



MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 16th December 2003
7.30pm
City of Albany - Mercer Road Office**

City of Albany

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Signed _____

Date: 11th December 2003

Andrew Hammond
Chief Executive Officer

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Prior to the opening of the meeting, newly elected Councillor John Jamieson was sworn in by John Simpson, JP.

1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.32pm and extended a welcome to all present.

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor	-	A Goode, JP
Councillors	-	MJ Evans, JP
	-	AHM Demarteau
	-	DJ Wolfe
	-	DW Wellington
	-	JD Williams
	-	RH Emery
	-	J Waterman
	-	P Lionetti
	-	E Barton
	-	I West
	-	R Paver
	-	G Sankey
	-	J Jamieson

Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	B Joynes
Executive Director Development Services	-	R Fenn
Minute Secretary	-	S Day
Approximately 30 members of the public		
3 media representatives		

Apologies / Leave of Absence:

Councillors	-	SM Bojcun
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3.0 OPENING PRAYER

Mayor Goode read the opening prayer.

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

Council’s Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address

clear and concise questions to Her Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

***C Bales**

Mr Bales addressed the Council in regard to a retaining wall on Festing Street and believes the Council has an obligation to resolve this issue.

***D Hooper**

Mr Hooper addressed Council in regard to item 11.3.2. Mr Hooper is concerned on what another major development would do to Albany. Currently we have 12% retail/shop vacancies within Albany. He is asking for additional time to research the impact further.

Councillor Lionetti left the Chambers at 7.40

***S Wallace**

Mr Wallace addressed Council in regard to item 12.2.3 and asked that Council endorse the recommendation presented to Council in regard to the Emu Point Slipway. He believes the upgrade and installation of a Tammy Lift is overdue and will be a great benefit to the Southern Coast.

Councillor Lionetti returned to the Chambers at 7.42

***M Lambert**

Mr Lambert addressed Council in regard to item 11.3.2 and believes that there is already too much pressure to fill existing shop/retail areas and asked Council, if Albany really needs another centre?

***T Harrison**

Mr Harrison addressed Council in regard to two issues:-

1. He had received a complaint from an acquaintance regarding a Cherry farm and a bird alarm. He asked Council to address this issue when it was submitted.
2. He believes that Council has an adhoc approach towards the development within Albany, and wondered whether the design of the new administration offices was solar passive.

*** H Korthuis**

Mr Korthuis addressed Council in regard to recent tenders submitted to Council by All Road Fabrications and questioned the evaluation process.

***C Jamieson**

Ms Jamieson advised Council that if Council appoints a non local company to do the recycling, it will push local and smaller recycling businesses out of business.

6.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

6.1 Ordinary & Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 18th November 2003; and as previously distributed be confirmed as a true and accurate record of proceedings subject to the following changes:
 - i) Item 11.1.1 The proponent to this item is “Eric Harley” rather than “Eric Harley & Frenchman Bay Progress Association”;
 - ii) Any reference to the “Frenchman Bay Progress Association” should be replaced with and referred to as the “Frenchman Bay Association Inc.”.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT the following minutes:

- **Ordinary Council meeting held on 18th November 2003; and as previously distributed be confirmed as a true and accurate record of proceedings subject to the following changes:**
 - i) Item 11.1.1 The proponent to this item is “Eric Harley” rather than “Eric Harley & Frenchman Bay Progress Association”;**
 - ii) Any reference to the “Frenchman Bay Progress Association” should be replaced with and referred to as the “Frenchman Bay Association Inc.”.**

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

NIL.

8.0 DECLARATIONS OF FINANCIAL INTEREST

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

Councillor Paul Lionetti – Item 11.3.2 – Initiate scheme amendment - Lot 60, Albany Hwy and Lot 40 Stead Rd

Councillor Paul Lionetti – Item 11.1.1 – Application for Planning Scheme Consent – Bar Cino - 338-340 Middleton Road, Albany

Councillor Elizabeth Barton – Item 11.3.2 – Initiate scheme amendment – Lot 60, Albany Hwy and Lot 40 Stead Rd

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council suspend Standing Orders 2.1 (1) and 2.2 (1) to allow discussion regarding the Mayoral duties.

MOTION LOST 6-8

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

Development Services

REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Application for Planning Scheme Consent – Bar Cino - 338-340 Middleton Road, Albany

- File/Ward** : A158615 (Frederickstown Ward)
- Proposal/Issue** : Proposed Tavern and application for Section 40 Certificate to sell liquor without meals in accordance with the ‘Tavern Licence’ prescribed under the Liquor Licensing Act.
- Subject Land/Locality** : Lot 17, (338-340) Middleton Road, Albany
- Proponent** : Concept Building Design & Drafting
- Owner** : Frank Forgione
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To conditionally approve the application
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received from Concept Building Design and Drafting for a ‘Tavern’ at Lot 17 (#338-340) Middleton Road, Albany.
2. In addition to the above, the applicant is also seeking Council’s support for a ‘Tavern Licence’ under the Liquor Licensing Act 1988, which would allow the sale of alcohol without the requirement to serve meals.
3. The property currently operates as Bar Cino, which was approved by Council as a ‘Restaurant’ on 22 June 2001. The property has been granted a ‘Restaurant Licence’ by the Department of Racing, Gaming and Liquor, with Council’s support, allowing alcohol to be served with meals.
4. Council has also previously approved a 12m² alfresco area outside of Bar Cino (within the road reserve), however the conditions of approval do not allow the consumption of any liquor within this area.
5. As the restaurant use is to be continued, approval for the Tavern would not extinguish the requirement to comply with existing conditions.

STATUTORY REQUIREMENTS

6. Within Town Planning Scheme No. 1A, the use ‘Tavern’ is a permitted use within the Central Area zone, meaning the proposal has an “as of right” approval provided any preconditions are met.
7. Although Council would find it difficult to refuse the use, conditions can be placed on the planning scheme consent in order to address any concerns that Council may have.

POLICY IMPLICATIONS

8. Under the Development Guidelines associated with Town Planning Scheme No. 1A, specifically Guideline 1, any applications involving a licensed premises, where the serving of alcohol would be the predominant use, is required to be referred to an ordinary meeting of Council.

FINANCIAL IMPLICATIONS

9. There are no financial implications related to this item.

STRATEGIC IMPLICATIONS

10. There are no strategic implications related to this item.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

COMMENT/DISCUSSION

11. The proposal would allow any person over 18 years of age, who meets the entrance requirements of Bar Cino, to purchase and consume liquor on the premises without the requirement to have a meal. Under the permitted hours associated with a ‘Tavern Licence’ this would be able to occur from 6am to 12pm midnight (Monday to Saturday) and from 10am to 10pm on Sundays.
12. Whilst the applicant has not indicated whether the type of entertainment on the site will change (ie. the introduction of live bands) to reflect the upgrade to the liquor licence, it is recommended that a condition be placed on the approval stating that no activities are to be conducted within the building which are detrimental to the amenity of the area. Although the building is not within a residential area, loud music has the ability to travel long distances, thereby affecting the amenity of surrounding areas. Should such activities occur, the issue of noise may need to be monitored by Council to ensure compliance with the appropriate noise regulations.
13. As the area is defined by a number of retail outlets and is fronting a high usage road (Middleton Road), it is recommended that the ‘Tavern Licence’ only be applicable to the internal fabric of the building, and not the alfresco area; complaints were received from the aged persons units in Middleton Road when a nightclub operated from within the same building.

RECOMMENDATION

THAT Council resolves to:

- i) issue Planning Scheme Consent for Bar Cino to operate as a ‘Tavern’ on Lot 17 (338-340) Middleton Road, Albany, subject to the following conditions:
 - (a) the consumption of liquor is only to occur within the internal fabric of the building, and not within the alfresco area fronting the building;
 - (b) no activities are to be conducted within the approved structure that may cause or are likely to be a detriment to the amenity of that area by reason of unreasonable noise, vibration, smell, fumes or smoke being emitted from the premises;
 - (c) the conditions applied to the premises within Planning Scheme Consent P215114 (for the Restaurant) remaining valid; and
- ii) issue a Section 40 Certificate for a ‘Tavern Licence’ at Lot 17 (338-340) Middleton Road, Albany, subject to the above condition of planning scheme consent being drawn to the attention of the Department of Racing, Gaming and Liquor.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

Councillor Lionetti declared an interest and left the Chambers at 7.59pm.
The nature of Councillor Lionetti's interest is that he is a proprietor of the London Hotel .

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council resolves to:

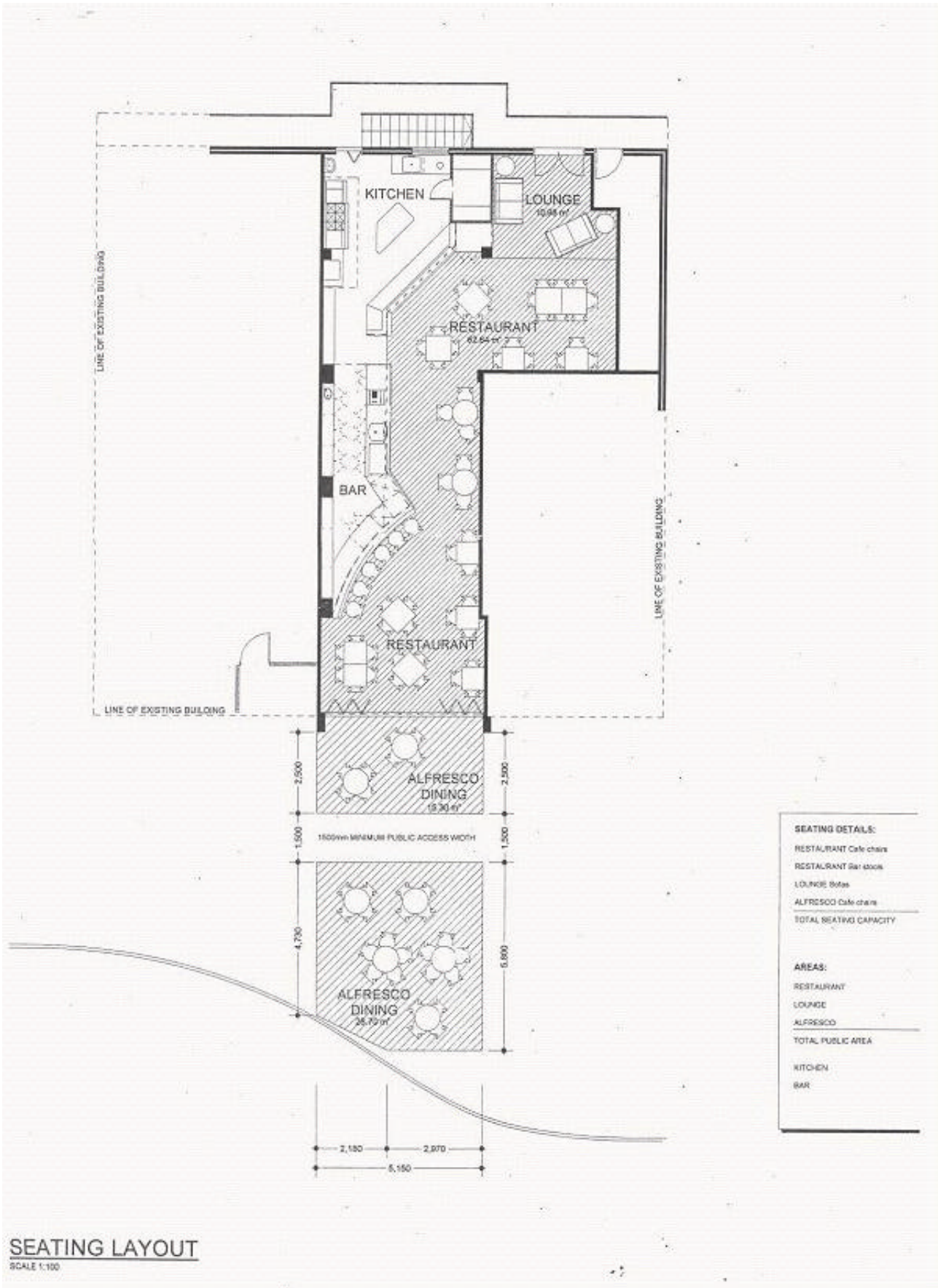
- i) issue Planning Scheme Consent for Bar Cino to operate as a 'Tavern' on Lot 17 (338-340) Middleton Road, Albany, subject to the following conditions:**
 - a) the consumption of liquor is only to occur within the internal fabric of the building, and not within the alfresco area fronting the building;**
 - b) no activities are to be conducted within the approved structure that may cause or are likely to be a detriment to the amenity of that area by reason of unreasonable noise, vibration, smell, fumes or smoke being emitted from the premises;**
 - c) the conditions applied to the premises within Planning Scheme Consent P215114 (for the Restaurant) remaining valid; and**
- ii) issue a Section 40 Certificate for a 'Tavern Licence' at Lot 17 (338-340) Middleton Road, Albany, subject to the above condition of planning scheme consent being drawn to the attention of the Department of Racing, Gaming and Liquor.**

MOTION CARRIED 9-4

Councillor Lionetti returned to the chambers at 8.02pm.

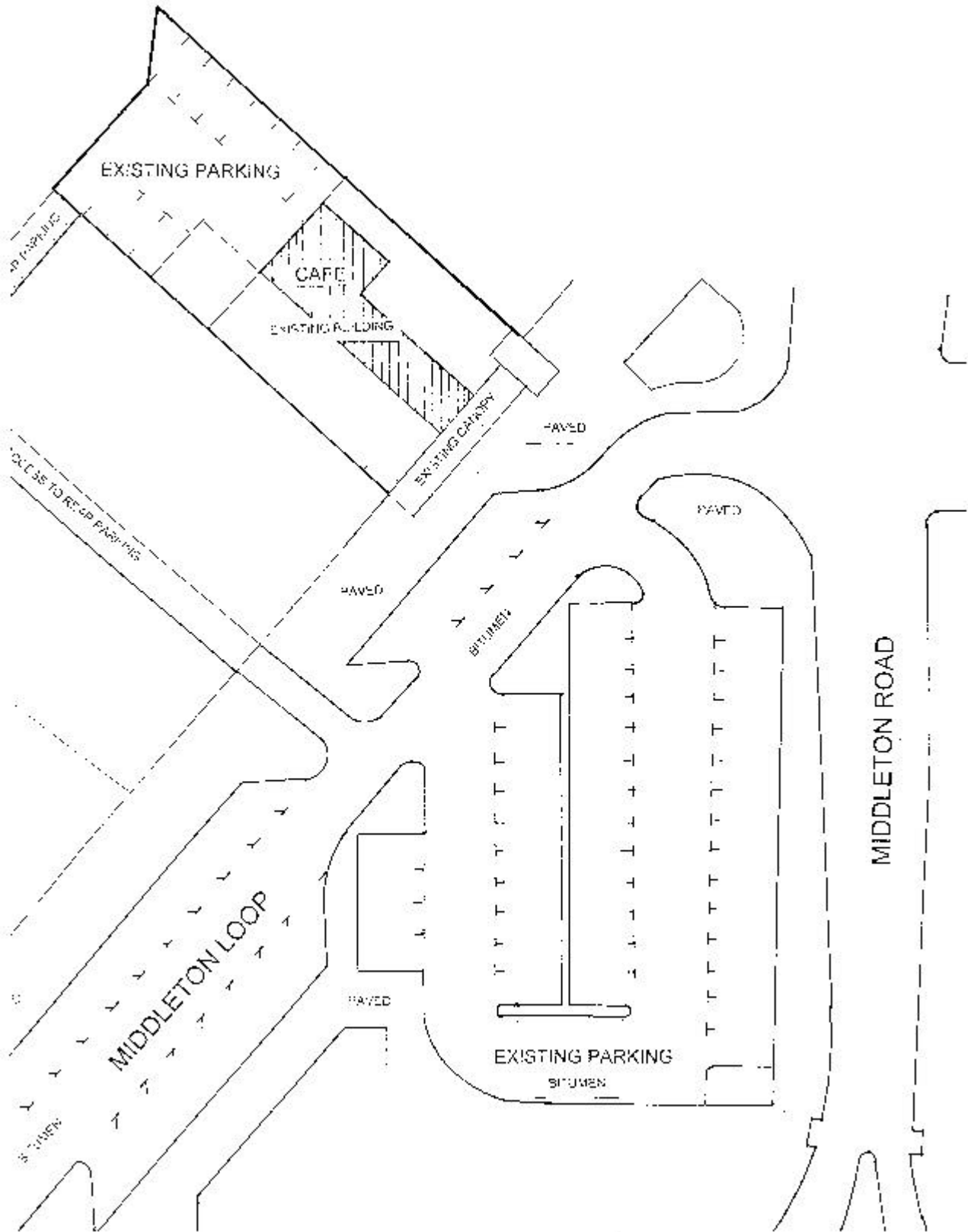
ORDINARY COUNCIL MEETING – 16/12/03
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

11.1.2 Application for Planning Scheme Consent – City of Albany – Lot 4743 North Road, Yakamia

File/Ward : A133940 / P235428 (Yakamia)

Proposal/Issue : Council Administration Building

Subject Land/Locality : Location 4743 North Road, Yakamia

Proponent : City of Albany

Owner : City of Albany

Reporting Officer(s) : Manager Development (M Selby)

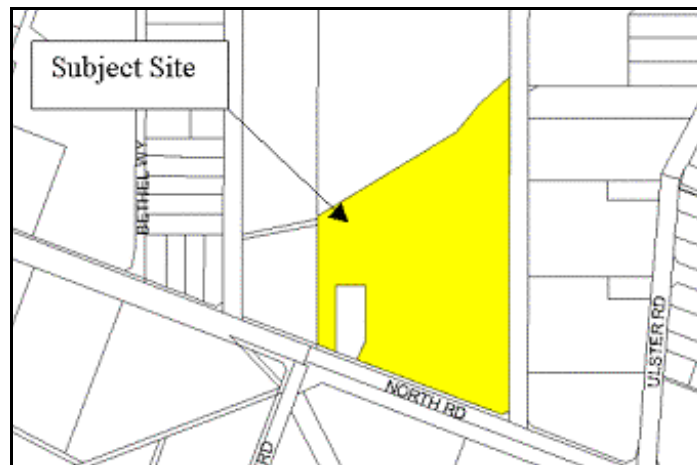
Disclosure of Interest : Nil

Previous Reference : N/A

Summary Recommendation : Approve proposal

Bulletin Attachment : Site Plan

Locality Plan :



Item 11.1.2 continued

BACKGROUND

1. Council has previously undertaken a rezoning of the North Road site (former Town of Albany Depot site), to permit the relocation of the Administration Centre. That amendment was gazetted earlier in 2003.

STATUTORY REQUIREMENTS

2. Approval is required to be granted by Council to the application under Town Planning Scheme No 1A. The use of Civic Building is a permitted use, over the base zoning of Residential.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this granting of the Planning Scheme Consent.

STRATEGIC IMPLICATIONS

5. There are no strategic implications relating to this item.

COMMENT/DISCUSSION

6. The application before Council is the last process under the Council's Planning framework and precedes the issuing of a Building Licence and actual construction of the building.
7. The site is well known to Councillors and the general public.
8. The proposal was initially advertised as part of the rezoning process, however additional comment has been sought from the Department of Environmental Protection, in relation to the location of the building within the Yakamia Flood plain and the method of stormwater management proposed.
9. At the time of collation of the agenda, comment had not been received from the Department of Environment. Those comments will be tabled at the meeting.
10. Council staff have been actively involved with the architect to resolve parking, landscaping, traffic, stormwater issues, etc.

ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

THAT Council pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A grant a planning scheme consent, without conditions, for the development of a “Civic Use - Administration Centre” on Location 4743 North Road, Yakamia.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR PAVER**

THAT subject to no objections being raised by the Department of Environmental Protection, Council pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A grant a planning scheme consent, without conditions, for the development of a “Civic Use - Administration Centre” on Location 4743 North Road, Yakamia.

MOTION CARRIED 11-3

The Executive Director Development Services reported he had received a verbal indication that the report was acceptable.

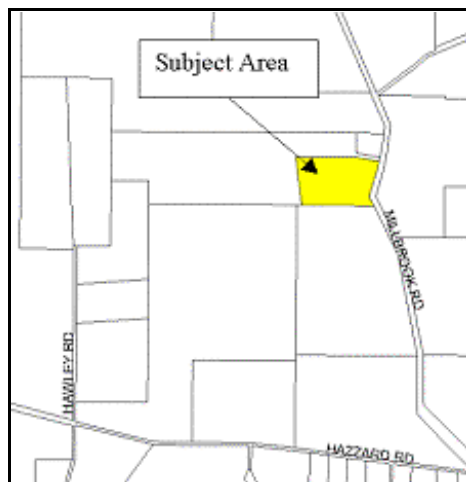
11.2 INSPECTION SERVICES

Nil

11.3 DEVELOPMENT POLICY

11.3.1 Initiate Scheme Amendment – Pt Loc 5756 Millbrook Road, King River – RE & LD Cooper

- File/Ward** : A164812A (Kalgan Ward)
- Proposal/Issue** : Initiate Amendment to rezone Pt Loc 5756 Millbrook Road, King River from 'Rural' to 'Special Use Zone – Microbrewery and Ancillary Uses'.
- Subject Land/Locality** : Pt Loc 5756 Millbrook Road, King River
- Proponent** : Ayton Taylor Burrell
- Owner** : RE & LD Cooper
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/1/2003 – Item 11.3.3
- Summary Recommendation:** Initiate Amendment
- Bulletin Attachment** : Amendment Documentation
- Locality Plan** :



Item 11.3.1 continued

BACKGROUND

1. At its meeting of the 21 January 2003 Council resolved:

“THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Loc 5756 Millbrook Road, King River from the “Rural” zone to “Special Use Zone” with the additional uses of “Microbrewery, Café/Restaurant, Six Chalets, Blacksmith Workshop, Private Recreation, Aquaculture and Farmyard animal display and petting enclosures”, subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) land capability assessment (including effluent disposal capability);*
- ii) impact of additional traffic volumes on Millbrook Road;*
- iii) visual amenity (including built form and signage controls);*
- iv) preparation of a development guide plan; and*
- v) impact on surrounding sites.”*

2. The applicant has prepared amendment documents to rezone the site from the ‘Rural’ zone to ‘Special Use Zone’.
3. The amendment will facilitate the development of the following uses:
 - Microbrewery;
 - Café/Restaurant (maximum 100 seats);
 - Six Chalets;
 - Single House;
 - Blacksmith Workshop;
 - Private Recreation;
 - Aquaculture;
 - Farmyard animal display;
 - Livestock grazing; and
 - Other uses consistent with the ‘Rural’ zone.
4. Council is now required to resolve to amend Town Planning Scheme No 3.
5. A copy of the report supporting the amending documents is included in the Elected Members’ Report/Information Bulletin.

STATUTORY REQUIREMENTS

6. Council’s resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the Scheme.
7. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

8. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
9. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval would be granted to that amendment.

POLICY IMPLICATIONS

10. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy
 - The Western Australian Planning Commission Statement of Planning Policy No. 1 (SPP 1)
 - The Albany Regional Strategy (1994)
 - The Local Rural Strategy (1996)
11. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
12. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

FINANCIAL IMPLICATIONS

13. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

14. The proposed rezoning represents a spot rezoning, which would normally be opposed on the basis of orderly planning, however the type of activity proposed would not normally be located in a more industrial or suburban area.

COMMENT/DISCUSSION

15. If this amendment is initiated the documentation will be referred to the Environmental Protection Agency prior to the commencement of advertising.
16. The disposal of wastewater was raised as a concern in the original request. The proposal to store wastewater on site and then transport it to a licensed facility off-site is considered acceptable by staff and detailed comment will be sought from the Health Department of WA during the consultation period.
17. A development guide plan was prepared which shows the proposed distribution of uses on the site as well as the boundary of the proposed zone. The remainder of the site will retain its current zoning and form a separate agricultural lot.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

18. Any aquaculture development on the site will require detailed assessment independent of this rezoning. That activity would also be subject to the licensing requirements of the Department of Fisheries.
19. The proposed development has the potential to have a significant impact on the visual amenity of the rural landscape. The amendment places restrictions on building design and location to assist the development to be sympathetic to the landscape in which it is located.
20. From an economic development perspective, the proposal has strong merit as it increases the diversity of tourism experiences for visitors to Albany. It is close to Albany and is similar in nature (but uniquely different) to the Chocolate Factory in the Margaret River region. Part of the City's tourism objectives are to increase product development, particularly within an hour's drive of the City centre. This proposal contributes to that objective.
21. The proposal is consistent with the 'food and wine' promotional initiatives of the Great Southern Marketing Association.
22. The proposed use is significantly different from the surrounding rural activities, which may create the potential for land use conflict. The proposed development should not limit the permissibility of uses on surrounding sites.
23. The detail provided in the amendment documents address the issues raised in response to the earlier Scheme Amendment Request that was considered by Council at its 21 January 2003 meeting. The request to initiate this amendment is therefore supported.

RECOMMENDATION

THAT Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i)** removing Pt Loc 5756 Millbrook Road, King River from the 'Rural' zone;
- ii)** including Pt Loc 5756 Millbrook Road, King River within the 'Special Use Zone No. 15' zone; and
- iii)** amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR DEMARTEAU**

THAT Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) removing Pt Loc 5756 Millbrook Road, King River from the 'Rural' zone;**
- ii) including Pt Loc 5756 Millbrook Road, King River within the 'Special Use Zone No. 15' zone; and**
- iii) amending the Scheme Maps accordingly.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Initiate Scheme Amendment – Lot 60 Albany Hwy and Lot 40 Stead Road – AJ & CA Barnesby

- File/Ward** : A131108A (Frederickstown Ward)
- Proposal/Issue** : To rezone Lot 60 Albany Highway and Lot 40 Stead Road, Centennial Park from ‘Other Commercial’ to ‘Central Area’.
- Subject Land/Locality** : Lot 60 Albany Highway and Lot 40 Stead Road, Centennial Park
- Proponent** : Greg Rowe & Associates
- Owner** : AJ & CE Barnesby
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Defer Initiation of Amendment.
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. Council has received a request from Greg Rowe and Associates, on behalf of FAL Holdings, to amend Town Planning Scheme No. 1A by rezoning Lot 60 Albany Highway and Lot 40 Stead Road, Centennial Park, from 'Other Commercial' to 'Central Area'.
2. Lot 60 was formerly occupied by a car dealership and Lot 40 is occupied by a single storey residential dwelling. Land surrounding the site is zoned 'Other Commercial' and the 'Central Area' is located approximately 350m to the east of the subject land.
3. In a preliminary meeting with the applicant they were advised that the proposal constitutes a spot rezoning and would not be supported by Council officers.
4. The proposed rezoning is being requested to allow the applicant to develop a supermarket, a 'mini-major', six specialty stores and a café. The proposed development will have a Net Lettable Area of 5505m².
5. An opportunity was provided to the applicant to present the proposal to Councillors and this was taken up at the Councillor Briefing Session on the 25th November 2003.
6. An extract from the amending documents, outlining the proposal, is included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

7. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.
8. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
9. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
10. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

11. There are various policies and strategies that have relevance to this proposal. They include:
 - a. The State Planning Strategy;
 - b. Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - c. Draft Albany Local Planning Strategy;
 - d. Commercial Centres Strategy for Albany (1994); and

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- e. The Albany Commercial Strategy Review (2000).
- 12. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
- 13. The proposed centre is not identified within the Albany Commercial Strategy Review, an adopted Council policy.
- 14. The Commercial Centres Strategy for Albany (1994) and the Albany Commercial Strategy Review (2000) are adopted policies of the Western Australian Planning Commission.

FINANCIAL IMPLICATIONS

- 15. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

- 16. The proposed rezoning has the potential to set a precedent for other spot rezonings, which are opposed on the basis of orderly planning.

COMMENT/DISCUSSION

- 17. The proposed development is contrary to the hierarchy of centres as set out in the Albany Commercial Strategy Review.
- 18. As the proposal is contrary to an adopted WAPC policy it is required to be referred to Commission for consent to advertise.
- 19. The proponent seeks to have the subject site rezoned to 'Central Area'. The existing area zoned 'Central Area' is located approximately 350m to the east. There will be no rezoning connection between this site and the existing central area if the current proposal was to be supported.
- 20. The Amendment document contains an economic impact assessment prepared by IBECON Pty Ltd that concludes that there will be a weighted shortfall of 2705m² in supermarket style retailing by 2005. Prior to initiating the Amendment an independent assessment of that retailing analysis, by Council's consultant Mr Alistair Tutte, will be required to assess the validity of the assumptions contained within it.
- 21. The Amendment document also contains a traffic impact statement prepared by Transcore Pty Ltd, which identifies approximately 5400 net additional vehicle trips on a typical Saturday as a result of the proposed development. The study states that the existing road network could accommodate the increased volume of traffic. That report is yet to be assessed by Works and Services.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

22. As a result of the ‘spot’ nature of this rezoning, the proposed zoning is considered by staff to be completely inconsistent with surrounding zonings, these being ‘Other Commercial’ and ‘Industry’.
23. The Central Area zone allows the greatest range of uses of any zone under Town Planning Scheme No. 1A. Given the proposed uses, staff consider that the ‘Local Shopping’ zone or a ‘Special Site’ more closely reflects the intended uses and it would provide a more rational planning outcome.
24. It was recognised in a Council Workshop held on the 25th November 2003 that the Albany Commercial Strategy had achieved the majority of its objectives and a substantial review of that strategy was required.
25. There is an identified need to review the Commercial Strategy and it is considered inappropriate to progress an amendment to create additional commercially zoned land. A decision to initiate an amendment should be delayed until such time as a strategic direction is established and that direction has the support of both the WAPC and Council; the amendment is unlikely to progress through the WAPC without bipartisan support.
26. Based on the details contained within the amending documents the initiation of this amendment cannot be supported by staff at this time.

RECOMMENDATION

THAT Council defer a decision on this item until such time as:

- i) agreement is obtained from the WAPC that the Commercial Strategy has served its purpose or that an alternative direction for commercial development in Albany needs to be established;
- ii) the Retail and Economic Impact Study is assessed; and
- iii) the Traffic Impact Assessment is assessed AND;
- iv) that staff initiate urgent discussions with the Western Australian Planning Commission on a review of the Commercial Strategy and report back to Council no later than the February 2004 meeting on a programme to complete that review.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

Councillor Barton and Lionetti declared an interest in this item and left the chambers at 8.05pm.

The nature of Councillor Barton's interest is that she works for Coles.

The nature of Councillor Lionetti's interest is that he is the owner of Dewson's supermarket.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR EMERY**

THAT;

- i) Council request Greg Rowe and Associates to modify the amending documents to;**
 - a) designate the subject lots a "Special Site" in lieu of the current request to rezone the land "Central Area"; and**
 - b) incorporate appropriate conditions into the amending documents dealing with, but not limited to, traffic management, the economic impact modelling, visual amenity and development obligations;**
- ii) subject to the aforementioned alterations being made to the amending documents, Council resolve pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) to amend the City of Albany Town Planning Scheme 1A by:**
 - a) designating Lot 60 Albany Highway and Lot 40 Stead Road, Centennial Park as a Special Site; and**
 - b) introducing into Schedule II the Additional Uses of "Supermarket, mini-major store, restaurant and six minor retail tenancies to a total of 5500sqm retail NLA"; and**
- iii) Council instruct staff to initiate urgent discussions with the Western Australian Planning Commission on a review of the Commercial Strategy and report back to Council no later than February 2004 on a programme to complete that review.**

MOTION CARRIED 8-4

Councillors Barton and Lionetti returned to the Chambers at 8.15pm

Reason:

- The recommendation from staff is that a Special Site designation would be more appropriate than a Central Area zoning, the economic development advantages of progressing with the amendment currently outweigh the town planning considerations, given the close proximity of the proposed development site to the Central Business District, and a review of the Commercial Strategy for Albany prepared by the WA Planning Commission is required.

11.4 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	:	FIN 022 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Approve accounts for payment
Bulletin Attachment	:	Summary of Accounts
Locality Plan	:	N/A

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

Municipal Fund		
Cheques	totalling	147,405.49
Electronic Fund Transfer	totalling	1,659,472.70
Payroll	totalling	683,450.10
TOTAL		<u><u>\$2,490,328.29</u></u>

2. As at 1st December 2003, the total outstanding creditors, stands at \$1,157,287.42.

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Item 12.1.1 continued.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment: -

Municipal Fund	totalling	\$2,490,328.29
Total		<u>\$2,490,328.29</u>

Voting Requirement Simple Majority

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MOVED COUNCILLOR EVANS		
SECONDED COUNCILLOR PAVER		
THAT the following City of Albany accounts be passed for payment: -		
Municipal Fund	totalling	\$2,490,328.29
Total		<u>\$2,490,328.29</u>
MOTION CARRIED 14-0		

12.2 ADMINISTRATION

12.2.1 Review of Code of Conduct for Elected Members and Staff

File/Ward	:	MAN 081 (All Wards)
Proposal/Issue	:	Review of current Code of Conduct
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Records Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 08.07.98 - Item 13.2.4 OCM 04.08.99 - Item 13.2.1 OCM 29.02.00 - Item 13.2.2 OCM 26.06.00 - Item 12.2.1 OCM 17.07.01 - Item 12.2.6
Summary Recommendation	:	Adopt Code of Conduct for Elected Members and Staff
Bulletin Attachment	:	Draft code of conduct for elected members and staff
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany adopted a Code of Conduct based on the Western Australian Municipal Authority's draft document (August 1999), and amended it to comply with changes to Local Government (Administration) Regulations relating to token gifts and disclosures of interest.
2. A copy of the Code of Conduct for Elected Members and Staff, adopted on 17 July 2001, is included in the Elected Members' Report/ Information Bulletin.

STATUTORY REQUIREMENTS

3. Section 5.103 of the Local Government Act requires every Local Authority to prepare or adopt a code of conduct, which is to be observed by elected members, committee members and staff. Local Authorities are required to review their Codes of Conduct within twelve months after each ordinary elections day, and make such changes as they consider appropriate.

Item 12.2.1 continued.

POLICY IMPLICATIONS

- 4. There are no policies implications relating to this item.

FINANCIAL IMPLICATIONS

- 5. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

- 6. Council’s Albany 2020 Strategic Plan has as one of its objectives, the expectation to comply with the statutory requirements of the organisation.

COMMENT/DISCUSSION

- 7. The Code of Conduct has been in operation since 1998, and has provided all stakeholders with consistent guidelines for an acceptable standard of professional conduct.
- 8. As earlier reviews have finetuned the Code to ensure its relevance to current practices within the City of Albany, it is recommended the document be adopted without further amendment.

RECOMMENDATION

THAT Council, in accordance with section 5.103 of the Local Government Act, agree to adopt the Code of Conduct for Elected Members and Staff, as detailed in the Elected Members’ Report/Information Bulletin.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR PAVER</p> <p>THAT Council, in accordance with section 5.103 of the Local Government Act, agree to adopt the Code of Conduct for Elected Members and Staff, as detailed in the Elected Members’ Report/Information Bulletin.</p> <p style="text-align: right;">MOTION CARRIED 11-3</p>

12.2.2 Contract C03021 – Installation of Photocopiers

File/Ward	:	C03021 (All Wards)
Proposal/Issue	:	Proposal to enter into a lease agreement for the provision of two new photocopiers.
Subject Land/Locality	:	York Street Administration Office
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Personal Assistant to EDCCS (S Day) Contracts Officer (H Harvey)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	That Council accepts the Tender from Best Office Systems for the provision of two Ricoh photocopiers and enter into a three year lease agreement.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany currently has two photocopiers, a Ricoh 650 and a Ricoh 550, which are supplied under leasing contract by Best Office Systems. This lease expired in November 2003.
2. Due to the extreme high usage, wear and tear, the machines are now becoming a high maintenance responsibility and not producing the required quality. Since October 1999, the photocopiers, have produced over 3,820,156 copies.
3. Tenders were called by advertising in the West Australian newspaper on 20th September 2003 and the Albany Advertiser on 18th September 2003. Tenders closed on Friday 3rd October 2003 and of the eight tenders requested, three were received at the tender box opening.
4. At the Ordinary Meeting of Council in November 2003, it was resolved:-

“THAT this item lay on the table until the December Ordinary Meeting of Council, enabling officers to research and present detailed information about:-

Item 12.2.2 continued.

- *the period of the lease;*
- *possible lease options that can be considered;*
- *comparisons to outright purchases;*
- *details of copy costs for all lease period options from all tenderers; and details of where any extra funding will come from if required.”*

5. The original tender called, was for the supply of two new photocopiers (1 x black & white and 1 x black/white & colour) for a two year lease period. Discussions with tenderers advised that it would be financially beneficial to enter into a three year lease rather than a two year lease. Due to tender policies, assessment on the two year lease figures as called for, were evaluated.
6. As a result of the resolution at the November Council meeting, further research was conducted. Lease prices compared to outright purchase prices; costs per copy with desk top printers compared to one central photocopier; and length of lease.

STATUTORY REQUIREMENTS

7. Regulation 18 of the Local Government (Functions and General) Regulations 1996 makes provisions for the administration of the tender process. Council may decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
8. Regulation 19 requires Council to advise each tender or tenderer in writing as to the result of Council’s Tender process.

POLICY IMPLICATIONS

9. The City of Albany Regional Price Preference Policy is applicable to this item.

FINANCIAL IMPLICATIONS

10. The City of Albany currently has an expenditure budget of \$35,000 allocated to the lease and other photocopier expenses for the York Street Administration buildings. The calculations as shown within the attached table indicate that the current expenditure budget will cover these costs.
11. Council currently has a HP Laserjet Colour Printer, which is becoming a high maintenance machine and is in need of replacement fuser kit or upgrade. Installation of a new black/white/colour photocopier would eliminate the need to purchase or upgrade the existing colour printer. This printer is also leaking toner.
12. The average cost for the existing colour lazer jet printer is as follows:-

Colour	.095 per page
Black	.023 per page

Item 12.2.2 continued.

Additional maintenance costs		
Drum Kit	\$140	(approximate)
Transfer Kit	\$330	(approximate)
Fuser Kit	\$380	(approximate)
Maintenance agreement	\$800	(approximate)

STRATEGIC IMPLICATIONS

13. In the City of Albany’s 2020 Plan Charting Our Course, the following Port of Call is identified:

Port of Call

A reputation for professional excellence.

- Objective

To creation a quality environment in which to work and develop / deliver services to the community.

COMMENT/DISCUSSION

14. Photocopiers located at York Street Administration, Mercer Road Administration, Albany Leisure & Aquatic Centre and the Depot are all Ricoh machines.
15. Evaluation has been carried out in two separate parts, to take into account the separate charges for monthly rental commitment and the service components based on price per page print. It is desirable to have both photocopiers supplied by the same company therefore the rental prices have been added together to make one monthly rental costing.
16. Attached is a table highlighting all associated costs for a two year lease, three year lease, outright purchase price, cost per copy and a total lease price.
17. Evaluation: On monthly rental alone, the best rated tenderer was Storm Office National, the lowest was Best Office Systems. On price per copy, the best rated was Best Office Systems and the lowest rated was Storm Office National. In both instances, SOS Office Equipment prices were between the other two. The cumulative result of these calculations, is that the Best Office Systems tender will provide the best value to Council.

RECOMMENDATION

THAT Council accepts the tender submission from Best Office Systems for the provision of:-

- Ricoh black & white photocopier (model Ricoh Aficio 1075); and
 - Ricoh black/white and colour photocopier (Ricoh Aficio CL7000)
- and enter into a three (3) year lease agreement as of December 2003.

Voting Requirement Simple Majority

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Item 12.2.2 continued.

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WEST**

THAT Council accepts the tender submission from Best Office Systems for the provision of:-

- **Ricoh black & white photocopier (model Ricoh Aficio 1075); and**
 - **Ricoh black/white and colour photocopier (Ricoh Aficio CL7000)**
- and enter into a three (3) year lease agreement as of December 2003.**

MOTION CARRIED 14-0

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BLACK AND WHITE PHOTOCOPIER

Based on 30,000 copies per month

Company	Copies/Min Cost	Outright Purchase			Lease: 24 Months		Lease: 36 Months		Copy Costs		Total Costs		
		Price	6%	Total Cost	Monthly	Total	Monthly	Total	24-mths	36-mths	Purchase	24-mths	36-mths
SOS	0.0110	21278		22555	879.97	21119	650.29	23410	7920	11880	Lease	29039	35290
											Purchase	30475	34435
Best Office Systems	0.0088	19054		20197	938.77	22530	654.32	23556	6336	9504		28866	33060
												26533	29701
	0.0088	21385		22668	1053.00	25272	734.36	26437			Lease	31608	35941
									6336	9504	Purchase	29004	32172
Storms	0.0085	32148		34077	1485.33	35648	1034.06	37226			Lease	41768	46406
									6120	9180	Purchase	40197	43257

BLACK, WHITE AND COLOUR PHOTOCOPIER

Based on 30,000 copies per month

Based on 8,800 colour copies per month

Company	Copies/Min Cost	Outright Purchase			Lease: 24 Months		Lease: 36 Months		Copy Costs		Total Costs		
		Price	6%	Total Cost	Monthly	Total	Monthly	Total	24-mths	36-mths	Purchase	24-mths	36-mths
SOS	0.0110	23714		25137	963.47	23123	711.01	25596	58608	87912	Lease	81731	113508
	0.2400										Purchase	83745	113049
Best Office Systems	0.0165	21559		22853	1012.33	24296	706.00	25416	25819	38729	Lease	50115	64145
	0.0660										Purchase	48672	61581
Storms	0.0165	31934		33850	1475.36	35409	792.26	28521	62568	93852	Lease	97977	122373
	0.2400										Purchase	96418	127702

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12.2.3 Emu Point Slipway

File/Ward	: PRO 314 (Breaksea Ward)
Proposal/Issue	: Emu Point Slipway
Subject Land/Locality	: Reserve 42934, Lot 1240 Emu Point Boat Pens
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 20/05/03 Item 12.2.2
Summary Recommendation	: That Council agree to install marine lifters infrastructure at the Emu Point Slipway.
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. On Monday 24th February 2003 during slipway operations at the Emu Point Slipway, damage was caused to the concrete slabs that make up the slipway construction.
2. A report on the condition of the slipway and repairs necessary was prepared by R.R. Unger Pty Ltd, constructing Civil, Structural and Municipal Engineers.
3. The estimated costs to refurbish the slipway were between \$20,000-\$25,000.
4. Council subsequently resolved:-
“THAT in consideration of the community service provided, and subject to the Emu Point Sporting Club Inc undertaking to surrender the head lease agreement and satisfactory negotiations with the sub-lease in relation to future maintenance requirements, Council agree to undertake the replacement works to the Emu Point Slipway outlined by R.R. Unger Pty Ltd at a cost of \$25,000 to be funded from the Emu Point Boat Pen Development Revenue.”

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Item 12.2.3 continued.

5. Following this decisions:
 - RR Unger were commissioned to design and construct a new slipway to replace the damaged existing slipway;
 - Initial cost estimates were \$28,226 to supply and construct including supervision;
 - Upon investigation by the installation contractor it was discovered that a significantly large hole at the end of the existing slipway would need to be filled before work could commence on constructing the slipway;
 - A revised price of \$60,582 plus fill materials was then submitted to complete all works to a satisfactory condition;
 - Investigation by Council officers in conjunction with a local contractor verified the presence of this hole, and revised estimates to do all the works using local contractors and Council staff/equipment still indicated costs of approximately \$47,000.

6. To date, although the head lease has been surrendered, no works have been undertaken and other options have been explored.

STATUTORY REQUIREMENTS

7. Section 6.8 (1)(b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. An allocation of \$25,000 has been included as a transfer from Reserves for this project.

10. Following this expenditure the balance of the Emu Point Boat Pen Development Reserve is \$94,000.

STRATEGIC IMPLICATIONS

11. Refurbishment of the Slipway would comply with Council’s Albany 2020 – Charting our Course’ which in part states:-

“Managed healthy land / harbour environment

Reserve Management – to manage reserves for environmentally sustainable use, community enjoyment and benefit.”

Item 12.2.3 continued.

COMMENT/DISCUSSION

- 12. The Slipway provides an essential community services to the boating and recreational community.
- 13. Given the escalation in costs, it is considered preferable to install the infrastructure to provide for a marine boat lifter operation instead of rebuilding the slipway.
- 14. This consists of a large steel frame that has two hydraulic operated slings and requires two ramps extending out from the shore. Once the boat lifter is out on the ramps the slings are lowered down, a boat is then driven between the slings and when in position the operator lifts the boat, which then drives the boat ashore for washing. Then the boat gets propped up on the hard standing for further works.
- 15. The cost of this infrastructure is up to \$65,000.
- 16. The current operator has indicated he would acquire the marine lifter itself, provided the Council agree to install the necessary infrastructure.

RECOMMENDATION

THAT Council agree to install the marine boat lifter infrastructure works at the Emu Point Slipway at a cost of up to \$65,000 to be funded from the Emu Point Boat Pen Development Reserve, provided the current operator confirms his intention to acquire the actual marine lifter.

Voting Requirement Absolute Majority

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AMENDED RECOMMENDATION

THAT Council agree to install the marine boat lifter infrastructure works at the Emu Point Slipway at a cost of up to \$65,000 to be funded from the Emu Point Boat Pen Development Reserve, subject to:

- i) the current operator / lessee obtaining the necessary lifting equipment by providing the City with a copy of the offer and acceptance for purchase; and
- ii) a fee of \$10.00 per vessel be introduced, and this amount being reviewed annually in conjunction with the rental review.

Voting Requirement Absolute Majority

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Item 12.2.3 continued.

The Executive Director Corporate & Community Services reported he had contacted the operator who is agreeable to both conditions.

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR DEMARTEAU

THAT Council agree to install the marine boat lifter infrastructure works at the Emu Point Slipway at a cost of up to \$65,000 to be funded from the Emu Point Boat Pen Development Reserve, subject to:

- i) the current operator / lessee obtaining the necessary lifting equipment by providing the City with a copy of the offer and acceptance for purchase; and**
- ii) a fee of \$10.00 per vessel be introduced, and this amount being reviewed annually in conjunction with the rental review.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

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12.2.4 Management of Foreshore Reserve – Hassell Beach

File/Ward	: PRO 132 (Hassell Ward)
Proposal/Issue	: Change of Purpose and Issuing of Management Order for Coastal Reserve
Subject Land/Locality	: Lot 7739 (near Warriup Road, Green Range)
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: SOA OCM 23/11/94 – point 8 W11/2
Summary Recommendation	: Council not accept management order
Bulletin Attachment	: Nil
Locality Plan	:



Item 12.2.4 continued.

BACKGROUND

1. A “Notice of Intention to Take Interests in Land for a Public Work”, under the Native Title Act 1993, was recently forwarded to the City of Albany from the Department for Planning and Infrastructure. The Notice advised that Lot 7739 is a reserve for “Recreation and Protection of Coastline” and the purpose of the acquisition is to place the land in the care, control and management of the City of Albany by reservation under Section 41 and 46 of the Land Administration Act 1997. Objections can be lodged with the Department no later than the 15th December 2003.
2. Lot 7739 has a total area of 717 hectares. It has a frontage to Hassell Beach of approximately 18 kilometres and extends on average 300 metres inland, incorporating primary and secondary sand dunes. Hassell Beach is a popular location for four wheel drive and motorcycle riders to participate in off road vehicle activities and the reserve contains several bare sand dunes.
3. The former Shire of Albany resolved in November 1994 to seek the management order for the reserve and the Department of Planning and Infrastructure (previously DOLA) is currently actioning that request.

STATUTORY REQUIREMENTS

4. Sections 41 and 46 of the Land Administration Act 1997 state:

41. Subject to section 45(6) the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.

46(1) The Minister may by order place with any one person or jointly with 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject to care, control and management to such conditions as the Minister specifies.

46(7) A person with whom the care, control and management of a reserve is placed by order under subsection (1) has, by virtue of this subsection, the capacity, functions and powers to hold and deal with the reserve in a manner consistent with the order, any order conferring power on that person under subsection (3)(a) and this Act to the extent that the person does already have that capacity or those functions and powers.

POLICY IMPLICATIONS

5. Council has not adopted a formal policy position on the acceptance of coastal reserves, however it recently resolved not to accept the management order for two coastal reserves at the mouth of the Pallinup River.

Item 12.2.4 continued.

FINANCIAL IMPLICATIONS

- 6. Considerable resources would be consumed policing off road vehicles and reinstating the dune vegetation on this reserve, if management were to be transferred to the City of Albany. No estimates have been prepared.

STRATEGIC IMPLICATIONS

- 7. The capacity for Council to manage urban bush reserves is proving to be problematic and City staff are not adequately resourced or trained to embark upon the management of coastal reserves, where flora, fauna and other issues need to be addressed.

COMMENT/DISCUSSION

- 8. Once lot 7739 is declared a Crown reserve under section 41 of the Act, it will become VCL (vacant crown land) and fire, animal and weed management responsibilities will automatically be transferred to the Department of Conservation and Land Management (CALM). Any agency accepting the management order will assume full responsibility for the land and any liability for activities carried out on the land.
- 9. Since 1994, Council has examined its capacity to effectively manage rural reserves and this report provides the opportunity for Council to revisit its earlier decision on this matter.

RECOMMENDATION

THAT Council advise the Department for Planning and Infrastructure that it no longer wishes to accept the management order for lot 7739 on Deposited Plan 240387 and recommends that the purpose of the land, once it becomes a Crown reserve, remain “Recreation and Protection of Coastline”.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR WEST SECONDED COUNCILLOR BARTON</p> <p>THAT this item lay on the table for one month.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>

Reason: To allow residents within the area time to comment as there is currently very limited beach access to residents. It will also provide an opportunity for a joint venture between all parties.

12.2.5 Concept Plan for Upgrades to Albany Leisure and Aquatic Centre

File/Ward	: MAN 167 (All Wards)
Proposal/Issue	: Revisit the Concept Design Albany Leisure & Aquatic Centre Upgrade Project and the Master Plan Staging Order Albany Leisure & Aquatic Centre Upgrade Project.
Subject Land/Locality	: Albany Leisure and Aquatic Centre, Barker Road Albany.
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Recreation Development Officer (M Weller)
Disclosure of Interest	: N/A
Previous Reference	: OCM 17/06/03 – Item 12.2.2 OCM 19/08/03 – Item 12.2.10
Summary Recommendation	: That Council accepts the submitted concept plan, master plan and new staging order.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. At the Ordinary Meeting of Council on 17th June 2003 The City of Albany Council adopted the following actions from the Feasibility Study for Indoor Recreation and Aquatic Facilities:

“THAT Albany Leisure and Aquatic Centre upgrade project proceeds to the design phase, including:-

- *appointment of an architect/ design company;*
- *extensive community involvement including a tour of other Western Australian facilities with the aim of utilising successful design ideas and recognising and preventing design faults/limitations;*
- *detailed design and construction cost estimates and external funding submissions including a CSRFF application. This will allow for more detailed estimates of bottom line ongoing costs; and*
- *the preparation of a business plan.”*

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Item 12.2.5 continued.

2. At the Ordinary Meeting of Council on 19TH August 2003 the City appointed a project team headed by Ian Howard and Associates, architects to develop a concept design and cost estimate.
3. A Concept Plan, Master Plan and detailed cost estimates was completed to timeline by the appointed Project team in conjunction with the Recreation Development Officer and with reference to a group of key stakeholders representing local sporting and community groups.
4. The City allocated a priority of one to the CSRFF application submitted by the Recreation Development Officer. At the Great Southern Regional CSRFF review this application was the only forward planning grant and hence received number one priority from the region. A motion of support was moved by the representative from Katanning and passed unanimously by present regional representatives. The motion also supported the application being for greater than the funds upper limit of 1.5 million dollars on the basis of equity (Bunbury received 5 million, Kalgoorlie 3.5 million and Geraldton 1.75 million) and demonstration of Albany residents overwhelming need for the project.
5. A Management (business) plan was completed by the Recreation Development Officer and submitted in conjunction with the CSRFF Application. This process included the documentation of ongoing operational cost estimates and was completed with reference to the project team and information supplied by statewide facility managers. The estimates were then validated by the City's Finance department. It is anticipated that the plan will continue to be developed as the project is refined and presented to Council for adoption when a timeline for construction is adopted.
7. During the completion of the recent stages of the project it became apparent that there were potential significant capital cost savings and potential reduction in ongoing operational deficit as well a significant community benefit and increase in attendance at the centre which could be attained by combining stages 1-3 as a single first stage to the project. The original staging order:

At the Ordinary Council Meeting held on 17th June 2003 it was resolved:-

“THAT Council, subject to establishing:-

- *the financial capacity to accommodate capital expenditure (including the sourcing of sufficient external funding);*
- *annual cost of asset management;*
- *annual cost of service delivery; and*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.

- *receives the Feasibility Study for Indoor Recreation and Aquatic Facilities and makes a determination to retain, upgrade and extend the Albany Leisure and Aquatic Centre to be staged in accordance with the following, including the provision of an 25m indoor leisure pool. The design to provide sufficient space to allow future development in the form of a 50m indoor swimming pool, at a time when Council and the community are willing and able to sustain the additional operational and capital deficit associated with a 50m indoor pool.*

Staging Order:

Stage 1 – Components: 25m indoor heated leisure pool and an additional 600m² of ancillary areas that comprise – entry, foyer, café, staff offices, change rooms, first aid, spa and sauna. Stage 1 parking and Yakamia Creek engineering. Capital Cost: \$5.5 m

Stage 2 – Components: Upgrade existing sport hall including lining of internal walls, upgrade to change rooms and program facilities. Capital Cost: \$0.42 m

Stage 3 – Components: Ancillary areas, which comprise – 600m² of shared resource centre, function room, meeting rooms and gymnasium. Stage 2 Parking and Yakamia creek engineering. Capital Cost: \$1.75 m

Stage 4 – Components: New indoor 4 court sports hall including timber floor and feature centre court. Capital Cost: \$2.2m

Stage 5 – Hydrotherapy Facility: (Footprint to be included in the design stage). This would be constructed when the need for this facility is proven, given the current level of provision within other Albany facilities. Capital Cost: \$1.0 m.”

8. Would become:

Stage 1

- Consisting of a 25m indoor heated leisure pool and an additional 600m² of ancillary areas that comprise a new entry, foyer, café, staff office, change rooms first aid, spa & sauna. Parking to be located on the other side of Yakamia Creek
- Construction of Gymnasium and aerobics areas.
- Upgrade of existing sports hall including lining of internal walls, upgrading the change rooms and program facilities

Stage 2

- New indoor 4 court sports hall including timber sprung floor and feature centre court
- Additional parking on other side of Yakamia Creek
- Constructing ancillary areas, function and meeting rooms.

Stage 3

- Construction of a new hydrotherapy pool based on the need and considering other facilities in the Albany area. This may include: negotiation of a shared use facility in conjunction with the WA Health Department.

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Item 12.2.5 continued.

Stage 4

- 50m competition swimming pool. Several footprints have been allowed for to accommodate this at a later date.
- In accordance with the following Master Plan and Concept Plan (as attached to the rear of this item)

STATUTORY REQUIREMENTS

9. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

10. Albany 2020 – Charting Our Course

“To plan and provide for equity of access to, and the continual development of activities within the Leisure and Aquatic Centre, which enhances the quality of life for a growing and active Community.

- *To encourage a healthy and active Community through the development of a range of recreational and cultural pursuits”*

11. Albany Recreation Strategy

“There is access to a range of quality facilities throughout Albany”

“Future facility needs reflect the actual community needs and are confirmed/justified through the conduct of Feasibility studies that comply with the CSRFF and Feasibility study guidelines produced by Minister Sport & Recreation and have sustainable facility planning processes.”

FINANCIAL IMPLICATIONS

Capital cost savings through combination of stages

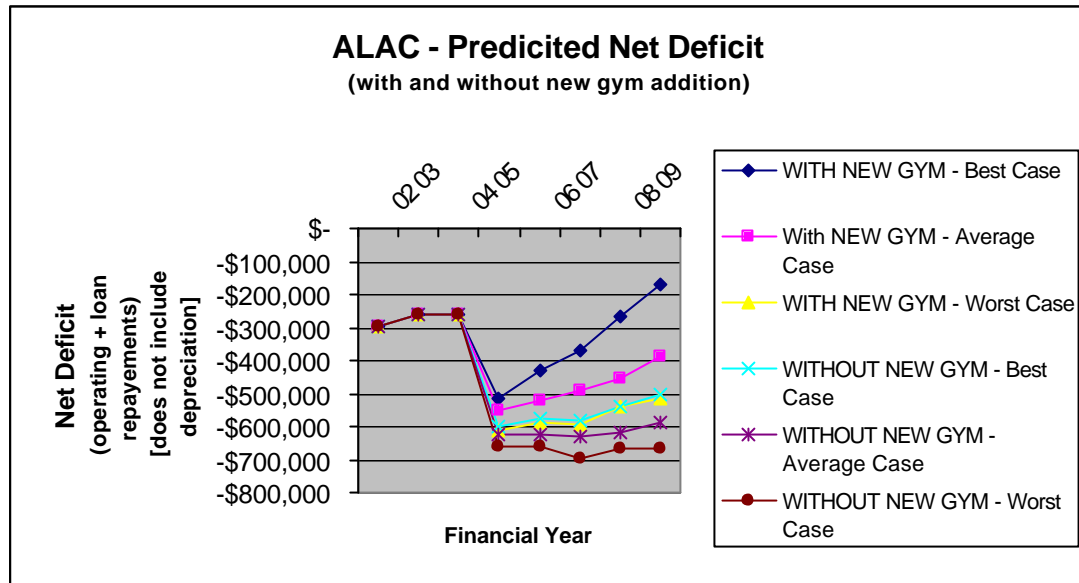
12. The original predicted capital cost of stages 1-3 of \$7.67 million ex GST would be extrapolated to \$8.255 million given escalation for an October 2004 project start.
13. By combining these elements to a single first stage they would be completed for \$6.808 million ex GST (October 2004 project start).
14. This represents a potential capital saving of \$1.447 million on the original stages 1-3.

Operational Deficit – With and Without GYM addition in stage 1

15. The following table gives ongoing operational financial implications based on best, average and worst case scenarios given the achievement the requested level of CSRFF, other grants and community fundraising.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.



16. Given an average case scenario it is predicted that given the original staging order (no Gym addition) the upgraded centre will rise from the 2002/03 Council funded deficit of \$298,840 to a new deficit of \$623,000. This deficit would be lowered to \$586,000 in the 5th year of operation.
17. Given the recommended new staging order and an average case scenario it is predicated that the council funded deficit would rise from the 02/03 level to \$554,000 and then lower to \$390,000 in the 5th year of operation.
18. This represents a potential saving for the City of Albany of \$196,000 per year after 5 years. This is a result of the financial return from the gym business unit and greater overall performance of the Centre due to the ability to attract a greater participation in individual areas through cross promotion.
19. Different management models and operating scenarios were tested and it was found that even in the worst case scenario it was likely that the gym business unit would achieve greater than a 12% return on investment.

Centre operational subsidy

20. Given an average case scenario with the recommended Stage 1 upgrade the operational subsidy will initially rise from the current \$1.40 per entry to a level of \$1.90 per entry then fall to and remain steady at a level of \$1.16 per entry after 5 years. Combined with an almost doubling in attendance this represents significant benefit to the Albany community.

Current Gym viability

21. The current Albany Leisure and Aquatic Centre Gymnasium, which has been listed as being small and with outdated equipment returns approximately \$25,000 after expenditure to the operation of the Leisure and Aquatic Centre.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.

Synthetic Surface

22. Different options in regards to the synthetic surface were researched and testing of the surface conducted.
23. Retention and upgrade of the synthetic surface at the current site to an Australian standard wet surface, including a bitumised undersurface, rubber shock pad and new synthetic top layer (recommended) would cost \$400-\$450,000 and could potentially be funded in the following scenario:
 - \$200,000 Synthetic surface replacement reserve (end 2005)
 - \$100,000 Hockey Association maximum loan amount
 - \$100 - \$150,000 Shortfall, potentially funded by the City of Albany
24. Relocation of the Synthetic surface with the same surface as above (not recommended) would cost \$1.1 –1.2 million and could result in the following funding scenario:
 - \$200,000 Synthetic surface replacement reserve (end 2005)
 - \$100,000 Hockey Association maximum loan amount
 - \$100 - \$150,000 Potentially funded by the City of Albany
 - \$700,000 – \$800,000 unknown – sourcing of external funding - extremely unlikely.

STRATEGIC IMPLICATIONS

25. There are no strategic implications relating to this item.

COMMENT/DISCUSSION

Viability of Gym

26. The viability of the Gym was assessed using information provided by local governments with gym operations, peak industry body - Fitness Western Australia (Inc) and private gym operators and training providers including the Australian Institute for Fitness.
27. Given the information and assessment of Albany's demographic it was demonstrated that there is sufficient catchment population and demand to justify an upgraded gym operation, servicing a specific target market, as part of the Albany Leisure and Aquatic Centre.
28. It is intended that the upgraded ALAC gym would service a different market to existing providers. The focus would be on attracting new, entry level, members who wouldn't normally access a gymnasium, with cross promotion drawing from attendees and spectators at the Leisure and Aquatic Centre.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.

29. The viability of the upgraded gym provision is as a result of the ability to attract a different target market, and new community attendees not serviced by existing Albany gyms, given that it is co-located with the major aquatic and sporting provision.

30. As an operation by another provider, not currently in Albany, would be unable to attract this new market it is unlikely that it would be justified and commenced.

Management of Gym

31. It is intended that the upgraded gymnasium is operated as a separate business unit as part of the overall Albany Leisure and Aquatic Centre operation.

32. This business unit can either be managed by an external operator providing an agreed rent or managed by the City of Albany.

33. Given that the viability has been demonstrated for either management scenario, it is recommended that a report is prepared by the Recreation Development Officer into the implications of each in order that Council can make a determination at a later date.

National Competition Policy

34. The viability of an upgraded Gym was assessed with compliance to the National competition policy taken into account.

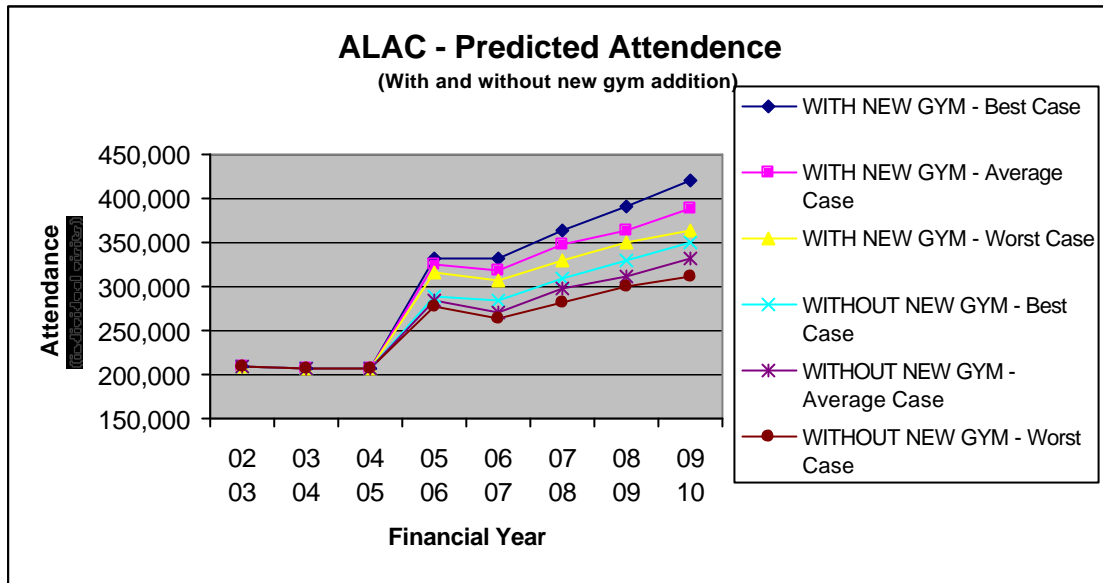
35. Other local government operations including the Kalgoorlie Oasis have been challenged by private operators under the National Competition Policy and have successfully proven that they are not competing unfairly with local operators in their municipality.

36. It is recommended that in the event that an upgraded gymnasium is operated as a business unit of the Albany Leisure and Aquatic Centre it complies fully with National Competition Policy to ensure that it does not compete unfairly with local business.

Benefit – Predicated Attendance

37. The following table quantifies some of the community benefits of the provision of the Centre showing predicated attendances dependant on given scenarios.

Item 12.2.5 continued.



38. At the June Council meeting, it was determined that a 50m footprint be included in the concept plan to allow for this facility to be built when the Albany community were willing and able to sustain the additional capital cost and ongoing deficit associated with this facility.
39. The concept plan allows for two 50m footprints, one including the demolition of the current 25m pool when this facility reaches the end of its useful life and the other adjacent to the hockey field allowing the 50m pool to be built in addition to the current and additional stages of the ALAC facilities.
40. A draft concept plan included the relocation of the Hockey surface, but this is not recommended by the project team due to the significant additional capital cost demonstrated in the financial section of this report and the limited gain by outlaying this capital given that the two options given for a 50m pool are viable and sufficient to allow for this facility to be built at a later date.
- Draft concept
41. At the request of Council a draft concept was displayed at a special brief. This option involved the creation of a new 25m pool over the existing hockey surface and the relocation of the said surface. This option was not recommended by the project team due to the significant additional capital outlay involved with the relocation of the hockey surface. Both options were demonstrated as being fundamentally comparable in their ability to service the aquatic recreation needs of the Albany community.

Item 12.2.5 continued.

RECOMMENDATION 1

THAT Council subject to establishing the financial capacity to accommodate capital expenditure (including the sourcing of sufficient external funding), annual cost of asset management and annual cost of service delivery adopts the submitted concept plan, master plan and following new staging order:

Stage 1 – Capital Cost - \$6,808,000

- Consisting of a 25m indoor heated leisure pool and an additional 600m² of ancillary areas that comprise a new entry, foyer, café, staff office, change rooms, first aid, spa & sauna. Parking to be located on the other side of Yakamia Creek;
- Construction of Gymnasium and aerobics areas; and
- Upgrade of existing sports hall including lining of internal walls, upgrading the change rooms and program facilities

Stage 2 - Capital Cost - \$2,200,000

- New indoor 4 court sports hall including timber sprung floor and feature centre court;
- Additional parking on other side of Yakamia Creek; and
- Constructing ancillary areas, function and meeting rooms.

Stage 3 - Capital Cost - \$1,000,000

- Construction of a new hydrotherapy pool based on the need and considering other facilities in the Albany area. This may include: negotiation of a shared use facility in conjunction with the WA Health Department.

Stage 4 - Capital Cost dependant on particular options and timeline

- 50m competition swimming pool. Several footprints have been allowed for to accommodate this at a later date.

Voting Requirement Simple Majority

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RECOMMENDATION 2

THAT in the event that an upgraded gymnasium is operated as a business unit of the Albany Leisure and Aquatic Centre, it complies fully with National Competition Policy to ensure that it does not compete unfairly with local business.

Voting Requirement Simple Majority

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Item 12.2.5 continued.

RECOMMENDATION 3

THAT based on the determined staging order, in preparation for the continuation of the project in the event that positive notification of CSRFF funding is received in February 2004, the Recreation Development Officer:

- i) displays the adopted concept plan at the Albany Leisure and Aquatic Centre in order to record feedback from potential and existing user groups in regards to specific design elements. (It is envisaged that this feedback can be used in the detailed design and working drawings stages of the project);
- ii) prepares funding applications for submission to other external funding providers;
- iii) prepares a detailed report regarding management options for the upgraded gymnasium in order that Council can make a determination at a later date; and
- iv) prepares a report on the options of a design and construct type contract or separate design and construct contracts.

Voting Requirement Simple Majority

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AMENDED RECOMMENDATION (Part 1 only)

THAT Council subject to establishing the financial capacity to accommodate capital expenditure (including the sourcing of sufficient external funding), annual cost of asset management and annual cost of service delivery adopts the submitted concept plan, master plan and following new staging order:

Stage 1 – Capital Cost - \$6,808,000

- Consisting of a 25m indoor heated leisure pool and an additional 600m² of ancillary areas that comprise a new entry, foyer, café, staff office, change rooms, first aid, spa & sauna. Parking to be located on the other side of Yakamia Creek;
- Construction of Gymnasium and aerobics areas;
- Upgrade of existing sports hall including lining of internal walls, upgrading the change rooms and program facilities; and
- Constructing ancillary areas, function and meeting rooms.

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Item 12.2.5 continued.

Stage 2 - Capital Cost - \$2,200,000

- New indoor 4 court sports hall including timber sprung floor and feature centre court; and
- Additional parking on other side of Yakamia Creek.

Stage 3 - Capital Cost - \$1,000,000

- Construction of a new hydrotherapy pool based on the need and considering other facilities in the Albany area. This may include: negotiation of a shared use facility in conjunction with the WA Health Department.

Stage 4 - Capital Cost dependant on particular options and timeline

- 50m competition swimming pool. Several footprints have been allowed for to accommodate this at a later date.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR SANKEY**

RECOMMENDATION 1

THAT Council subject to establishing the financial capacity to accommodate capital expenditure (including the sourcing of sufficient external funding), annual cost of asset management and annual cost of service delivery adopts the submitted concept plan, master plan and following new staging order:

Stage 1 – Capital Cost - \$6,808,000

- **Consisting of a 25m indoor heated leisure pool and an additional 600m² of ancillary areas that comprise a new entry, foyer, café, staff office, change rooms, first aid, spa & sauna and water slide. Parking to be located on the other side of Yakamia Creek;**
- **Construction of Gymnasium and aerobics areas;**
- **Upgrade of existing sports hall including lining of internal walls, upgrading the change rooms and program facilities; and**
- **Constructing ancillary areas, function and meeting rooms.**

Stage 2 - Capital Cost - \$2,200,000

- **New indoor 4 court sports hall including timber sprung floor and feature centre court; and**
- **Additional parking on other side of Yakamia Creek.**

Stage 3 - Capital Cost - \$1,000,000

- **Construction of a new hydrotherapy pool based on the need and considering other facilities in the Albany area. This may include: negotiation of a shared use facility in conjunction with the WA Health Department.**

Stage 4 – Capital Cost dependant on particular options and timeline

- **50m competition swimming pool. Several footprints have been allowed for to accommodate this at a later date.**

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING – 16/12/03
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Item 12.2.5 continued.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR DEMARTEAU**

THAT in the event that an upgraded gymnasium is operated as a business unit of the Albany Leisure and Aquatic Centre, it complies fully with National Competition Policy to ensure that it does not compete unfairly with local business.

MOTION CARRIED 14-0

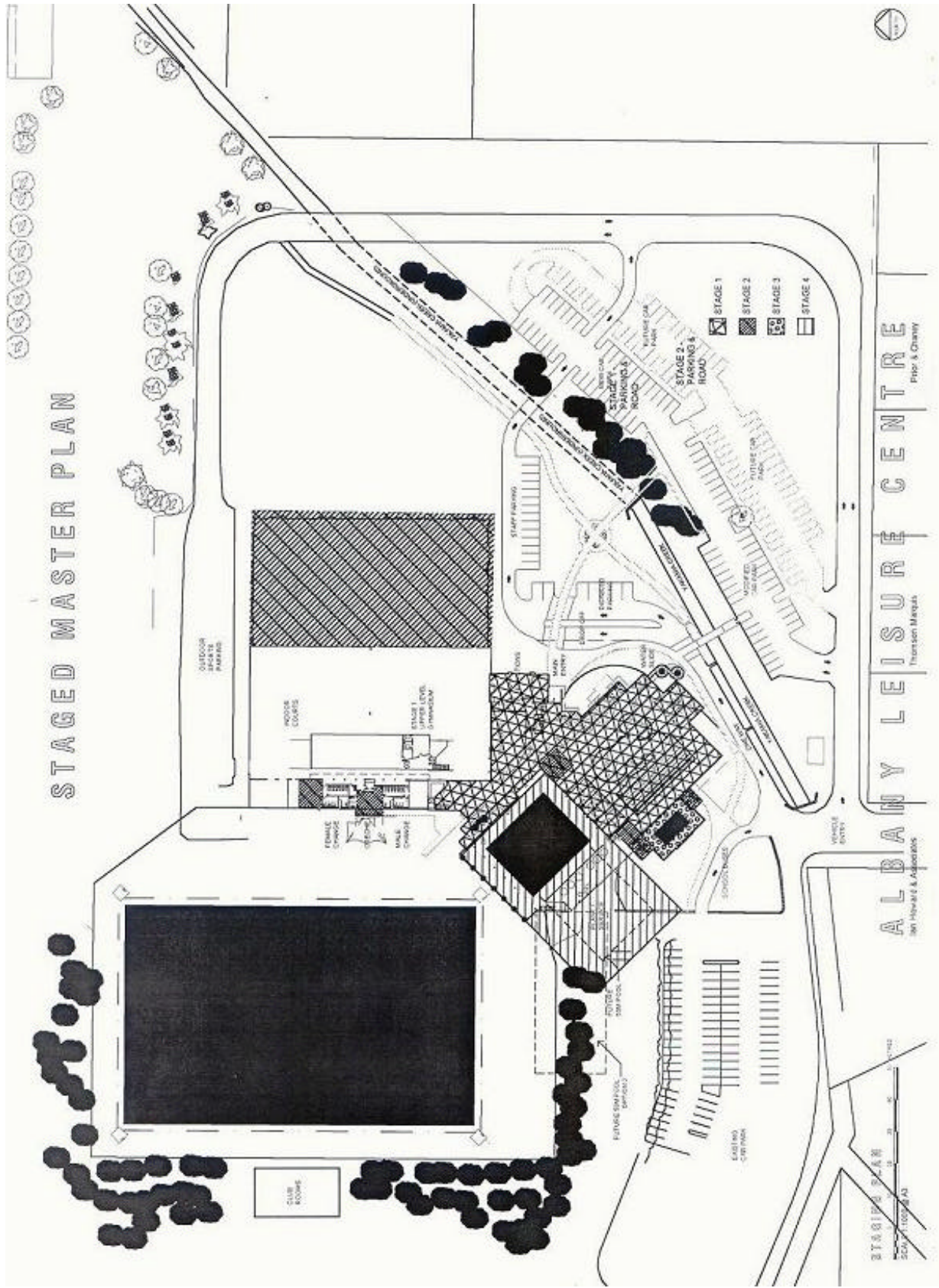
**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR EVANS**

THAT based on the determined staging order, in preparation for the continuation of the project in the event that positive notification of CSRFF funding is received in February 2004, the Recreation Development Officer:

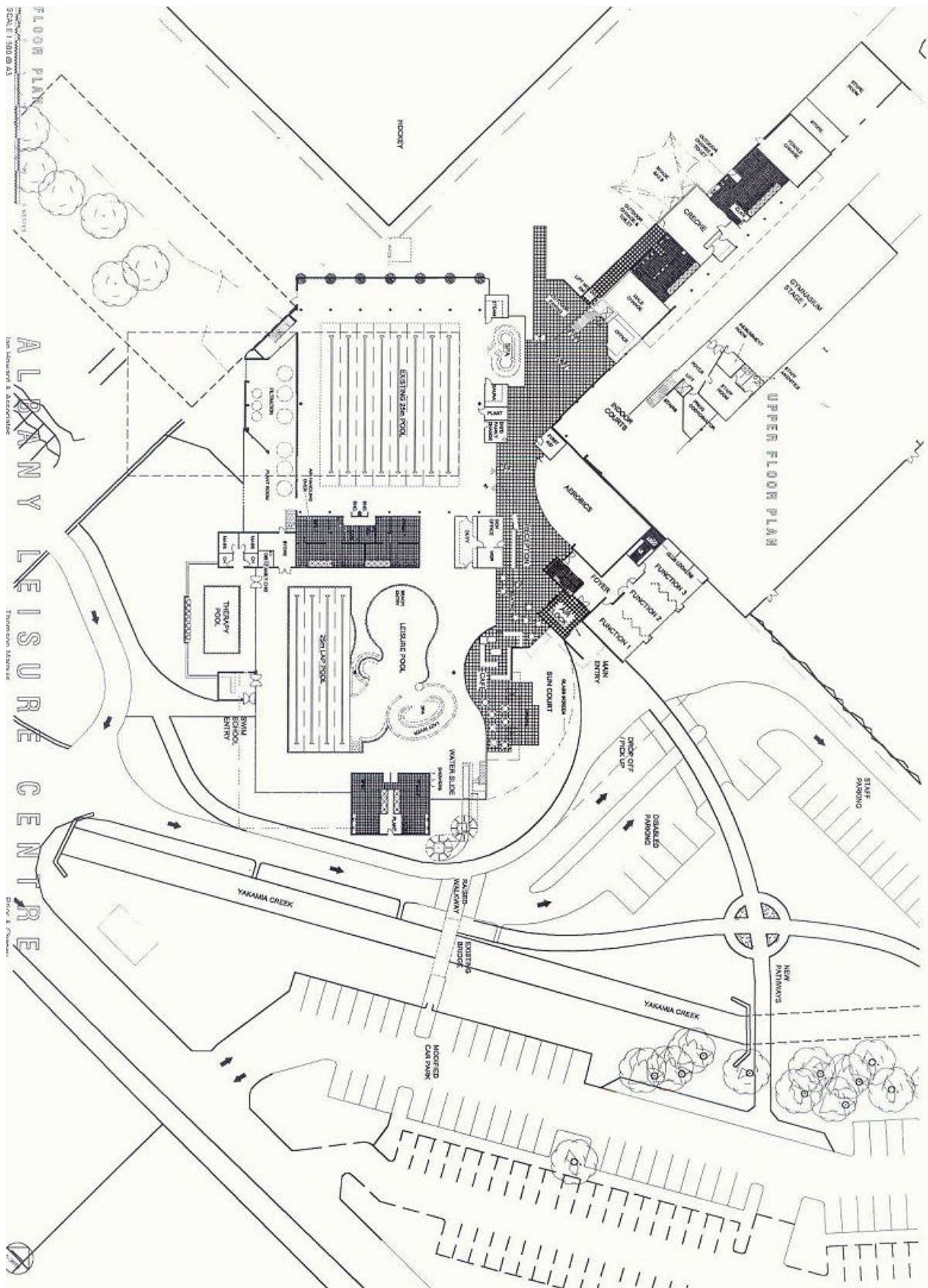
- i) displays the adopted concept plan at the Albany Leisure and Aquatic Centre in order to record feedback from potential and existing user groups in regards to specific design elements. (It is envisaged that this feedback can be used in the detailed design and working drawings stages of the project);**
- ii) prepares funding applications for submission to other external funding providers;**
- iii) prepares a detailed report regarding management options for the upgraded gymnasium in order that Council can make a determination at a later date; and**
- iv) prepares a report on the options of a design and construct type contract or separate design and construct contracts.**

MOTION CARRIED 13-1

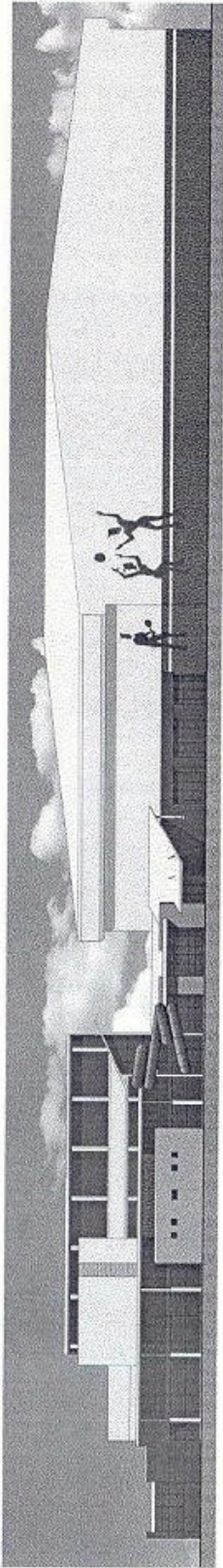
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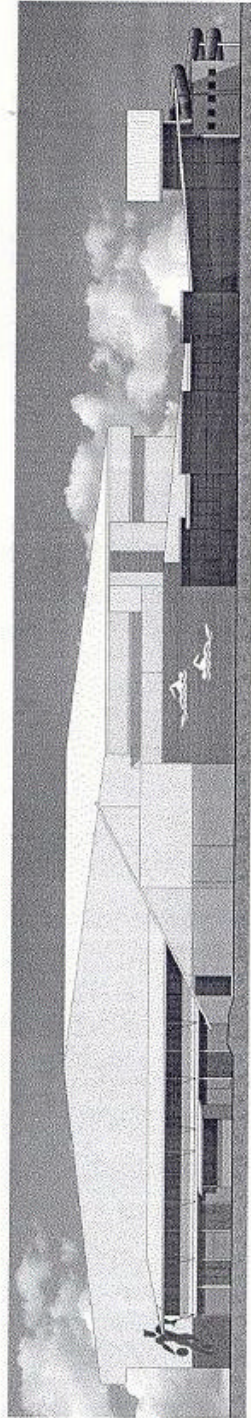
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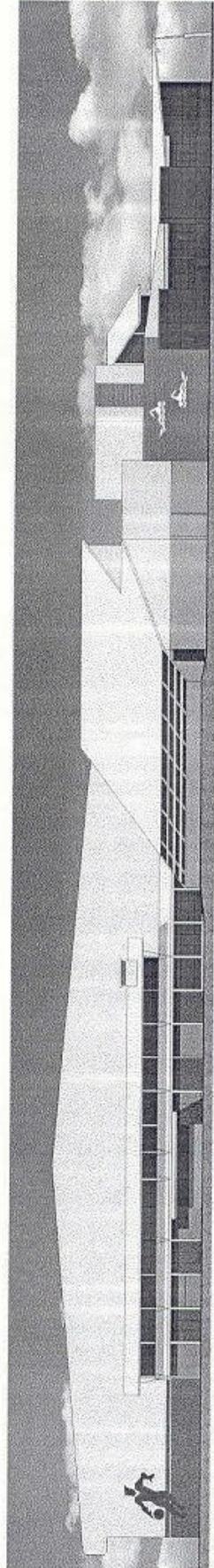
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south - east elevation



south - west elevation



west elevation

0 5 10 15 20 25
 metres in metres (1:500 @ A3)

A L B A N Y L E I S U R E C E N T R E
 Ian Howard & Associates
 Thomson Marquis
 Prior & Cheney

ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.2.6 Annual General Meeting of Electors – 25th November 2003

File/Ward	:	REL 113 (All Wards)
Proposal/Issue	:	Annual General Meeting of Electors
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	PA/Executive Director Corporate & Community Services (S Day)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	That Council receive the minutes of the Annual General Meeting of Electors
Bulletin Attachment	:	Annual General Meeting of Electors Minutes
Locality Plan	:	N/A

BACKGROUND

1. The Annual General Meeting of Electors was held on 25th November 2003 and a copy of the minutes are included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

2. Section 5.33 of the Local Government Act, states –

“(1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable –

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, which ever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

Item 12.2.8 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

5. The City's Albany 2020 Objectives, Port of Call – A reputation for professional excellence, highlights the need to comply with statutory requirements of the organisation.

COMMENT/DISCUSSION

6. There were two motions carried at the Annual General Meeting of Electors held on the 25th November, one confirming the 2001/02 Electors meeting minutes, and the second adopting the Annual Report for the 2002/03 Financial Year.
7. Neither of these motions requires further consideration by Council.

RECOMMENDATION

THAT the minutes of the Annual General Meeting of Electors held on 25th November 2003 be received.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR EVANS SECONDED COUNCILLOR DEMARTEAU</p> <p>THAT the minutes of the Annual General Meeting of Electors held on 25th November 2003 be received, subject to the following change:-</p> <p>7.0 Milton Evans, Deputy Mayor extended sincere congratulations to Hope Sharp, not the Chief Executive Officer as recorded.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>
--

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

Nil.

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Seniors Advisory Committee meeting minutes – 16th October 2003

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : **Executive Director Corporate & Community Services (WP Madigan)**
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 16th October 2003 be adopted.

Confirmation of the minutes of the Seniors Advisory Committee of 16th October 2003.

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 16th October 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BARTON**

THAT the minutes of Seniors Advisory Committee held on 16th October 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Great Southern Regional Saleyard Joint Venture Committee meeting minutes – 3 November 2003

- File/Ward** : REL 087 (Shire of Plantagenet)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Great Southern Regional Saleyard Joint Venture Committee meeting minutes – 3 November 2003 be adopted.

Confirmation of the minutes of the Great Southern Regional Saleyard Joint Venture Committee meeting minutes – 3 November 2003

RECOMMENDATION

THAT the minutes of Great Southern Regional Saleyard Joint Venture Committee meeting held on 3rd November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) with the exception of item 6.1- Computers, being deferred for further consideration.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of Great Southern Regional Saleyard Joint Venture Committee meeting held on 3rd November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) with the exception of item 6.1- Computers, being deferred for further consideration.

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING – 16/12/03
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CORPORATE & COMMUNITY SERVICES REPORTS

12.8.3 Public Arts Committee meeting – 17th September 2003

- File/Ward** : REL 020 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Public Arts Committee held on 17th September 2003 be adopted.

Confirmation of the minutes of the Public Arts Committee of 17th September 2003.

RECOMMENDATION

THAT the minutes of Public Arts Committee held on 17th September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR DEMARTEAU**

THAT the minutes of Public Arts Committee held on 17th September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.4 Public Arts Committee meeting – 23rd October 2003

- File/Ward** : REL 020 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Public Arts Committee held on 23rd October 2003 be adopted.

Confirmation of the minutes of the Public Arts Committee of 23rd October 2003.

RECOMMENDATION

THAT the minutes of Public Arts Committee held on 23rd October 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of Public Arts Committee held on 23rd October 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING – 16/12/03
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.5 Public Arts Committee meeting – 20th November 2003

- File/Ward** : REL 020 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Public Arts Committee held on 20th November 2003 be adopted.

Confirmation of the minutes of the Public Arts Committee of 20th November 2003.

RECOMMENDATION

THAT the minutes of Public Arts Committee held on 20th November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation adopted:-

THAT

- i) the Committee resolved to shortlist the four artists, being David Walker, Kevin Draper, Versluis & Potter, Bailey – Campbell-Pope and Thamo; and
- ii) with the fourth being paid from the budget of the Public Arts Committee, a cost of \$650 (plus GST).

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR DEMARTEAU**

THAT the minutes of Public Arts Committee held on 20th November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation adopted:-

THAT

- i) the Committee resolved to shortlist the four artists, being David Walker, Kevin Draper, Versluis & Potter, Bailey – Campbell-Pope and Thamo; and**
- ii) with the fourth being paid from the budget of the Public Arts Committee, a cost of \$650 (plus GST).**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

13.1.1 Waste Minimisation and Green Waste Services Contracts

File/Ward	:	C02061, C02062, SER 154 (All Wards)
Proposal/Issue	:	Award Waste Minimisation and Green Waste Services Contracts
Subject Land/Locality	:	City of Albany
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director, Works and Services (B Joynes) Manager City Services (S Massimini) Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Award contract C02061, Waste Minimisation Services to Cleanaway, and part Contract C02062, Greenwaste Services – Collection to Cleanaway, and part contract C02062 Greenwaste Services - Processing to Vancouver Waste Services.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Following two years of public consultation, Council engaged Sinclair Knight Mertz in January 2002 to produce a Waste Management Plan that would provide the community with a master plan for the future in waste management. Council, following extended consultation on this plan, including community workshops, adopted the Waste Management Plan by a resolution, at its ordinary meeting dated the 17th December 2002:-

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“THAT Council:

- i) adopt the Waste Management Plan, scenario two (2) as tabled;*
- ii) include the following points in addition to scenario two:*
 - a) A rebate to Households that purchase a Compost Bin or Worm farm (one per Household) of \$20 per unit, to encourage at-source recycling;*
 - b) Use a different Coloured Bin for domestic refuse Collections (red or blue), and use a sticker or heat brand on to the existing 240l bin to clearly label it Recycling only;*
 - c) Build in as much flexibility in the Green Waste Collections as possible within budget limits;*
 - d) Begin an Education Campaign prior to the full launch (and ongoing during the Contract Period), including an education area in the recycling shed itself for groups, tours and schools; and*
- iii) formulate tender documents and call tenders for the supply of the Waste Minimisation Contract, and Green Waste Collection and Processing Contract, as soon as possible.”*

2. The adoption of the plan also formulated a methodology to deliver the plan in the most effective and efficient manner possible, and as such, two expressions of interest were called for the delivery of the Waste Minimisation Services and Green Waste Services contracts. Council, at its meeting dated 17th June 2003, passed the following:-

“THAT Council request the following organisations be invited to tender for the provision of the following services:

- i) Waste Minimisation Service*
 - Vancouver Waste Services*
 - Albany Waste Disposal*
 - Recycling Company of WA*
 - SITA Environmental Solutions*
 - Cleanaway; and*
- ii) Greenwaste Collection and Processing*
 - Vancouver Waste Services*
 - AD Contractors*
 - Cleanaway.”*

3. Under the adopted Plan, the rates were estimated to be \$216 per urban household and \$35 per rural household in the first full year of operation. Council also levied ratepayers with an increase in the Health rate for 2003/04 to allow for the commencement of the Services in early 2004. The rate of \$184 for urban and \$15 for rural service was based on a pro rata calculation assuming early commencement of the full service.

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4. Tender documentation and contracts were formulated through a team consisting of a private expert in waste contracts, Lincolns Accountants, Minter Ellison Lawyers, and City staff over a four month period. The documentation was extremely challenging as it needed to cover many angles and achieve both appropriate risk apportionment but flexibility and innovation. It was made even more difficult by being the first of its kind to roll all services into one contract.
5. In particular, the Green Waste Services Tender called for a minimum service of three kerbside bundled collections per year, but also requested pricing for a more flexible 240L bin collection, and a bulk bag ('wool bale') service on a fortnightly basis. As well as these options, tenderers were able to provide alternative tenders that may provide the City with a more flexible service that assisted in delivering Council's requirements.
6. Particular innovations called for in the Waste Minimisation Tender included the following:
 - a) A waste education officer, who continuously liaises with and educates the public, schools, businesses and others throughout the life of the contract;
 - b) A contract management committee to allow for flexibility in service delivery should changes be seen that may be beneficial to both parties;
 - c) Incentive payments to the contractor for very low contamination rates of the recyclables (education campaign would need to be ideal for this to occur);
 - d) Payments by the contractor should contamination be too high;
 - e) A blue coloured 140L domestic waste bin;
 - f) A new undercover area at Hanrahan Road and Bakers Junction for users to sort off their recyclables before going to the landfill, that is always staffed;
 - g) Two kerbside hard waste collections per year from households, to recover all large recyclable goods before they end up in the landfill;
 - h) The operation of rural transfer stations for three half days per week, including delivery of waste back to Bakers Junction, and all recyclables to the Material Recovery Facility;
 - i) A new automated Material Recovery Facility to cater for the increased volumes of recyclables to be received through the roll out of the new service;
 - j) Customer Call Centre where the residents may direct all queries and complaints through an audited system with guaranteed response times;
 - k) The replacement of all of the City's large yellow steel public litter bins with 240L MGB plastic bins that are able to be collected with a side loading truck;
 - l) Cleaning of City CBD paths (additional to the service currently provided), bins, toilets and BBQ's through integration with the entire service delivery; and
 - m) The acceptance of other Council's co-mingled recyclables for a fixed price for the term of the tender.

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7. Tenders were formulated for the Waste Minimisation Contract for eight (8) years, and delivered to the short listed tenderers on the 9th October 2003, and the Green Waste Services Contract for five (5) years, on 23rd October 2003. A mandatory site inspection was held for the Waste Minimisation tenderers on Thursday, 30th October 2003.
8. Tenders closed for the Waste Minimisation Contract on Thursday, 20th November 2003. Whilst only two tenders were received, each of the short listed companies had combined to form alliances to deliver the best tender possible. The tenders were received from Vancouver Waste Services, who utilised SITA Environmental Solutions and Recycling Company of WA as sub contractors to deliver waste collection and recycling sorting respectively, and Cleanaway who had recently purchased the local Albany Waste Disposal company and its assets.
9. Tenders closed for the Green Waste Services Contract on Thursday, 27th November 2003. Tenders were received from Vancouver Waste Services and Cleanaway. Vancouver Waste Services proposed to utilise no subcontractors, whilst Cleanaway proposed to utilise the services of AD Contractors and Custom Composts WA.
10. For both contracts, an evaluation panel was formed consisting of the Executive Director Works and Services, the Manager of Finance and the Manager of City Services. Lincolns Accountants were in attendance for the evaluation to provide advice on corporate and finance matters (particularly financial capacity), and Minter Ellison Lawyers were utilised to provide advice on several legal matters, such as requested contract changes, Buy Local Policy and others.
11. This report provides Council with the outcomes of the tenders, both for the Waste Minimisation and the Green Waste Services Contracts.

STATUTORY REQUIREMENTS

12. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.
13. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

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POLICY IMPLICATIONS

14. The City of Albany Regional Price Preference Policy is applicable to this item. Vancouver Waste Services is entitled to the full 10% allowance, as it is locally based for the qualifying period. Cleanaway has not had a local operation for the required twelve month period and does not qualify for the full discount, however, Cleanaway qualifies for an allowance based on the local content in its contracts.

FINANCIAL IMPLICATIONS

15. The 2003/2004 operating budget contained an allowance of \$1.115 million for the commencement of operations of the Waste Minimisation contract in early 2004. The commencement of the new and enhanced service, on 6th April 2004, has resulted in budgeted savings that are recommended to be used to offset the capital cost of providing the most flexible Green Waste Service available. This will assist in reducing the charge per household over the contract term.
16. The December 2002 Council item estimated a rubbish and recycling removal charge of \$216 per urban household and \$35 per rural property. The estimated cost of the Waste Minimisation Contract and Green Waste Services Contract, using the recommended tenderers would be \$199 per urban household and \$35 per rural property. For a detailed breakdown (see attachment).
17. The preferred Waste Minimisation tenderer also includes enhanced CBD footpath cleaning, public litter bin and public toilet cleaning services, for a total of \$405,000 for 2004/05, compared to the existing service of \$349,800 for 2003/04. This is not covered through the household rubbish charge but funded through the normal Council budget process.
18. The proposed tenderers will employ the majority of the current Council employees involved in the service that meet their minimum employment standards. It is still necessary to pay a redundancy payment to those staff that qualify, and an allowance for the cost of the payouts is provided for in the 2003/2004 operating budget – (Works Management). Tenderers have indicated that their wage rates are higher than the rates paid by the City.
19. There is financial risk associated with letting the two contracts to external providers as the City will no longer own the specialised equipment to collect bins, nor the staff to operate specialised recycling equipment. The Waste Minimisation Contract requires a \$250,000 unconditional bank guarantee which is to be used to provide an interim emergency service if the contractor is unable to fulfil its commitments. The ownership of all fixed capital reverts to the City in such an instance.

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20. Under the contracts, the successful tenderer is required to provide up front capital of an estimated \$3.5 million for the provision of trucks, Materials Recovery Facility, bins, sheds, etc. The new 140 litre household bins are provided by the contractor and become the property of the ratepayer, with the cost of the bins amortized over the eight year ontract period. The possibility of purchasing the new bins in exchange for a reduced domestic collection rate was considered, however, the return on investment of this option was less than 4%, therefore is not deemed to be an advantage.
21. The contracting of the recycling activity also reduces the exposure of the City to a downturn in the global market for recycled material. The risk associated with these contracts is considered to be very low, with the opportunity to access a service with no up front capital expenditure required. Use of a professional recycling contractor with global contacts assists the City in the goal of maximising its recycling activity and therefore minimising material to landfill.
22. The proposed bio-insert bins for the collection of green waste cost \$77.00 each. The tenderer quoted price per household included amortization of the cost of the bins over five years. The proposed tenderer clarified that the greenwaste collection price includes an annual charge per household of \$20.59 per annum to supply these bins. The contract documentation does allow for the City to purchase these bins directly, providing this saving for the life of the contract (a 12% return on capital). It is proposed that the City purchase the bins and fund the purchase out of the savings due to the later start of the 2003/04 enhanced service, with the balance from the Refuse Reserve. However, the refuse reserve would be replaced over the life of the contract to reinstate those funds.

STRATEGIC IMPLICATIONS

23. This contract delivers all of the services as outlined in Council’s adopted “Waste Management Plan”, and leads to significant long term reduction in waste to landfill.
24. The City of Albany’s Strategic Plan “Albany 2020 – Charting our Course” recognises waste activities in the following ways:

Managed healthy land / harbour environment

Waste Management

- To participate in a regional waste program, which is environmentally responsible, cost efficient and effective.

The continual development of Council services and facilities to meet the needs of all stakeholders

Waste Collection

- To provide a clean, efficient and effective waste collection service.

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COMMENT/DISCUSSION

Waste Minimisation Contract

25. The services that were requested to be provided as part of this tender are:
- a) Weekly collection of domestic waste from 140 litre “blue coloured” mobile garbage bins (MGBs) and transportation to a nominated disposal facility;
 - b) Fortnightly kerbside collection of domestic recyclables from existing 240 litre MGBs, acceptance and sorting at the existing materials recovery facility ('MRF') at the Hanrahan Road Landfill site;
 - c) Operation of Rural Waste Transfer Stations, and the establishment and operation of Recycling Transfer Stations at Hanrahan Road and Bakers Junction;
 - d) Establishment and operation of a MRF and a tip shop at the Hanrahan Road landfill site;
 - e) Two kerbside collections of hardwaste;
 - f) Community education program;
 - g) Litter bin management and collection;
 - h) Cleaning of barbeques and public facilities;
 - i) Litter and public facility cleaning during community events;
 - j) Service transition plan that covers the period between the award of tender and the commencement of the services;
 - k) Provision and distribution of 140 litre MGB's;
 - l) Provision of transfer station bins;
 - m) Provision of suitable containers for the collection of recyclables at all transfer stations and MRF; and
 - n) Provision of all vehicles necessary for the fulfilment of the Contract.

Details of Submissions made

Cleanaway

26. Cleanaway provided a comprehensive submission covering all areas of the service proposed. They focused on their commitment to the environment, experience in the provision of municipal waste services, relationships with other local governments, regional knowledge, experience in education programs, capability in management systems, innovations that they have developed and special offers that they were willing to offer the City should they be successful in receiving the tender. Cleanaway clearly demonstrated that it had the resources to undertake the contract given that they currently collect from 140,000 WA premises each week and provide recycling services to over 290,000 households each fortnight. Their capability to handle some 3000 calls per month at its customer service centers from municipal customers demonstrated their experience and resources to deal with customer enquiries. They have carried out all major components of the Waste Minimisation service during the 30 years that Cleanaway has been operating.

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27. Discounts have also been offered to the City for awarding specific components of the tender and special offers, such as free service for Community events and free provision of an online Website to provide service information.
 28. Cleanaway also made a number of qualifications concerning the contract and these were relayed to Minter Ellison for legal assessment. Some of these qualifications have been rejected while others required clarification. Materially however, these items are not considered significant in costing for the total service.
 29. Cleanaway have also recently purchased a local Albany business to provide a base for their operations and show their commitment to the region.
 30. Details were provided on employment prospects for staff who will be made redundant with the outsourcing of the service. Cleanaway will require more staff than are currently employed by the City to provide the service, and they expect to source all staff locally. Council staff will be given the opportunity to be employed, subject to Cleanaway's selection and recruitment processes. Cleanaway are also aware of the provisions concerning transmission of business.
 31. A reference check was made with the City of Bayswater, Town of Cambridge and City of Mandurah, and all spoke extremely highly of the services provided by Cleanaway. These ranged from domestic refuse to recycling to greenwaste and in value from \$700,000 to \$4.5 million per year. Contracts dated back as far as 1986 and some continue to the year 2013.
 32. Cleanaway addressed all relevant areas of the schedules attached to the tender which contained the detailed proposal information. Timelines have been provided for the implementation of the service and it is expected that collection services will be commencing on the 6th April 2004.
- Vancouver Waste Services**
33. Vancouver Waste Services provided details covering all areas of the Waste Minimisation service. In their proposal, an alliance was formed with SITA Australia and Recycling Company of WA Pty Ltd (RCWA) to provide the full suite of services requested by Council through the tender. Vancouver Waste Services would be the principal contractor and would be the contractor with overall responsibility for the tender. Both SITA and RCWA have both had extensive experience in the waste industry, SITA in the collection and RCWA in the processing of recyclables. However, for the purpose of the tender, Vancouver Waste Services were to be considered as the principal tender agent and they are responsible for the day to day operations and for organising the service while SITA and RCWA would be subcontractors to Vancouver.

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34. The submission made, broke the service into three components with SITA carrying out collection services, provision of education program and promotions including recycling, provision of customer service centre and route planning for the collection service. RCWA would construct and operate the MRF, collect receptacles from the recycling transfer stations at Hanrahan Road and Bakers Junction, as well as transport and sell recyclables.
35. Vancouver Waste Services would undertake the balance of work and be overall responsible for the service. SULO were also nominated as a subcontractor to supply the bins, assemble and deliver to households, distribute household information packs and place new stickers on existing MGB bins.
36. Armogedin Pty Ltd (parent company) has undertaken various works over the years and currently has a contract to manage the Bakers Junction landfill for the City of Albany. This service has been identified as the primary source of waste management experience. They have had the contract since 1999 and the term will end next year. The service involved the day to day running of the landfill, gate services and ensuring compliance with the DEP license conditions.
37. The City of Albany has been nominated as a referee for this service. They have provided an acceptable service in the last 15 months, since improvements were requested to the service.
38. The report provided adequate detail on what was proposed for the service to be undertaken by Vancouver Waste Services. Financial capability to sustain and/or perform the complete service, should one of the primary subcontractors opt out, was a concern. However, the Directors of Armogedin Pty Ltd (parent company) have submitted their personal assets as part of the submission to provide security and a letter of comfort from a lending institution stating that they could borrow up to \$2 million dollars for the acquisition of plant and equipment.
39. There is a query relating to the ability of Vancouver Waste to support the large capital raising required for the contract. Whilst there appears to be enough liquidity, the financial information supplied is contradictory and difficult to assess.
40. Vancouver Waste Services have advised that they will require 4 employees to operate the MRF and 3 drivers for the collection service. This would mean that some of the existing staff will not be incorporated into the new workforce.
41. Vancouver Waste Services are confident of meeting a full roll out of the service by the 6th of April 2004.

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Assessment of Tenders

42. The assessment of the tenders received comprised two principal components, being compliance with the tender documents, and qualitative criteria as outlined within the tender. Listed below is a table detailing the description of the criteria and whether the tender meets it.
43. An assessment has now been made using qualitative criteria to assess the submissions. This table is listed below and contains the criteria and proportion that each has been assigned and used to assess the applications by the team on each of the tenders.

Criteria	Proportion
Financial benefit to the City and eligibility of the tenderer to claim the City of Albany's Buy Local Policy	30%
Business Capability, Experience and skill of the Tenderer	15%
Customer Service	15%
Reliability of the Tenderer	10%
Quality of Services Offered	10%
Education programs proposed	10%
Transition plan and methodology for implementation	10%
Total	100%

44. The proportions used for each of the assessment criteria were based on the needs of the service as well as to ensure that sufficient weighting on cost would be applied. For a service such as this, which involves both the provision of existing, as well as new and enhanced services, it was imperative that the assessment provided a broad and comprehensive detailed evaluation of the submissions made. The following areas were reviewed in each of the criteria, specifically;
- *Financial benefit to the City and eligibility of the tenderer to claim the City of Albany's Buy Local Policy* – This involved a review of the overall costs associated with the tender and its comparison with the other tenderers submitted prices. Prices had been submitted for the construction of recycling transfer stations at Hanrahan Road and Bakers Junction Transfer Stations, supply of transfer station hook lift bins, supply and distribution of 140L MGB bins. Prices were submitted for the provision of services to process commingled recyclables from other local government authorities, collect household domestic waste and recyclables, process recyclables, provide special collection services for disabled residents, collect waste and recyclables from transfer stations, collection of waste from public litter bins, clean bus shelters, collect litter and roadside animal kill, supply and collect bins and clean public facilities used in community events, clean public BBQ's and toilet facilities, clean footpaths in the CBD area and provide a price for collection

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of bulk kerbside waste. It was also important to assess the Buy Local Policy claims made by the tenderers to ensure that what was claimed is applicable.

- *Business Capability, Experience and Skill of the Tenderer* – This involved the management and technical experience of each of the tenderers, demonstrated skill in a related service, details of similar work, issues that have arisen in past similar projects, proven track record and the experience of personnel to be involved in the task.
- *Customer Service* – Proven ability, complaints process, service charters, resources to be provided for the service, recording and communication systems to be used were analysed.
- *Reliability of the Tenderer* – ability of the tenderer to have completed similar works and services in prior contracts, the capability of the tenderer to meet its existing commitments and those required under this contract.
- *Quality of Services Offered* – The assessment team looked at the tenderers understanding of the quality specifics pertaining to the services being provided, measures to be applied to ensure compliance, any formal qualification obtained or progression towards achieving, and Occupational Health and Safety systems to be applied.
- *Education programs proposed* – Factors used in assessing this area required an understanding of the outcomes and resources to be provided to the program, incorporation of existing programs, provision of an Education Officer and communication methods to be used.
- *Transition plan and methodology for implementation* – A detailed program had to be submitted outlining the transition from the existing to new service, how this was to be managed, when the services were to be provided and how is the transition to be communicated to the community.

Results of Waste Minimisation Tenders

45. The assessment team met to discuss and scored the submitted tenders using the criteria as outlined. The final scores for each of the tenders, using the criteria listed was as follows:

Vancouver Waste Services	43.7
Cleanaway	72.3

46. The tendered costs (excluding GST) were as follows:

	Vancouver	Cleanaway
Total tendered cost per annum	\$ 2,268,822	\$ 1,776,331
Less: Buy local discount	(226,882)	(63,948)
Net tender price	\$ 2,041,940	\$ 1,712,383

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47. From the point scores obtained, Cleanaway is the recommended tender based upon price and the selection criteria by the assessment team. The principal areas of strength identified in the submission made by Cleanaway were:
- Cost
 - Business Capability, Experience and Skill of the Tenderer
 - Reliability of the Tenderer
 - Quality of Services Offered
48. Cleanaway is recommended to undertake the full services except for high pressure street cleaning, as their submitted price of \$44,000 was considered far too expensive. Council would seek independent contractors to undertake this task annually.

Green Waste Contract

49. The services that were requested to be provided as part of this tender are;
- a) the provision of a bundled kerbside greenwaste collection service at least three times per year.
 - b) the collection of greenwaste from drop off points including the City of Albany's Rural Transfer Stations.
 - c) The contractor may also choose to provide an alternative collection option which may include (but is not limited to) a fortnightly kerbside collection using 240 litre MGB's or bag system; or a large bag system ('wool bale').
 - d) The kerbside collection service is to be provided to all households currently receiving a domestic waste collection service (maps and service days provided in the service maps, and street listings document attached for guidance). The City has approximately 11,800 residents receiving a domestic collection service. It is expected that not all residents may request a greenwaste service. Tenderers need to estimate what they consider the minimum service threshold would be to make the service viable.
 - e) the operation of greenwaste processing facilities. Processing options may include (but are not limited to) compost, waste to energy, mulch, fertilisers, soil conditioners, or such other products that the tenderer can substantiate as recycling, to the City.
 - f) customer service provisions must provide a high level of customer satisfaction with the greenwaste service, develop and maintain a customer complaint process, ensure adequate resources are made available for customer feedback, and develop a customer services recording and communication system.
 - g) the provision of user and community education programs that educate the community on the benefits of greenwaste recycling, the importance of keeping greenwaste out of landfill and the environmental impact and sustainability of reusing organic material within the region of its origin.
 - h) marketing and promotion strategy for the collection of greenwaste and the sale of recycled products as a result of the service.

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Details of Submissions Made

Cleanaway

50. Cleanaway have provided two conforming tender submissions. The first submission is for a collection service through a bundled kerbside bulk pick up three times per year. A second submission is for a collection service through a specialised 240L MGB kerbside pick up every four weeks.
51. The specialized 240L MGB is a Cleanaway innovation in Australia and has undertaken extensive trials in several other local authorities. The 240L MGB is named a BIO-Insert bin (MGB) and works through vents installed into an existing 240L bin and an insert placed inside the bin that allows for aeration and ease of emptying. The experience with the BIO-Insert have shown that the bins need to only be collected four-weekly when collecting greenwaste only and two-weekly when collecting a combination of greenwaste and kitchen organics.
52. Cleanaway proposes to use AD Contractors for mulching and Custom Composts for composting. Custom Composts are a well known producer of quality mulched products and would be able to supply a sustainable market for the life of the contract.
53. Cleanaway's proposal is to primarily mulch (downsize) all collected material at Hanrahan Road or Bakers Junction before being transported off-site to be further refined and processed. There is a lack of information in the tender concerning processing, and whilst AD Contractors currently mulches material throughout the City, it is circumspect whether they would be able to process the large volumes of material to Australian Standards and provide sustainable markets for the life of the contract.
54. Details of the processing location have not been provided. As such, it is not possible to assess whether residents would be able to deliver the material directly to the processing site and therefore save transport costs to the City.

Vancouver Waste Services

55. Vancouver Waste Services have provided one conforming tender submission for a collection service through a bundled kerbside bulk pick up three times per year. The proposal is to process all of the material at their John Street property and resell the product through their existing garden and soil business on the site as well as developing new markets.
56. The John Street site allows for residents to deposit greenwaste directly at the processing site and save on transportation costs to the City.

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Assessment of Tenders

57. The assessment of the tenders received comprised two principal components, being compliance with the tender documents, and qualitative criteria as outlined within the tender. Listed below is a table detailing the description of the criteria and whether the tender meets it.
58. An assessment has now been made using qualitative criteria to assess the submissions. This table is listed below and contains the point scores assessed by the team on each of the tenders.

Criteria	Proportion
Financial benefit to the City and eligibility of the tenderer to claim the City of Albany's Buy Local Policy	40%
Business Capability and Experience and Skill of the Tenderer	20%
Sustainability of the Processed product	20%
Customer Service	10%
Reliability of the Tenderer	5%
Education programs proposed	5%

59. The following areas were reviewed in each of the criteria, specifically;
- a) *Financial benefit to the City and eligibility of the tenderer to claim the City of Albany's Buy Local Policy* – This involved a review of the overall costs associated with the tender and its comparison with the other tenders submitted prices. Prices had been submitted for the provision of a minimum of three (3) bundled kerbside collections per year, collection of greenwaste from transfer stations, processing of greenwaste from households, processing of commercial greenwaste and a price for the provision of topsoil and mulch to the City. Two options were also requested to be priced as part of the tender. These were collection of household greenwaste using a 240L MGB and monthly collection using a bag system. It was also important to assess the Buy Local Policy claims made by the tenderers to ensure that what was claimed is applicable.
 - b) *Business capability, experience and skill of the Tenderer* – This involved the management and technical experience of each of the tenderers, demonstrated skill in a related service, details of similar work, issues that have arisen in past similar projects, proven track record and the experience of personnel to be involved in the task.
 - c) *Sustainability of the processed product* – This factor examined the viability and sustainability of the processed product in the marketplace, associated quality standards for those products and Occupational Health and Safety systems.

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- d) *Customer Service* – Proven ability, complaints process, service charters, resources to be provided for the service, recording and communication systems to be used were analysed.
- e) *Reliability of the Tenderer* – Ability of the tenderer to have completed similar works and services in prior contracts, the capability of the tenderer to meet its existing commitments and those required under this contract.
- f) *Education programs proposed* – Factors used in assessing this area required an understanding of the outcomes and resources to be provided to the program and communication methods to be used.

Results of Greenwaste Services Tender

60. The final scores for each of the tenders, using the Criteria listed was;

Vancouver Waste Services	60.7
Cleanaway	57.0

61. The tendered costs (excluding GST) were as follows:

	Vancouver Bundled	Cleanaway Bundled	Cleanaway Bins *
Total tendered cost per annum	\$363,710	\$489,356	\$475,981
Less: Buy local discount	<u>\$ 36,371</u>	<u>\$ 6,851</u>	<u>\$ 6,664</u>
Net tender price	\$327,339	\$482,505	\$469,317

* This does not include the capital purchase of the BIO-Insert bins at \$70 (excluding GST).

62. Throughout the public consultation stages of the Waste Management Plan, and through contact received through mail, personal contact and attendance at meetings with ratepayers, residents and various associations, the most common concern was always the ability of the City cater for the resident's greenwaste disposal. Most were very concerned that a bundled kerbside collection would be inadequate to service their needs. As such, Council requested at its December 2002 meeting that the Greenwaste Service be as flexible as possible within budget limits, and also that a household rebate be made available for compost bins or worm farms for \$20 per unit to encourage at source recycling.
63. The tenderers were requested to provide a bin service price or the wool bale service, or any other service the tenderer believed was flexible and advantageous to the City's residents, to allow for maximum flexibility. Only Cleanaway provided this service and its cost is within budget, and when combined with the Waste Minimisation tender recommendation, is an estimated \$17 per household under budget.

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64. One tender submitted by Cleanaway proposes to use an innovative new bin insert into a new 240L MGB (BIO-Insert). This insert allows the bin to “breathe” to minimise anaerobic conditions and therefore odours, and allows for a monthly collection (rather than a fortnightly collection).
65. Trials have also been undertaken within Australia to combine kitchen organics in the bin, and collecting this fortnightly, allowing therefore the domestic rubbish collection to be undertaken only fortnightly. These trials are proving successful, and results will be analysed into the future.
66. However, there are concerns over Cleanaway’s proposal to mulch the collected product, as there have been no details specifically in the tendered documents. Subsequent clarifications have highlighted that AD Contractors intended to “Tub Grind” all of the material at Hanrahan Road and Bakers Junction before being taken offsite for processing to an unknown location. There is also no evidence of how the contractor is to ensure that the product is sustainably marketed or sold. The cost is also significantly more than expected and not justifiable.
67. The submission through Vancouver Waste Services offers a less expensive and far less effective bulk collection service. The bulk collections would not have the flexibility of the Cleanaway BIO-Insert proposal.
68. The processing option that Vancouver Waste has tendered is appropriately priced and appears to be far more efficient and effective in terms of a sustainable solution to marketing and product re-use. The Vancouver Waste proposal also allows for residents to drop off greenwaste directly to their John Street processing site, that is centrally located and convenient to the majority of residents.
69. The John Street site would still need to obtain the necessary approvals, although preliminary work undertaken by Vancouver Waste indicates that approvals are possible up to 1000m³ of material at any time. Their proposal is to therefore seek an overflow processing site at either the Water Corporation’s Timewell Road site, or Bakers Junction. The John Street site, will have a covered horizontal shredding machine that is enclosed in a shed to reduce noise and odour.
70. The proposal by Vancouver Waste is based upon Council paying for the processing of all kerbside domestically collected greenwaste, and domestically delivered greenwaste (through a single use greenwaste pass) directly to John Street at \$4.40 per m³ (minimum 15,000m³). All domestically delivered greenwaste (without a pass) to the site is to be charged at \$6.60 (GST inc.) and commercial greenwaste at \$11.00 (GST inc.). Both are not expected to exceed 30,000m³ in any one year.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

- 71. This processing proposal by Vancouver Waste would allow Council to issue every urban household with a free single use greenwaste pass (up to one car trailer load), with every domestic load delivered without a pass, paying Vancouver Waste directly \$6.60m³. For greenwaste delivered to Council’s landfills, a transport loading fee of an additional \$6.60 would be payable. This is to encourage residents to deposit greenwaste directly to John Street, or pay for the cost of Vancouver Waste collecting it from Hanrahan Road or Bakers Junction and delivering it to the John Street site.
- 72. Therefore, it is recommended that the best possible solution for the Greenwaste Service is seen as a hybrid of a BIO-Insert 240L bin for residents collected four weekly by Cleanaway, and a processing service supplied by Vancouver Waste.
- 73. The estimated cost for this service, based on estimated throughputs are:

<u>Cleanaway</u>	
Verge pickup (bin service 4 weekly) -	\$ 170,535
<u>Vancouver Waste</u>	
Green Waste transport ex Hanrahan Road & Bakers Junction	30,000
Green Waste Processing	<u>100,000</u>
Total Green Waste Contract Cost	\$ 300,535

- 74. The costs supplied by both tenderers for the supply of a bulk greenwaste service to the rural transfer stations is seen as cost prohibitive (lowest price of \$33,000 to collect and \$9,000 to process) compared to the volumes expected to be collected. The cost per rural household would have to increase from \$35 to \$63 to cover these costs and this is most likely unacceptable to the majority of rural householders who have the ability through larger land holdings to treat their own greenwaste onsite.
- 75. Under the recommendations, all of the bins (140L domestic, 240L recycling, 240L BIO-Insert greenwaste) become the sole property of the ratepayer upon delivery. All new households that are serviced after the commencement date will need to supply their own complying bins (available locally).
- 76. The recommended provision of Greenwaste Services provides an extremely flexible service that allows for the processing and mulching of all collected greenwaste. As such, the proposed rebate for purchases of compost bins and worm farms of \$20 per unit, has not been included in any of the budgets proposed. It is recommended that the commencement of any rebate be withheld until the impact of the new service can be assessed.
- 77. A number of ratepayers have expressed concern over any greenwaste service that may be provided by the City as they live in multiple dwelling properties (too many bins and no greenwaste produced), or large acreages of land (able to sustain their own greenwaste processing). It is therefore proposed that the City offer all

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ratepayers with a multiple dwelling site, or land over 4000m², that can demonstrate their ability to manage all of their greenwaste within their properties, the opportunity to apply for a reduction in the health rate of \$14.00 per household per year for the term of the contract, commencing in 2004/05. This would be achieved through requesting these ratepayers apply to Council prior to the start of the contract to be removed from the greenwaste service.

Summary

78. The recommended contractors will provide a service that delivers all of the requirements of Council's adopted Waste Management Plan. Further, the use of the specialized BIO-Insert bins provides an extremely flexible greenwaste service as requested by the community, and allows for potential kitchen-organic collections in the future. The impact of the total service on landfill would be to extend the life of both Hanrahan Road and Bakers Junction sites up to 6 years, saving an estimated \$9 million dollars over the 15 year period in transportation costs to a regional landfill facility.
79. The service is the first of its kind in Australia in that one contract has been let for the total provision of all waste minimization services. The benefit of combining community education, public consultation, school participation with recycling (both commercial and domestic) through one service delivery mechanism would provide a sustainable solution to diverting waste from landfill and maximising re-use of currently wasted products. Combining all collection services (domestic refuse, recycling, greenwaste, public litter bins) provides significant integration benefits and cost savings to Council.
80. The projected budget utilizing the recommended contractors proposes a sustainable health rate of \$199 per household per year. This has included the costs of a free single use refuse tip pass to a maximum of 1 cubic metre, and a free greenwaste tip pass (at the processing site) up to 2 cubic metres to discourage illegal dumping and promote appropriate waste management techniques.

RECOMMENDATION 1.

THAT Council awards contract C02061 - Waste Minimisation Service to Cleanaway, with the exception of the annual high pressure footpath cleaning, priced as follows:

i)	Hanrahan Road Recycling Transfer Station Construction	\$65,828
ii)	Bakers Junction Recycling Transfer Station Construction	\$30,944
iii)	Supply and delivery of 7 hook lift bins	\$70,340
iv)	Price per tonne to process recyclables from other local authorities	\$44
v)	Price to lease land at Hanrahan Road for recycling activities per annum	\$1

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Item 13.1.1 continued

vi)	Hanrahan Road Tip Shop construction	\$27,964
vii)	Price per service per MGB for:	
	a) weekly rubbish collections of 140L MGBs including bin supply	\$0.7502
	b) each additional collection requested	\$0.8712
	c) fortnightly collection of recyclables of 240L MGBs	\$1.2307
	d) each additional collection requested	\$1.2307
	e) weekly collection of 140L MGBs from difficult access areas	\$2.1019
	f) weekly collection of 140L MGBs for special service residents	\$2.1019
viii)	Transfer Station set-up	\$8,635
ix)	Transfer Station operations per annum	\$238,566
x)	Transfer Station refuse transfer per annum	\$74,000
xi)	Litter management per annum	\$156,745.16
	a) for each additional bin per service	\$3.685
	b) call out fee for bus shelters	\$176
	c) call out fee for dead animal removal –	
		0-10kg \$11
		10-30kg \$16.50
		above 30kg \$33
	d) cost per hour for roadside litter collection	\$44
xii)	Servicing community events as listed	\$0
	a) per bin collection	\$0
	b) per public toilet and shower cleaning	\$0
xiii)	Public facility servicing per annum	\$218,808
	a) call out fee for additional services	\$176
	b) for every new ablution block per service	\$27
xiv)	Barbeque service cleaning per annum	\$45,914
	a) additional services call out fee	\$176
	b) for every new BBQ added, per service	\$9.90
	c) response time	4 hours
xv)	CBD footpath and street furniture cleaning per annum	\$42,350
xvi)	Two bulk kerbside collections of hardwaste per annum	\$76,000
xvii)	Payment to the City for commercial recycling per tonne	\$11

AND

WORKS & SERVICES REPORTS

Item 13.1.1 continued

THAT Council awards contract C02062 – Greenwaste Services as follows;

- i) accepts the alternative tender from Cleanaway to provide a four-weekly collection service utilizing a BIO-Insert MGB for \$16.014 per household per year, providing that Council pays for the supply and delivery of the BIO-Insert MGB's upfront for \$77 each;
- ii) accepts the tender from Vancouver Waste Services for the collection of Greenwaste from Hanrahan Road Landfill site for \$88.00 per receptacle collection (including receptacle) and Bakers Junction Landfill site for \$99.00 per receptacle collection (including receptacle), for an estimated \$30,000 per annum;
- iii) accepts the Tender from Vancouver Waste Services for the processing of greenwaste, delivered directly to their John Street Processing Site, for an estimated \$100,000, priced as follows;
 - a) \$4.40/m³ for kerbside collected greenwaste, payable by the City of Albany,
 - b) \$4.40/m³ for domestic greenwaste with a Greenwaste Processing Pass (one per household per year up to 2m³), payable by the City of Albany,
 - c) \$6.60/m³ for domestic greenwaste without a Greenwaste Processing Pass, payable by the resident delivering the material, to Vancouver Waste Services, and
 - d) \$11.00/m³ for all commercial greenwaste, payable by the commercial operator to Vancouver Waste Services;
- iv) accepts the Tender from Vancouver Waste Services for the provision of processed materials to the City of Albany as follows;
 - a) Topsoil at \$22 per ton,
 - b) Mulch at \$82.50 per ton; and
- iv) not accept any tender for the collection of greenwaste from rural Transfer Stations.

AND

WORKS & SERVICES REPORTS

Item 13.1.1 continued

THAT Council offer a reduction in the urban health rate in 2004/05 of \$14 per household per year until the end of the proposed greenwaste contract for ratepayers in multiple dwelling units that can demonstrate that they have no need of this service or for ratepayers with land holdings greater than 4000 m² that can demonstrate that they can manage their produced greenwaste within their own property sustainably. For the qualifying ratepayers, a BIO-Insert bin would not be provided.

AND

THAT Council considers the provision of a free single use refuse tip pass to a maximum of 1 cubic metre, and a free greenwaste tip pass (at the processing site) up to 2 cubic metres for all urban households in the 2004/05 budget.

Voting Requirement Simple Majority

RECOMMENDATION 2.

Authorise the purchase of a \$77.00 BIO-Insert MGB for each qualifying household paying the Urban Rubbish Rate as at 6th April 2004 from Cleanaway, where the bins are to become the property of the ratepayer for greenwaste collections, and reallocate up to \$320,000 from the Refuse Reserve to cover additional cost, whereby such funds are to be returned to the reserve over the five year life of the contract.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT Council lay this matter on the table until a Special Meeting of Council is convened on Tuesday the 23rd of December 2003 at 5.30pm where a full briefing by staff will be given to Councillors prior to the matter being deliberated upon.

MOTION LOST 5-9

Reason:

Whilst some degree of urgency exists to move forward with the waste minimisation strategy, Councillors require an extensive briefing prior deliberating upon the matter.

WORKS & SERVICES REPORTS

Item 13.1.1 continued .

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Council lay this matter on the table until the next ordinary meeting of Council, subject to a full briefing being conducted prior to this item being deliberated upon.

MOTION CARRIED 10-4

Reason:

Councillors require a further month to consider the complexities of the matter.

ORDINARY COUNCIL MEETING – 18/12/03

** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

ANALYSIS OF ANNUAL RUBBISH CHARGE	
Rubbish services	112.56
Greenwaste services	25.66
Tip Operations (net of revenue)	22.76
Tip Regeneration	16.95
Greenwaste Bin purchase -(reserve replacement)	5.42
Other City costs	
Administration	2.54
Loan Servicing - Transfer Stations	1.64
York St High Pressure Clean	1.02
Transfer to Reserve	7.23
Capital Works (Various)	3.22
Required Household Rubbish charge	199.00

WASTE PROJECTED ANNUAL BUDGET	
Waste minimization contract	1,801,397
Green Waste Contract	302,741
Tip Operations - Net of revenue	267,707
York St High Pressure Cleaning	12,000
Public Conveniences Building Maint. / insurance	47,035
Waste Administration	30,000
Loan Servicing	18,910
Capital Works	50,000
Tip Regeneration	200,000
Transfers to reserves - Green Waste Bin Recovery	63,984
- Operations	86,236
Funded ex:	
Domestic Rubbish Charge (\$199.00)	(2,348,200)
Rural Waste Charge (\$35.00)	(52,500)
Resource Recovery Rebate Scheme	(15,000)
Sanitation budget ex Council funds	(464,310)
	(0)

WORKS & SERVICES REPORTS

TENDERS - FINANCIAL SUMMARY (excluding GST)

	Vancouver	Cleanaway		Proposed Option
WASTE MINIMIZATION TENDER				
Rubbish Collection	681,116	489,051		Cleanaway 489,051
Recycling Collection	656,197	343,094		Cleanaway 343,094
Recycling Operations	187,920	177,383		Cleanaway 177,383
Transfer Stations				
Hanrahan Road/ Bakers	69,000	80,878		Cleanaway 80,878
Rural Tips	129,310	211,559		Cleanaway 211,559
Bulk Collection	158,000	69,091		Cleanaway 69,091
Litter Bins	112,000	142,495		Cleanaway 142,495
Public Conveniences / Barbeques	118,000	198,916		Cleanaway 198,916
Other Sanitation	157,279	128,648		Cleanaway 128,648
Discount	0	(64,785)		Cleanaway (64,785)
TOTAL WASTE MINIMIZATION	2,268,822	1,776,331		1,776,331
less: Regional content	(226,882)	(63,948)		
NET CONTRACT COST (excl GST)	2,041,940	1,712,383		
GREEN WASTE TENDER				
	Vancouver	Cleanaway	Cleanaway	
	Bundled	Bundled	Bins	
Verge pickup	175,710	183,910	170,535	Cleanaway 170,535
Transfer Station - ex Hanrahan / Bakers	38,000	138,000	138,000	Vancouver 30,000
Transfer Station - ex Rural Tips	30,000	34,355	34,355	reduced volume
Processing	120,000	133,091	133,091	Vancouver 100,000
				reduced volume
	363,710	489,356	475,981	300,535
less: Regional content	(36,371)	(6,851)	(6,664)	
NET CONTRACT COST (excl GST)	327,339	482,505	469,317	

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Building Master Plan

File/Ward	: SER 087 (All Wards)
Proposal/Issue	: Building Master Plan
Subject Land/Locality	: City of Albany
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Asset Coordinator (S Broad)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/05/03 - Item 13.2.1
Summary Recommendation	: That Council receive and endorse the Condition Appraisal and Maintenance Plan of Building Assets.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. In May 2003, Tungsten Group was appointed to undertake condition appraisals and maintenance plans for the City's Building Assets. The key objectives to be addressed included:
 - a) Verification of Asset Register;
 - b) Asset condition appraisals inspections and functional reviews;
 - c) Restorative and preventative maintenance programs;
 - d) Energy budgets;
 - e) Preparation of the Report and presentation to Council officers and Elected Members; and
 - f) Management and administrative tasks.

2. The preparation of the Condition Appraisal and Maintenance Plan has included consultation with key City staff, building managers, community groups and user groups.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

3. The maintenance plans have required an extensive review of building assets, review of existing data, establishment of a comprehensive database containing repairs and maintenance priorities.

STATUTORY REQUIREMENTS

4. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The Maintenance Plan establishes a 15 year programme totalling \$4.96M for the City's buildings. It identifies two major elements:
 - Current Defect Maintenance Liability – maintenance works needed to rectify building defects and restore buildings to a standard acceptable to the City totalling \$0.6M.
 - Planned Preventative Maintenance – maintenance works required ensuring that future defects are prevented, that buildings continue to meet service delivery objectives and to protect the major building elements from deterioration totalling \$4.26M

STRATEGIC IMPLICATIONS

7. Albany 2020 – Charting Our Course includes the following Port of Call:

“The continual development of Council services and facilities to meet the needs of all stakeholders”

Council Buildings: To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs.

COMMENT/DISCUSSION

8. The Condition Audit and Maintenance Plan resulted in a number of key findings and these are summarised below:

Condition Audit – About two-thirds of the portfolio is either in ‘as new’ or ‘good’ condition and a very significant portion (94%) of City buildings were found to be in at least average condition.

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Item 13.2.1 continued

Defect Liability Maintenance - Overview of Major Issues

Buildings – this category includes some of the most significant buildings

Recent upgrade of Library has improved condition and remaining life. Many minor issues were reported for the York Street Administration Offices which have been included within the maintenance schedules till the future of the building is known.

Bush Fire Stations – buildings in this category were found to present a very low maintenance liability 68% being assessed ‘as new’.

Community Buildings – Upper Kalgan Hall and toilets were found to be in very poor condition and are recommended for demolition. Some of the buildings were identified as non-compliant with Disabilities legislation.

Heritage Buildings – The Town Hall has some specific major work items, including replacement of carpets at an estimated cost of \$98,000. Westrail Barracks requires removal of red brick extensions, which detract from the external appearance and represent a health and safety issue, this cost is regarded as a capital item and has been excluded from the maintenance plan.

Forts Heritage Centre – The majority of Forts buildings have been restored and were identified as having a low number of defects.

Parks Furniture – The City’s gazebos and boardwalks are typically either in very good condition, or in urgent need of attention as is the case with the Cull Park gazebo and Ellen Cove Wishing Well.

Public Conveniences – Some of the ‘long drop’ toilets located in remote coastal areas, these are not used and should be decommissioned.

Planned Preventative Maintenance – Planned maintenance works are to be repeated cyclically over the building life cycle. The duration between cycles was determined during inspection, taking into consideration such things as:

- Exposure of the building to natural elements;
- Nature of building use, and
- Relative utilisation.

9. The prioritisation of individual maintenance works in the development of the 15 year plan has resulted in a planned expenditure pattern that is heavy over the first three years (peaking in the second) and becoming a patterned cycle after the fourth year. The cyclical nature of preventative maintenance has further resulted in a significant cost in year eight (8). A copy of the 15 year Building Maintenance Plan Summary is attached to this report.
10. It has been recommended by Tungsten Group that the City review the 15 year Maintenance Plan on a continual basis to ensure the condition of the buildings and maintenance activities undertaken by the City respond to the changing needs of the City.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

11. Tungsten reviewed the functionality of the existing building assets, against a ‘fit for purpose’ assessment of nominated buildings using an established rating/ranking system. The functional performance assessments only identified a small number of buildings that do not currently meet community needs.
12. Council’s current asset register has the Replacement Cost (New Cost) of building assets valued at \$28.9m with a current written down value of \$21.9M. As an addition to the condition audit and maintenance plan scope of works, Tungsten developed estimates for the replacement cost for all buildings and an estimated written-down value of all buildings. The total estimated replacement cost of the current building portfolio is \$35.6M. The total written down value has been estimated at \$18.5M.

RECOMMENDATION

THAT Council acknowledges the report Condition Appraisal and Maintenance Plan of Building Assets, and notes the information contained therein for the purpose of developing an Asset Management Strategy for Buildings.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR PAVER**

THAT Council acknowledges the report Condition Appraisal and Maintenance Plan of Building Assets, and notes the information contained therein for the purpose of developing an Asset Management Strategy for Buildings.

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING – 16/12/03
**** REFER DISCLAIMER ****
WORKS & SERVICES REPORTS

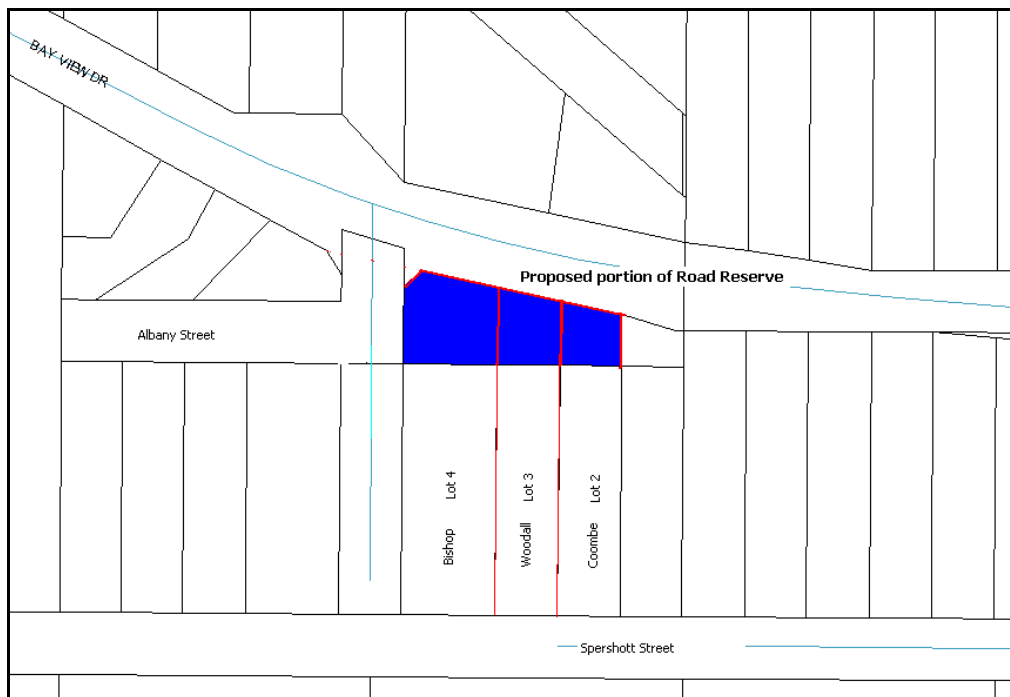
15 Year Building Maintenance Plan Summary

<i>Category</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
<i>Buildings</i>	\$89,266	\$178,182	\$276,591	\$97,020	\$60,519	\$113,337	\$81,796	\$343,677	\$47,978	\$123,415	\$170,561	\$122,499	\$102,619	\$53,080	\$38,107	\$1,898,64
<i>Bus Shelters</i>	\$184	\$2,729	\$710	\$2,015	\$0	\$1,691	\$960	\$2,401	\$0	\$1,691	\$0	\$2,975	\$710	\$1,691	\$0	\$17,757
<i>Bushfire Stations</i>	\$348	\$8,525	\$7,029	\$7,494	\$16,597	\$8,495	\$7,129	\$7,612	\$6,709	\$8,033	\$6,911	\$7,914	\$16,715	\$8,495	\$6,709	\$124,715
<i>Community Buildings</i>	\$28,958	\$128,328	\$44,178	\$16,945	\$6,765	\$9,209	\$39,387	\$12,458	\$7,182	\$57,339	\$37,775	\$49,389	\$10,014	\$9,387	\$6,765	\$464,079
<i>Depot Buildings</i>	\$2,004	\$27,229	\$24,030	\$17,117	\$4,267	\$18,560	\$6,978	\$18,143	\$4,267	\$31,665	\$5,049	\$19,828	\$5,593	\$17,478	\$4,267	\$206,475
<i>Forts Heritage Centre</i>	\$5,136	\$23,407	\$4,741	\$8,008	\$4,045	\$27,067	\$4,269	\$58,828	\$4,045	\$17,621	\$4,761	\$8,232	\$4,045	\$24,406	\$4,045	\$202,656
<i>Heritage Buildings</i>	\$55,245	\$226,120	\$169,303	\$107,315	\$15,117	\$61,703	\$23,461	\$123,743	\$12,636	\$25,336	\$47,672	\$37,749	\$139,686	\$141,837	\$12,645	\$1,199,56
<i>Information Bays</i>	\$700	\$251	\$480	\$2,914	\$2,491	\$578	\$251	\$480	\$2,395	\$2,663	\$130	\$595	\$480	\$2,843	\$2,491	\$19,742
<i>Marine Structures</i>	\$20,421	\$15,367	\$13,963	\$2,199	\$20,979	\$21,015	\$15,651	\$12,295	\$6,077	\$2,045	\$24,891	\$11,773	\$29,019	\$2,199	\$5,923	\$203,817
<i>Other Buildings</i>	\$22,523	\$1,104	\$5,166	\$1,282	\$1,104	\$1,104	\$1,104	\$3,716	\$1,282	\$1,104	\$24,174	\$1,104	\$3,716	\$1,282	\$1,104	\$70,869
<i>Parks Furniture</i>	\$5,593	\$15,604	\$9,205	\$11,597	\$3,858	\$1,150	\$14,345	\$5,965	\$13,500	\$3,988	\$3,696	\$12,442	\$8,293	\$11,172	\$3,858	\$124,266
<i>Public Conveniences</i>	\$6,032	\$66,270	\$26,827	\$15,141	\$16,973	\$17,219	\$29,115	\$24,911	\$14,773	\$17,969	\$15,785	\$30,875	\$23,607	\$15,295	\$17,773	\$338,565
<i>Waste Buildings</i>	\$892	\$6,520	\$4,307	\$4,917	\$3,927	\$8,709	\$4,824	\$6,443	\$3,927	\$5,069	\$4,833	\$5,814	\$3,927	\$7,803	\$3,927	\$75,839
<i>Yearly Total</i>	\$237,302	\$699,636	\$586,530	\$293,964	\$156,642	\$289,837	\$229,270	\$620,672	\$124,771	\$297,938	\$346,238	\$311,189	\$348,424	\$296,968	\$107,614	\$4,946,99

WORKS & SERVICES REPORTS

13.2.2 Proposed Road Closure – Portion Bayview Drive Little Grove

File/Ward	:	SER 088 (Vancouver Ward)
Proposal/Issue	:	Closure of a portion of unmade road reserve on Bayview Drive, Little Grove.
Subject Land/Locality	:	Bayview Drive, Little Grove
Proponents	:	IR Coombe, GS Woodall and K Bishop
Owner	:	Crown
Reporting Officer(s)	:	Asset Coordinator (S Broad)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/06/03 – Item 13.2.1
Summary Recommendation	:	That Council not support the request for road closure.
Bulletin Attachment	:	Nil
Locality Plan	:	



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BACKGROUND

1. Council resolved at its meeting on 17/06/03 to invite submissions from the community and from service authorities on the proposal to permanently close a portion of unformed road reserve on Bay View Drive, Little Grove.
2. The purpose of the closure of this portion of Bay View Drive and re-gazettal of the land to private property would relieve Council of the requirement to maintain the road reserve.
3. The proposed closure was advertised in accordance with the Land Administration Act, Section 58 on 3rd July 2003.

STATUTORY REQUIREMENTS

4. In accordance with Section 58 of the Land Administration Act 1997, the proposal will need to be advertised for a period of 35 days for public comment and referred to all affected agencies. Following advertising, Council is to consider the proposal in light of any submissions received.
5. Given further support from Council, the proposal is then submitted to the Department for Land Information who processes the proposal and administers the closure and disposal of the land.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. There are no financial implications relating to this item. The proponents have paid the administration fees pertaining to the road closure.

STRATEGIC IMPLICATIONS

8. In the City of Albany's strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:
 - *Transport systems and services designed to meet current and future needs*
Objective:
 - To plan Albany's transport infrastructure to meet future needs complimentary to the City's form and sense of place.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

COMMENT/DISCUSSION

- 9. This section of Bay View Drive, Little Grove is approximately 52 metres wide, the majority of road reserves within the City are 20 metres wide. The closure will provide for a more practical alignment of Bay View Drive with a 25 metre wide road reserve.
- 10. The proposal was advertised by publication of a notice in the Weekender, on 3rd July 2003, and a letter sent to all owners of lots in the immediate area. At the end of the advertising period, 8th August 2003, seventeen (17) submissions were received
- 11. There were fourteen (14) submissions opposing the road closure, for the following reasons :
 - Area should be preserved as a natural wildlife corridor.
 - The area is a wetland with numerous birds, frogs and rock pythons.
 - Uncleared road reserve should be amalgamated into existing conservation areas.
 - Only green corridor linking Torndirrup National Park and Little Grove foreshore.
 - Supports the South Coast Progress Association’s request to do a management and rehabilitation program on the road reserve.
 - Wherever possible DOLA land and road reserves should be retained for the community, both for passive and recreational use.
 - Public open space especially near the harbour should be retained for future generations.
 - The area of concern is a natural basin and as such a breeding ground for many wetland species.
- 12. Other than the three (3) submissions received from service authorities there were no submissions supporting the proposed road closure.

RECOMMENDATION

THAT Council, given consideration to all submissions and the number of objections received, not support the request to close the portion Bay View Drive, Little Grove.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR DEMARTEAU SECONDED COUNCILLOR SANKEY</p> <p>THAT Council, given consideration to all submissions and the number of objections received, not support the request to close the portion Bay View Drive, Little Grove.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>

WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Supply of Playground Equipment

File/Ward	: C03035 (All Wards)
Proposal/Issue	: Supply of Play Equipment
Subject Land/Locality	: Hull Park, Collingwood Heights; Woodrise Park, Spencer Park; Lakeside Park, McKail
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Parks & Reserves Co-ordinator (M Richardson)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council awards the tender to Forpark Australia for the supply of play equipment for Hull, Woodrise and Lakeside Parks.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council, through its Reserves Master Plan, has prioritised three parks to receive new play equipment in its 2003/04 budget. Woodrise Park in Spencer Park and Lakeside Park in McKail currently have no play equipment. Hull Park in Collingwood Heights has equipment in poor condition that fails to meet Australian Safety Standards.
2. A request for tenders for the supply and delivery of play equipment was published in The West Australian on the 8th November 2003 with tenders closing on the 21st November 2003.

STATUTORY REQUIREMENTS

3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to the 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. Regulation 19 requires Council to advise each tenderer in writing the results of Council's decision.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. \$122,000 has been allocated for the supply and installation of play equipment and soft fall surfaces in the 2003/2004 budget. The value of this tender is \$55,400 for the supply and delivery of play equipment with the balance allocated for the provision of soft fall surfaces, installation and site-works.

STRATEGIC IMPLICATIONS

6. In the City of Albany's 2020 Plan, Charting Our Course, the following Port of Call is identified:

Quality parks, gardens and reserves maintaining their feature status:

- A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.

COMMENT/DISCUSSION

7. Tenders were called for the supply of play equipment for three locations: Hull Park, Woodrise Park and Lakeside Park. Tenderers were asked to submit their most innovative designs to a designated value of:

Hull Park - \$16,000 plus GST

Woodrise Park - \$13,400 plus GST

Lakeside Park - \$26,000 plus GST

8. Four submissions were received with a total of 36 designs and were evaluated using the following criteria:

Innovation of Design - Score Weight 40%

- Balance of Activities
- Number of Activities
- Child Age Range Suitability
- Level of Challenge to User
- Usability of Design

Compliance with Specification - Score Weight 20%

- Conformity with Tender Documents
- Compliance with Standards Australia Guidelines
- Practicability for Public Use
- Spare Parts Availability
- Warranty

WORKS & SERVICES REPORTS

Item 13.3.1 continued

Reliability of Tenderer - Score Weight 20%

- Ability to Complete on Schedule
- Reference Checking Responses

Quality Accreditation - Score Weight 20%

- Accreditation to Quality Standard, or
- Demonstrated Evidence to Attain Quality Accreditation

Total Score Weight 100%

9. The highest scoring design from each tenderer was short listed for each park.

Tenderer	Design No.	Park	Score
Forpark Australia	WS9-2051	Hull	96%
	WS8-2059	Woodrise	90%
	WS11-2032	Lakeside	96%
Miracle Recreation	PR11509-1	Hull	82%
	PR11507-1	Woodrise	86%
	PR11511-1	Lakeside	94%
Playmaster	PM8-02	Hull	84%
	PM5-06	Woodrise	76%
	PM16-01	Lakeside	72%
Playground Solutions	P448-371	Hull	78%
	P341-330	Woodrise	68%
	P448-337	Lakeside	76%

10. Forpark Australia designs were the highest scoring of all tenderers. Their designs scored highly because of their variation of activities and the methods used to integrate them. These activities are well balanced and provide for a broad spectrum of children's play. The designs are creative and invite user participation.
11. The designs submitted by Miracle Recreation and Playmaster were of a good/high standard but scored lower in the Innovation of Design criteria. While their designs offered a good number of activities, they were not as well balanced and integrated as the Forpark submission.
12. The Playground Solution designs consisted of some excellent components but scored poorly in the Innovation of Design criteria. This was due to a large imbalance of activities and a low usability of design.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

13. The 18th February 2003 Council meeting approved the tender for Forpark Australia to supply play equipment for Lange and Becker Parks. The Forpark equipment has been well received by the community and Council staff are satisfied with its performance.
14. Council will also organise the installation of the play equipment and the soft fall surfaces with these costs meeting the allocated budget. Tender prices include delivery.

RECOMMENDATION

THAT Council accepts Forpark Australia's tender for the supply of play equipment as specified in design WS9 – 2051 for Hull Park, design WS8 – 2059 for Woodrise Park and design WS11-2032 for Lakeside Park at a cost of \$55,400 plus GST.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT Council accepts Forpark Australia's tender for the supply of play equipment as specified in design WS9 – 2051 for Hull Park, design WS8 – 2059 for Woodrise Park and design WS11-2032 for Lakeside Park at a cost of \$55,400 plus GST.

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.3.2 Contract C03034 – Supply of Bitumen Biennial (2003/05)

File/Ward	: C03034 (All Wards)
Proposal/Issue	: Supply, Delivery and Spraying of Hot Bitumen Biennial (2003/05).
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager City Works (L Hewer)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Summary Recommendation	: That Council accept the tender C03034 from RnR Contracting Pty Ltd. for the Supply, Delivery and Spraying of Hot Bitumen Biennial (2003/05).
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Tenders were called for the supply, delivery and spraying of an estimated 200,000 litres of hot bitumen over a two year period, used for the construction of roads and sealing works. The contract will expire on the 30th June 2005.
2. A request for Tenders was published in the Albany Advertiser on 6th November 2003 and the West Australian on 8th November 2003, with a closing date of 21st November 2003.
3. 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 used for this tender is documented below:

Criteria	% Weight
Cost	70
Relevant Skills & Experience	30

WORKS & SERVICES REPORTS

Item 13.3.2 continued

STATUTORY REQUIREMENTS

4. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
5. Regulation 18 of the Local Government (Functions and General) Regulations 1996 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.
6. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

7. The Buy Local Price Preference policy applies to this item.

FINANCIAL IMPLICATIONS

8. Tenderers were required to provide a schedule of rates for their services. The supply of hot bitumen is scheduled in the maintenance and capital works budget, and the prices received can be accommodated within budget.

STRATEGIC IMPLICATIONS

9. In the City of Albany's 2020 Strategic Plan, "Charting Our Course", the following Port of Call is identified:

Transport systems and services designed to meet current and future needs.

Objective:

- a. To effectively and efficiently manage the City's transport infrastructure.

COMMENT/DISCUSSION

10. Of the six tender submissions issued, only four were received by close of the tender period.
11. The table following this item summarises those charges (including GST) submitted by prospective contractors for the supply, delivery and spraying of hot bitumen followed by the overall evaluation score for each company.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

12. All the tenderers are based and operate from Perth, however, Pioneer Road Surfaces have claimed Regional Price Preference for having a registered office in Albany.
13. The Schedule of Rates prices includes travel time to and from Perth for each trip as requested throughout the Contract period.
14. The Schedule allowed for the planning of at least two trips for quantities less than 9,000 litres. This is to cater for smaller projects that are either urgent or cannot be carried out within the Construction Program. A premium would normally apply if this were quoted separately.

RECOMMENDATION

THAT Council award the tender C03034 to RnR Contracting Pty Ltd for the Supply, Delivery & Spraying of Bitumen Biennial (2003/05) at the scheduled rates:

Description	Quantity	Rate/litre	Amount
94% 170 class bitumen with 6% kerosene &.05% adhesive Rate for 9,000 litres or more.	140,000	0.683	\$95,620
94% 170 class bitumen with 6% kerosene &.05% adhesive Rate for less than 9,000 litres.	10,000	0.800	\$8,000
98% 170 class bitumen with 2% kerosene &.05% adhesive Rate for 9,000 litres or more.	40,000	0.715	\$28,600
98% 170 class bitumen with 2% kerosene &.05% adhesive Rate for less than 9,000 litres.	10,000	0.800	\$8,000

Voting Requirement Simple Majority

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MOVED COUNCILLOR EMERY			
SECONDED COUNCILLOR WOLFE			
THAT Council award the tender C03034 to RnR Contracting Pty Ltd for the Supply, Delivery & Spraying of Bitumen Biennial (2003/05) at the scheduled rates:			
Description	Quantity	Rate/litre	Amount
94% 170 class bitumen with 6% kerosene &.05% adhesive Rate for 9,000 litres or more.	140,000	0.683	\$95,620
94% 170 class bitumen with 6% kerosene &.05% adhesive Rate for less than 9,000 litres.	10,000	0.800	\$8,000
98% 170 class bitumen with 2% kerosene &.05% adhesive Rate for 9,000 litres or more.	40,000	0.715	\$28,600
98% 170 class bitumen with 2% kerosene &.05% adhesive Rate for less than 9,000 litres.	10,000	0.800	\$8,000
MOTION CARRIED 14-0			

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** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

CONTRACTOR		RnR Contracting		Boral Asphalt		Bitumen Emulsions		Pioneer Road Surfaces	
Description	Qty	Rate/l	Amount	Rate/l	Amount	Rate/l	Amount	Rate/l	Amount
94% 170 class bitumen with 6% kerosene & .05% adhesive Rate for 9,000 litres or more.	140k	0.683	\$95,620	0.678	\$94,920	0.7535	\$105,490	0.726	\$101,640
94% 170 class bitumen with 6% kerosene & .05% adhesive Rate for less than 9,000 litres.	10k	0.800	\$8,000	1.040	\$10,400	0.935	\$9,350	1.430	\$14,300
98% 170 class bitumen with 2% kerosene & 05% adhesive Rate for 9,000 litres or more.	40k	0.715	\$28,600	0.678	\$27,120	0.7535	\$30,140	0.726	\$29,040
98% 170 class bitumen with 2% kerosene & .05% adhesive Rate for less than 9,000 litres.	10k	0.800	\$8,000	1.040	\$10,400	0.935	\$9,350	1.43	\$14,300
			\$140,220		\$142,840		\$152,330		\$159,280
Regional Price preference			Nil		Nil		Nil		(\$15,928)
Total - Adjusted			\$140,220		\$142,840		\$152,330		\$143,352
Overall Evaluation Scores			287		265		237		265

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil

13.5 WORKS & SERVICES COMMITTEES

Nil

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

Nil.

14.3 ECONOMIC DEVELOPMENT

14.3.1 Tender Selection - Albany Convention and Entertainment Centre Consultancy

- File/Ward** : MAN 075 (Frederickstown Ward)
- Proposal/Issue** : Council appoint a tenderer to provide architectural and project management services for the proposed Convention and Entertainment Centre
- Subject Land/Locality** : N/A
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
Manager, Economic Development (J Berry)
- Disclosure of Interest** : N/A
- Previous Reference** : OCM 13.07.1999 (Item 15.3.2)
OCM 05.10.1999 (Item 15.3.2)
OCM 04.07.2000 (Item 14.2.1)
OCM 21.05.2002 (Item 14.3.2)
OCM 18.02.2003 (Item 14.3.1)
- Summary Recommendation** : THAT Council appoint Peter Hunt Architect for the provision of Architectural Services for the proposed Albany Convention and Entertainment Centre
- Bulletin Attachment** : Executive Summary – Mike Barnes, GHD

Locality Plan



Item 14.3.1 continued

BACKGROUND

1. In May 1997, an investigation into the need for a cultural centre began with a broad based feasibility study prepared by McIntyre Management and Marketing. The study recommended model criteria for a successful performing arts/convention centre.
2. In March 1998, a Site Assessment Study was completed and nominated the York Street precinct adjacent to Alison Hartman gardens as the preferred site for the centre.
3. A community-based working party was established in April 1998, to review the feasibility study and site assessment reports. The working party subsequently proposed that the York Street ‘super-block’ bounded by Serpentine Rd, Collie Street, and Grey St West be established as a cultural precinct and that the cultural centre be a major component of that precinct. The Great Southern Cultural Centre Steering Committee & the City of Albany endorsed the findings of the community working party.
4. On 4 July 2000, Council endorsed Option 2 as outlined in the ‘Cultural Precinct Study’ report from Woodhead International and Ken Raynor from Toussaint Rayner Associates Pty Ltd., to be adopted as the preferred model for the siting of the proposed Great Southern Regional Cultural Centre. (*Option 2 is a site between Alison Hartman Gardens and the Town Hall*).
5. With Council’s decision to select the site of the existing Administration Building for a cultural facility, a number of questions were raised by community leaders seeking to ensure the ultimate design of the facility is affordable and meets the cultural and tourist / conference market for Albany and the Great Southern. Accordingly, the City of Albany commissioned a consultant to report on issues and opportunities associated with developing a hybrid multi-purpose entertainment and conference facility with a strong convention / function centre focus. This report was prepared by Ian Howard and Associates and titled ‘Development proposal for the Albany Convention and Entertainment Centre’.
6. The Howard report provided a brief overview of similar civic/entertainment facilities around regional Western Australia and assesses their strengths and weaknesses. It concludes that the City of Albany is in a unique situation to plan an entertainment and convention centre that:-
 - meets the cultural needs of Albany and the Great Southern;
 - is flexible and has the added facilities to provide a credible and efficient convention centre.
 - balances the capital cost to provide the required accommodation and service in a practical building
 - provides the focus for a broader marketing base with:
 - Higher utilisation
 - Higher income

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7. The report suggested a well-designed facility would be able to meet the community's diverse cultural needs, while providing a workable meeting and convention centre. A first class venue could be established for a range of cultural activities including:-
- Symphony orchestras
 - Stage plays and Musicals
 - Conventions and Meetings
 - Rock Concerts and Big Bands
 - Intimate theatre productions
 - Eisteddfods
 - Visiting National and International performances
- A multipurpose facility would also provide a number of tangible benefits for the community by:-
- Providing a wider opportunity for local use of the complex
 - Growth in tourism
 - Additional local employment
 - An additional marketing advantage for the Great Southern
8. At its 21 May 2002 ordinary meeting, Council unanimously resolved to support the concept of establishing an 'Albany Entertainment Centre and Convention Centre' in the York Street precinct recognising the valuable contribution such a project will make to the social and economic well-being of Albany.
9. In May 2002 Council resolved to establish an Entertainment and Convention Centre Steering Committee to provide strategic guidance and policy direction. Membership is currently resolved as follows:-
- Member for Albany (Mr Peter Watson MLA) - Chair
 - Mr Ian Osborne (Albany Visitor Centre) – Deputy Chair
 - Town Hall Theatre Manager (Mr Stewart Gartland)
 - Great Southern Development Commission (Mr Maynard Rye)
 - Great Southern Tourism Association (Mr Len Smith)
 - Elected Member (Cr Alison Goode);
 - Chris Morris, as General Community member; and
 - Annette Davis, as Community Arts member
 - Aboriginal Community Representative (tbc)
10. On 18 September 2003 City officers made a formal presentation to the State Treasurer the Hon Eric Ripper MLC. The Chief Executive Officers of the Western Australian Tourism Commission and the Ministry for Culture and the Arts were present at the meeting and have confirmed their agencies support for the project.
11. Following the presentation, a capital works submission was prepared in October 2003 by the Great Southern Development Commission (GSDC) for \$12m State Government financial assistance.

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12. The City also plans to seek \$1m contribution from the Australian Government and will meet with the Hon De-Anne Kelly, Parliamentary Secretary to the Minister for Regional Services in Canberra on 4 December 2003.
13. Tenders for architectural services were advertised in The West Australian newspaper on 1 October 2003, and in the Albany Advertiser on 2 October 2003. Tenders closed on 29 October 2003.

STATUTORY REQUIREMENTS

14. Under the Local Government Act 1995, procurement for goods and services greater than \$50,000 require the Local Government to publicly advertise the tender.

POLICY IMPLICATIONS

15. The City's Buy Local Policy (Regional Price Preference) is applicable in the selection of this tender.

FINANCIAL IMPLICATIONS

16. Based on preliminary planning for the Albany Convention and Entertainment Centre, it is estimated the capital cost of such a facility would be in the order of \$13-14 million. The total annual operating deficit incorporating visitor servicing facilities and/or current Town Hall Theatre operating deficit is estimated to be between \$360k and \$415k. Net impact upon Council resources is estimated to be between \$115k and \$180k per annum. Variation between predicted deficits is dependant upon the business model utilised for the project.
17. Council has allocated \$30,000 in 2003/04 for the convention and entertainment centre, consultative procurement and preliminary design phase, with 10K of this being sourced as a grant from the Great Southern Development Commission. Council has \$457,310 (projected balance as at 30 June 2004 - \$477,888) in a reserve fund for this project.
18. Capital cost is based on a budget of \$14.2m with contributions being sought as follows:-

State Government	\$10.0 million
Australian Government	\$1.0 million
City of Albany	\$1.2 million
Sale of City reserve land	\$2.0 million
<u>Total</u>	<u>\$14.2 million</u>

Item 14.3.1 continued

STRATEGIC IMPLICATIONS

19. The Albany 2020 Charting Our Course Strategic Plan includes the objectives:-

“to provide communities with quality buildings that are functional, well-maintained and meet social and cultural needs”. This objective underpins the Port of Call (key result area) entitled “The continual development of Council services & facilities to meet the needs of all stakeholders”.

“The attraction and development of a broad range of social, cultural and economic entities” This objective underpins the Port of Call (key result area) entitled “To identify and facilitate outstanding economic development opportunities for the City of Albany”

COMMENT/DISCUSSION

20. To assist in the procurement of architectural services the City commissioned the services of Mr Mike Barnes of GHD Consulting as a technical adviser. (The Executive summary of the report by GHD is provided in the Elected Members report).

21. The consultancy services have been tendered in two stages:-

- **Stage 1** for brief development, preparation of a concept design and confirmation of the preliminary cost estimate. This documentation is to be used by the City of Albany to finalise its funding arrangements with the State and Australian Government.
- **Stage 2** for the balance of the design development, documentation procurement and construction administration services, will not proceed if such funds do not become available.
- Tenderers were advised of a potential delay of 6 to 9 months if funding is approved, before commencement of Stage 2.

22. The tender document required the provision of full project management, architectural, cost planning, building engineering services, interior design and landscaping and all other specialist consultancy services including theatre/stage expertise to deliver the project. The project budget was set at \$13.2M inclusive of fees, costs escalation and contingencies for the purposes of the tender. A total budget of \$14.2 is being sought with an additional \$1m from the Australian Government.

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23. **The Tender Process**

Tenders were advertised in The West Australian on 1 October 2003, and in the Albany Advertiser on 2 October 2003. Tenders closed on 29 October 2003. Tender validity expires on 16 December 2003.

24. **Tenders Received**

Tenders, including GST, were received as follows: (Stage breakdown shown for information)

Tenderer	Stage 1	Stage 2	Totals
Peter Hunt	\$143,965	\$670,979	\$814,944
James Christou	\$237,167	\$961,822	\$1,198,989
Silver Thomas Hanley	\$216,229	\$1,024,518	\$1,240,747
Hames Sharley/Howard and Assoc	\$323,235	\$988,335	\$1,311,570

25. **Tender Assessment**

The tenders were assessed by a Tender Evaluation Panel (the Panel) comprising the following members:-

- Maynard Rye - Deputy CEO, Great Southern Development Commission
- Ian Osborne - Manager, Albany Visitor Centre
- Jon Berry - City of Albany, Manager Economic Development
- Mike Barnes - GHD Pty Ltd – Technical Advisor

26. Assessments were based on weighted selection criteria included in the tender document these being:-

- Relevant Experience in Public Buildings 25%
- Technical capacity 5%
- Project Personnel 25%
- Methodology 15%
- Appreciation of the Task 15%
- Price 15%

27. **Tender Submissions**

All tenders were of a very high quality and, subject to some required clarifications, were fully conforming. All tenderers provided confirmation of Quality Assurance systems, insurance currency and financial status. Scoring the criteria was purely on the tender content and based on the relative merits of each tender. Price was separately assessed against a predetermined range. Following a detailed assessment by each panel member and a panel discussion to obtain consensus, the panel's consolidated final overall scores were agreed as follows:-

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Tenderer	Qualitative Excluding Price	Quantitative Including Price
1. Peter Hunt Architects	61.00	71.4
2. Hames Sharley/Howard and Associates	59.33	63.86
3. James Christou and Partners Architects	56.33	60.93
4. Silver Thomas Hanley	51.00	55.13

28. Peter Hunt Architect scored highest on both qualitative and quantitative criteria. The panel determined that before making a final decision, all the necessary clarifications of Peter Hunt Architect’s tender be obtained and the nominated referees interviewed to confirm the details of the submission. This process was concluded with Peter Hunt Architect’s providing acceptable responses in clarification of its tender and with referees providing strong collaborative support for Peter Hunt Architect’s expertise and the successful delivery of their projects.

RECOMMENDATION

THAT;

- i) Council appoint Peter Hunt Architect for the provision of Architectural Services for the proposed Albany Convention and Entertainment Centre; and
- ii) \$130,000 be transferred from the Concert/ Cultural Reserve Fund for conducting Stage One of the project at the next quarterly review.

Voting Requirement Simple Requirement

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**MOVED COUNCILLOR EVANS
 SECONDED COUNCILLOR WATERMAN**

THAT;

- i) Council appoint Peter Hunt Architect for the provision of Architectural Services for the proposed Albany Convention and Entertainment Centre; and**
- ii) \$130,000 be transferred from the Concert/ Cultural Reserve Fund for conducting Stage One of the project at the next quarterly review.**

MOTION LOST 5-9

14.3.2 Appointment of Albany Boat Harbour and Waterfront Development Consultancies Contracts –

- **C03027 - Environmental Consultancy,**
- **C03028 - Civil Engineering Consultancy,**
- **C03029 - Harbour & Coastal Consultancy (C03030 is amalgamated with C03029);**
and
- **C03031 - Planning and Urban Design Consultancy**

File/Ward	: C03027 ; C03028 ; C03029 ; C03031 (Frederickstown Ward)
Proposal/Issue	: Appointment of Consultancies for Albany Waterfront Project
Subject Land/Locality	: Lot 7601 and various foreshore reserves
Proponent	: City of Albany
Owner	: Crown Land
Reporting Officer(s)	: Chief Executive Officer (A Hammond) Project Manager - Albany Boat Harbour (J Bettink)
Disclosure of Interest	: Nil
Previous Reference	: OCM 26/09/00 - Item 11.1.6
Summary Recommendation	: That Council appoint the nominated consultancies for the Albany Boat Harbour and Waterfront Development project
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. The Albany Boat Harbour and Waterfront Development project is aimed at:-
 - a) providing a protected harbour primarily for commercial fishing and tourist vessels and larger recreational vessels not otherwise catered for;
 - b) creating a waterfront development which physically extends and connects the Albany Central Business District to Princess Royal Harbour; and
 - c) Enhancing the attraction and utilisation of the foreshore, to visitors and the district community.

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Item 14.3.2 continued.

2. The project has State Government Funding allocations over four years (2002/2003 to 2005/2006), with 2004/2005 and 2005/2006 being the designated for capital works construction. The total project, including preliminaries management and design has been allocated \$12.7m. The principal components are a breakwater, berths and pens and serviced lot development on the foreshore. A connecting footbridge is to be designed and costed for consideration of inclusion into the Project.
3. The harbour and waterfront is to be managed, maintained and operated by a public authority. There is no proposal to create freehold land. The land development will consist of marine industrial, business and commercial and parkland precincts, details of which will be developed with public consultation, by the Planning Consultant.
4. The City and its community have indicated support for the project as an outcome from considerations for the project in 2000. It is this support which led to the funding allocation. The need for a protected harbour close to the Central Business District and a means by which the waterfront could be incorporated into the business and public activities of the Albany Central Business District, was highlighted in the consultation process.
5. A Project Manager, engaged by project partners (Department for Planning and Infrastructure, the Great Southern Development and the City of Albany), has been appointed to co-ordinate the Project from planning through to concepts, approvals and to construction. The Project Manager reports to a Management Steering Committee composed of officers of the DPI, City of Albany and the Great Southern Development Commission. The Project Manager's role will be to co-ordinate the Consultants toward producing full construction tender documentation that has achieved environmental approval.
6. The Albany Waterfront Reference Group, has been established for consideration of issues referred to it from the Steering Committee or the Project Manager and to recommend to the City of Albany on matters requiring Council decisions.
7. The Invitation to Tender Lump Sum with Schedule of Prices was advertised on November 8 (The West Australian) and November 11, 2003 (local) and closing November 26, 2003 for consultancies:-

C03027	Environmental Consultancy
C03028	Civil and Structural Engineering Consultancy
C03031	Planning & Urban Design Consultancy
8. A total of 76 briefs were issued to various Consultancies during the advertising period, for the above three Contracts.

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Item 14.3.2 continued.

9. Briefs for consultancies for Contracts C03029 (Harbour Structures) and C03030 (Coastal Structures) were provided to the Department for Planning and Infrastructure (DPI) with an invitation to price. The latter action was taken as the DPI is an authorised State Government authority, the end manager of the development and is required under the memorandum of Agreement with the City and GSDC to 'contribute' to design. The DPI submission is reported as a 'tender' in this report. The same tender specifications apply to the DPI 'tender' as to the other Consultants.

NB: As the DPI is handling both contracts they have requested the two be amalgamated into one contract, namely C03029 (Harbour, Marine and Coastal Structures)

10. The Consultancies are to work in their individual fields of expertise and as a team where aspects of the project overlap. The arrangement is as shown in the attached diagram (*Attachment 1*), noting that briefs and specifications included an invitation to submit tenders for more than one consultancy or a combination of two or more consultancies into one tender.
11. Tenders were called as Lump Sum with Schedule of Prices. Whilst this makes it difficult for Consultants to price due to the number of unknowns on the site, it enables the Principal to compare prices on the basis of the brief. A Schedule of Rates is also part of the required tender submission, to enable calculation of variations to Contracts.
12. Tenders for Harbour and Coastal Planning and Engineering are to include Options, Concepts, detailed design, public consultation and tender documentation. The Environmental Consultancy will focus on environmental advice to others, assessment, Public Environmental Review, and Environmental Management Plans.
13. The briefs outline that 'continuance of Contract would be subject to the commitment of the forward estimates of the State budget.' Each consultancy can be drawn into Concept and Detail components and into pre and post 1 July 2004 expenditure so that the currently available budget is not exceeded. The City of Albany would not be committed, as Principal for the Consultant contracts, for more funds than it currently holds or that it could access from the GSDC after 30 June 2004.
14. The Contracts are subject to rise and fall according to the Perth CPI, following each 12 month period or part thereof.

STATUTORY REQUIREMENTS

15. The City is the Principal for the consultancy contracts.
16. Tendering is carried out under the Local Government Act 1995 and its regulations (Functions and General) relating to tendering.

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Item 14.3.2 continued.

17. The DPI quotations are provided under its powers constituted under the Marine and Harbours Act and the State Purchasing Policy. Local Government tenders do not have to be publicly invited if the services are to be provided by the State Government.
18. “General Conditions of Contract for Engagement of Consultants”; AS4122-2000 is the standard under which contracts will be let.
19. Tenders have been evaluated according to the “Code of Ethics and Procedures for the Selection of Consultants”; AS4121-1994, and the tender evaluation matrix contained in the briefs.

POLICY IMPLICATIONS

20. The City of Albany “Buy Local Policy” (Regional Price Preference), April 2002 is a clause in the Consultant Briefs and will be applied to the Tender Prices, subject to the Tenderers having correctly completed the required questionnaire. Up to a 10% local preference applies to qualifying businesses.
21. Tenderers are to submit supporting information to enable the Tender Evaluation Matrix to be calculated for each Tender, after application of the Buy Local Policy.
22. The Planning & Urban Design brief requires Consultants to be aware and take note of the Policy requirements in Town Planning Scheme 1A and in particular, of the Foreshore Development Zone and Local Structure Plan adopted by Council 26 September 2000.

FINANCIAL IMPLICATIONS

23. Council is currently holding funds to the amount of \$270,000 for consultancies in the Planning and Concept phase of the project.

These funds were sourced from:-

• City of Albany	\$50,000
• Department of Transport and Regional Services	\$70,000
• Department for Planning and Infrastructure	\$90,000
• Great Southern Development Commission	\$60,000

24. Expenditure over the amount will be drawn from the funding allocation for the project to the Great Southern Development Commission for 2004/2005 year, when State Treasury has an allocation of \$4.345m.
25. For the recommended Consultant Contractors a work outcome split be agreed prior to signing of contracts, to reflect the timing of available funding and cashflow.
26. It must be noted that the tenders are based on known facts. Should additional research, testing or investigation be required, these would form an addition to the Contracts or if separately carried out; an additional cost to the project.

Item 14.3.2 continued.

STRATEGIC IMPLICATIONS

27. The City has already indicated its support for the Albany Boat Harbour and Waterfront Project at its meeting of 26 September 2000: The resolutions seek to have a development that minimises or has no impact on Port activities.
28. The Memorandum of Agreement (signed by the City, GSDC, DPI and the Premier), states:

“This document serves as a framework for the partnership between the City of Albany, the Great Southern Development Commission and the Department for Planning and Infrastructure as to the roles and responsibilities of each organisation with regard to project management. The operational and management arrangements for the Boat Harbour will be jointly prepared by the City of Albany and Department for Planning and Infrastructure, in association with the Great Southern Development Commission.

The West Australian Government has committed \$12.762m in capital funding to establish a Small Boat Harbour on the Albany foreshore. The Boat Harbour will provide a safe protected space for commercial vessels in the fishing and tourism industries and a facility for recreational vessels unable to berth at Emu Point and the Princess Royal Sailing Club. The Boat Harbour will include land development adjacent to the town jetty in an effort to transform the southern end of the city into a smart, exciting and bustling marine precinct.

The concept of establishing a Boat Harbour has the unanimous support of the Albany City Council guided by strong support from the wider community. Local leadership by the City of Albany and the Great Southern Development Commission has provided the driving force for significant public investment earmarked in State Treasury estimates for the years 2004/2005 and 2005/2006.”

COMMENT/DISCUSSION

Contract C03029 - Harbour and Coastal Structures.

29. The broad requirement of the Coastal and Harbour Structure Briefs was as follows:
 - a) A suitably qualified and experienced Harbour Consultant is to determine berthing demand at 2011 and 2055, assess options for harbour layout and structures and designs; integrating with land based infrastructure, breakwater and seawall designed by other Consultants.
 - b) A suitably qualified and experienced Coastal Structures Consultant is to prepare and assess options for breakwater and seawalls, prepare Concept plans, obtain approvals and prepare detail plans, specifications and Tender documents.

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Item 14.3.2 continued.

30. The DPI indicated, that as (probable) Manager/Owner of the maritime and land based activities and the Government department with the expertise and background in harbour facilities, that it wished to provide the consultancy services for the two Coastal and Harbour Consultancy contracts.
31. The Management Steering Committee (MSC) agreed that the DPI would submit a price for the Coastal and Harbour Consultancies including with Lump Sum Price and a Schedule of Prices. Due to the amount of money involved the MSC then considered that the DPI price should be broken down to items for concept and design with its submission to be on a Schedule of Rates basis for the concept stage only.
32. While DPI will be complying with the brief, the Schedule of Rates and estimates given will cover only the identified necessary works and will not reflect extras, risk or allow for anticipated problems, whereas a formal tenderer would have to do so. The rates/estimate approach means that the Harbours and Coastal Consultancies will need to be closely managed at each step to control costs and to ensure that requirements of the brief in relation to public consultation and coordination with other consultants, are observed.
33. The detailed planning and design part of the consultancy for harbour and coastal is intended to be competitively tendered either through the State Purchasing System or open tender; depending on circumstances, who the Principal is and the funding situation at that time (possibly July/August 2004). The point of tendering for detail design will be reached at the conclusion of the Public Environmental Review process and consequent revision of the Concept Plan.
34. The following summarized submission of estimates was received from the DPI for the Concept Planning part of the Coastal and Harbour Consultant Briefs:

ITEM	estimate (incl. gst)
Background Research and prepare options, develop concepts and Master Plan.	\$80,364
Attend project co-ordination meetings with Project Manager and other consultants.	\$ 6,820
Attend public consultation meetings.(Options, concepts and master plan)	\$ 9,724
Basic Design Detail, revise final Concept Plans (after PER process)	\$30,650
TOTAL	\$127,558.00
GST	\$ 11,596.18
NET	\$115,961.82

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Item 14.3.2 continued.

35. In support of the DPI submission, and its Rates/Estimate proposal, the following points are made:
- a) DPI is a State Government agency and also the end Manager of the land and marine components
 - b) The State is exempt from tendering for Local Government Services under Local Government regulations.
 - c) The Schedule of Rates submission means the client pays for actual work done rather than work assessed with built in risk and profit margins as in a Lump Sum Tender.
 - d) Rates (hourly) for officers submitted compare favourably with private Consultants rates.
 - e) DPI has direct access to substantial background, plans, concepts, design, costings and regulatory information.
 - f) DPI is the approval authority.
 - g) DPI has local representation and offices. Planning and Transport staff in Albany have a role in the harbour project.
 - h) The DPI commits to carrying out the requirements of the briefs including for public consultation.
36. The disadvantages of the DPI submission and the Rates/Estimate pricing is:
- a) The client takes risk on costs.
 - b) Needs close management and control.
 - c) Less contractual power to the client than if formally contracted under a Lump Sum.
 - d) Need to call separate tenders for detail design.
 - e) DPI will be client, regulator and contractor.
 - f) Non competitive process.
 - g) DPI may tend to conservative design which could mean higher initial long term cost.

**CONTRACT C03027 - ENVIRONMENTAL,
CONTRACT C03028 - CIVIL AND STRUCTURAL ENGINEERING
CONTRACT C03031 - PLANNING AND URBAN DESIGN.**

37. Tenders closed 26th November 2003. Following are a Summary of Lump Sum Tenders received, showing adjustments for the City “Buy Local Policy” and the Tender Evaluation Matrix.
38. The Matrix was included in the brief with Tenderers to supply supporting information. An evaluation has been prepared by the Project Manager and by an independent assessor (Department of Housing and Works – DHW). The Project Manager’s matrix evaluation for the three consultancies is attached (*Attachment 2*).

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued.

39. The DHW (Bunbury) was requested to verify the evaluation process and conduct test of the Project Managers’ findings for the tenders received. The DHW advice is that the process is appropriate and its scoring applied to tenderers attributes, while it could vary somewhat where it is subjective, arrives at the same recommendations.
40. It should be noted that while it is a formal process the Matrix still involves some subjectivity except in the area of Price, which is allocated a 30% weighting only with the intention of engaging the best Consultant at the ‘right’ price.
41. Additionally taken into account are items the Tenderer has included or excluded, or allowed significantly less than the average Tenderer. This is the case in allowing for a number of meetings and in the area of public consultation. The Matrix consists of:-
- (LK) Local Knowledge. (15%)
 - (LR) Local Representative. (15%)
 - (CV) Company and Personnel Qualifications and Experience. (20%)
 - (TEAM) Commitment to working with other Consultants as a team (10%)
 - (PRICE) Price (based on Price after calculation for Local Content and Price Preference). (30%)
 - (PROGR) Consultants programme and methodology. (10%).
- TOTAL 100%.
42. Each Tenderer was to address the items in the Matrix so that a full evaluation on which recommendations can be principally based.

**ALBANY WATERFRONT CONSULTANCY TENDERS
LUMP SUM TENDERS RECEIVED SUMMARY**

CIVIL AND STRUCTURAL ENGINEERING – C03028

<u>COMPANY</u>	<u>LUMP SUM</u> <i>(excl. GST)</i>	<u>REGIONAL</u> <u>PRICE PREF.</u>	<u>REGIONAL</u> <u>CONTENT</u> <u>PREFERENCE</u>	<u>ADJUSTED</u> <u>LUMP SUM</u>
GHD Pty Ltd (Perth)	\$458,426	No	Yes \$33,500 x 10%	\$455,076
BSD Consultants Pty Ltd (Perth)	\$230,000	No	Yes \$25,000 x 10%	\$227,500
Maunsell Australia Pty Ltd (Perth)	\$307,460	No	Yes \$43,000 x 10%	\$303,160
Worley Pty Ltd (Perth)	\$193,200	No	No	\$193,200
Opus International (Albany)	\$217,853.60	Yes 10% \$217,853.60	No	\$196,068.24
* Wood & Grieve Engineers (Albany)	\$255,400	Yes 10% \$255,400	No	\$229,860

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Item 14.3.2 continued.

ENVIRONMENTAL CONSULTANT – C03027

GHD (Perth)	\$99,612.50	No	Yes 10% of \$6,900	\$98,922.50
BSD Consultants (Perth)	\$99,270	No	No	\$99,270
Maunsell (Perth)	\$171,220	No	Yes 10% of \$27,000	\$168,520
Bowman Bishaw Gorham (Perth)	\$137,355	No	No	\$137,355
Terra Consulting	\$186,868.50	No	Yes 10% of \$37,500	\$183,118.50
* DALSE (Perth)	\$163,020	No	Yes 10% of \$9,920	\$162,028
Harry B Goff (Bullcreek)	\$127,000	No	Yes Value 10,000 x 10%	\$126,000

PLANNING & URBAN DESIGN – C03031

* GHD Pty Ltd (Perth)	\$85,000	No	Yes 10% of \$13,500	\$83,650
BSD Consultants Pty Ltd (Perth)	\$123,890	No	Yes 10% of \$10,653	\$122,824.70
The Planning Group (Perth)	\$121,300	No	No submission	\$121,300
Taylor Burrell Barnett (Perth)	\$165,450	No	Yes 10% of \$24,575	\$162,992.50

NOTE:

- BSD offers a price reduction of 5% if two summed consultancies awarded and 10% if three summed consultancies awarded.
- * Recommendation (Project Manager)

C03027 - ENVIRONMENTAL CONSULTANCY

43. The role of the Environmental Consultant is to initially provide advice to the planning, harbour, coastal and engineering Consultants in preparation of options which will lead to a Final Draft Concept Plan. During the draft concept process the Environmental Consultant will refer issues and process to the EPA leading to the formulation of EIA, EMP and EMMP so that a formal PER can be conducted by the EPA. The Consultant will then follow through the process and present outcomes to the other Consultants for inclusion in detailed planning.
44. The rankings taken from the Matrix indicate that GHD, BSD and DALSE should be considered.

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Item 14.3.2 continued.

45. While GHD and BSD have the lowest prices, DALSE has a strong record in environmental approvals, is a specialist in the field, use local qualified Consultants and has carried out extensive environmental assessment in Albany Harbours in the past with the same nominated personnel. Its price is also inflated by the addition of drilling for groundwater testing; not required of the Environmental Consultant under the brief. This drilling may be required later, however, would be better determined later and competitive prices obtained outside the Consultants Contract, from contractors on the recommendation of the appointed consultant.
46. GHD and BSD have both presented complying tenders with BSD being marginally stronger in the area of Consultant team commitment.

C03028 - CIVIL AND STRUCTURAL ENGINEERING CONSULTANCY

47. The role of the Civil and Structural Engineering Consultant is to provide engineering advice on land based matters to Coastal, Harbour and Planning Consultants and on engineering solutions to environmental issues, in development options and concepts. The Consultant will then proceed to design of engineering elements such as rocks, car parks, drainage, earthworks and foundations, structures (footbridge and building), marine service facility and recreation facilities. The footbridge, which will be located and architecturally outlined by the Planning and Urban Design Consultant, will be structurally designed by the Engineering Consultant to detail, tender documentation stage. Construction will be subject to funding considerations.
48. Key performance areas are in the structural, environmental and foundation engineering components of the project.
49. Six tenders were received, four being in a competitive range of prices. Of these, two are firms eligible for 10% price 'reduction' under the 'Buy Local Policy'. This is taken into account prior to price evaluation as part of the Matrix.
50. Wood & Grieve has a substantial local staff, are fully equipped and supplemented by its Perth office. Its price is relatively high but is offset by the 'Buy Local Policy' applied to it. It has a high level of local knowledge (past studies of the foreshore and is the consultant for the Albany Port Authority) and local representation. Its expertise is sourced from within. Disbursements in the price are limited as meetings, whether in Perth or Albany will not involve travel and/or accommodation costs as Wood & Grieve will have engineering representation in both Perth and Albany. It has carried out foreshore drainage, geo-technical and earthwork studies, in the past for Landcorp.
51. Worley Pty Ltd, whilst the lowest price, have no local representative and limited local knowledge relating to the waterfront. It is a well known and respected marine studies engineering company, however, the engineering task is all land or near waters edge, based.

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Item 14.3.2 continued.

52. Maunsell rated highly, despite its price being relatively high, on the basis of past design work done and nominating a local representative. Its commitment/statement on the working within the consultant team was not strong.
53. OPUS has a strong local representation based on its consultancy role with the regional road maintenance and construction involvement with Main Roads WA. It has nominated Sinclair Knight Merz as structural engineers. Opus has limited local experience on the foreshore issues.
54. BSD Consultants is a multi-disciplinary firm capable of carrying out the work, nominating an experienced local representative. Its local knowledge in foreshore engineering is limited and the programme submitted with the tender gave a relatively short work time and did not give a dateline.

C03031 - PLANNING AND URBAN DESIGN

55. The initial role of the Consultant appointed for this task to provide and prepare options for layout, land use and building form and for the pedestrian connection to the Albany CBD. Following public consultation a draft Concept Plan is to be prepared for the whole project including concepts prepared by other Consultants. The final Concept will be used for environmental approvals process.
56. The Concept plan will be used by the Harbour, Coastal, Environmental and Engineering Consultants to detail design the various components of the project. The Planning Consultant must produce from the Concept Plan, Precinct Plans for formal approval by the City.
57. Key performance areas for the Planning Consultant is in marketable land use, building form, architectural features and public utilisation.
58. Four tenders were received and in ranking them through the tender matrix evaluation procedure, the lowest tenderer, GHD Pty Ltd; is clearly ranked first. This ranking substantially occurs due to the relatively low price submitted, but the GHD submission also had strong local representation and sound local knowledge of the foreshore project.

RECOMMENDATION

THAT Council, subject to:-

- i) work and payment in 2003/2004 for this and other Consultancies being limited to available and committed funds; and

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Item 14.3.2 continued.

- ii) engagement of the Consultancy being dependant on State Government committing the 2004/2005 forward estimates to the project and the GSDC providing written irrevocable commitment to the balance of payment of contract sums over and above Council budgeted contribution;

accepts the following tenders:-

- a) Contract C03027 - Environmental Consultancy - to DAL Science and Engineering at the Lump Sum price of \$163,020 (excluding GST); subject to deduction of \$22,500 allowed for subcontract groundwater bore installation; to provide environmental advice, prepare Environmental Impact Assessment, an Environmental Management plan, an Environmental Management and Monitoring Plan and achieve approvals under a Public Environmental Review process;
- b) Contract C03028 - Civil and Structural Engineering Consultancy - to Wood & Grieve Engineers at the Lump Sum Price of \$255,400 (excluding GST), for the provision of engineering advice, design and costing of concepts, detail design and tender documentation;
- c) Contract C03029 - Harbour and Coastal Structures – to the Department for Planning and Infrastructure, on the submitted Schedule of Rates basis at the estimated sum of \$127,558.20 (including GST), to prepare options, carry out public consultation and prepare concept plans for the berth, pens and jetty; breakwater and seawalls; and
- d) Contract C03031- Planning and Urban Design Consultancy - to GHD Pty Ltd, at the Lump Sum Price of \$85,000 (excluding GST), for the provision of planning and urban design services for options, concepts, building outlines, Precinct Plans and townscape detail.

Voting Requirement Simple Majority

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Item 14.3.2 continued.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT Council, subject to:-

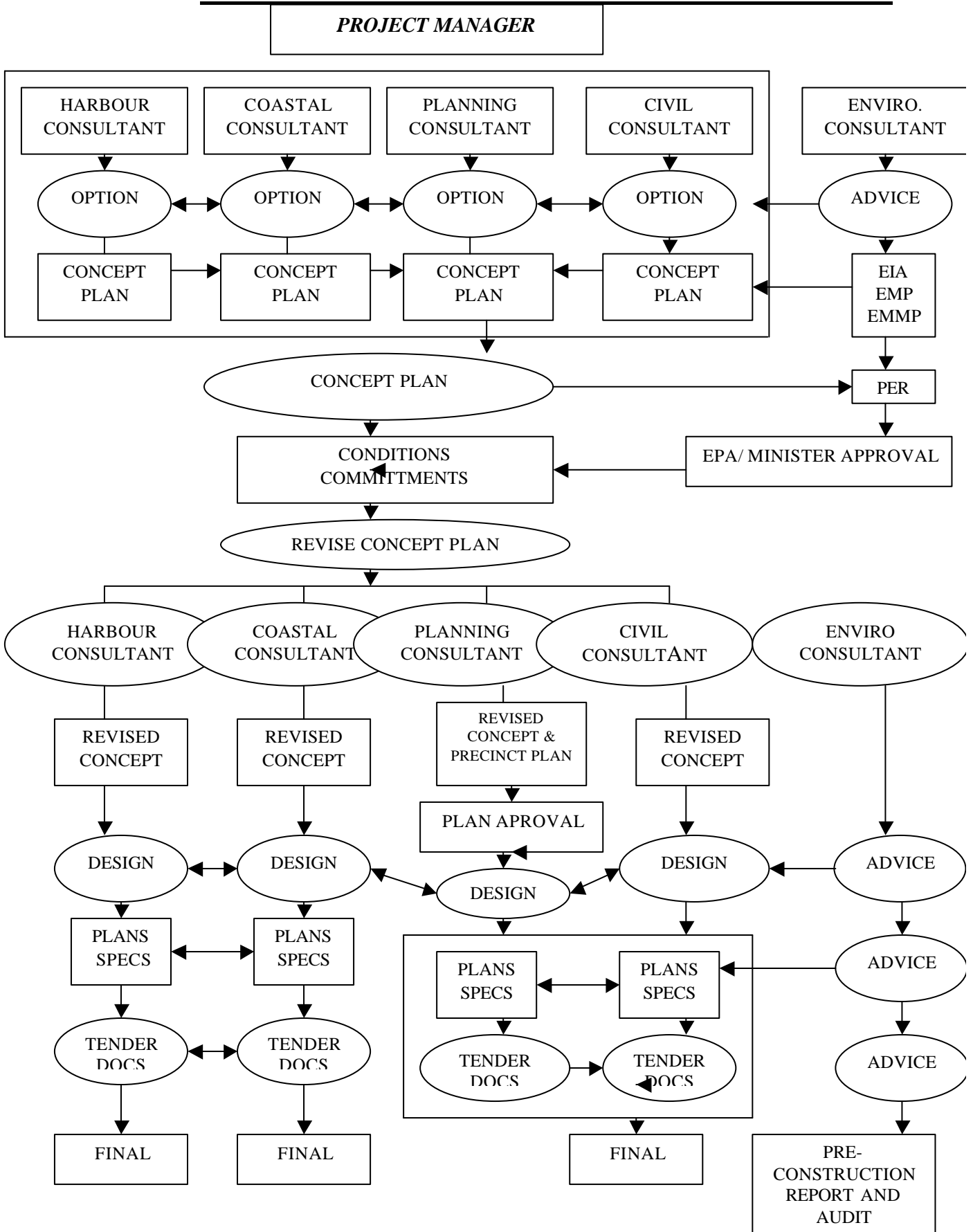
- i) work and payment in 2003/2004 for this and other Consultancies being limited to available and committed funds, and;**
- ii) engagement of the Consultancies being dependant on:-**
 - the State Government committing the 2004/2005 forward estimates to the project and the GSDC providing written irrevocable commitment to the balance of payment of contract sums over and above Council budgeted contribution**
 - a written commitment for ownership and management of the facility being received from the Department for Planning and Infrastructure before any further expenditure in 2004/05 financial year.**

accepts the following tenders:-

- a) Contract C03027 - Environmental Consultancy - to DAL Science and Engineering at the Lump Sum price of \$163,020 (excluding GST); subject to deduction of \$22,500 allowed for subcontract groundwater bore installation; to provide environmental advice, prepare Environmental Impact Assessment, an Environmental Management plan, an Environmental Management and Monitoring Plan and achieve approvals under a Public Environmental Review process;**
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- d) Contract C03031- Planning and Urban Design Consultancy - to GHD Pty Ltd, at the Lump Sum Price of \$85,000 (excluding GST), for the provision of planning and urban design services for options, concepts, building outlines, Precinct Plans and townscape detail.**

MOTION CARRIED 14-0

ATTACHMENT 1: ALBANY WATERFRONT PROJECT CONSULTANTS ARRANGEMENT



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TENDER EVALUATION MATRIX

CIVIL AND STRUCTURAL ENGINEER CONSULTANT

TENDER NO. C03028

<i>ITEM/SCORE</i>	15	15	20	10	30	10			
TENDERER	LK	LR	CV	TEAM	PRICE	PROGR.	TOTAL	RANKING	OTHER
GHD Pty Ltd	9	15	15	7	0	9	55	6	
BSD Consultants	6	15	15	10	26.1	4	76.1	3	Incl. \$15,000 Geotech investigation, Incl \$15,000 Travel.
Worley Pty Ltd	7	0	14	10	30	7	68	5	
Wood & Grieve	12	15	17	1	25.8	9	79.8	1	No travel allowance required - Perth and Albany representation.
Maunsell	9	15	16	3	17.4	8	68.4	4	
Opus International	4	15	15	5	29.7	8	76.7	2	Incl. 5 days x 2 pers x 1 day trip to Perth

RECOMMENDATION OF PROJECT MANAGER IS : **WOOD & GRIEVE**

TENDER EVALUATION MATRIX

PLANNING & URBAN DESIGN CONSULTANT

TENDER NO. C03031

<i>ITEM/SCORE</i>	15	15	20	10	30	10			
TENDERER	LK	LR	CV	TEAM	PRICE	PROGR.	TOTAL	RANKING	OTHER
GHD Pty Ltd	8	15	18	2	30	7	80	1	Allows \$10,430 for disbursements
BSD Consultants	7	10	18	10	15.2	6	66.2	2	Allows \$21,000 for disbursements
The Planning Group	4	15	16	1	15.8	10	61.8	3	Allows \$9,700 for disbursements
Taylor Burrell Barnett	9	15	19	0	0	8	51	4	Allows \$11,800 for disbursements

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RECOMMENDATION OF PROJECT MANAGER IS: **GHD CONSULTANTS**

TENDER EVALUATION MATRIX
ENVIRONMENTAL CONSULTANT
TENDER NO. C03027

<i>ITEM/SCORE</i>	<i>15</i>	<i>15</i>	<i>20</i>	<i>10</i>	<i>30</i>	<i>10</i>			
TENDERER	LK	LR	CV	TEAM	PRICE	PROGR.	TOTAL	RANKING	OTHER
GHD Pty Ltd	6	5	18	8	30	5	72	3	Allows \$9,000 for disbursements
BSD Consultants	5	5	19	10	29.9	6	74.9	1	Allows \$8,150 for travel, accommodation
Bowman Bishaw Gorham	5	0	18	1	16.3	9	49.3	6	
Terra Consulting	10	15	18	3	0	4	50	5	
Maunsell	8	15	18	7	5.2	7	60.2	4	
DALSE	15	15	20	10	7.5	6	73.5	2	\$22,500 allow for 10 groundwater test bores. \$3,720 travel & accom. Testing not required under Brief. If deducted, Price score is 15.5 (81.5)
Harry B Goff	1	0	12	1	20	4	38	7	

RECOMMENDATION OF PROJECT MANAGER IS: **DALSE**, subject to deduction from Contract of \$22,500 for groundwater bores, which can be separately priced and contracted as required.

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Albany Boat Harbour Reference Group – 5th November 2003

- File/Ward** : MAN127 (All Wards)
- Proposal/Issue** : Committee Items for Council consideration
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Boat Harbour Reference Group held on the 5 November 2003 be adopted.

Confirmation of the minutes of the Albany Boat Harbour Reference Group of 5th November 2003.

RECOMMENDATIONS

THAT the minutes of the Albany Boat Harbour Reference Group held on 5th of November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following items be adopted.

Item 5.0 – Recommended Appointment of New Members

THAT Council appoint Mr John O’Neil (nominee of the Albany Chamber of Commerce and Industry) and Mr Graham Kennedy (nominee of the Albany Maritime Advisory Committee) as members of the Albany Boat Harbour Reference Group.

Item 10.0 – Rebranding the Project – The Albany Waterfront

THAT Council adopt the branding image ‘*The Albany Waterfront*’ and rename the Committee of Council ‘*The Albany Waterfront Reference Group*’

Item 11.0 – Committee Terms of Reference

THAT the terms of reference for the Reference Group be:-

‘to provide a conduit between the Management Steering Committee (DPI, GSDC and City of Albany) and the Albany City Council and to make recommendations to Council on relevant issues relating to The Albany Waterfront project planning, based on advice from the Management Steering Committee, the Project Manager and technical consultants.’

Voting Requirement Absolute Majority

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Item 14.4.1 continued.

Appointment of New Members to Albany Boat Harbour Reference Group

Notation: The Albany Boat Harbour Reference Group were advised at its 5th of November meeting that a recreational boating representative will be appointed by Council after receipt of expressions of interest from public advertising, which closed on the 7th of November 2003

Three nominations were received in response to a public advertisement in local press and their submissions are supplied in the elected members report/information bulletin. They are:-

- Mr Ian Lunt
- Mr Jack Baxter
- Mr Darren Russell

RECOMMENDATION

THAT Council appoints the following members to the Albany Boat Harbour Reference Group:-

Mr John O’Neil (as nominated by the Albany Chamber of Commerce and Industry);
Mr Graham Kennedy (as nominated by the Albany Maritime Advisory Committee);
and
_____ (representing the Recreational Boating Community)

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR EVANS**

THAT the minutes of the Albany Boat Harbour Reference Group held on 5th of November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following items be adopted.

Item 5.0 – Recommended Appointment of New Members

THAT Council appoint Mr John O’Neil (nominee of the Albany Chamber of Commerce and Industry) and Mr Graham Kennedy (nominee of the Albany Maritime Advisory Committee) as members of the Albany Boat Harbour Reference Group.

Item 10.0 – Rebranding the Project – The Albany Waterfront

THAT Council adopt the branding image ‘The Albany Waterfront’ and rename the Committee of Council ‘The Albany Waterfront Reference Group’

Item 11.0 – Committee Terms of Reference

THAT the terms of reference for the Reference Group be:-

‘to provide a conduit between the Management Steering Committee (DPI, GSDC and City of Albany) and the Albany City Council and to make recommendations to Council on relevant issues relating to The Albany Waterfront project planning, based on advice from the Management Steering Committee, the Project Manager and technical consultants.’

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR LIONETTI**

THAT Council suspend Standing Orders 6.5 (Order in call of debate) to allow a vote to take place to elect a Recreational Boating Community representative to the Albany Boat Harbour Reference Group.

MOTION CARRIED 14-0

A ballot vote was conducted.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR DEMARTEAU**

THAT Council resume Standing Orders 6.5.

MOTION CARRIED 14-0

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR EVANS**

THAT Council appoints the following members to the Albany Boat Harbour Reference Group:-

Mr John O’Neil (as nominated by the Albany Chamber of Commerce and Industry);

Mr Graham Kennedy (as nominated by the Albany Maritime Advisory Committee); and

Mr Ian Lunt (representing the Recreational Boating Community)

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

7.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 8-29]

8.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 30-69]

9.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 70-111]

10.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 112-137]

11.0 ELECTED MEMBERS’ MONTHLY REPORT/INFORMATION BULLETIN

11.1 Elected Members’ Report/Information Bulletin

DRAFT MOTION

THAT the Elected Member’s Report/Information Bulletin, as circulated, be received and the contents noted.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WOLFE**

**THAT the Elected Member’s Report/Information Bulletin, as circulated,
be received and the contents noted.**

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

“Fellow Councillors

Firstly, I would like to take this opportunity to respond to an issue recently raised in a letter to the editor of the Albany Advertiser regarding the duties of the Mayor as reported in the Mayor’s report at each Council meeting. It is true that the Mayor’s role does require significant time and energy attending functions, some in a more social capacity, others in as an active participant. However, there are also many more meetings attended by the Mayor which are not reported due to their somewhat confidential nature. These meetings are often with various potential investors, government departments, committees of Council both internal and external, concerned members of the community and do involve the Mayor in lobbying for the best interest

of Albany and its people. To provide details about all of these meetings in this report would be inappropriate and time consuming, however, we will endeavour to include some information where possible.

Just prior to the last Council meeting, the City of Albany hosted committee members and delegates from the State Planning Commission and Councillors and I were given the opportunity to meet with them to discuss various issues. It was a very worthwhile exercise demonstrating that Albany's future to complete priority projects.

Another important meeting I attended this month was with the Commissioners and Executive Directors of Main Roads, regarding the crucial road funding issue which requires intense lobbying to ensure Albany and the Great Southern received the appropriate level of assistance to complete priority projects.

The weekend of the 21st November proved to be exceptionally busy for Albany. On Friday Albany hosted the HMAS Perth National Association Reunion which included a Mayoral Cocktail party. The reunion coincided with the 2nd anniversary of the sinking of the HMAS Perth sinking in King George Sound to become an internationally acclaimed artificial reef and dive wreck.

On Saturday 22, I opened the "Bridging the Gap for Children's Health" 2 day seminar for Paediatric and Child Health Nurses. The seminar was well attended with representatives from all over the state travelling to Albany to participate.

Later that morning I attended the opening of the new exhibits at Whale World by the Minister for Tourism Bob Kucera and I would like to congratulate the Chairman and Board of the Jaycees Community Foundation for this hard work and dedication in making Whale World an even more significant tourism destination for Albany.

In the afternoon, Albany was treated to a first class international soccer match between the Iraq National Football Team and the Western Australian State Soccer side. Iraq coach Bernd Stange thanked Albany for providing the facilities which enabled his team to earn essential match practice prior to competing in the Asia Cup next year. A Civic Reception was also held for the teams which was well attended and allowed the Iraq team in particular to relax before returning to Perth and back to Iraq the next day.

On the 25th November, many Councillors and I attended a workshop on Commercial and Retail development provided by the City of Albany which was highly interactive and results orientated.

The month of December has been extremely busy particularly with Christmas activities such as the Turning on of the Christmas Lights on the 4th and the hugely successful Christmas Pageant and Concert on the Saturday last. I would like to pass on my personal thanks to Krysta Guille, Naomi Tulloch and all the staff from the City of Albany who worked extremely hard to ensure that this year's pageant was bigger and better than ever. I've been told that there were more floats than the Perth pageant and the event was certainly well supported by the Community of Albany. Well done.

There were many more graduation ceremonies and presentations during the month which I attended on behalf of Mayor Goode – UWA Scholarship presentation on 5th

December, the Great Southern Grammar School speech and awards night on the 11th and the PCYC Awards night on the 12th. Its great to see so many talented young people recognised for their contributions throughout the year.

On Saturday, I was honoured to officially open the new facilities for the South Coast Carriage Driving Group as part of the Riding for the Disabled Association. The new facilities were made possible thanks to the generous lease arrangements provided by Max Thorn and the contributions of many sponsors including Lotto West, the City of Albany and local businesses. The facilities enable disabled people to access a recreational activity in a controlled, supervised environment which has significant therapeutic value for them. I commend the Association for there commitment to the disabled community of Albany.

Finally, I would like to thank Mayoral Liaison Officer – Gaynor Clarke, who lease the City of Albany at the end of this week to work full time in her own holiday accommodation business. Gaynor has been in the role for more than four years and has organised more than 100 Civic Receptions, managed major events such as the Freedom of Entry Parades for the HMAS ANZAC, RAAF No 2 FTS. 11th/28th Battalion and the annual US Submariners Memorial Service, arranged numerous itineraries for visiting dignitaries such as the Governor General and the Mayor of Gallipoli and has written more than 320 speech notes for the Mayor and Deputy Mayor. Gaynor has been beavering away behind the scenes efficiently managing the Mayor’s busy appointment schedule and provide essential secretarial and personal support throughout. I wish Gaynor all the best for the future.”

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR SANKEY**

THAT Deputy Mayor’s report be received.

MOTION CARRIED 14-0

18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING

Nil.

19.0 CLOSED DOORS

Nil.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 20th January 2004 at 7.30pm.

21.0 CLOSURE OF MEETING

9.10pm

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

MINUTES OF THE ORDINARY COUNCIL MEETING – 16th DECEMBER 2003

Name	Item	Nature of Interest
Councillor P Lionetti	11.3.2 – Initiate Scheme Amendment – Lot 60 Albany Hey & Lot 60 Stead Road	Owners local supermarket – Dewsons
Councillor P Lionetti	11.1.1 – Application for Planning Scheme Consent – Bar Cino	Owner of London Hotel
Councillor E Barton	11.3.2 – Initiate Scheme Amendment – Lot 60 Albany Hey & Lot 60 Stead Road	Works within the retail industry – Coles

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

MINUTES OF THE ORDINARY COUNCIL MEETING – 16TH DECEMBER 2003

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	totalling	147,405.49	
Electronic Fund Transfer	totalling	1,659,472.70	
Payroll	totalling	683,450.10	
TOTAL			<u><u>\$2,490,328.29</u></u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,490,328.29 which was submitted to each member of the Council on 16th December 2003 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$2,490,328.29 which was submitted to the Council on 16th December 2003 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)