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# AGENDA

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## DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

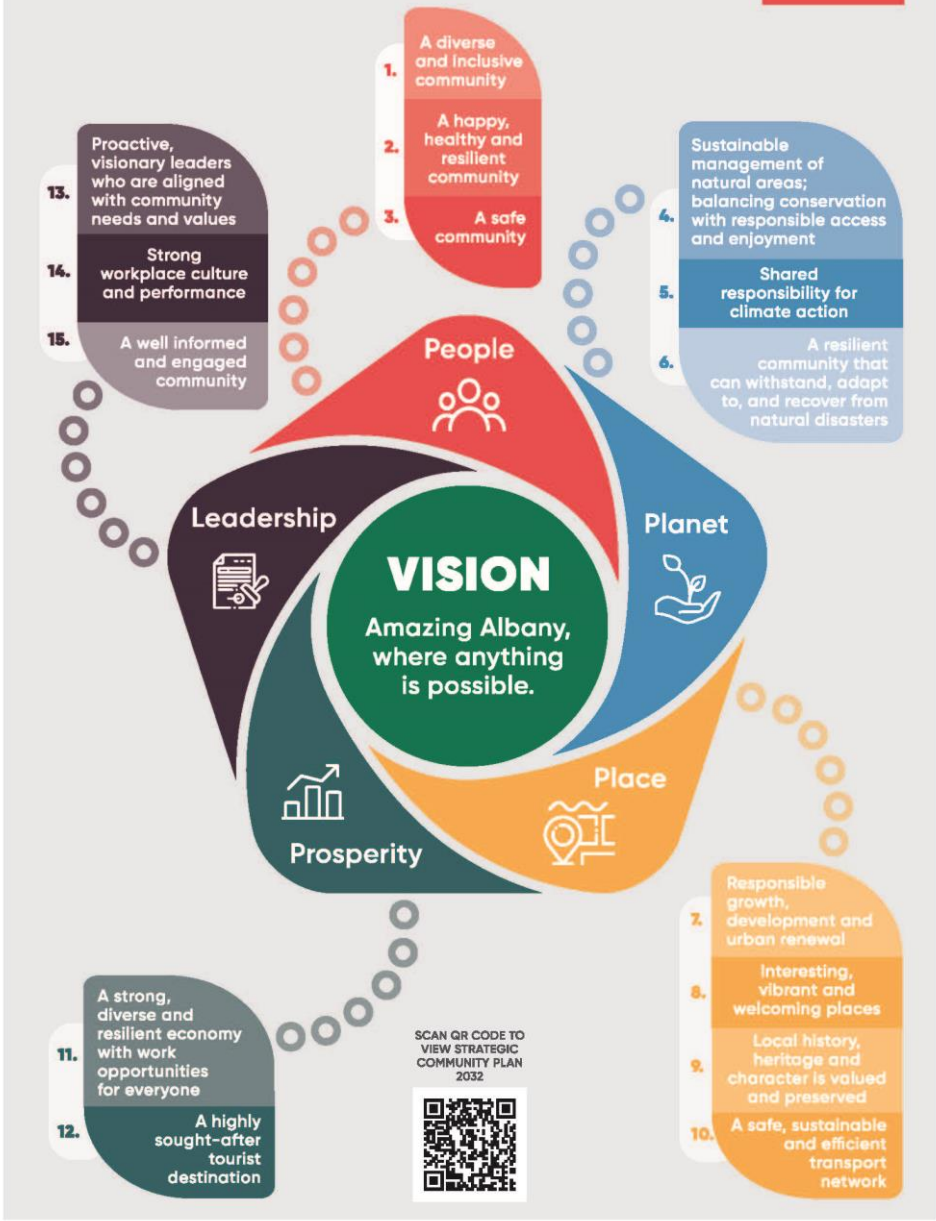
**Wednesday 12 October 2022**

6.00pm

Council Chambers



**STRATEGIC COMMUNITY PLAN 2032**



**Development & Infrastructure Services Committee**  
**Terms of Reference**

**Functions:** The Committee is responsible for:

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

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

**It will achieve this by:**

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

**Membership:** Open to all elected members.

**Meeting Schedule:** Monthly

**Meeting Location:** Council Chambers

**Executive Officers:** Executive Director Infrastructure, Development & Environment

**Delegated Authority:** None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE  
AGENDA – 12/10/2022

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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 past, present and emerging”.*

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

Mayor	D Wellington
<b>Councillors:</b>	
Member	C Thomson (Chair)
Member	R Sutton (Deputy Chair)
Member	P Terry
Member	G Stocks
Member	M Traill
Member	T Brough
Member	M Benson-Lidholm JP
Member	J Shanhun
Member	D Baesjou
Member	S Smith
Member	A Cruse
<b>Staff:</b>	
Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development & Environment	P Camins
Manager Engineering and Sustainability	R March
Meeting Secretary	P Ruggera
<b>Apologies:</b>	

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest

**5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE – Nil.**

**6. PUBLIC QUESTION TIME**

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

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

**7. PETITIONS AND DEPUTATIONS**

**8. CONFIRMATION OF MINUTES**

**DRAFT MOTION**

**THAT the minutes of the Development and Infrastructure Services Committee meeting held on 14 September 2022 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**9. PRESENTATIONS**

**10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

## DIS320: ENCLOSED DOG EXERCISE AREA

<b>Land Description</b>	: Centennial Park – Central Precinct
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Minutes from meeting held with petitioners 11 <sup>th</sup> July 22 Enclosed Dog Exercise Area Concept Plan Indicative Costings
<b>Supplementary Information &amp; Councillor Workstation</b>	: Unleashed a Guide to Successful Dog Parks (Government of South Australia) Enclosed Off-Leash Dog Exercise Area – Needs and Feasibility Study (City of Rockingham)
<b>Report Prepared By</b>	: Manager City Reserves (J Freeman)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development 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:** People
  - **Outcomes:** A diverse and inclusive community
  - **Outcomes:** A safe community
  - **Pillar:** Place
  - **Outcomes:** Interesting, vibrant and welcoming places.

### Maps and Diagrams:

Figure 1: Map showing current off-lead Dog Exercise Areas

Figure 2: Map showing recommended Location at Centennial Central Precinct



Figure 1: Current Off-lead Dog Exercise areas



Figure 2: Centennial Central Precinct – Recommended Location

**In Brief:**

- Two petitions were received from Mrs Monica Belz requesting an enclosed dog area at Becker Park in Lower King and Ms Lily Link who requested one at Foundation Park.
- On accepting the petitions, at the OCM on 24<sup>th</sup> May 2022 Council requested that officers “prepare a report for future consideration regarding construction of an enclosed off leash dog exercise areas, including indicative costings, compliance aspects and possible locations”.

**RECOMMENDATION**

**DIS320: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

1. **NOTE the Concept Plan for an Enclosed Dog Exercise Park at Centennial Central Precinct.**
2. **NOTE that an allocation will be included for consideration by Council in the draft budget for the 23/24 Capital Works Program to implement the concept plan.**



## **BACKGROUND**

2. Enclosed Dog Exercise Areas are growing in popularity and demand and have now been installed in many urban environments throughout Australia and globally. Benefits of these parks include; providing a safe place for dogs to be exercised and socialised, providing mental stimulation for dogs, an outlet for dog owners to socialise and providing a place for seniors and owners living with a disability to exercise their dogs.
3. There have been several requests by the community and tourists regarding an enclosed dog exercise area for Albany in addition to the two petitions received by Lily Link (344 signatures) and Monica Belz (200 signatures).
4. A criteria has been developed by other Councils for the selection of suitable locations, which has been used to determine the preferred site.
5. A meeting was held with City staff from Community Services, Recreational Services, Rangers and Reserves, the petitioners and a dog trainer from the Albany Dog Club to discuss criteria and suitable locations (minutes attached).

## **DISCUSSION**

### Location Selection Criteria

6. There are many examples from other authorities including City of Rockingham, City of Canning, City of Greater Geelong and the SA Government that suggest appropriate criteria and design principles in establishing enclosed dog exercise areas. As there were no benchmarks regarding the number of dog parks in an area, the City of Rockingham considered it reasonable that for a human population of 35,000 and a dog population of 6,000 a single enclosed dog park would be warranted. Albany currently has 6,245 registered dogs and around 38,000 residents, so probably has the number of users to warrant one enclosed dog park.
7. Following a literature review of best practice for enclosed dog parks, a number of criteria were established to assess appropriate locations:
  - Located in an off-lead Dog Exercise Area or a site that could be made an off-lead Dog Exercise Area
  - Central location
  - Existing Infrastructure in place (pathways, carparks)
  - Size – large enough not to interfere with other users
  - Ability to separate Small and Large dogs
  - Accessibility by car and foot (seniors and all abilities)
  - Minimal environmental/cultural impact
  - Noise and social impact (70m from residential areas, hospitals)
  - Good surveillance to minimise anti-social behaviour (from both humans and dogs!)
8. In reference to the first criterion, and from the petitioner's requests, the map of current Off-lead Dog Exercise areas (below) identified four locations for consideration:
  - Centennial Park, Central Precinct (Lockyer Ave)
  - Foundation Park (Parade St)
  - Becker Park (Rutherford St, Lower King)
  - Collingwood Park (Collingwood Rd)

9. These four sites were assessed against the other identified criteria and resulted in three of the sites being removed from consideration as summarised below:

	Centennial Park, Central Precinct (Lockyer Ave)	Foundation Park (Parade St)	Becker Park (Rutherford St, Lower King)	Collingwood Park (Collingwood Rd)
a. Located in an off-lead Dog Exercise Area or a site that could be made an off-lead Dog Exercise Area	✓	✓	✓	✓
b. Central location	✓	✓	X	X
c. Existing Infrastructure in place (pathways, carparks)	✓	✓	X	✓
d. Size – large enough not to interfere with other users	✓	X	X	X
e. Ability to separate Small and Large dogs	✓	X	X	X
f. Accessibility (seniors and all abilities)	✓	X	X	X
g. Minimal environmental/cultural impact	✓	✓	X	✓
h. Noise and social impact (70m from residential areas, hospitals)	✓	X	X	✓
i. Good surveillance to minimise anti-social behaviour (from both humans and dogs)	✓	✓	X	X

10. Foundation Park is centrally located however as it is used by the Albany Dog Club there would be an impact to other users. There are no paths and limited room to separate small and large dogs.
11. This park is also surrounded by residents within 70m. Becker Park did not meet any criteria other than it is already an off lead dog exercise area. Collingwood Park would not be accessible during football games and has limited free space that would not interfere with other users.
12. Centennial Park Central Precinct met all the criteria as there are already two car parks, existing paths, is a large enough area to separate users, has no residents within 70m and has great passive surveillance.

13. Additional benefits of the preferred site at Centennial Park, Central Precinct are:
- This area is quite well drained and does not get too wet in winter
  - The presence of the trees limits other potential uses of the site (e.g. sporting grounds)
  - Natural shelter with the trees
  - There is approximately 6,500 square meters of underutilised area to use.
  - It is a low lying area so it doesn't need to have reticulation.
  - The City mows the area already
  - Allow the dogs to dig – no reticulation
  - Additional area outside still available for dogs to exercise off leash
  - Additional infrastructure is planned for the area
14. The petitioners supported the criteria and the location ultimately identified as preferred.

#### Compliance

15. There are no additional compliance requirements, as this area will be managed as any other off-leash dog exercise area. In an off-leash area, dogs must still be under control and managed by the owner in accordance with the Dog Act 1976 (Part VI, Division 1, Clause 32):
- (2) *A person is a competent person for the purposes of subsection (1) only if —*
- a. he is a person who is liable for the control of the dog;*
  - b. he is capable of controlling it; and*
  - c. he is carrying and capable of attaching to the dog for the purpose of controlling it, a chain, cord, leash, or harness of sufficient strength and not exceeding the prescribed length.*
16. Enclosed Dog Exercise Areas can reduce the amount of compliance required in other parks by reducing the amount of dogs that are not on lead or under control in other recreational spaces.

#### Ongoing management of enclosed dog parks

17. The very well compiled SA Government Guide identifies a number of issues and management obligations associated with enclosed dog parks that will require additional City resourcing. In relation to dog behaviour the document quotes that
- 'The most basic problems associated with dog parks can be avoided completely by not bringing inappropriate dogs. Dog parks are not a joyful experience for all dogs' (Smith, 2007:10)*
18. The regular and effective monitoring of the spaces and the elements within it is important as it helps identify existing and emerging issues associated with a dog park including:
- Deterioration of surface materials
  - Poor drainage
  - Site amenities in poor or unsafe condition
  - Ineffective gate closures and fencing.
  - Dog and dog owner behaviour

19. Additional maintenance requirements may include:
- Picking up uncollected dog waste from the site
  - Emptying waste bins
  - Re-supplying dog waste bags
  - Fixing broken or weathered signs
  - Filling holes dug by dogs
  - Pruning of plants
  - General cleaning and deodorising
  - Maintaining and replacing surface materials
  - Deficiencies in facilities e.g. drainage and erosion
  - Repairing perimeter fencing and gate locks
  - Repairing, replacing, park furnishings and dog equipment
20. Some community members may expect the turf to meet a similar standard to other recreational areas, but there are no plans to upgrade the turf in this area to a better condition. The current surface is appropriate for the intended purpose.

#### Concept Design

21. A concept plan has been developed as attached. This has been created utilising the design principles in the South Australian Government's document; Unleashed - a Guide to Successful Dog Parks, which include:

#### Key Components for a Dog Park

22. Core infrastructure:
- Perimeter fencing (this is likely to be the biggest single cost)
  - Entry gates/ doggy airlock (2 gates per entry)
  - Service (maintenance) gates which also act as an emergency exit
  - Pathways (internal and external)
  - Ground surfaces (e.g. grass, mulch, gravel, sand, concrete)
  - Landscaping (e.g. vegetation, screen planting, mounding)
23. Essential amenities
- Drinking water fountains (including plumbing & drainage)
  - Bins and bag dispensers
  - Shelter
  - Seating
  - Signs (e.g. directional and park rules)
24. The document also provides guidance around the shape and size that is most beneficial for the users.

25. In consultation with the petitioners Lily Link and Monica Belz, as well as a dog trainer from the Albany Dog Park, all concurred with meeting the following requirements at the preferred site:
- The grass surface is suitable
  - The fence must go to the ground (no gap between ground and fence)
  - Signage must include a code of conduct
  - Double gated access is required
  - Bins and dog bags are currently onsite, but additional may be required.
  - Tap for water, either inside or outside the gate or both
  - Seating is required
  - Agility Equipment can come with dangers and depends on what the purpose is. This may be a future consideration, after monitoring the use and a possible survey of users.
  - Lighting – would not be implemented immediately as it's an expensive upfront cost
  - Toilets are currently located nearby (nearest at Youth Challenge Park)
  - Notice board for public information – possible future implementation.
  - Shelter – designed for shade not to stop rain. Already have trees in the area – not a priority.
  - Emergency exit (through the maintenance gate).
26. One of the key suggestions proposed by the group was a having a third enclosure for single dog or single family use for those dogs that may be recovering from surgery, are nervous around other dogs, or for those owners that are nervous around other dogs.
27. This would be a smaller area with two other larger areas provided for users to self-manage rather than defining small and large dog areas. Denmark has two enclosures that are self-managed and it seems to be working well.
28. To prevent larger dogs from escaping the enclosure, it has been suggested that one area have a higher fence. The plan calls for a 1.8 m high fence with gates in one sector and a 1.2 m high fence in the other two.

#### **GOVERNMENT & PUBLIC CONSULTATION**

29. Preliminary consultation was undertaken with petitioners to confirm the location selection criteria and agree on a preferred site.
30. Further public consultation may be undertaken as required once project has been adopted.

#### **STATUTORY IMPLICATIONS**

31. N/A

#### **POLICY IMPLICATIONS**

32. The preferred site is already deemed an Off-lead Dog Exercise Area.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Risk: Reputation</b> If the enclosed dog park plans are not implemented, it may result in negative feedback from the community.</p>	Likely	Moderate	High	If plans are not supported, City officers will re-assess based on feedback.
<p><b>Opportunity:</b> To create a park that is family friendly, inclusive, and safe for dog owners to exercise their dogs.</p>				

## FINANCIAL IMPLICATIONS

34. Enclosed dog parks can be very elaborate with many facilities and subsequently be very expensive. To install what has been identified as the essential components, inclusive of a third single dog area, the indicative costings are approximately \$120K - \$150K (ex GST).
35. A cost estimate is attached that itemises the proposed concept design components. The items that are considered essential are shown in a separate column to additional components that could be considered optional or as future works.
36. The ongoing annual maintenance costs have not been included in the total cost however are estimated to be in the order of \$12,000 (ex GST).

## LEGAL IMPLICATIONS

37. N/A

## ENVIRONMENTAL CONSIDERATIONS

38. N/A

## ALTERNATE OPTIONS

39. Council may choose not to proceed with the installation of an Enclosed Dog Exercise Area.

## CONCLUSION

40. Enclosed Dog Exercise Areas are becoming increasingly popular in that they provide a safe place for dogs to be exercised and socialised, providing mental stimulation for dogs, an outlet for dog owners to socialise and providing a place for seniors and owners living with a disability to exercise their dogs. More than 500 Albany residents signed two petitions indicating that they would value this type of facility in Albany.

<b>Consulted References</b>	:	OCM Minutes, Petition received 24 May, 2022.
<b>File Number (Name of Ward)</b>	:	PR.PLA.21
<b>Previous Reference</b>	:	N/A

## DIS321: PROPOSED CLOSURE OF CROWN RIGHT OF WAY, LOWER KING

<b>Land Description</b>	: Vacant Crown Lot 66 for the purpose of Right of Way
<b>Proponent / Owner</b>	: Unvested Right of Way: City of Albany (responsible authority) Lot 47: E Marwick & R Denbeigh
<b>Attachments</b>	: 1. Map of proposed ROW closure 2. ROW Closure Report
<b>Report Prepared By</b>	: Lands Officer (A Veld)
<b>Authorising Officer:</b>	: 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:** Responsible growth, development and urban renewal.

### Maps and Diagrams:



**In Brief:**

- The City has received a request from the adjoining landowners to purchase the whole of a vacant, unvested Crown Right of Way (ROW) to the rear of their property.
- A Crown ROW is considered a private road owned by the State Government, under the *Land Administration Act 1997* and needs to be permanently closed in order for adjoining landowners to purchase this land.
- City staff have investigated the request and recommend that the ROW be closed, as there is no future strategic benefit to the City or the greater community for the land to remain in its current land tenure.
- Council's resolution is required to formally commence these land actions, in accordance with the relevant legislation.
- It is recommended that Council support the closure of the unvested Crown ROW in this instance, as there is no strategic benefit to the City in retaining this portion of land, it is no longer required for its intended purpose and the resulting amalgamation with Lot 47 is an appropriate outcome consistent with the site's context and applicable Residential land use zone.

**RECOMMENDATION**

**DIS321: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council:**

- 1) **RESOLVE to permanently close the subject unvested Crown ROW described as Lot 67 on Diagram 43978 in Lower King, pursuant to s. 58 of the *Land Administration Act 1997* and r. 9 of the *Land Administration Regulations 1998*;**
- 2) **REQUEST the Minister for Lands to undertake suitable arrangements to dispose of the subject land, on the condition that:**
  - **The whole of the closed Crown ROW as shown on the attached plan, is amalgamated with adjoining Lot 47 Lower King Road, Lower King.**

**BACKGROUND**

2. Where an adjoining landowner requests to purchase land that is an unvested Crown ROW, and where in the opinion of the City the request is acceptable and can proceed, the City is required to formally commence the associated land actions to implement the request, including a formal road closure process. The City of Albany, as the local government, has authority to undertake this action.
3. In accordance with the *Land Administration Act 1997* and *Land Administration Regulations 1998*, Council's resolution is required to formally request the Minister for Lands to close a road for amalgamation into the adjoining land.
4. The landowners of Lot 47 No. 513 Lower King Road approached the City to purchase a vacant lot to the rear of their property.
5. Following receipt of the request, the City of Albany subsequently investigated the relevant matters.
  - The land is an unvested Crown ROW which potentially predates the original subdivision of the land in 1972 to create Lot 47.
  - The lot is currently landlocked, with the only access being through adjoining private freehold land.
  - There is no Structure Plan in place for the area whereby this ROW would be required for future public access.
  - Future development of the area is unlikely to require this ROW to create a road reserve, as it is currently situated.



**DISCUSSION**

6. Based on the City’s investigations, it was found that there was no benefit to the local government or broader community in retaining the subject land as an unvested Crown ROW, as it was unlikely to be required to support or provide access for future development of the area.
7. The outcomes of the City’s investigations resulted in the following recommendations:
  - Commence formal proceedings to implement the closure of the unvested Crown ROW; and
  - Upon closure of the Crown ROW, liaise with relevant government departments to arrange for divesting of the whole of the subject land to the adjoining landowner for amalgamation into their property.
8. Council’s resolution is now required to close the road reserve before the City can forward the matter to the Department of Planning, Lands and Heritage to finalise the land disposal.

**GOVERNMENT & PUBLIC CONSULTATION**

9. Pursuant to section 58 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998, the City publically advertised the proposal.
10. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Letter to adjoining landowners		3	Yes
Consult	Public notice	22 July – 26 August 2022		Yes
Consult	Community Newsletter	22 July – 26 August 2022		Yes
Consult	Public Comments page City of Albany website	22 July – 26 August 2022		Yes

11. Letters were sent to the other landowners adjoining the Crown ROW. One response was received, supportive of the proposal.
12. Public advertising of the proposal was initiated on 22 July and was open for public comment for 35 days until 26 August 2022. No submissions were received.
13. Emails were sent out to all service providers, seeking their comments. Replies were received from Main Roads, Water Corporation, ATCO Gas and Telstra, all with no objection to the proposal.

**STATUTORY IMPLICATIONS**

14. Section 58 of the Land Administration Act 1997 gives authority to a local government to request the Minister for Lands to close a road.
15. 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**

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

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Risk: There is a risk the landlocked, unvested Crown ROW will remain unused and unmanaged.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Allow landlocked Crown ROW to be closed for amalgamation with adjoining private freehold land</i>
<i>Opportunity: To use legislative processes to change land tenure to reflect the current or future potential better use of land within the City of Albany</i>				

## FINANCIAL IMPLICATIONS

18. The City of Albany has a fee schedule for Crown ROW closure requests that cover the costs associated with the road closure process.

## REGULATORY COST IMPLICATIONS:

19. There are no regulatory costs associated with this item.

## LEGAL IMPLICATIONS

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

## ENVIRONMENTAL CONSIDERATIONS

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

## ALTERNATE OPTIONS

22. Council may choose to:
- Refuse the proposed Crown ROW closure or;
  - Support the proposed Crown ROW closure with modifications.

## CONCLUSION

23. There is no requirement for this Crown ROW to support future development of the area. The closure of the Crown ROW and subsequent disposal of the land to amalgamate with adjoining private land is supported in this instance.
24. Staff have undertaken the required actions to close the Crown ROW, pursuant to the relevant legislation, and now seeks Council's resolution to formalise the closure and forward this request to the Minister for Lands for finalisation.
25. It is recommended Council support the closure of the Crown ROW as it will allow the adjoining landowner to incorporate this unmanaged vacant land into their property, resulting in a better reflection of the land's current and future use.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
<b>File Number (Name of Ward)</b>	:	RD.RDC.9 (Kalgan)
<b>Previous Reference</b>	:	Nil.

**DIS322 : BUDGET AMENDMENT REQUEST – DRAINAGE, BUILDING AND PATHWAY SUB PROGRAMS**

**Proponent / Owner** : City of Albany  
**Report Prepared By** : Manager Engineering and Sustainability (R March)  
**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
  - **Outcomes:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.

**In Brief:**

- This is an additional review of grant funding allocation (budget) outside the normal budget review process.
- The review covers budget reallocations from Drainage, Building and Pathway sub-programs to cover underspends and overspends for projects this financial year (2022/2023).

**RECOMMENDATION**

**DIS322: AUTHORISING OFFICER RECOMMENDATION 1**

**THAT Council amend the Drainage Expenditure Budgets as follows:**

1. **INCREASE** budget for Project David Street/RAAFA Flood Mitigation Design Job Number 2455 from \$5,000 to \$85,000.
2. **INCREASE** budget for New Project Lower King, Gomm Lane Flood Mitigation from \$0 to \$38,000.
3. **INCREASE** budget for New Project Laithwood Circuit Storm Damage upgrade works from \$0 to \$78,000.
4. **THAT** the shortfall in budget be funded by transferring an additional \$196,000 from the 'Roadworks and Drainage Reserve' account 13339 totalling \$1,799,869.

**DIS322: AUTHORISING OFFICER RECOMMENDATION 2**

**THAT Council amend the Pathways Expenditure and Revenue Budgets as follows:**

- 1. DECREASE Expenditure budget for Middleton Road Link Shared Path Job Number 3120 from \$951,000 to \$0**
- 2. INCREASE Expenditure budget for new project Adelaide Street Cycle Link from \$0 to \$455,000**
- 3. DECREASE Revenue budget for Path Funding Grants Account Number 14135 from \$941,000 to \$693,500**
- 4. THAT the unallocated funding of \$248,500 be transferred to the 'Roadworks and Drainage Reserve' account 13244 totalling \$2,518,313.**

**DIS322: AUTHORISING OFFICER RECOMMENDATION 3**

**THAT Council amend the Buildings Expenditure Budgets as follows:**

- 1. INCREASE budget for Project Town Hall HVAC Air-conditioning Job Number 2476 from \$103,100 to \$175,000.**
- 2. DECREASE budget for Project Bond Store Replace stumps Job Number 2597 from \$44,181 to \$15,000.**
- 3. DECREASE budget for Project Lotteries House Landscaping to courtyard Job Number 1987 from \$24,609 to \$18,400.**
- 4. DECREASE budget for Project Town Hall and University Clock tower mechanisms Job number 3299 from \$32,000 to \$5,490.**
- 5. DECREASE budget for Project Model Railway Access ramp and other works Job Number 2596 from \$19,513 to \$9,513.**
- 6. INCREASE budget for Project Solar Panel Installation Various Locations Job number 3944 from \$427,000 to \$577,000.**
- 7. THAT the shortfall in budget be funded by transferring an additional \$150,000 from the 'Building Reserve' account 15709 totalling \$314,321.**

**BACKGROUND**

2. City of Albany officers have received quotes for works to be undertaken and some have come in under budget and some will have potential overspends.
3. A review has been undertaken and re-allocation of budgets within sub programs is being sought.

**DISCUSSION**

Drainage

4. The budget review that was endorsed by Council on the 27<sup>th</sup> September 2022 contained a return to reserve figure of \$165,620 from the Admiral Street Drainage Renewal Project. These returned funds plus additional from the Roadworks and Drainage Reserve are proposed to be used on the below, highly valuable projects.
5. David Street/RAAFA design Job Number 2455 – design & construction works were planned to be undertaken last financial year with a budget of \$79,000. The works were unable to be completed and only \$5,000 was carried forward.
6. The investigation into the best solution has now been completed and construction works have been fully scoped and costed.

7. Construction can be completed this financial year at an estimated cost of \$85,000. It is recommended that \$80,000 be added to the current \$5,000 budget to provide a revised budget of \$85,000.
8. Lower King, Gomm Lane Flood Mitigation. This project has been identified following complaints by residents resulting from a seasonal flooding issue (lake) affecting 10 Lots in Lower King between Thorne Street and Rae Road.
9. The project would involve installing a storm water outfall pipe from Gomm Lane passing under the Esplanade to Oyster Harbor. It has been scoped and costed at \$38,000.
10. Laithwood Circuit Storm Damage upgrade works. Maintenance works have been undertaken to repair the damage to Laithwood Circuit following the storm of June 2021.
11. However, additional capital upgrade works are now required in addition to the maintenance works already undertaken to mitigate further flooding/damage issues. These works are estimated to cost \$78,000.

Project Name in Approved Work Schedule	Budget July 2022	Allocation	Updated Budget 2022
Returned to Roadworks and Drainage Reserve in CCS470, 27 <sup>th</sup> Sept 2022	\$165,620	\$(165,620)	\$0
2455 David Street/RAAFA design	\$5,000	\$80,000	\$85,000
NEW: Lower King, Gomm Lane flood mitigation	\$0	\$38,000	\$38,000
NEW: Laithwood Circuit storm damage upgrade works	\$0	\$42,000	\$78,000
Roadworks and Drainage Reserve		\$36,000	
<b>TOTAL</b>	<b>\$170,620</b>	<b>\$30,380</b>	<b>\$201,000</b>

### Pathways

#### Adelaide Street

12. Adelaide Street Cycle Link is a new project and is WA Bicycle Network (WABN) funded which is part of a three phase project that will link Rufus Street, Adelaide Street and Henry Street. It will form part of the missing link in the Cycle Network across northern suburbs and is a future Local Distributor in the City Path hierarchy.
13. The work on Adelaide Street will widen existing 1.5m wide concrete path and provide additional connectivity between Albany Highway to Henry Street (which is a future project).
14. WABN projects are 50% funded by Department of Transport (DoT) who administer the funding. They provided late approval for \$153,750 which was 50% of the amount of the WABN funding application for which the City of Albany need to provide matched funds.
15. The revised and current estimate for the works is \$455,000. It is proposed that the City of Albany cover the shortfall to meet 50% of the project value \$227,500, making a shortfall of \$73,750, while simultaneously seeking a variation to cover the WABN funding shortfall to take DoT contribution up to 50%.

Middleton Road

16. Middleton Road Link Shared Path Job Number 3120 is a WABN funded project approved for construction this financial year. The current budget is \$951,000. However, when this was submitted for funding over three years ago the project was approved by DoT based on a budget of \$555,100 with DoT funding \$277,550.
17. The City of Albany are currently reviewing the shortfall of funding with DoT and are recommending that this project is re-applied for in 2023/2024 so that the shared path works can be undertaken at the same time as the resurfacing works and therefore achieving cost reduction for the path works.
18. It is proposed that \$277,550 of DoT funding for Middleton Road Link is returned to DoT to cover the variation request for Adelaide Street.
19. It is proposed that the remaining City of Albany contribution of \$673,450 be used to cover the municipal funding shortfall of \$73,750 for the Adelaide Street path with the remaining funds be returned to the "Roadworks and Drainage Reserve".

<b>Project Name in Approved Work Schedule</b>	<b>Budget July 2022</b>	<b>Allocation</b>	<b>Updated Budget 2022</b>
3120 Middleton Road Link Shared Path	\$951,000	-\$951,000 <sup>#</sup>	\$0
NEW Adelaide Street Cycle Link	\$0	\$455,000 <sup>#</sup>	\$455,000

<sup>#</sup>See items 8 through 15 above for funding and municipal funding split.

Buildings

20. Project Town Hall HVAC Air-conditioning Job Number 2476 is currently out for quote and current indications are that the quote plus associated building works will now cost \$175,000.
21. In September CCS470 the funds of \$103,100 for this project were returned to the Building Reserve. However, it is proposed that the \$103,100 be taken back out of the Building Reserve with the shortfall of \$71,900 funded through re-allocation of surplus funds from other buildings projects.
22. Project Bond Store Replace stumps Job Number 2597 is now expected to cost \$15,000. It is proposed to re-allocate the surplus of \$29,181.
23. Project Lotteries House Landscaping to courtyard Job Number 1987 is now expected to cost \$18,400. It is proposed to re-allocate the surplus of \$6,209.
24. Project Town Hall and UWA Clock tower mechanisms Job number 3299 is now complete and it is proposed to re-allocate the surplus \$26,510.
25. Project Model Railway Access ramp and other works Job Number 2596 is now expected to cost \$9,513. It is proposed to re-allocate the surplus of \$10,000.
26. Project Solar Panel Installation Various Locations Job number 3944 involved the installation of solar panels on ALAC, Library and Airport in 2021/22 financial year. The solar panel works for the library and the airport were completed in 2021/22 and ALAC works were commenced. Unspent funds from 2021/22 were transferred to the Building Reserve. This budget review is requesting \$150,000 of funds to be transferred from the Building Reserve in order to complete the works in 2022/23.

Project Name in Approved Work Schedule	Budget July 22	Allocation	Updated Budget 2022
2476 Town Hall HVAC Air-conditioning	\$103,100	\$71,900	\$175,000
2597 Bond Store Replace stumps	\$44,181	\$(29,181)	\$15,000
1987 Lotteries House Landscaping to courtyard	\$24,609	\$(6,209)	\$18,400
3299 Town Hall and Uni Clock tower mechanisms	\$32,000	\$(26,510)	\$5,490
2596 Model Railway Access ramp	\$19,513	\$(10,000)	\$9,513
3994 Solar Panel Installation Various Locations	\$427,000	\$150,000	\$577,000
<b>TOTAL</b>	<b>\$650,403</b>	<b>\$150,000</b>	<b>\$800,403</b>
Transfer from Building Reserve	\$164,321	\$150,000	\$314,321

### GOVERNMENT & PUBLIC CONSULTATION

27. Department of Local Government guidelines were followed in the preparation of this report.
28. City of Albany Executives, Managers and Officers with budget responsibility were consulted in the preparation of the Budget Review.

### STATUTORY IMPLICATIONS

29. Under the *Local Government Act 1995* (the Act), section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - a. is incurred in a financial year before the adoption of the annual budget by the local government
  - b. is authorised in advance by a resolution (absolute majority required) or;
  - c. is authorised in advance by the Mayor in an emergency.
30. The voting requirement of Council is **Absolute Majority**.

### POLICY IMPLICATIONS

31. There are no policy implications related to this report.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation, Reputation &amp; Financial.</b> <i>Risk: Community perception that savings realised should be used for other purposes</i>	<i>Possible</i>	<i>Moderate</i>	<i>High</i>	<i>Clear communication of City's current financial position, noting that the payment will not impact on the City's ability to adequately service its obligations and achieve its operational and financial objectives this financial year.</i>
<b>Opportunity:</b> <i>To complete projects already in progress</i>				

**FINANCIAL IMPLICATIONS**

- 33. Building works require re-allocation from the 'Building Reserve' of \$150,000.
- 34. Drainage works require re-allocation from the 'Roadworks and Drainage Reserve' of \$196,000.
- 35. Path works require re-allocation within current funding allocations.

**LEGAL IMPLICATIONS**

- 36. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

- 37. Nil.

**ALTERNATE OPTIONS**

- 38. Council may:
  - a. Adopt the amendment as recommended; or
  - b. Adopt the amendment with alterations (as specified by Council); or
  - c. Reject the recommendation.

**CONCLUSION**

- 39. That the Authorising Officer's Recommendation to adopt the Budget Amendment be supported.

<b>Consulted References</b>	:	Adopted Budget 2022/2023 <a href="#"><u>Local Government Act 1995</u></a>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	N/A



**DIS323: PANEL OF SUPPLIERS – SUPPLY AND APPLICATION OF BITUMEN**

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

**STRATEGIC IMPLICATIONS**

- 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:** Responsible growth, development and urban renewal

**In Brief:**

- Following a competitive e-quote process, Council approval is sought to award the e-Quote for Contract P22017 – Panel of Suppliers – Supply and Application of Bitumen.
- The contract supports the annual reseal program which must be completed by 30<sup>th</sup> April 2023.

**RECOMMENDATION**

**DIS323: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council AWARD Contract P22017 – Panel of Suppliers – Supply and Application of Bitumen to the supplier recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.**

**BACKGROUND**

- Annually the City seeks to establish a new panel for the provision of the reseal program. Previously we have offered a panel arrangement appointing up to three (3) contractors to the panel for the works.
- E-quotes were called for P22017 – Panel of Suppliers – Supply and Application of Bitumen through the WALGA Preferred Supplier arrangement.
- The Schedule of Works for the Reseal/Primer Seal 2022/2023 program is as follows:-

Job No.	Works Item (Section Nos)	From (SLK) <sup>1</sup>	To (SLK) <sup>1</sup>	Area Estimates (m <sup>2</sup> )	Stockpile Location	Comments
3043	Chillinup Rd	23.00	26.22	25,000	Chillinup Rd	10mm Reseal
3038	East Bank Rd	0.00	1.20	7,200	Depot	10mm Reseal
3780	Lower Denmark Rd	11.86	14.63	23,000	Elleker	10mm Reseal
0911	Nanarup Rd	1.15	2.89	11,000	Depot	10mm Reseal
2540	Norwood Rd	0.00	3.50	26,500	Depot	10mm Reseal
2579	Eleanor Rd	0.00	0.24	1,000	Depot	10mm Reseal
2579	Gill St	0.41	0.59	1,200	Depot	10mm Reseal
2579	Marine Tce	0.00	0.05	350	Depot	10mm Reseal

Job No.	Works Item (Section Nos)	From (SLK) <sup>1</sup>	To (SLK) <sup>1</sup>	Area Estimates (m <sup>2</sup> )	Stockpile Location	Comments
2511	South Stirling Rd	0.00	3.90	30,000	South Stirling Rd	10mm Reseal
2446	Hunwick Rd	12.69	13.16	3,500	Hunwick Rd	14mm Prime Seal
3031	Imperial Rd	0.00	0.23	1,500	Depot	14mm Prime Seal
3021	Gladville Rd	1.06	1.50	3,000	Depot	14mm Prime Seal
2579	Queens St	0.40	0.52	1,000	Depot	14mm Prime Seal

NOTES: 1. SLK denotes Straight Line Kilometre distance values for "From" and "To". Alternatively, section limits may be described using chainages.

## DISCUSSION

- Ten (10) preferred WALGA Suppliers were notified of the e-Quote.
- Five (5) of them looked at the document, three (3) did not respond, one (1) of them declined to respond and one (1) submitted a price.

## Evaluation of e-Quote

- The e-Quote panel evaluated submissions using the weighted criteria methodology across six (6) areas, shown in Table 1.

**Table 1 – Evaluation Criteria**

Criteria	% Weighting
Cost	40%
Demonstrated Ability to Meet Timeframe	15%
Demonstrated Experience	20%
Demonstrated Safety Plan	5%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

- The following Table 2 summaries the e-Quote and the overall evaluation score applicable.

**Table 2 – Summary of e-Quote Submissions**

Supplier	Weighted Score
Supplier A	651.67

- From the evaluation scoring, clarification and financial check process Supplier A is the only option, it is recommended that their e-Quote be accepted, and the contract awarded.

## GOVERNMENT & PUBLIC CONSULTATION

- Through the budget process for this financial year Council has approved the annual reseal programme and budget was allocated accordingly at that time.

## STATUTORY IMPLICATIONS

- Voting Requirement: **Simple Majority**

## POLICY IMPLICATIONS

12. The City of Albany Purchasing Policy (Tenders and Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.
13. The value of this e-Quote is expected to be in excess of \$1,000,000.00 and therefore Council approval is required to award the works to the supplier as this exceeds the CEO's delegation.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operations:</b> Contract not awarded may result in delays in delivering the capital works program.	Unlikely	Major	High	This Contract is awarded so the Scheduled Works can be completed.
<b>Financial.</b> Contract not awarded may result in carry overs of scheduled works to the next financial year.	Unlikely	Major	High	This Contract is awarded to the recommended Contractor giving the City flexibility to deliver the capital works program.
<b>Legal &amp; Compliance.</b> Non-compliance with Contract or business failure.	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
<b>Reputation.</b> Community expectation of completion of the capital works program.	Possible	Insignificant	Low	Community are advised of any work delays.
<b>Opportunity:</b> To deliver the budgeted scheduled capital works resal program.				

## FINANCIAL IMPLICATIONS

15. The value of this eQuote is in excess of \$1,000,000.00 and therefore the approval is referred to Council for consideration. The Scheduled Works program has been adopted by Council through the budget process. This item is to request a supplier be awarded to proceed with the schedule.

## LEGAL IMPLICATIONS

16. There are no legal implications related to report.

## ENVIRONMENTAL CONSIDERATIONS

17. There are no direct environmental considerations related to this item.

## ALTERNATE OPTIONS

18. Council can accept or reject the e-Quote.

## CONCLUSION

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

<b>Consulted References</b>	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	P22017
<b>Previous Reference</b>	:	P21035

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 13. CLOSURE**