



AGENDA

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 13 May 2020

6.00pm

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

Development Services:

The delivery of the “*Liveable Environmental Objectives*” contained in the City of Albany Strategic Plan:

- Advocate, plan and build connected, liveable communities.
- Create a community that supports people of all ages and backgrounds.
- Create vibrant neighbourhoods which are safe yet retain our local character and heritage.

Infrastructure Services:

The delivery of the “*Clean and Green Objectives*” contained in the City of Albany Strategic Plan:

- To protect and enhance our pristine natural environment.
- To promote environmental sustainability.
- 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) **Membership:** Open to all elected members.

(4) **Meeting Schedule:** Monthly

(5) **Meeting Location:** Council Chambers

(6) **Executive Officers:** Executive Director Infrastructure and Environment, Executive Director Development Services

(7) **Delegated Authority:** None

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	4
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	4
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	4
4.	DISCLOSURES OF INTEREST	5
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
6.	PUBLIC QUESTION TIME	5
7.	PETITIONS AND DEPUTATIONS	5
8.	CONFIRMATION OF MINUTES	5
9.	PRESENTATIONS	5
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	REPORTS	
DIS207	DESIGN AND CONSTRUCT GROUNDS MAINTENANCE SHED	6
DIS209	SWIMMING ENCLOSURE REPLACEMENT	11
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	15
12.	MEETING CLOSED TO PUBLIC	15
13.	CLOSURE	15

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

Councillors:

Member

R Hammond

Member

P Terry

Member

R Stephens

Member

G Stocks (Deputy Mayor)

Member

M Benson-Lidholm JP

Member

T Sleeman

Member

J Shanahun

Member

S Smith

Member

A Goode JP

Member

C Thomson

Member

R Sutton (Deputy Chair)

Staff:

Chief Executive Officer

A Sharpe

Executive Director Infrastructure, Development and
Environment

P Camins

Meeting Secretary

J Williamson

Apologies:

Member

E Doughty (Leave of
Absence)

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 15 April 2020 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

DIS207: C20005 - DESIGN AND CONSTRUCT GROUNDS MAINTENANCE SHED

Land Description	: Centennial Park – Western Precinct
Proponent / Owner	: City of Albany
Attachments	: Commercial in Confidence: Grounds Maintenance Shed, Tender Evaluation and Budget Reallocation
Report Prepared By	: Major Projects Manager (A. McEwan) Manager City Reserves (J Freeman)
Report Prepared By	: Executive Director Infrastructure, Development & Environment (P. Camins)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

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:
 - **Theme:** Clean, Green and Sustainable
 - **Objective:** To build, maintain and renew city assets sustainably.
 - **Community Priority:** Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

Maps and Diagrams:



In Brief:

- Approval is sought to for the re-allocation of budget to this project in order to deliver this infrastructure.
- Noting the completion of the competitive tender process, approval is sought to award the tender for the Contract C20005 - Design and Construct Grounds Maintenance Shed to MCB Constructions.

COVID-19 IMPACT

- No identified implications.

RECOMMENDATION

DIS207: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) **APPROVE** the Budget Reallocation of \$120,000.00 from account 15544 (Developed Parks & Reserves Capital Expenditure) to account 3869 (CPSP Stage 2 Western Public Realm Enhancements) – Gardener's Shed; and
- (2) **ACCEPT** the tender from MCB Constructions and **AWARD** contract C20005 – Design and Construct Grounds Maintenance Shed to MCB Constructions.

BACKGROUND

2. The shed facility has always been identified in the Precinct Master Plan as a requirement.
3. The proposed new shed facility will house all specialised equipment required for the ongoing maintenance of the Centennial Park Sporting Precinct (CPSP).
4. The current maintenance facility (Maintenance Shed) is an eclectic mix of ageing dongas and sheds placed over time as required for equipment plant and material storage.
5. The gardener's maintenance shed is in poor condition, looks unsightly and cannot house all of the specialised ground maintenance equipment, resulting in expensive equipment being exposed to weather.
6. The Centennial Park Grounds Maintenance Shed was originally planned to be located adjacent to the ALAC facility. Following feedback from key stakeholder engagement, it was agreed with Council that a tender award be postponed and an alternative site(s) be investigated.
7. A project update was presented to Elected Members on 12 February 2020 and the preferred site was identified to be at the same location as the existing facility. The new facility was subsequently modified to minimise impacts and suit requirements.
8. A significant portion of funds (\$250,000) has been allocated to this project from State funds, as part of the \$6.9Mil CPSP State Election Commitment.

DISCUSSION

9. The standard tender process was undertaken as prescribed by the *Local Government Act 1995* (the Act) and *Local Government (Function and General) Regulations 1996* (the Regulations).
10. Tenders were advertised both state-wide and locally from the 18 March 2020 and were closed on 2 April 2020.
11. Thirteen (13) tender documents were downloaded from the City of Albany website, resulting in the City receiving two (2) conforming tender submissions.

Evaluation of Tenders

12. The tender panel evaluated tenders using the weighted criteria methodology across five key areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Cost	50%
Total	100%

13. The following Table 2 summarises the tenders and the overall evaluation scores applicable.

Table 2 – Summary of Tender Submissions

Tenderer	Total	Rank
MCB Constructions	603.17	1
Tenderer B	581.83	2

14. MCB Constructions ranked highest with the highest total weighted score.
15. From the evaluation scoring, reference check, clarification, and financial check processes MCB Constructions are the preferred tender and consequently it is recommended that their tender be accepted and the contract be awarded.

GOVERNMENT & PUBLIC CONSULTATION

16. Public Consultation: original engagement was held with the broader community during June 2019 regarding the siting of the shed facility near ALAC and its impacts to existing services, including the required relocation of existing playground. Further engagement was held with key community stakeholder (sporting) group during August 2019. Generally, the proposal was rejected.
17. Concerns that were noted included:
- The bulk and scale of the proposed shed;
 - Its orientation and siting affects public interface of hockey facility;
 - Removal of the existing playground not supports;
 - Relocation of playground would impact on other sporting codes (cricket/soccer);
 - Vehicle access and movements will create an unsafe environment;
 - Formalised access through carpark is required.
18. As a result of feedback, alternative siting options were analysed and the facility was re-designed to address concerns and minimise impacts. A project update was presented to Elected Members on 12 February 2020 and the preferred site was identified to be at the same location as the existing facility.
19. Lower Great Southern Hockey Association confirmed acceptance of the current proposed site location on 3rd Feb 2020 and nearby residents at Boronia Village have been informed. The proposed location does not affect any other sporting group.
20. The funding body and public will be notified with regard to the outcome of the award and timeframe for implementation.
21. The various funding bodies receive regular updates in accordance with individual agreements and will be advised of the outcome of the tender process and the timeframe for construction.

STATUTORY IMPLICATIONS

22. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
23. 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.
24. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
25. Voting Requirement: **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health & Safety <i>Risk: Continued use of the current shed will expose employees to unsafe working conditions.</i>	Possible	Moderate	Medium	Build new maintenance shed.
Environment <i>Risk: Current facility is not designed to contain hydrocarbon (oil, fuel) spills, which continue to put at risk contamination into adjacent waterway.</i>	Likely	Moderate	Medium	Build new maintenance shed and mitigate the likelihood of environmental contamination.
Financial & Sponsor Reputation <i>Lost opportunity to replace and end of life asset with State funding being made available.</i>	Almost Certain	High	Moderate	Approve proposed project or alternatively reallocate to another projects within CPSP guidelines.
Community Reputation <i>Consultation has identified that this site is preferred. Selecting an alternative site locations were explored may not be deemed satisfactory to directly impacted key stakeholders, grounds staff, sporting groups (i.e. Cricket, Hockey etc.).</i>	Almost Certain	Medium	Minor	Build maintenance shed in current location.
Works Operation <i>Insufficient and inadequate storage and working facilities, to service precinct and increasing demands.</i>	Almost Certain	Medium	Moderate	Build maintenance shed to protect stored equipment and material, mitigating and/or reducing deterioration by exposure to weather.
Opportunity: Enable better service delivery and extend equipment serviceable lifespan.				

FINANCIAL IMPLICATIONS

28. In summary, the financial status of the project funding can be reported as follows:

Item	Budget	Price excl. GST	%
1	CPSP State Election Commitment (from \$7.9Mil)	\$ 250,000.00	83%
2	Reserves	\$ 50,000.00	17%
Total Budget Total ex GST		\$ 300,000.00	

29. In order to fully deliver this infrastructure in its new location, it is proposed that the anticipated overspend can be funded through a number of cost savings have been identified in non-essential areas of the project.
30. In addition, Council approval is sought to for the re-allocation of budget to this project as follows:

YR	RESERVES identified non-essential projects (*)	Budget Reallocation
19/20	1664 – Horse Exercise Areas	\$ 20,000.00
19/20	2695 – Visitor Info Bay Renewals	\$ 50,000.00
19/20	2693 – ALAC Garden Renewals	\$ 25,000.00
19/20	2918 – Lawley Park Heritage Concept Plan	\$ 25,000.00
Total amount to be reallocated ex GST		\$ 120,000.00

LEGAL IMPLICATIONS

31. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

ENVIRONMENTAL CONSIDERATIONS

32. The contractor's environmental sustainability policy will apply to this contract.
33. Site management controls will be enforced to mitigate adverse any possible environmental impacts.

ALTERNATE OPTIONS

34. The options are:
- Accept the recommended tender;
 - Not approve any tender; or
 - Select an alternative tender.

CONCLUSION

35. On reviewing the submissions, MCB Constructions are deemed the most advantageous tenderer across the evaluation criteria for the construction of the Grounds Maintenance Shed. Their tender was well detailed and demonstrated a good understanding of the project objectives.
36. MCB Constructions proposed tender be accepted and awarded.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Purchasing Policy (Tenders and Quotes), including procedures City of Albany Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	CP.PLA.9
Previous Reference	:	<ul style="list-style-type: none"> Grounds Maintenance Shed – Council Briefing Wednesday 12 February 2020 Confidential Briefing Note to Elected Members, Tuesday 28 April 2020.

DIS209: SWIMMING ENCLOSURE REPLACEMENT

Land Description	: Ellen Cove, Middleton Beach, Albany
Proponent / Owner	: City of Albany
Attachments	: Confidential Briefing Note
Report Prepared By	: Senior Civil Engineering Officer (R. Westerberg)
Responsible Officers:	: 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:
 - **Theme:** Clean, Green and Sustainable
 - **Objective:** To build, maintain and renew city assets sustainably.
 - **Community Priority:** Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

In Brief:

- In March 2016 the City installed a Swimming Enclosure at Ellen Cove, Middleton Beach.
- The Swimming Enclosure has now been in place for 4 years and 2 months.
- The Swimming Enclosure has performed well and the community feedback has been positive.
- The condition of the Swimming Enclosure has deteriorated to a point where action must be taken.
- It is proposed to put to public tender the replacement of the enclosure.



COVID-19 IMPACT

- No identified implications.

RECOMMENDATION

DIS209: RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. **ENDORSE** staff to proceed with advocating to the WA Minister for Fisheries to assist in funding the replacement of the swimming enclosure.
2. **AUTHORISE** the tendering for replacement of the Swimming Enclosure, noting award of tender will be subject to Council approval.

BACKGROUND

1. In March 2016 the City installed a Swimming Enclosure at Ellen Cove, Middleton Beach with a \$200,000 Grant from the State Government, Department of Premier and Cabinet.
2. Global Marine Enclosures (GME) won a competitive tender process to install the Swimming Enclosure and have since been maintaining the Swimming Enclosure.
3. The three-year trial of the Swimming Enclosure ended at the end of March 2019, with inspection and maintenance continuing to ensure the Swimming Enclosure remains secure.
4. The Swimming Enclosure at Ellen Cove has been very popular with the community. A past survey of the community in March 2017 found that 93.15% of people saw value in the City installing and maintaining the enclosure.
5. The City owns the swimming enclosure infrastructure including the anchoring system. The anchoring system has a longer lifespan (approximately 20 – 30 years) and could potentially be used to install a different product.
6. An open market tender was released on 13 February 2019 for the replacement of the existing swimming enclosure.
 - a. The tender was release with the intent to find a suitable supplier for a five (5) year period and that supplier would be responsible for the:
“supply, installation, inspection and maintenance of the Shark Exclusion Barrier, including design and approvals, insurance, installation (including fittings), contract management, labour, materials, plant and equipment, interest and profit and any item or cost considered relevant or required to fulfil the requirements of the contract.”
 - b. The tendered price was based on a flat monthly fee for 60 months. This way the cost of the net would be amortised across the life of the contract.
 - c. The tender closed on 7 March 2019. The tendered total contract costs were well in excess of the budget allowances made for the replacement and maintenance costs.
 - d. Subsequently, the tender was not awarded.

DISCUSSION

7. Since the Swimming Enclosure trial has been installed, further research and development in the technology of the existing product and competing products has occurred.
8. The current swimming enclosure is showing signs of significant wear throughout the structure. The surf zone of the enclosure is showing more wear than other areas.
9. Given the results of the tender in 2019, City officers investigated other options to more cost-effectively retain the swimming enclosure.
10. Until recently, consideration had been given to a phased replacement strategy that would provide for effective expenditure and a completely replaced enclosure over a 2.5-year period. However, recent deterioration of the enclosure, evidenced by underwater inspections, has required a reassessment of the priority areas and the sequencing of the phases.
11. Due to the unpredictable rate of deterioration of the enclosure, a complete replacement is now recommended to significantly reduce the risk of a major failure of the enclosure.
12. The tender for the replacement of the swimming enclosure will be based on:
 - a. The removal of the existing swimming enclosure, excluding the existing anchor points, concrete anchor blocks, anchors and base chain;
 - b. The installation of a complete new swimming enclosure; and

- c. The provision of inspection and minor maintenance (it will not require the tenderer to assume all responsibility and risk associated with maintenance of the enclosure, which led to the previously received high priced tender submissions).
13. Alternatives to replacing the enclosure are discussed in the “ALTERNATE OPTIONS” section.

GOVERNMENT & PUBLIC CONSULTATION

14. No specific public consultation has been conducted, noting as detailed in the discussion section of the report a past survey of the community was conducted in March 2017, where 93.15% of respondents saw value in the City maintaining the enclosure
15. As part of any future works going forward, consultation will be conducted with Department of Transport, Department of Lands and the Great Southern Port Authority.

STATUTORY IMPLICATIONS

16. The award of tender will be subject to the *Local Government Act 1995* and regulations.

POLICY IMPLICATIONS

17. Not applicable to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation and Financial: <i>There is a risk that delays or inaction will result in major failure of the swimming enclosure resulting in reputational damage.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Preparation for a tender process is underway. Consideration given to reduce tendering timeframes.</i>
Environment and Financial <i>Risk: Major failure in the structure (storm) will result in contamination of the seabed and potentially very costly to remove</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Dismantle and remove existing structure and replace with new fit for purpose structure</i>

FINANCIAL IMPLICATIONS

19. The proposed budget, spread over several years has been established based on a staged replacement program and not on up-front full replacement. As identified in the background a full replacement is now the recommended option.
20. Should the full replacement be endorsed, a budget review to consolidate the staged figures will be required, subject to Council approval.
21. A monthly inspection will continue to be required with a minor maintenance program. With a new enclosure, the frequency of inspections may be able to be reduced, which would reduce the operational costs.

LEGAL IMPLICATIONS

22. There are no direct legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

23. The required environmental approvals have been or will be sought to extend any existing permits required to maintain the deployment of the swimming enclosure.

ALTERNATE OPTIONS

24. Removal of the swimming enclosure with no replacement.
25. Removal of the enclosure and the establishment of alternative shark mitigation measures (to be advised by Department of Fisheries).

CONCLUSION

26. The swimming enclosure at Ellen Cove is considered a valued asset in the City of Albany community.
27. The existing enclosure has exceeded the minimum life expectancy and has performed well in its purpose of maintaining separation between large fauna and swimmers.
28. The recommendation is to:
 - a. Continue to advocate for funding to assist the City in the replacement of the swimming enclosure.
 - b. Commence the tender process based on a complete replacement of the swimming enclosure.
 - c. Report back to Council.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	Frederickstown Ward
Previous Reference	:	OCM June 2016 – Resolution DIS028 (Ellen Cove Swimming Enclosure – Three Year Trial OCM October 2015 – Resolution WS091 (Shark Barrier Feasibility)

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