



AGENDA

Ordinary Meeting of Council

Tuesday 27 September 2016

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.

NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 27 September 2016 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.



Andrew Sharpe
CHIEF EXECUTIVE OFFICER

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
7.	PUBLIC QUESTION TIME	4
8.	APPLICATIONS FOR LEAVE OF ABSENCE	4
9.	PETITIONS AND DEPUTATIONS	4
10.	CONFIRMATION OF MINUTES	4
11.	PRESENTATIONS	4
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	4
13.	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
ED	Economic Development Committee Nil	
CS	Community Services Committee	
CS030	COUNCIL POLICY: PUBLIC ART-REVIEW AND ADOPTION	5
PD	Planning and Development Committee	
PD138	CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT AND AMENDMENT OF STRUCTURE PLAN-LOT 36 CATALINA ROAD, LANGE	9
PD139	CONSIDERATION OF SCHEME AMENDMENT-LOTS 201, 202 AND 203 CHESTER PASS ROAD, LANGE	13
PD140	PLANNING AND BUILDING REPORTS AUGUST 2016	19
CSF	Corporate Services and Finance Committee	
CSF265	FINANCIAL ACTIVITY STATEMENT-JULY 2016	20
CSF266	LIST OF ACCOUNTS FOR PAYMENT-AUGUST 2016	23
CSF267	DELEGATED AUTHORITY REPORTS	25
CSF268	ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2016	26
CSF269	NEW COMMERCIAL LEASE-CLEANAWAY PTY LTD-HANRAHAN ROAD WASTE MINIMISATION FACILITY, MOUNT MELVILLE	30
CSF270	COUNCIL POLICY-CODE OF CONDUCT REVIEW	37
WS	Works and Services Committee	
WS108	MIDDLETON BEACH GROUP-INSTALLATION OF ARWORKS/ENTRY STATEMENT-EYRE PARK	41
WS112	CONTRACT C16017-NORWOOD ROAD (SLK 1.1 – 2.4) WIDENING AND RECONSTRUCTION	46
WS113	C16016 PANEL OF SUPPLIERS-SURVEY SERVICES	50
WS114	WASTE MINIMISATION-REGIONAL PARTNERSHIP-MEMORANDUM OF UNDERSTANDING	56
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	60
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	60
16.	REPORTS OF CITY OFFICERS Nil	60
17.	MEETING CLOSED TO PUBLIC	60
18.	CLOSURE	60

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

D Wellington

Councillors:

Breaksea Ward
Breaksea Ward
Frederickstown Ward
Kalgan Ward
Kalgan Ward
Vancouver Ward
Vancouver Ward
West Ward
West Ward
Yakamia Ward

R Hammond
P Terry
C Dowling
J Price
B Hollingworth
J Shanhun
N Mulcahy
A Goode JP
S Smith
A Moir

Staff:

Executive Director Planning and
Development
Executive Director Corporate Services
Executive Director Economic
Development and Commercial Services
Executive Manager Community Services

D Putland
M Cole
C Woods
A Cousins

Meeting Secretary

J Williamson

Apologies:

Frederickstown Ward
Yakamia Ward
Chief Executive Officer
Executive Director Works and
Services

G Stocks (Leave of Absence)
R Sutton (Apology)
A Sharpe (Apology)
M Thomson (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

**DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the minutes of the Ordinary Council Meeting held on 23 August 2016, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CS030: COUNCIL POLICY: ART IN THE PUBLIC DOMAIN

Proponent	:	City of Albany
Attachments	:	1. CURRENT City of Albany Policy: Public Art 2. NEW Council Policy: Art in the Public Domain (2016) 3. NEW City Guideline: Art in the Public Domain (2016)
Report Prepared By	:	Vancouver Arts Centre Coordinator (A Perryman)
Responsible Officer	:	Executive Manager Community Services (A Cousins)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023.
 - a. **Key Theme 4:** Sense of Community
 - b. **Strategic Objectives:**
 - 4.1 – To build resilient and cohesive communities with a strong sense of community spirit.
 - 4.2 – To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.

In Brief:

- Review and consider ADOPTION of Council Policy: Art in the Public Domain (2016).
- Review and consider ENDORSEMENT of City Guideline: Art in the Public Domain (2016).

RECOMMENDATION

CS030: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. **ADOPT Council Policy: Art in the Public Domain (2016);**
2. **ENDORSE City Guideline: Art in the Public Domain (2016); and**
3. **NOTE that, the proposed *Council Policy* and *City Guideline* are consistent with Local Planning Policy Manual policy position titled Public Art adopted by Council on 19 April 2011 (LPP No. 4 Commercial and Industrial Development).**

CS030: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

CS030: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ADOPT Council Policy: Art in the Public Domain (2016);
2. ENDORSE City Guideline: Art in the Public Domain (2016); and
3. NOTE that, the proposed *Council Policy* and *City Guideline* are consistent with Local Planning Policy Manual policy position titled Public Art adopted by Council on 19 April 2011 (LPP No. 4 Commercial and Industrial Development).

BACKGROUND

2. Council Policy related to Public Art is currently addressed through City of Albany Policy: Public Art (2015), within the Planning and Development Policy Manual.
3. This Policy:
 - a. Consists of one statement relating to the value of Public Art.
 - b. Consists of one paragraph referring to Public Art commissioning requirements for Private Developments over a certain value.
 - c. Does not address the broad spectrum of Public Art commissioning scenarios.
 - d. Does not reference a City Guideline — providing direction to City Officers.
 - e. Does not provide Legislative and Strategic Context.
4. The City does not have a current City Guideline to assist Officers implement Council Policy in relation to Public Art.

DISCUSSION

Council Policy: Public Art [Attachment 1]

5. The objective of the Policy is to place a requirement on private developers to comply with the State Government's Percent for Art Scheme.
6. The Policy can only be applied in one specific circumstance and does not address other scenarios through which the development and management of Public Art can take place.

Overview New Council Policy: Art in the Public Domain (2016) [Attachment 2]

7. The proposed policy position communicates Council's position on the value of Public Art.
8. The proposed policy refers to the City Guideline: Art in the Public Domain (2016) and stipulates a cycle for review, and a requirement for these guidelines to align with State Government guidelines.
9. The new Policy:
 - a. Makes provision for most Public Art commissioning scenarios.
 - b. Is consistent and complementary to the City Policy: Public Art (Local Planning Policy Manual) and as such there is no requirement to amend or rescind this aspect of the Planning and Development Manual.
 - c. States that there is a requirement for City of Albany led Capital Works Projects over the value of \$1,500,000 to allocate 1% of the estimated total project cost for the development of new Public Art.
 - d. Is for a period of three financial years: 2016/17, 2017/18, and 2018/19.

Overview New City Guideline: Art in the Public Domain (2016) [Attachment 3]

10. The new City Guideline (the Guideline) identifies most scenarios through which Public Art is realised and is aligned to best practice policies and guidelines developed by State Government.
11. The Guideline:
 - a. Identifies the underlying purposes of Public Art and provides greater clarity around industry accepted definitions of Public Art.
 - b. Outlines alternative commissioning models and provides definitions around roles and responsibilities of parties involved.
 - c. Outlines administrative procedures for most scenarios for the development and commissioning of Public Art.
 - d. Provides clarity around requirements for engaging with the City of Albany as part of the commissioning process.
 - e. Provides clarity around the management of Public Art including copyright, legal title and ownership issues.
 - f. Provides clarity around responsibilities for ongoing maintenance of Public Art.
 - g. Outlines the administrative process for de-accessioning Public Art.

GOVERNMENT & PUBLIC CONSULTATION

12. State Government, Department of Culture and the Arts (DCA) are currently reviewing their policy on Public Art and have been consulting with local Governments. DCA Public Art Policy Officers have reviewed the proposed Council Policy: Art in the Public Domain (2016) and the City Guideline: Art in the Public Domain (2016) and provided feedback, which has been incorporated.

STATUTORY IMPLICATIONS

13. Nil.

POLICY IMPLICATIONS

14. Adoption of Council Policy: Art in the Public Domain (2016) and adoption of City Guideline: Art in the Public Domain (2016).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Unclear policy and absence of guidelines governing Public Art fails to manage community expectation and causes dissatisfaction	Likely	Moderate	High	Adoption of new Policy and Guideline will ensure Council is implementing best practice.
Reputation: Unclear Policy and Guidelines governing Public Art resulting in poor public art outcomes	Likely	Moderate	High	Adoption of new Policy and Guideline will ensure Council is implementing best practice.
Opportunity: Set clear direction in regards to the rules associated with public art.				

FINANCIAL IMPLICATIONS

16. The new Council Policy: Art in the Public Domain (2016) places a requirement on City of Albany led Capital Works projects worth over \$1.5million to allocate a percentage of the overall budget to the commissioning of Public Art.

LEGAL IMPLICATIONS

17. Any application of the Policy and City Guideline will be undertaken in accordance with all other Council Policies and relevant laws.

ENVIRONMENTAL CONSIDERATIONS

18. Any application of the Policy and City Guideline will be undertaken in accordance with all other Council Policies.

ALTERNATE OPTIONS

19. Council could determine not to adopt the new Policy and endorse the Guidelines. This is not recommended as the Current Policy does not adequately address all Public Art scenarios and a current Guideline does not exist.
20. Council could determine to endorse the new City Guideline: Art in the Public Domain (2016) but not adopt the Council Policy: Art in the Public Domain (2016). This is not recommended as the existing City of Albany Policy: Public Art makes no reference to the City Guideline and therefore best practice principals will not be applied to any future developments of Public Art.
21. Council could choose to adopt the Council Policy: Art in the Public Domain (2016) and City Guideline: Art in the Public Domain (2016) but with amendments. This is not recommended as all documentation has been peer reviewed and conforms to current best practice.

SUMMARY CONCLUSION

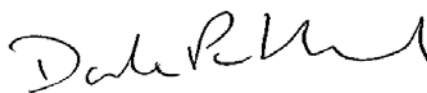
22. Noting that, the current Council policy position "Public Art (2015)" is limited in its application, and a City Guideline to support the Policy does not exist, it is recommended that the Responsible Officer's Recommendation be adopted.

Consulted References	• Government of Western Australia, DCA: Public Art Commissioning Guidelines (2016) • The Western Australian State Government Percent for Art Scheme Guidelines (2016) • City Policy: Public Art
File Number (Name of Ward)	All Wards
Previous Reference	OCM 19/04/2011 Resolution 1.1.

**PD138: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME
AMENDMENT AND AMENDMENT OF STRUCTURE PLAN – LOT 36
CATALINA ROAD, LANGE**

Land Description	: Lot 36 Catalina Road, Lange
Proponent	: Western Power
Owner	: Electricity Networks Corporation
Business Entity Name	: Electricity Networks Corporation (T/A Western Power)
Attachments	: 1. Map : 2. Local Planning Scheme Amendment No. 17 report
Supplementary Information & Councillor Workstation	: Nil
Report Prepared by	: Senior Planning Officer (A Bott)
Responsible Officer	: Executive Director Planning and Development Services (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams



In Brief:

- A request has been submitted for Council to initiate a Local Planning Scheme Amendment to rezone Lot 36 Catalina Road, from the 'Public Use' zone to the 'Residential' zone and amend the Scheme Maps accordingly.
- City planning Staff support the proposal, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy* and the recently adopted *Yakamia Structure Plan*.
- The proposal is considered to be relatively minor and is classified as a basic Scheme Amendment.

RECOMMENDATION

PD138: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

1. **THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 17 to amend *City of Albany Local Planning Scheme No. 1* by:**

- (1) Rezoning Lot 36 Catalina Road, Lange from 'Public Use' to 'Residential R30';
- (2) Amending the Scheme Maps accordingly.

The Amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the *Albany Local Planning Strategy*.
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - As per 34 (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment is consistent with the surrounding zonings under the adopted *Yakamia Structure Plan*.
2. **RESOLVES to recommend to the Western Australian Planning Commission that it approve the amendment to the *Yakamia Structure Plan*.**

BACKGROUND

- 4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
- 5. Amendment No. 17 has been prepared to seek:
 - Rezoning of Lot 36 Catalina Road, Lange from 'Public Use' to 'Residential R30';
 - Amending the Scheme Maps accordingly.
- 6. Western power has advised the City of Albany that the proposed site is no longer required for the provision of electrical services to the area. A residential zoning will more appropriately reflect the ultimate land use of the surrounding area and facilitate continued development.
- 7. The *Yakamia Structure Plan* states that if the site is not required for a power substation that Residential R30 may be supported as an alternative.
- 8. The subject lots lie approximately 4 kilometres north-west of Albany town centre and approximately 1.2 Kilometres east of Chesterpass Road.

9. The land to the north east and west of the subject lot is zoned 'General Agriculture', while the land to the south is zoned 'Future Urban'.
10. The amendment proposes to normalise the zoning and density of the subject lot with those of the surrounding area, as shown within the Yakamia Structure Plan into *Local Planning Scheme No.1*. It also proposed to amend the Yakamia Structure Plan to identify the site as residential.
11. The amendment document states that:

"It is proposed by way of Council's initiation of a Scheme Amendment to Local Planning Scheme No. 1 to rezone 107 (Lot 36) Catalina Road, Lange from 'Public use: Government' to 'Future Urban'. It is the expectation of Western Power that the Structure Plan will be updated accordingly to 'Residential', with an applicable density code of 'R30'."

DISCUSSION

12. The City's planning Staff support the rezoning of the subject lots from the 'Public use' zone, as this is consistent with the current strategic direction set by the *Albany Local Planning Strategy*. It will also be consistent with the surrounding zoning of the approved Yakamia Structure Plan.
13. Western power has advised that the public purpose use of the lot is no longer required. Therefore in lieu of the public purpose use, a residential zoning will be consistent with the surrounding land as identified within the Yakamia Structure Plan.
14. The Yakamia Structure Plan states that in the event that a substation on Lot 36 is not required, that Residential development at an R30 density may be supported.

GOVERNMENT & PUBLIC CONSULTATION

15. The *Planning and Development (Local Planning Schemes) Regulations 2015* do not require a basic amendment to a local planning scheme to be advertised for public comment. Consequently, no consultation has been undertaken.
16. The City of Albany has the discretion to not advertise minor amendments to structure plans. The amendment to the structure plan was not advertised as the Yakamia Structure Plan already identifies the site as having potential for residential development in the event of the substation not being required.

STATUTORY IMPLICATIONS

17. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
18. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning. Section 81 of the Act requires a local government to refer an adopted local planning scheme amendment to the Environmental Protection Authority to determine if should be assessed. Council resolution is sought for the adoption of a local planning scheme amendment.
19. The proposal is considered to be a basic scheme amendment for the following reasons:
 - The amendment is consistent with the *Albany Local Planning Strategy*.
 - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - As per 34 (g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, noting that Western Power has advised that the public purpose use is no longer required, the amendment is consistent with the surrounding land uses of the Yakamia Structure Plan.
20. Clause 29 of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* provides the City of Albany with the ability to amend Structure Plans.

21. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

- As Western Power has advised that the public purpose use is no longer required, the proposed zoning is consistent with the alternative land use identified within the Yakamia Structure Plan and also the surrounding land uses identified within the Yakamia Structure Plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations and Reputation</i> The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Unlikely	Minor	Low	If not supported by the Western Australian Planning Commission or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

FINANCIAL IMPLICATIONS

23. There are no financial implications directly relating to this item.

LEGAL IMPLICATIONS

24. There are no legal implication directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations directly relating to this item.

ALTERNATE OPTIONS

26. Council may consider alternate options in relation to this item, such as:

- To resolve to adopt the amendment to the local planning scheme and Yakamia Structure Plan with modifications; or
- To resolve not to adopt the amendment to the local planning scheme and Yakamia Structure Plan.

SUMMARY CONCLUSION

27. It is recommended that Council adopt Local Planning Scheme Amendment No. 17 and the amended Yakamia Structure Plan accordingly. The proposal is consistent with the strategic direction currently set within the *Albany Local Planning Strategy* and makes the zoning and residential density codes consistent with adopted *Yakamia Structure Plan*.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. <i>Yakamia Structure Plan</i>
File Number (Name of Ward)	:	LAMD17 (Yakamia Ward)
Previous Reference	:	N/A

**PD139: CONSIDERATION OF SCHEME AMENDMENT – LOTS 201, 202
AND 203 CHESTER PASS ROAD, LANGE**

Land Description	: Lots 201, 202 and 203 Chester Pass Road, Lange
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: 1. Schedule of Submissions 2. Local Planning Scheme Amendment No. 18 report
Supplementary Information & Councillor Workstation	: Copy of submissions
Report Prepared by	: Planning Officer (C McMurtrie)
Responsible Officer	: Executive Director Planning and Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. When exercising its discretion in relation to planning matters, the pertinent strategic document is the *Albany Local Planning Strategy*.
3. This proposal is consistent with the strategic direction set in the *Albany Local Planning Strategy*.

Maps and Diagrams



In Brief:

- A request has been submitted for Council to adopt a local planning scheme amendment to:
 - o Rezone Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
 - o Amend 'Schedule 4 – Special Use Zones' as follows:
 - a. Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';
 - b. Include the use of 'Pharmacy' in the Special Use column;
 - c. Include the following in the Conditions column:
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.
 - 6. In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'
- and
- o Amend the Scheme Maps accordingly.
- City planning Staff support the local planning scheme amendment, as it is consistent with the strategic direction set in the *Albany Local Planning Strategy*.
- The proposal will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.
- Council is requested to consider the submissions received following public advertising and referral to public authorities and determine whether to support the local planning scheme amendment.

RECOMMENDATION

PD139: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolves to support, without modification, Amendment No. 18 to amend *Local Planning Scheme No. 1* by:

- (1) Rezoning Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';**
- (2) Amending 'Schedule 4 – Special Use Zones' as follows:**
 - a. Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';**
 - b. Include the use of 'Pharmacy' in the Special Use column;**
 - c. Include the following in the Conditions column:**
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.**
 - 6. In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'**

and

- (3) Amending the Scheme Maps accordingly.**

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.
5. Amendment No.18 has been prepared to seek:
 - The rezoning of Lots 201, 202 and 203 Chester Pass Road, Lange from the 'General Agriculture' zone to 'Special Use Zone SU23';
 - The amendment of 'Schedule 4 – Special Use Zones' as follows:
 - a. Include in the Description of Land column 'Lots 201, 202 and 203 Chester Pass Road, Lange';
 - b. Include the use of 'Pharmacy' in the Special Use column;
 - c. Include the following in the Conditions column:
 - '5. The Pharmacy use shall include a dispensary and the sale of incidental and medical products.
 6. In making application for a Pharmacy use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current.'
- and
- The amendment of the Scheme Maps accordingly.
6. The subject land is located approximately 3.9 kilometres north-north-west of Albany town centre and has an area of approximately 4629 square metres. The land is relatively flat and currently landscaped as public gardens. The subject land is bounded by Chester Pass Road to the west, Mercer Road to the north and Lot 1004 Viastra Drive to the south and east. Due to the road layout at the intersection of Chester Pass and Mercer Roads and the shape of Lot 1004 Viastra Drive, the subject land cannot be accessed directly from either Chester Pass Road or Mercer Road.
7. Lot 1004 Viastra Drive is zoned 'Special Use Zone SU23', but has not yet been developed. The land to the west of Chester Pass Road is zoned 'Light Industry' and developed with a mix of light industrial and showroom uses. The land to the north is partially reserved for 'Parks and Recreation' and 'Public Purposes'. The 'Parks and Recreation' local scheme reserve is developed with a tourist information bay, while the 'Public Purposes' reserve, which is contiguous with the City of Albany depot and the offices of South Coast Natural Resource Management, is currently undeveloped.
8. The amendment document states that:

"When the adjoining land at Lot 1004 Viastra Drive passed into new ownership in 2015, the City entered into discussions with these owners in an effort to secure vehicle access to the subject land. In these discussions, the owners indicated their preference to purchase the three lots and develop them in conjunction with their land at Lot 1004 Viastra Drive. This option was supported by Council at its meeting held on 22 September 2015, noting the need to rezone the land to a similar Special Use zoning as Lot 1004 Viastra Drive. As part of the Contract of Sale, the City has agreed to undertake the rezoning of the subject land on behalf of the Buyers."

While no details are yet available, it is understood that the owners of Lot 1004 Viastra Drive would like to develop their property and the adjoining land as a medical centre / day hospital and pharmacy, consistent with the Special Use zoning of the land.”

DISCUSSION

9. The City’s planning Staff support the proposed local planning scheme amendment, as it is consistent with the Albany Local Planning Strategy and will facilitate the development of the land in conjunction with Lot 1004 Viastra Drive.
10. The proposed local planning scheme amendment is consistent with the current strategic direction set by the *Albany Local Planning Strategy*, which identifies the site as part of the ‘Mixed Business’ area and sets a planning objective to provide appropriate locations for establishing and growing business activity.
11. As outlined above, the City entered into discussions with the owners of Lot 1004 Viastra Drive, in an effort to secure vehicle access to the subject land, when Lot 1004 changed hands in 2015. During discussions, the owners of Lot 1004 indicated that they would like to purchase the subject land from the City and develop them in conjunction with Lot 1004. It is understood that the owners of Lot 1004 Viastra Drive intend to develop a medical centre / day hospital and pharmacy, consistent with the provisions of ‘Special Use Zone SU23’.
12. Although ‘Special Use Zone SU23’ currently includes *“other ancillary health and support uses approved by the Local Government”*, the proposed amendment includes the use of ‘Pharmacy’ as a separate land use.
13. This has been proposed, as a dispensary use would generally support a medical centre or hospital, but would not include the retail component that is common with most pharmacies. However, a dispensary is often financially assisted or operated by the principal use that it supports (the medical centre or hospital). If the business model employed requires that the pharmacy use operates as a separate entity, it may be difficult to attract an operator if a retail component cannot be approved, as this improves the financial viability of the venture. It is preferred that the ‘Pharmacy’ use is specified separately, as this will give clarity to future decision-making.
14. The purchaser has advised the City that they understand that a licence for a pharmacy will be granted under the Pharmacy Location Rules as set by the *National Health Act 1953* and the *National Health (Australian Community Pharmacy Authority Rules) Determination 2006*, as it is intended that the development will have more than seven full-time prescribing doctors on-site. Under these circumstances, the minimum separation distances between pharmacies are waived. The proposed amendment includes a condition for insertion into ‘Schedule 4 – Special Use Zones’, regarding this licensing requirement *“as long as those rules are current”*, as it is understood that the Pharmacy Location Rules may be phased out in future.
15. No issues have been raised through the public advertising and referral process (outlined in paragraphs 17 and 18 below).
16. It is considered that the proposed amendment is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.

GOVERNMENT & PUBLIC CONSULTATION

17. The local planning scheme amendment was adopted by resolution of Council on 26 April 2016 and advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* from 30 July 2016 to 11 August 2016 by direct referral to affected and adjoining/nearby landowners and public authorities and advertisement in a local newspaper.

18. Five submissions were received from public authorities and are summarised in the attached Schedule of Submissions. No issues have been raised.

STATUTORY IMPLICATIONS

19. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
20. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
21. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
22. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

23. *State Planning Policy 2.5 – Land Use Planning in Rural Areas* applies to rural land in Western Australia and shall be considered in assessing amendments to rural zoned land in a local planning scheme. The policy aims to protect rural land from incompatible land uses, supports primary production activities and protects priority agricultural land.
24. In this instance, the subject land has an area of less than one hectare, it is not currently used for agricultural purposes and is encircled by non-rural land uses. The 'General Agriculture' zoning of the subject land is considered to be an anomaly and its rezoning would not be in contravention of *State Planning Policy 2.5* or the current moratorium on the rezoning of 'General Agriculture' or 'Priority Agriculture' zoned land.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisational Operations and Reputation The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Minor	Medium	If not supported by the WAPC or Minister, the amendment will not be progressed and the City will advise the proponent that they may submit a modified proposal.

FINANCIAL IMPLICATIONS

26. The City is currently in the process of selling Lots 201, 202 and 203 Chester Pass Road to the owners of Lot 1004 Viastra Drive.

LEGAL IMPLICATIONS

27. As part of the contract of sale, the City has agreed to undertake the rezoning of the subject land on behalf of the purchasers.

ENVIRONMENTAL CONSIDERATIONS

28. There are no environmental implications directly relating to the item.

ALTERNATE OPTIONS

29. Council may consider alternate options in relation to these items, such as:

- To resolve to support the scheme amendment with modification; or
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

SUMMARY CONCLUSION

30. It is recommended that Council support Local Planning Scheme Amendment No. 18, without modification, as the proposal is consistent with the current strategic direction set within the *Albany Local Planning Strategy* and will facilitate the development of the subject land in conjunction with Lot 1004 Viastra Drive, Lange.

Consulted References	:	1. <i>Local Planning Scheme No. 18</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>City of Albany Strategic Community Plan 2023</i> 4. <i>City of Albany Corporate Business Plan 2013-2017</i> 5. Western Australian Planning Commission <i>State Planning Policy 1 – State Planning Framework Policy (Variation No. 2)</i>; 6. <i>Catalina Central Planning Framework</i>
File Number (Name of Ward)	:	LAMD18 (Yakamia Ward)
Previous Reference	:	O.C.M. 26/04/2016 – Item PD121

PD140: PLANNING AND BUILDING REPORTS AUGUST 2016

Proponent : City of Albany
Attachment : Planning and Building Reports August 2016
Report Prepared By : Administration Officer-Planning (K Smith)
Information Officer-Development Services (J Corcoran)
Responsible Officer(s): : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD140: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for August 2016.

CSF265: FINANCIAL ACTIVITY STATEMENT – JULY 2016

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF265: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 July 2016

CSF265: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF265: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 July 2016

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 July 2016 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.

6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. budget estimates to the end of the month to which the statement relates;
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. such other supporting information as is considered relevant by the local government.
 - III. The information in a statement of financial activity may be shown –
 - a. according to nature and type classification;
 - b. by program; or
 - c. by business unit.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2016/17 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 July 2016 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF266: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2016

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Financial Accountant (S Beech)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



RECOMMENDATION

CSF266: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2016 totalling \$4,055,659.44.

CSF266: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MULCAHY
 SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF266: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2016 totalling \$4,055,659.44.

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 August 2016. Please refer to the Attachment to this report.

Municipal Fund

Trust	\$2,000.00
Credit Cards	\$18,748.90
Payroll	\$1,200,993.09
Cheques	\$51,502.14
Electronic Funds Transfer	\$2,782,415.31

TOTAL **\$4,055,659.44**

3. As at 15 August 2016, the total outstanding creditors, stands at \$2,101,977.40 and made up as follows:

Current	\$ 1,392,712.46
30 Days	\$578,418.88
60 Days	\$130,967.31
90 Days	-\$121.25

TOTAL \$2,101,977.40

4. Cancelled cheques:

Cheque No.	Explanation
31278	Incorrect creditor
30835	No longer required
31297	Incorrect creditor

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

8. Expenditure for the period to 15 August 2016 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 August 2016 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY CONCLUSION

10. That list of accounts have been authorised for payment under delegated authority.
11. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF267: DELEGATED AUTHORITY REPORTS

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to the ED Corporate Services (H Bell)
Responsible Officer : Chief Executive Officer (A Sharpe)

Responsible Officer's Signature:



RECOMMENDATION

CSF267: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Delegated Authority Reports 16 July 2016 to 15 Aug 2016.

CSF267: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF267: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports 16 July 2016 to 15 Aug 2016.

**CSF268: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING
31 JULY 2016**

Proponent : City of Albany
Attachments : Budget Review for the period ending 31 July 2016
Report Prepared by : Business Analyst/Management Accountant (D Harrison)
Responsible Officer : Executive Director Corporate Services (M Cole)

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:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategy:** 5.1.3 Integrated Planning Framework.

In Brief:

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year under regulation 33A of the *Local Government (Financial Management) Regulations 1996*.
- An additional review has been conducted to amend carry forward projects from forecast to actual in accordance with the Department of Local Government and Communities' best practice financial reporting guidelines.
- This review is for the period ending 31 July 2016.

RECOMMENDATION

CSF268: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPT the Budget Review for the period ending 31 July 2016.

CSF268: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-3

Record of Vote

Against the Motion: Councillors Price, Terry and Mulcahy

CSF268: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPT the Budget Review for the period ending 31 July 2016.

BACKGROUND

2. Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the *Local Government (Financial Management) Regulations 1996*.
3. The Department also recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.

DISCUSSION

4. Council adopted the 2016/2017 Budget on 26 July 2016. The total adopted budget of \$103.8 M comprised:
 - a. \$37.4 M capital works;
 - b. \$ 2.0 M debt reduction; and
 - c. \$64.4 M in operating expenditure.
5. This Budget Review identifies expenditure of \$828,465 for general works, variations and new projects.
6. The funding of \$828,465 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and the movement opening funds has been identified in this review to maintain a surplus budget.
7. This budget review shows the 2016/2017 budget is in a surplus position of \$47,600
8. A copy of the Budget Review for the period ending 31 July 2016 is attached.
9. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

10. Department of Local Government and Communities guidelines were reviewed in the preparation of this report.
11. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

12. Under the *Local Government Act 1995*, 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.
13. It should be noted that this is an additional review to the budget review conducted on the 26 July 2016, for the period 1 January to 31 March, which is a requirement covered by regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Organisation's Operations. Non approval of the budget review, may result in significant delays to achieving deliverables. Opportunity: Provides Council with an additional opportunity to review the City's current budget position.	Unlikely	Moderate	Medium	In the short term the existing Annual Budget would apply and proposed amendments would not apply. Adopt the Budget Review with amendments (as specified by Council).

FINANCIAL IMPLICATIONS

BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2016 This Review Maintains Council's Budget in a Surplus Position			
GENERAL WORKS/VARIATIONS. (Additional Funds Required)			\$ (828,465)
FUNDED BY			
- Reduction in Expenditure	674,159		
- Adjustment in Grant/Contributions Funding	(522,031)		
- Adjustment in Revenue	678,041		
- Restricted Cash Adjustments	(325,132)	505,037	
Balance			<u>(323,428)</u>
Budgeted Opening Position	1,725,566		
NB - Adjustments From 2015/16 Financial Year (Pg's 8 - 12)	(18,052)		
Adjusted Budgeted Opening Position	1,707,514		
Actual Opening Position	2,078,542	371,028	
2016/17 Budgeted Closing Position			<u>47,600</u>

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. For the period ending 31 July 2016, Council may consider to:
- a. Adopt the Budget Review as recommended; or
 - b. Adopt the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

19. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 July 2016 be supported.

Consulted References	:	Adopted Budget 2016/2017 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	FM.BUG.2
Previous Reference	:	Annual Budget – OCM 26/07/2016 Resolution CSF255

**CSF269: NEW COMMERCIAL LEASE – CLEANAWAY PTY LTD –
HANRAHAN ROAD WASTE MINIMISATION FACILITY, MOUNT MELVILLE**

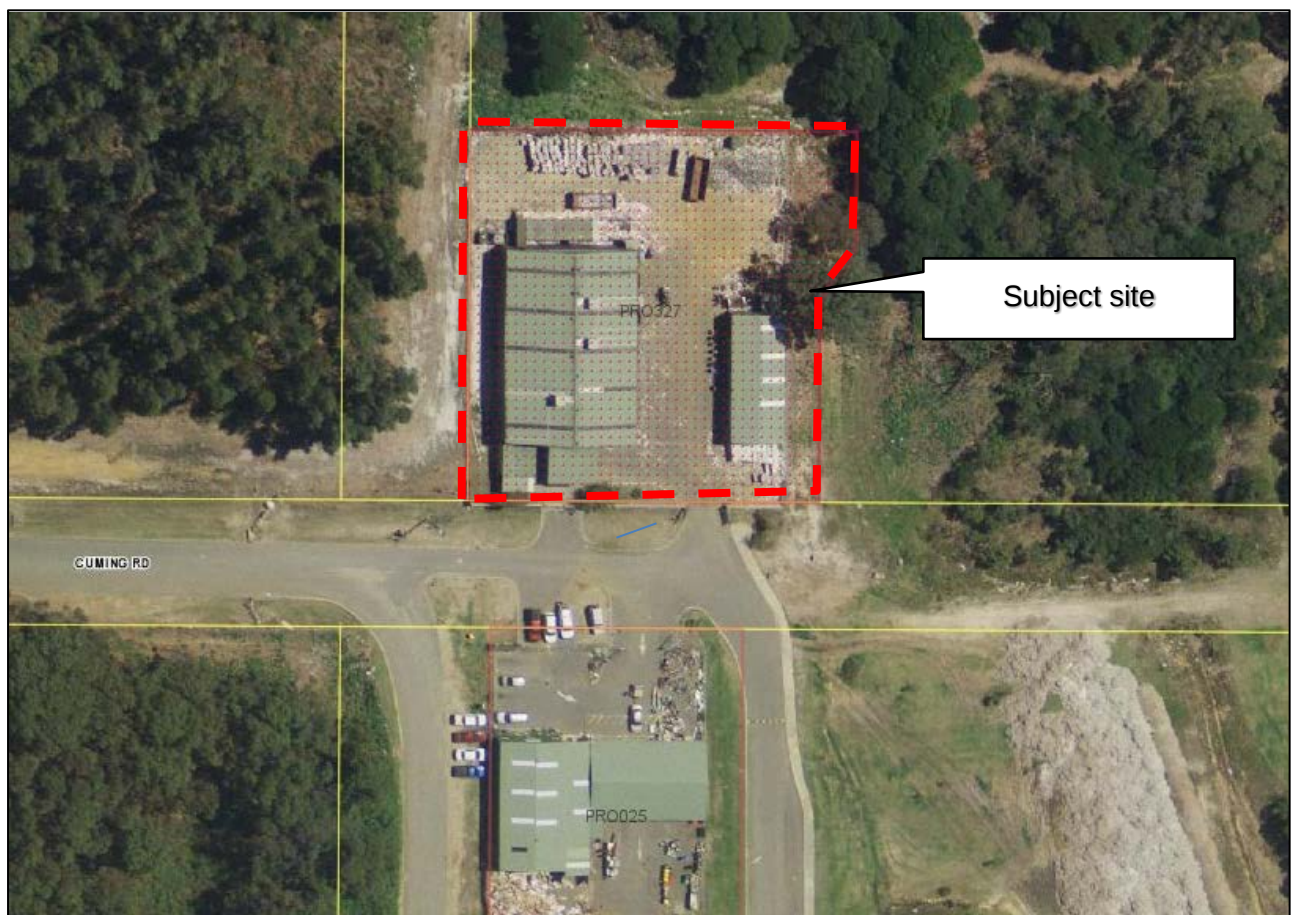
Land Description	: Lot 167 on Diagram 248882, the whole of Certificate of Title Volume 1117 Folio 402 being Lot 167 Cuming Road, Mount Melville
Proponent	: Cleanaway Pty Ltd ABN 79 000 164 938
Owner	: City of Albany
Report Prepared by	: Team Leader Property and Leasing (T Catherall)
Responsible Officer	: Executive Director Corporate Services (M Cole)

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:** Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategy:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease for Cleanaway Pty Ltd for the purposes of Upgrading and Operating the Materials Recovery Facility (MRF) (as per the Waste and Recycling Collection Services Contract P14021).
- At OCM 24.02.2015 Item WS062, Council resolved to accept the Tender from Transpacific Cleanaway for Waste and Recycling Collection Services Contract P14021 (Waste Contract).
- The recommendation proposes that Council approve the new lease to comply with the Waste Contract P14021 requirement to formalise the current occupancy arrangement.

RECOMMENDATION

**CSF269: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE a new LEASE to Cleanaway Pty Ltd over Lot 167 Cuming Road, Mount Melville, subject to:

- a) Lease purpose being “Upgrading and Operating the Materials Recovery Facility”.**
- b) Lease special condition to document the lease being conditional on Cleanaway continuing to comply with all terms of the Waste Contract P14021.**
- c) Lease area approximately 3,422 m² as determined by survey.**
- d) Lease rent being \$10 plus GST per annum.**
- e) Lease term being 5 years, commencing 1 July 2015, with a two further terms of 2 years and a further 1 year term.**
- f) All costs associated with the ongoing operations of the lease property being payable by Cleanaway.**
- g) All costs associated with the preparation, execution and completion of the Deed of Lease being paid by the City of Albany.**
- h) Lease being consistent with Council Policy – Property Management (Leases and Licences).**

CSF269: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF269: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new LEASE to Cleanaway Pty Ltd over Lot 167 Cuming Road, Mount Melville, subject to:

- a) Lease purpose being “Upgrading and Operating the Materials Recovery Facility”.
- b) Lease special condition to document the lease being conditional on Cleanaway continuing to comply with all terms of the Waste Contract P14021.
- c) Lease area approximately 3,422 m² as determined by survey.
- d) Lease rent being \$10 plus GST per annum.
- e) Lease term being 5 years, commencing 1 July 2015, with a two further terms of 2 years and a further 1 year term.
- f) All costs associated with the ongoing operations of the lease property being payable by Cleanaway.
- g) All costs associated with the preparation, execution and completion of the Deed of Lease being paid by the City of Albany.
- h) Lease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

- 2. Transpacific Cleanaway Pty Ltd (formerly Brambles Australia Ltd) previously held the Contract C02061 for the City's waste and recycling collection services, which was awarded in 2004. Contract C02061 expired on 30 May 2015.
- 3. As part of the Contract C02061, Council approved a new lease to Transpacific Cleanaway Pty Ltd to occupy the building and land known as the Materials Recovery Facility (MRF) to undertake waste minimisation and recycling services. This lease expired 5 May 2015.
- 4. In December 2014, the City released the Tender for Waste and Recycling Collection Services. At OCM 24.02.2015 Item WS062, Council resolved to accept the Tender from Transpacific Cleanaway Pty Ltd (Cleanaway) for Waste and Recycling Collection Services Contract P14021, subject to negotiation of final terms and conditions.
- 5. It is noted, in January 2016 Transpacific Cleanaway Pty Ltd advised of a change in its business entities, with Cleanaway Pty Ltd (Cleanaway) being the new entity name.
- 6. The final terms and conditions were negotiated and the Waste Contract to Cleanaway was signed on 31 July 2015.
- 7. In accordance with the Waste Contract, a new lease is to be developed to formalise the occupation of the MRF by Cleanaway.
- 8. The MRF is located at Lot 167 Cuming Road, Mount Melville which is situated within the Hanrahan Road Waste Minimisation Facility, and is City owned freehold land.
- 9. Prior to 2004 the City operated the MRF site as a part of the City's refuse and recycling services, constructing a large steel warehouse and shed in 1996 with office and toilet facilities, commonly referred to as the “Recycling Shed”.

10. It came to the City's attention in March 2015 that the warehouse and shed constructed by the City did not have an approved building permit. Remedial structural works and toilet upgrade works were undertaken by the City to rectify this situation, with the Building Occupancy Permit (Permit number 160090) issued for the building on 8 August 2016.
11. As such a new lease to Cleanaway was put on hold until the building was certified to be compliant, and a Building Occupancy Permit was issued.
12. Cleanaway have continued to occupy the site on a holding over basis as a month to month tenant pending the building matters being resolved and a new lease being finalised.
13. In January 2016, Cleanaway lodged a development application for the construction of an additional shed to facilitate further storage and commercial recycling processing. This being the first stage of the proposed MRF upgrade.

DISCUSSION

14. As part of the Tender process in February 2015, the City of Albany encouraged an upgrade to the MRF premises to provide improved facilities for commercial recycling services. Tenderers were requested to provide a list of upgrades to the MRF to enable it to improve the recycling rate and also allow for a greater capacity to accept commercial recycling.
15. Cleanaway's Tender response proposed a \$1.4m upgrade to the MRF. The upgrades include but are not limited to:
 - Building extensions for increased undercover areas for storage and commercial recyclable processing.
 - Additional bitumen areas for vehicle unloading.
 - New materials baler and refurbishment of existing baler.
 - Upgrade of conveyor network.
 - Supply and install an eddy current separator (ECS) to improve product recovery. The ECS uses an electromagnetic field to repel aluminium from the recycling stream.
 - Installation of new glass storage bunkers.
 - Upgrade to site amenities.
 - Fence line relocations, fencing and civil works.
16. It is envisaged the upgrades will increase the recovery of recyclables, in turn reducing residual waste to landfill by 5% and future proof the facility for years to come.
17. To accommodate the proposed MRF upgrades and changes to processes, Cleanaway have requested an increase to the previous lease area of 2950m² to 3422m².
18. The proposed works by the Cleanaway will be subject to the normal planning and building approvals required by the City.
19. It is noted that ownership of all MRF improvements including all structures and equipment used in its operation are dealt with in the Waste Contract. In summary ownership transfers to the City at the end of the Waste Contract.

20. A lease special condition will be included stating that the lease is conditional on Cleanaway continuing to meet all terms of Waste Contract P14021.
21. The proposed lease term of five years commencing 1 July 2015 until 30 June 2020, with options for a further two fixed periods of two years and a further fixed period of one year. This ten year term is in line with the Waste Contract.
22. Council's Property Management (Leases and Licences) Policy provides that rent for commercial leases be determined initially by market valuation provided by a Licensed Valuer with rent reviews conducted every three years by market valuation and by CPI, All Groups (Perth) for intervening years.
23. It is recommended that Council relax this provision and approve a peppercorn rent of \$10 + GST per annum, based on any costs imposed for the lease have previously been considered and recovered through the negotiation of the Waste Contract.

GOVERNMENT & PUBLIC CONSULTATION

24. No Government consultation is required as the lease area is located within City of Albany owned freehold land.
25. Section 3.58 of the *Local Government Act 1995* outlines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease/licence.
26. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

27. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings including advertising requirements.
28. The Western Australia Planning Commission (WAPC) has not been consulted with regard to the proposed new lease as per Section 136 of the *Planning and Development Act*, as no comment is required from WAPC when a lease term does not exceed twenty years on freehold land.

POLICY IMPLICATIONS

29. Council adopted a revised Property Management (Leases and Licences) Policy in July 2015.
30. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
31. The Policy provides that any rent for commercial leases or licences will be determined by initial market valuation with rent reviews conducted every three years by market valuation and by CPI, All Groups (Perth) for intervening years.

32. It is recommended that Council relax current Policy provision for commercial leases requiring rent reviews by market valuations every three years and CPI for intervening years. This is on the basis that any costs imposed for the lease have been considered and recovered through the negotiation of the Waste Contract P14021.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: new lease not approved – amendment to Waste Contract P14021 will be required.	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction.
Community: new lease not approved – Community waste and recycling services may be disrupted. Opportunity: fulfil the Waste Contract conditions and formalise the current arrangements.	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction.

FINANCIAL IMPLICATIONS

34. All costs associated with the development, execution and completion of the lease agreement documentation will be met by the City of Albany. This has been agreed by the City when settling the Waste Contract terms.
35. The proposed new lease rental of \$10.00 plus GST per annum will be directed to Income – Other Property and Services COA account 1140530. This rental has been agreed by the City when settling the Waste Contract terms.

LEGAL IMPLICATIONS

36. The commercial Deed of Lease with enforceable conditions will be prepared by City's lawyers, at City's expense.

ENVIRONMENTAL CONSIDERATIONS

37. Cleanaway Pty Ltd under the Environmental Management clause of the Waste Contract P14021 must comply with the Environmental Protection Act 1986 (WA) and the Environment Protection (Noise) Regulations 1997 (WA) at its own expense, and comply with all legal requirements concerning the environment.

ALTERNATE OPTIONS

37. Given the existing Waste Contract in place between the City of Albany and Cleanaway and the commitments made within the agreement for a new lease, it is not considered that there is an alternate option.
38. The proposed lease will fulfil the Waste Contract condition and formalise the current approved use by Cleanaway.

SUMMARY CONCLUSION

39. The Tender from Cleanaway Pty Ltd for Waste and Recycling Collection Services (Waste Contract P14021) was accepted by Council in February 2015.
40. A condition of the awarded Waste Contract was that the successful contractor will enter into a lease with the City of Albany for the use of the MRF site for the purposes of upgrading and operating the MRF.
41. Cleanaway continue to occupy the site on holding over provisions.
42. It is recommended the new lease to Cleanaway Pty Ltd is approved to fulfil the Waste Contract conditions and formalise the current arrangements.

Consulted References	:	• Council Policy – Property Management (Leases and Licences) • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i>
File Number (Name of Ward)	:	PRO327, A114984 (Frederickstown Ward)
Previous Reference	:	OCM 20.04.2004 Item 12.2 OCM 24.02.2015 WS062

CSF270: COUNCIL POLICY – CODE OF CONDUCT REVIEW

Proponent / Owner : City of Albany
Attachments :

- Reviewed Code of Conduct
- Comparison Document

Report Prepared By : Manager Governance & Risk (S Jamieson)
Responsible Officers: : Executive Director Corporate Services (M Cole)

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:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategy:** 5.1.2. To develop informed and transparent decision making processes that meet our legal obligations.

In Brief:

- Review and adopt the revised Council Policy.
- All changes have been highlighted on the attached comparison document.

RECOMMENDATION

CSF270: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RESCIND the current Policy and ADOPT the Council Policy: Code of Conduct (Council Members, Committee Members, Staff and Volunteers).

CSF270: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF270: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESCIND the current Policy and ADOPT the Council Policy: Code of Conduct (Council Members, Committee Members, Staff and Volunteers).

BACKGROUND

2. The current policy was adopted by Council on 28 April 2015.
3. The attached policy was reviewed by the Executive Management Team and has been presented for review.
4. It is the role of Council to determine policy positions.

DISCUSSION

5. The content of the Policy has been amended to include:
 - a. changes to the *Local Government Act 1995* (the Act), in regards to new gift and travel reporting obligations; and
 - b. Electoral gift donations in relation to closely associated persons.

Gift and Travel Contributions to elected members and employees

6. There are three separate areas under the Act that deal with gifts, apart from those set by the local government (Council) itself:
 - a. All gifts and contributions to travel unless exempted under sections 5.82 and 5.83 of the Act;
 - b. Gifts where the donor is undertaking or seeking to undertake an activity involving local government discretion or it is reasonable to believe the donor intends to do so; and
 - c. Elections gifts.
7. Elected member and employee obligations are now included and referenced in the revised policy at Attachment 1 - Electoral Gift (Donations) and Closely Associated Persons (Cause & Effect).

What happens when my contributor wants a decision from council?

8. Once an elected member has accepted any contributions that require disclosure in either the Electoral Gift Register or your Annual Return the contributor(s) become 'closely associated' with the elected member under section 5.62 of the Act.
9. That means that any financial interest they have in a matter before council is a financial interest.
10. Donors of gifts disclosed in the Gift Register under the Rules of Conduct will not be considered 'closely associated', unless the value of their gifts in a particular financial year exceeds the \$200 which requires disclosure in the council member's Annual Return.
11. Therefore, when accepting gifts of any kind, elected members need to consider the potential impact on their ability to take part in decision making processes, because ultimately, making decisions is an essential part of an elected member's role.

Result of failure to disclose a Financial Interest

12. Failure to disclose a financial interest is prescribed as a serious breach under the Act.
13. Serious breaches are dealt with by the State Administration Tribunal (SAT) upon referral from the Department of Local Government's CEO as designated under section 5.114 of the Act.
14. If it appears to a local government's Complaints Officer (CEO), that a complaint a person seeks to make under section 5.107 (minor breach) discloses a serious breach, the complaints officer is required to send the complaint to the Department of Local Government's CEO.
15. The complaint may be sent to the Local Government's Complaints Officer (CEO) or sent directly to the Department of Local Government CEO.

Administrative amendments

16. To ensure consistency of language the following terms were amended:
 - a. the term "elected member" replaced with the term "Council Members"; and
 - b. the term "employee" replaced with "staff".

GOVERNMENT & PUBLIC CONSULTATION

17. Public: Not applicable.
18. Government: Amendments based on Department of Local Government, Governance Bulletins in regards to changes to gift reporting.

STATUTORY IMPLICATIONS

19. Detailed in the discussion section of the report.

POLICY IMPLICATIONS

20. Clause 2.7 of the Act outlines the role of Council, which specifically includes determining the local government's policies (Clause 2.7(2)(b)).
21. Under section 5.103 of the Act, every local government is to adopt a code of conduct to be observed by council members, committee members and employees.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. Revised policy position is not adopted. Policy position is inconsistent with legislation. Opportunity. Facilitates updating elected members and employees on their individual obligations in regards to gift reporting.	Possible	Moderate	Medium	City officers address areas of concern and re-present for approval. Policy positions reviewed against applicable legislation and DLG guidance bulletins.

FINANCIAL IMPLICATIONS

23. There are no financial implications related to this report.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations associated with this report.

ALTERNATE OPTIONS

26. Council may determine to:
 - a. Not adopt the revised Policy; or
 - b. Adopt the policy with minor amendments.
27. If more than minor changes are proposed, it is recommended that the proposed policy is referred back to Committee for further review.

CONCLUSION

28. It is recommended that the Responsible Officer's Recommendation be adopted.

Consulted References	:	• <i>Local Government Act 1995</i> • <i>Local Government (Administration) Regulations 1996</i> • <i>Local Government (Rules of Conduct) Regulations 2007</i> • <i>Equal Opportunity Act 1984</i> • <i>Public Interest Disclosure Act 2003</i> • <i>City Policy: Employee Code of Conduct</i>
File Number (Name of Ward)	:	CM.STD.7 (All)
Previous Reference	:	OCM 28/04/2015 Resolution CSF159.

WS108: MIDDLETON BEACH GROUP – INSTALLATION OF ARTWORKS / ENTRY STATEMENT - EYRE PARK

Land Description	: Eyre Park, Middleton Beach
Proponent / Owner	: City of Albany
Attachments	: N/A
Supplementary Information & Councillor Workstation	: N/A
Report Prepared by	: Coordinator Developed Reserves (J Freeman)
Responsible Officer	: Executive Director Works and Services (M Thomson)

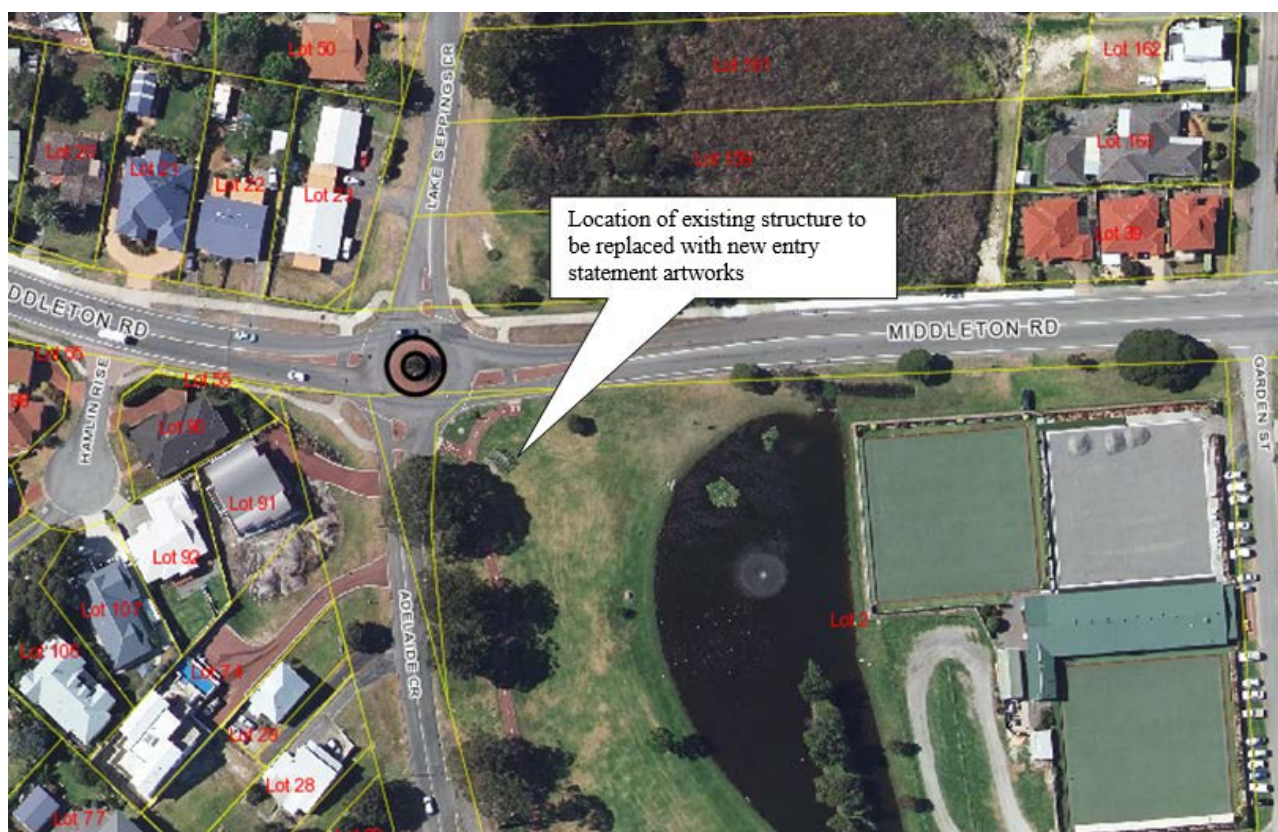
Responsible Officer's Signature:



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. **Strategy:** 2.2.1 Asset Management

Maps and Diagrams: Project Location





Existing structure - stone pillars are to remain



Artist's Impression of preferred artworks on site.

In Brief:

- The Middleton Beach Group (MBG) has approached the City on numerous occasions to install an entry statement for Middleton Beach.
- This was identified in the adopted Coastal Parks Enhancement Plan (CPEP) in 2014.
- This matter is being reconsidered after being deferred by Council in order to further discuss the proposed location.

RECOMMENDATION

**WS108: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council REJECT the proposal from the Middleton Beach Group to install Artworks/Entry Statement at Eyre Park on the basis that:

- 1. The project is currently unfunded; and**
- 2. The option remains that the proposal can be resubmitted and assessed as a public art project under the Art in the Public Domain Policy (currently being developed) in future.**

WS108: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SHANHUN
SECONDED: MAYOR WELLINGTON**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS108: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council REJECT the proposal from the Middleton Beach Group to install Artworks/Entry Statement at Eyre Park on the basis that:

- 1. The project is currently unfunded; and**
- 2. The option remains that the proposal can be resubmitted and assessed as a public art project under the Art in the Public Domain Policy (currently being developed) in future.**

BACKGROUND

2. At the Ordinary Council Meeting in May 2016, Council considered this item (WS108) and the following resolution was made:

“THAT this item be DEFERRED in order to further discuss the proposed location.”
3. This reason for the deferral was that the City’s Sign Policy was under review, and consideration should be given to including guidance around the installation of entry signage to ensure uniformity and appropriateness of entry statements for the City, instead of taking an ad hoc approach.
4. City staff have been working through this issue and it is considered that in future more rigour and process is needed in such instances and that this particular request would suit processes within a Public Art policy.
5. The City is currently developing the Council Policy - Art in the Public Domain.
6. The MBG provided funding to develop a concept design as shown, and the City provided support with seeking submissions and assessing the artworks that were presented.

DISCUSSION

7. City staff will continue to work with the MBG to either determine a more suitable location and/or review the proposal. If a resubmission is to be made it will be done so as a public art project and will follow the relevant process noting that the Art in the Domain public art policy is being developed.
8. At this stage the MBG have been unsuccessful in securing external funding for the project and therefore at this stage it is considered appropriate to reject the proposal noting that a resubmission may be made in future, most likely in a revised format.

GOVERNMENT & PUBLIC CONSULTATION

9. The original design was referred to State Heritage and local Noongar representatives as part of an update within the CPEP. The MBG has also undertaken some consultation with Noongars to assist with MBG funding application.
10. The broader community and internal staff were consulted as part of the larger CPEP in 2014. It was noted as a part of this consultation that the Middleton Beach Group wished to develop an entry statement to the Middleton Beach precinct.

STATUTORY IMPLICATIONS

11. No implications.

POLICY IMPLICATIONS

12. No implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation Adverse impact on relationship with community group (MBG) if expectations are not met concerning proposal.	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	City staff to continue working with MBG with regard to this proposal.
Opportunity: To assess proposals using the proposed Art in the Public Domain policy and guidelines.	-	-	-	-

FINANCIAL IMPLICATIONS

14. As the proposal is recommended to be rejected there are no financial implications.
15. The Middleton Beach Group have been unsuccessful in their external funding applications.

LEGAL IMPLICATIONS

16. No implications.

ENVIRONMENTAL CONSIDERATIONS

17. There are no environmental considerations in relation to this project.

ALTERNATE OPTIONS

18. Council may choose to proceed with the original proposal from the Middleton Beach Group.

SUMMARY CONCLUSION

19. This report recommends that the proposal from the Middleton Beach Group be refused. The matter may be reassessed or reconsidered under a Public Art Policy (currently under review).

Consulted References	:	Coastal Parks Enhancement Plan
File Number (Name of Ward)	:	PR.DEC .9 (Frederickstown)
Previous Reference	:	OCM 24/05/2016 Resolution WS108 (Decision Deferred)

WS112: CONTRACT C16017 – NORWOOD ROAD (SLK 1.1 – 2.4) WIDENING AND RECONSTRUCTION

Land Description	: Norwood Road, Lower King & King River
Proponent	: City of Albany
Owner	: City of Albany
Attachments	: Confidential Briefing Note
Supplementary Information & Councillor Workstation:	: N/A
Report Prepared by	: Senior Engineering Officer (A Greenwood)
Responsible Officer	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:

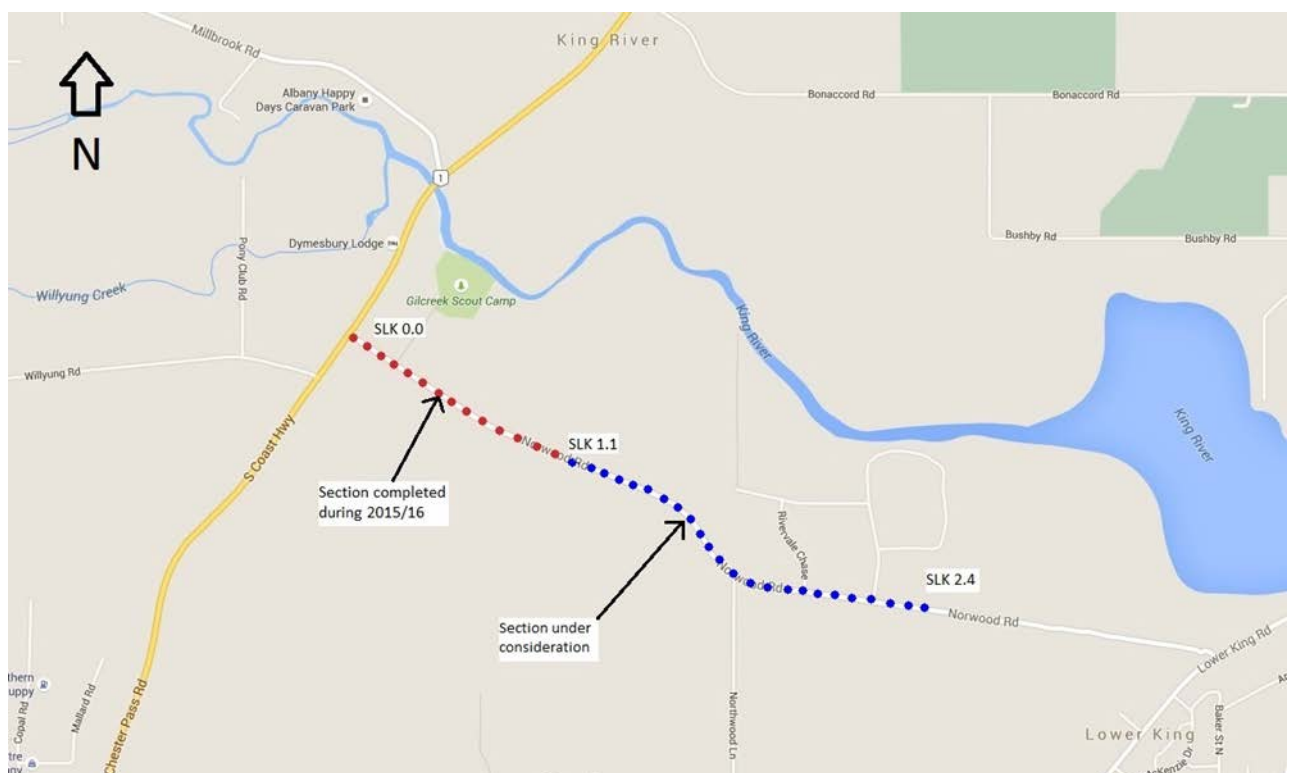


STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 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

Maps and Diagrams:

Location Plan.



In Brief:

- Tender award for the widening and reconstruction of 1.3km of Norwood Road.
- 6 complying tenders received with AD Contractors the recommended contractor.
- Construction is scheduled to commence in October 2016 with completion by end of January 2017.

RECOMMENDATION

**WS112: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ACCEPT the tender from AD Contractors and award contract C16017 Norwood Road (SLK 1.1 - 2.4) Widening & Reconstruction.

WS112: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SHANHUN**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS112: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from AD Contractors and award contract C16017 Norwood Road (SLK 1.1 - 2.4) Widening & Reconstruction.

BACKGROUND

2. Last year Norwood Road from Chester Pass Road for a distance of 1.1km was upgraded to modern standards with improved road width, vertical geometry and drainage. This current stage continues the upgrade and is 1.3km long.
3. Design and specification documentation was prepared by external consultants to the stage of "Issue for Tender". The tender was open from 3 August to 24 August 2016.

DISCUSSION

4. A total of 29 tender documents were issued by the City of Albany.
5. Six completed tender documents were submitted on or before the stipulated closing date and time.
6. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	20%
Relevant Experience	20%
Key Personnel Skills & Experience	20%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Corporate Social Responsibility	10%
Total	100%

7. The following table summarises the top tenderers and their weighted scores:

Tenderers	Weighted Score
AD Contractors	721.67
Tenderer B	692.83
Tenderer C	609.95
Tenderer D	550.06
Tenderer E	535.73
Tenderer F	496.67

GOVERNMENT & PUBLIC CONSULTATION

8. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the project.
9. A request for tenders was published in the West Australian on 3 August 2016 and the Albany Weekender on 4 August 2016.

STATUTORY IMPLICATIONS

10. 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 \$150,000.
11. 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.
12. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

13. Council's Purchasing Policy (Tenders and Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety A vehicle accident occurs due to poor geometry and narrow road width.	Possible	Major	High	Continue upgrading road as funding is available.
Finance Non-compliance with contract or business failure	Unlikely	Moderate	Medium	Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.

FINANCIAL IMPLICATIONS

15. The value of this tender is in excess of \$500,000 and therefore the approval is referred to Council for consideration.
16. Funding for this project has been received from Regional Road Group. Funds have also been allocated in the 2016-2017 budget.
17. Total budget for the contract is \$600,000 and the recommended tender is within budget.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

19. Some clearing of native vegetation will take place to accommodate the proposed road widening and associated roadside open drainage.
20. An Environmental Impact Assessment has been undertaken by a City of Albany Reserves Officer. No declared rare fauna were identified within the area of the proposed works.
21. Approval to clear native vegetation has been obtained from the Department of Environment Regulation.

ALTERNATE OPTIONS

22. Council can accept or reject tenders as submitted.

SUMMARY CONCLUSION

23. On reviewing the submissions, the evaluation team assessed AD Contractors as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, key personnel (skills & experience), tenderer's resources, demonstrated understanding and corporate social responsibility. AD Contractors are recommended to be awarded the Norwood Road contract.

Consulted References	:	• <i>Local Government (Functions and General) Regulations 1995</i> • Council Policy – Purchasing • Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C16017 (Kalgan Ward, Yakamia Ward)
Previous Reference	:	Not applicable

WS113: C16016 PANEL OF SUPPLIERS – SURVEY SERVICES

Land Description	: N/A
Proponent / Owner	: City of Albany
Attachments	: Confidential Briefing Note
Supplementary Information & Councillor Workstation	: N/A
Report Prepared By	: Senior Civil Engineering Officer (Andrew Greenwood)
Responsible Officers:	: 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 Objectives:** 2.2 To maintain and renew city assets in a sustainable manner.
 - c. **Strategy:** 2.2.1 Asset Management

In Brief:

- Council consideration is sought to accept tenders and appoint preferred contractors for Survey Services.
- It is proposed to have a panel of suppliers where the supplier with the lowest cost for the required type of survey is approached to undertake the work with subsequent tenderers (in order) approached when the default surveyor is not available.

RECOMMENDATION

**WS113: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Survey Services, and award Contract C16016 to the following Suppliers under a 3-year contract:

- **Harley Dykstra**
- **Albany Mapping and Surveying Services**
- **John Kinnear & Associates**
- **35 Degrees South**
- **Caldwell Land Surveys**

WS113: RESPONSIBLE OFFICER RECOMMENDATION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

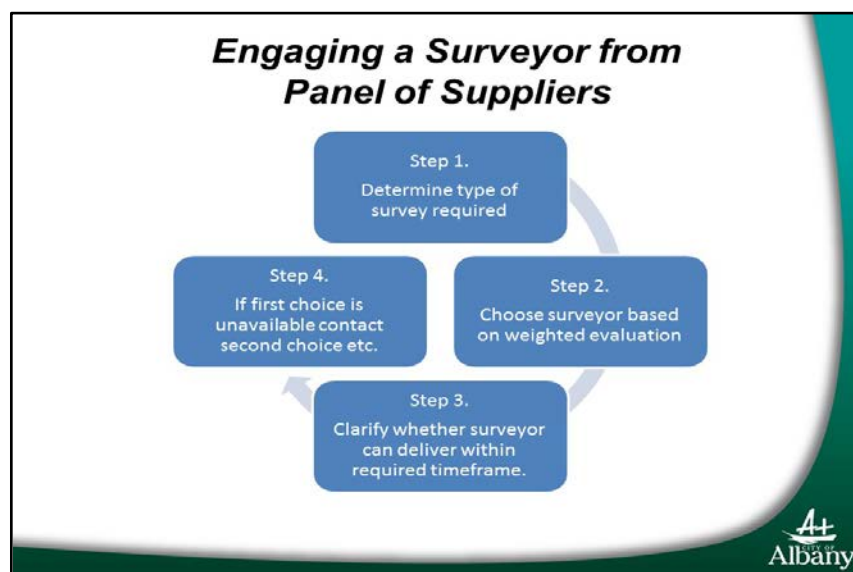
WS113: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Survey Services, and award Contract C16016 to the following Suppliers under a 3-year contract:

- Harley Dykstra
- Albany Mapping and Surveying Services
- John Kinnear & Associates
- 35 Degrees South
- Caldwell Land Surveys

BACKGROUND

2. The City of Albany is seeking to re-establish a 'Panel of Suppliers' for the supply of survey services under a 3-year contract.
3. This Panel of Suppliers shall consist of Licensed Surveyors able to offer a range of surveying services including:
 - Volume surveys
 - Engineering surveys
 - Cadastral surveys
 - As constructed surveys
 - GPS surveys
 - Preparation of lease drawings
 - Subdivisional works
4. This Panel shall be Council's preferred suppliers and requests for survey work shall be directed to members of this Panel before all other.
5. Surveyors will be selected from the panel dependent on the type of survey work required by the City and utilising the following methodology.



DISCUSSION

6. A total of 25 tender documents were issued.
7. Tenders were asked to provide rates for different types of survey work. These preferred suppliers will be used on an “as and when” required basis with no guarantee of the amount of work required by the City of Albany.
8. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weighting
Cost	35
Relevant Experience	20
Key Personnel Skills and Experience	20
Tenderer’s Resources	10
Demonstrated Understanding	10
Corporate Social Responsibility	5
Total	100

9. Tenderers were required to submit hourly rates for different types of survey work as well as rates for travel expenses, office time, and provision of survey data in electronic format compliant with CoA software requirements.
10. Ten completed tender documents were submitted on or before the stipulated closing date and time. The City intends to appoint up to 5 Contractors to the Panel of Suppliers.
11. The following tables summarise the tenderers and overall evaluation scores applicable to each category of survey work based on an 8 hour working day. The hourly rates for each category have not been included in the tables as these are “commercial in confidence” and will not be made publicly available.

Volume Survey – Field Survey Team	
Tenderer	Ranking based on weighted evaluation
John Kinnear & Associates	1
35 Degrees South	2
Albany Mapping & Surveying Services	3
Harley Dykstra	4
Caldwell Land Surveys	5

Engineering Survey Team	
Tenderer	Ranking based on weighted evaluation
John Kinnear & Associates	1
Albany Mapping & Surveying Services	2
Harley Dykstra	3
35 Degrees South	4
Caldwell Land Surveys	5

Licensed Surveyor – Cadastral Survey	
Tenderer	Ranking based on weighted evaluation
John Kinnear & Associates	1
Albany Mapping & Surveying Services	2
Harley Dykstra	3
Caldwell Land Surveys	4
35 Degrees South	5

As Constructed Survey	
Tenderer	Ranking based on weighted evaluation
John Kinnear & Associates	1
Albany Mapping & Surveying Services	2
Harley Dykstra	3
35 Degrees South	4
Caldwell Land Surveys	5

GPS Survey to Requirements	
Tenderer	Ranking based on weighted evaluation
Harley Dykstra	1
John Kinnear & Associates	2
35 Degrees South	3
Albany Mapping & Surveying Services	4
Caldwell Land Surveys	5

Preparation of Lease Drawings	
Tenderer	Ranking based on weighted evaluation
Albany Mapping & Surveying Services	1
Harley Dykstra	2
35 Degrees South	3
John Kinnear & Associates	4
Caldwell Land Surveys	5

Sub-Divisional Works	
Tenderer	Ranking based on weighted evaluation
John Kinnear & Associates	1
Albany Mapping & Surveying Services	2
Harley Dykstra	3
Caldwell Land Surveys	4
35 Degrees South	5

12. Should there be a requirement for other survey services not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.

GOVERNMENT & PUBLIC CONSULTATION

13. A request for tenders was published in the West Australian on 22 June 2016 and the Albany Weekender on 23 April 2016.

STATUTORY IMPLICATIONS

14. 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 worth more than \$150,000.00.
15. 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.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations: Panel of suppliers may delay the capital works and maintenance programme.	Unlikely	Major	High	Address concerns to allow panel of suppliers (contract) to be awarded so survey services are available without the need to procure services on a per-project basis.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes.
Legal & Compliance. 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.
Reputation. The Communities expectation of completion of capital works or maintenance programmes.	Possible	Insignificant	Low	Community are advised of any work delays.

FINANCIAL IMPLICATIONS

19. The value of this tender is in excess of \$500,000 (current CEO delegation) and therefore the approval is referred to Council for consideration.
20. Tenderers were required to provide a schedule of rates for their services. The provision of survey services for a particular project is budgeted for within the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

21. There are no legal implications related to report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

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

CONCLUSION

24. This report recommends that tenders be accepted from Harley Dykstra, Albany Mapping and Surveying Services, John Kinnear & Associates, 35 Degrees South and Caldwell Land Surveys and contracts be awarded under a Panel of Suppliers arrangement.

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)	:	C16016
Previous Reference	:	C13012

**WS114: WASTE MINIMISATION - REGIONAL PARTNERSHIP -
MEMORANDUM OF UNDERSTANDING**

Land Description : City of Albany
Proponent / Owner : City of Albany
Attachments : Proposed Waste Minimisation – Regional Partnership -
Memorandum of Understanding (MOU)
Supplementary Information & Councillor Workstation : Nil
Report Prepared By : Waste Sustainability Officer (S. Parker)
Responsible Officers: : 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 Objectives:** 2.2 To advocate for and support 'green initiatives' within our region
 - c. **Strategy:** 2.2.1 encouraging increased energy efficiency and sustainable waste management practices.

In Brief:

- The City of Albany Regional Waste Strategic Plan 2014 identified the action to work collaboratively with neighbouring Local Governments on waste management issues.
- The City of Albany has reinvigorated regional discussions with Shires of Denmark and Plantagenet and presents a draft Memorandum of Understanding (MOU) between the Local Government areas for Council consideration (attachment 1).
- The MOU fits within the Lower Great Southern Alliance model formed in July 2016.
- Any further joint waste management service delivery resulting from this partnership would be presented to Council for consideration.

RECOMMENDATION

WS114: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- (1) **ENDORSE** the Waste Minimisation – Regional Partnership - Memorandum of Understanding (MOU) between the Shire of Denmark, Shire of Plantagenet and City of Albany.
- (2) **NOTE** that the MOU is complimentary to the Strategic Regional Economic Alliance (Lower Great Southern Alliance).

WS114: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR SHANHUN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS114: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) ENDORSE the Waste Minimisation – Regional Partnership - Memorandum of Understanding (MOU) between the Shire of Denmark, Shire of Plantagenet and City of Albany.
- (2) NOTE that the MOU is complimentary to the Strategic Regional Economic Alliance (Lower Great Southern Alliance).

BACKGROUND

2. In 2014 the City of Albany commissioned and adopted the Regional Waste Strategic Plan (2014 – 2018), the objectives of which were:
 - Undertake an analysis of waste management practises in the Lower Great Southern Region in particular Denmark, Plantagenet and Albany.
 - To confirm current waste infrastructure and levels of service.
 - To identify priority actions and associated costs and timelines to incrementally improve waste management in the local government areas.
 - To form partnerships with other local governments, businesses and industry to achieve economies of scale where feasible.
 - To increase community awareness, appreciation and responsiveness to waste related issues.
 - To assign actions, costs and timelines.
 - To define a performance monitoring and review schedule.
3. In July 2016 the City reinvigorated discussions between the Shire of Plantagenet and the Shire of Denmark in regards to working together on regional waste issues under the alliance model and in accordance with the Strategic Plan.
4. This has built on previous discussions and negotiations over recent for the City's neighbouring councils to work more closely on waste management. It is a key action area of the City's Strategic Waste Management Plan.
5. Over the last 3 months the City has facilitated meetings between Plantagenet and Denmark which have resulted in the drafting of a MOU (attachment 1).
6. Council endorsement of the MOU is now sought, with approval given for the CEO to sign the MOU on behalf of the City of Albany.
7. This MOU will guide the work of the group of Councils and provide surety that the group will work together for mutually beneficial outcomes going forward.

DISCUSSION

8. The City of Albany has a history of working together with its neighbouring Councils to deliver better results for the community and the move to work together on waste issues is no exception.
9. The partnership between the three local governments acknowledges that the collection, treatment and disposal of domestic and commercial waste across the sub-region falls within intent and direction of both the Regional Waste Strategic Plan as well as each Councils strategic direction. It also offers economies of scale and good management practice.
10. The draft MOU for the Regional Waste Group will focus the activities of the group and will last for one year periods with the option for review if needed. The activities will include:
 - a. Develop a consistent approach to the collection, treatment and disposal of domestic and commercial waste.
 - b. Investigate emerging technologies relating to waste treatment, including but not limited to, Pyrolytic conversion, anaerobic digestion, gasification, composting, bio-conversion of bio-mass, refuse derived fuel and incineration.
 - c. Investigate the potential need and possible development of a regional landfill site which may include existing sites within the sub-regional area or new sites both within and without of the sub-regional area.
 - d. Improve recycling and re-use in the sub-regional area.
 - e. Develop efficiencies for the treatment of waste which may include the location of transfer stations, pre-treatment of waste (eg baling), home composting and home strategies for reduction of the waste stream.
 - f. Develop education programs in the sub-region to develop knowledge of the waste stream, treatment and recycling to encourage positive attitudes towards efficiencies in waste treatment.
 - g. Allocate sufficient funds for the implementation of the strategies set out in this agreement. Funding would be subject to budgetary constraints and the agreement of parties to the division of costs.
 - h. Review this agreement annually and amend as required to achieve the desired outcome.
11. Based on initial discussions at the group meetings, the first step to progress working together would be to undertake a study of the specific waste management options available for further investigation as a region. Likely content would include a review of new technologies in the waste management space, the viability of pursuing these based on the volume of regional waste produced, funding mechanisms and next steps to progress.

GOVERNMENT & PUBLIC CONSULTATION

12. Consultation was conducted in preparation of this report with the Shires of Denmark and Plantagenet.

STATUTORY IMPLICATIONS

13. Voting requirement is absolute majority and delegation will be acted for the Chief Executive Officer to sign the MOU.

POLICY IMPLICATIONS

14. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations. The City requires solutions for future proofing waste management. Working independently may reduce options in the future.	Likely	Moderate	High	Seek Council endorsement of the MOU and commence working on Regional Waste Group projects.
Reputation & Financial. Proposed regional partnership is not endorsed and Council's working relations are damaged. Resulting in delayed decision making around waste management options.	Likely	Moderate	High	Seek Council endorsement and communicate decision to the Regional Waste Group.

FINANCIAL IMPLICATIONS

16. There has been no specific budget allocation for regional waste partnerships, however there is sufficient funds within the Operational Waste Budget to cover contributions to the group's activities.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

18. In recognising the importance of thorough management the City endorsed the Strategic Waste Management Plan in 2014 to guide the future direction of waste disposal. The Regional Waste Group will maximise future solutions for waste management and offer the potential for the City to embrace a range of new technologies and approaches that may otherwise not be viable working independently.

ALTERNATE OPTIONS

19. Council may elect to proceed with a proposal not listed in this report.

CONCLUSION

20. A key action area of the Regional Strategic Waste Management Plan 2014 is to investigate work together on key waste management issues.
21. The City has reinvigorated regional collaboration and the draft MOU for the Regional Waste Group is presented for Council consideration.
22. Council is requested to endorse approval for the CEO to sign the MOU so that the next steps in working towards a regional approach for waste management can commence.

Consulted References	:	CM.STD.6 – Strategic Waste Management
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 24/09/2013 - Adoption of the Strategic Waste Management Plan

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 Nil
17. MEETING CLOSED TO PUBLIC
18. CLOSURE