advanced Traffic Management	642.95
Traffic Force	638.40
Evolution Road Maintenance Group	539.18
Denmark Traffic Management	510.63
Palmer Earthmoving	509.01
Altus Traffic	465.82

GOVERNMENT & PUBLIC CONSULTATION

7. A request for tenders was published in the West Australian on 13 May 2015 and the Albany Advertiser on 14 May 2015.

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 \$100,000.
9. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
10. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of 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 be in excess of \$500,000 and 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 Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Interruption Non compliance with contract or business failure resulting in inadequate traffic management	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services
People Health and Safety Increased project risk due to inadequate traffic management	Possible	Major	High	Only tenders from reputable companies who have the required certification considered.

FINANCIAL IMPLICATIONS

- 14. The cost scoring was carried out based on an assumption of predominantly daytime works. It should be noted that if a significant amount of after-hours and or weekend works be required, the preferred tender submission may result in higher costs being incurred than the cost score criteria would indicate.
- 15. The cost per job will be included in the specific budget line item.

LEGAL IMPLICATIONS

- 16. Nil.

ENVIRONMENTAL CONSIDERATIONS

- 17. Nil.

ALTERNATE OPTIONS

- 18. Council can accept or reject tenders as submitted.

SUMMARY CONCLUSION

- 19. On reviewing the submissions, the evaluation team assessed Advanced Traffic Management as being the most advantageous tenderer across the evaluation criteria, for daytime works. It is recommended that Advanced Traffic Management is awarded the provision of traffic control contract.

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)	:	C15010
Previous Reference	:	Nil.

WS080: WASTE LOCAL LAW 2015

Proponent : City of Albany
Owner : City of Albany
Attachments : Proposed City of Albany Waste Local Law 2015
WALGA Guidance Note – Template Waste Local Law
: Waste Local Law Comparison Table
Report prepared by : Manager City Operations (M Richardson)
Manager Governance & Risk Management (S Jamieson)
Responsible Officer(s): : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objective:** 2.3. To advocate for and support “green” initiatives within our region
 - c. **Strategic Initiative:** 2.3.2. Deliver effective waste management services

In Brief:

- Commence the process of adopting a new waste local law to enable greater flexibility and coverage in the provision of waste services to the community.

Purpose & Effect:

- **Purpose:** The purpose of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the City of Albany.
- **Effect:** The effect of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the City of Albany.

RECOMMENDATION

WS080: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council AGREES to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Waste Local Law 2015, in accordance with section 3.12 of the *Local Government Act 1995*.

BACKGROUND

2. A review of the City's waste collection boundaries has identified that the current waste local laws are prescriptive in their description of waste collection areas and limits the opportunity to expand the City's collection service.
3. In April 2014, Council resolved to put on hold the process of making the local law noting that the Western Australian Local Government Association (WALGA) had advised that a draft template Waste Local Law was nearing completion.
4. In January 2015, WALGA advised that the WALGA Template Waste Local Law had been vetted by the Joint Standing Committee on Delegated Legislation and was available for use by Local Governments.

DISCUSSION

5. Currently the City of Albany continues to use the refuse provisions of the City's Health Local Law, as per the transition arrangements in the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act 2007).
6. This local law nominates, by diagram, a waste collection area which has no scope to add potential services that fall outside the nominated area, which is not legislative compliant with the WARR Act 2007.
7. The new proposed City of Albany Waste Local Law 2015 is based on the WALGA Template Waste Local Law developed by WALGA , in collaboration with:
 - a. Lawyers experienced in drafting local laws;
 - b. Joint Standing Committee on Delegated Legislation;
 - c. Waste Authority; and
 - d. Department of Local Government and Communities.
8. The proposed local law also addresses concerns raised by committee members at the Works and Services Committee meeting held on the 9 April 2014, in regards to the value of some of the fines imposed. (*Refer to Schedule 2 – Prescribed offences in the attached proposed local law*)
9. A comparison between the model local law and proposed City of Albany Waste Local Law is provided in Attachment 2. The variations from the standard template are associated with the City not providing receptacles for waste and therefore irrelevant clauses and definitions have been removed.

GOVERNMENT & PUBLIC CONSULTATION

10. The draft proposed local law was developed in consultation with WALGA as needed throughout the drafting process.
11. If the proposed local law is adopted for advertising it will be open for public comment for a period of six weeks.
12. The Local Law will be referred to the Minister of Environment and the Minister for Local Government and Communities for comment.

STATUTORY IMPLICATIONS

13. The proposed City of Albany Waste Law 2015 is based on the template local law developed by WALGA, in consultation as previously discussed, under section 64 of the *Waste Avoidance and Resource Recovery Act 2007*. However, the local law making process still needs to meet the requirements as prescribed in section 3.12 of the *Local Government Act 1995*.
14. Part 4 (Waste Food and Refuse) will be revoked from the City's Health Local Laws 2001 as part of the process of the adoption of the new City of Albany Waste Local law 2014.

POLICY IMPLICATIONS

15. There are no waste policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Operational, Community Health & Safety. <i>The proposed local law is not adopted.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>The City will continue to operate under the WARR Act transitional arrangements.</i> <i>The local law will be referred back to Committee to address areas of concern and restart the process.</i>
Legal & Compliance. <i>Local law contains problematic clauses and is therefore disallowed by the Joint Standing Committee on Delegated Legislation.</i>	<i>Possible</i>	<i>Major</i>	<i>Medium</i>	<i>Utilise the WALGA Template Waste Local Law.</i> <i>If an amendment is made to template local law, legal advice is sought.</i>

FINANCIAL IMPLICATIONS

17. An appropriate budget line exists for the cost of giving public notice and advertising.
18. Costs are estimated to be \$3,000 with provision made within the 2015/16 budget line item 1313670 Manage Waste Minimisation Operations, noting that the City of Albany does not supply bins to households, this is the responsibility of the property owner.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

20. Provisions have been transferred from the *Health Act 1911*, concerning health and environmental issues related to the waste management services provided by Local Government, to the WARR Act 2007.
21. The proposed local law developed under the WARR Act 2007 provides a framework for the City to manage its waste collection and disposal services to benefit community health and the environment.

ALTERNATE OPTIONS

- 22. Council may choose to not accept or modify the proposed City of Albany Waste Local Law 2015.
- 23. The advantage of using the WALGA Template Local Law is that it is highly likely to meet the expectations of the Committee.
- 24. If Council changes the current form of the Template Waste Local Law, or adds additional content, it is likely to undergo greater scrutiny from the Committee to the extent that justification for any alternations is likely to be requested, with the ultimate potential for disallowance to arise.

SUMMARY CONCLUSION

- 25. Due to the number of inconsistencies between the Health Local Law that was developed prior to the promulgation and adoption of the WARR Act 2007 it is recommended that Council adopt the new proposed local law (Waste Local Law 2015) based on the WALGA template local law.

Consulted References	:	<i>Local Government Act 1995</i> <i>Waste Avoidance and Resource Recovery Act 2007</i> City of Albany Health Local Laws 2001 <i>Health Act 1911</i> http://www.wastenet.net.au/Assets/Template_Waste_LL_-_December_2014.docx http://www.wastenet.net.au/Assets/Template_Waste_Local_Law_Guidance_Note.pdf
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 18/12/2001 – Item 12.2.6 OCM 22/04/2014 – Item WS036

WS081: BALTIC RIDGE DEVELOPMENT CONCEPT PLAN

Land Description	: Baltic Ridge Park (Hayward Crescent / Baltic Ridge, Yakamia)
Owner	: City of Albany
Attachments	: Baltic Ridge Park, Landscape Concept
Report Prepared by	: Jacqui Purvis (Coordinator Developed Reserves)
Responsible Officer(s)	: Acting Executive Director Works and Services (M Richardson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2014-2018](#):
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
 - c. **Strategic Initiative:** 2.2.1 Asset management

Maps and Diagrams:

Project Location



In Brief:

- The City of Albany has Public Open Space (POS) contributions available to develop a POS within the reserve bounding Hayward Crescent and Baltic Ridge, Yakamia.

RECOMMENDATION

WS081: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the Baltic Ridge Park Landscape Concept Plan.

BACKGROUND

2. These contributions have been available since 2009 and the community have had expectation of some development of the reserve to occur.
3. Baltic Ridge Park is 1.3ha in area and comes under the classification of a 'Neighbourhood Park' as per the Public Parkland Planning Policy.
4. Currently the park is remnant native bushland with no facilities.

DISCUSSION

5. A Concept plan has been developed with community input which will provide passive recreation, informal play and a variety of play equipment for a variety of ages including interactive and imaginative components.
6. The majority of the reserves will remain remnant bush with access trails and seating.
7. It is intended to keep the development modest and low maintenance.

GOVERNMENT & PUBLIC CONSULTATION

8. In May 2014 an open day was held with the community that live within 400m of Baltic Ridge Park to gather information to inform the Baltic Ridge Development Plan. Residents were asked to contribute to the planning. Many comments, surveys and written submissions were received to inform the draft plans.
 - 338 letters were mailed to proximity residents.
 - 91 residents responded within a 27 day period.
 - 10 surveys were completed online and 81 returned in the reply paid envelopes/hard copy.
 - 60 people attended the drop in session
9. Members of the Community have shown interest to build some furniture for the park and also maintain the weeds within the bushland.
10. The concept plan was out for public comment between 18th July and 15th August, 2014.
11. The draft designs have been referred to SWALSC and a monitor requested during works.

STATUTORY IMPLICATIONS

12. No implications.

POLICY IMPLICATIONS

13. No implications

RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Risk Analysis</i>	<i>Mitigation</i>
<i>Community, Reputation: If the reserve is not developed, community may express concern that their expressed needs and expectations are not being met.</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>Proceed with the works as outlined.</i>

FINANCIAL IMPLICATIONS

- 15. The POS contributions available for this project are \$118,181.
- 16. There has also been \$70,000 allocated in 2019/20 budget as part of the Capital Works Program and is subject to approval.
- 17. Works will be staged if necessary.

LEGAL IMPLICATIONS

18. No Implications

ENVIRONMENTAL CONSIDERATIONS

- 19. All works as they progress will be referred to City Environmental Officers prior to commencement of works.
- 20. There will be some clearing of remnant bushland which will need to be managed appropriately.

ALTERNATE OPTIONS

21. Council may elect to not approve the concept plans, and the reserve will simply be managed as remnant bushland.

SUMMARY CONCLUSION

- 22. The City of Albany takes cash in lieu contributions from land developers to develop public open space strategically.
- 23. Baltic Ridge has been identified as a neighbourhood park and there are funds available to provide some modest development.
- 24. This report recommends that the cash in lieu funds be accessed and that the reserve be developed consistent with the concept plans prepared.

Consulted References	:	CR.COC.23
File Number (Name of Ward)	:	PR.DEC.11
Previous Reference	:	Nil

WS082: APPROVAL FOR DELEGATED AUTHORITY TO AWARD CENTENNIAL PARK SPORTING PRECINCT PROJECT TENDER FOR THE SUPPLY AND INSTALLATION OF IRRIGATION

Land Description : Centennial Park Sporting Precinct
Proponent : City of Albany
Owner : City of Albany
Report Prepared By : Manager City Engineering (D King)
Responsible Officer(s): : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 2. Clean Green & Sustainable.
 - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
 - c. **Strategic Initiative:** 2.2.1. Asset management.

In Brief:

- Delegated authority is sought for the CEO to award a specific tender, exceeding the value of \$500,000, for the Centennial Park Sporting Precinct.

RECOMMENDATION

WS082: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council AUTHORISE the CEO under delegated authority to award the Centennial Park Sporting Precinct Project Tender C15022 – Supply and Installation of Irrigation for Centennial Park Western Precinct

BACKGROUND

2. The Centennial Park Sporting Precinct (CPSP) is an ongoing project tied to various funding agreements with execution timetables related to funding conditions and other practical issues around growing times for new sports turf and scheduling of sporting clubs.
3. The first stage of works is scheduled to commence in July 2015.
4. The initial package of work involves the sporting fields in the Western precinct.
5. The majority of the work shall be undertaken using City of Albany plant and staff resources, combined with contractor supply and delivery of construction materials. Discrete separate packages of work shall be tendered where works are outside the capabilities of the City of Albany.
6. Utilising this approach will accelerate the construction timeframe enabling increased time for the new fields to settle in and to become usable.

DISCUSSION

7. The CPSP construction phase covers an eighteen month to two year period from July 2015 to December 2016, enabling the City to access a total of \$22,527,771 in funding for the construction/upgrade of CPSP of which \$1,901,771 has been spent to date on Railways Oval and Multi Use Playing field.
8. The City of Albany intends to commence construction in the Western Precinct in particular the western most fields in July 2015. The works will involve the procurement of an irrigation supplier to delivery services outside the capabilities of the City of Albany.
9. Due to the size of the project, it is preferable to commence works at the earliest possible time, to ensure practical completion in accordance with funding requirements and to minimise disruption to the sporting clubs affected by the works.
10. As the tender process requires advertising for submissions, a closing date for submissions of at least a month, review of the documentation, and then Council approval before any contract can be awarded, it is considered prudent to maximise the timeframe for completion of the practical works by seeking a specific delegated authority approval for the CEO to award the tender.
11. To ensure the works can be completed through this period and comply with the designated funding deadline, specific Council approval is sought for the CEO to assess and award the tender for this project. The value of the tender is expected to be in excess of \$500,000, which is above the current level for delegated authority for the CEO.
12. The standard tender process will apply, ensuring the necessary accountability and transparency when considering submissions. The tender is evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for the tender.

GOVERNMENT & PUBLIC CONSULTATION

13. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the project.
14. Requests for tenders will be published in the West Australian and the Great Southern Weekender for each project to ensure compliance with the tender regulations.

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 \$100,000.
16. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
17. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
18. 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.
19. The voting requirement is **ABSOLUTE MAJORITY**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

21. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisation’s Operations. Failure to deliver project within specified timeframe.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Reduce process timeframe by providing CEO delegated authority.</i>

FINANCIAL IMPLICATIONS

22. The value of the tender is expected to be in excess of \$500,000 and therefore approval is required to be referred to Council for consideration.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

24. There are no clearing permits required for the works.

ALTERNATE OPTIONS

25. Council can follow the usual tender process. This would result in some delay to the project.

SUMMARY CONCLUSION

26. CEO delegated authority is sought from Council to award the Centennial Park Sporting Precinct Project Tender C15022 to enable the Centennial Park Sporting Precinct project to progress in a timely manner.
27. This report recommends that the CEO be given delegated authority to award the tender in this instance.

Consulted References	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	RD.DEC.43
Previous Reference	:	OCM 26/05/2015 Report Item CSF169 (Delegations)

WORKS AND SERVICES COMMITTEE MEETING
AGENDA – 15/07/2015

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.**
16. **REPORTS OF CITY OFFICERS**
17. **MEETING CLOSED TO PUBLIC Nil.**
18. **CLOSURE**