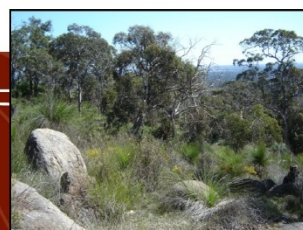


Ordinary Council Meeting

Agenda for Tuesday 17 December 2019



NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 17 December 2019 at 6.30pm.**



Rhonda Hardy
Chief Executive Officer
12 December 2019



Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

- Creativity:** We create and innovate to improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times, except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by City Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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- 1. Official Opening**
- 2. Attendance, Apologies and Leave of Absence Previously Approved**
- 3. Public Question Time**
- 3.1. Questions Taken on Notice at Previous Meeting 26 November 2019**
- 3.1.1 Mr Peter Sewell, John Street, Gooseberry Hill
- Q1. Will the City respond to any person who raises a question or an issue with the City in accordance with the adopted Customer Service Charter?
- A1. It is the intention of the City to address all communications with it in accordance with the Customer Service Charter. Efficient communication is a vital part of customer service. We aim to respond and communicate within the following timeframes.
Face-to-face - immediately during business hours
Phone - in most instances we will answer your call at the time you ring, but if we can't, please leave a message and we will call you back within 1 business day
Email - we will respond within 5 business days
Mail - we will respond within 10 business days
Social Media – we will respond within 24 hours
Online self-services are available 24 hours per day, 7 days a week

With regards to the City's customer service, the latest quarterly results showcased a response rate of 99.58% of all customer requests completed within the time frames required. This information is provided to the Community by way of a quarterly report to Council. The most recent report was presented to Council at the Ordinary Council Meeting of 26 November 2019.
- Q2. Will Councillors provide an acknowledgement and response to ratepayers who raise issues with them?
- A2. Whilst the administration cannot speak on behalf of individual councillors, councillors are aware of the Customer Service Charter.
- Q3. Will the City enforce tree preservation and retention when a Significant Tree Policy is adopted? Specifically, in relation to the illegal removal of verge trees. How will this enforcement be undertaken?
- A3. The Significant Tree Policy is yet to be adopted by Council. Until this occurs the City is unable to provide a response to this question.
- Q4. Will the City send an annual customer satisfaction survey to all residents with the rates notices each year?

- A4 The City undertakes a biannual customer satisfaction survey, the results of which are reported to council. Council would need to consider an annual survey as part of its next budget considerations as there would be additional cost to increasing the frequency of such a survey.

3.2. Public Question Time

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.

4. Petitions/Deputations

5. Applications for Leave of Absence

- 5.1 That Cr Lesley Boyd be granted leave of absence for the period 25 December 2019 to 14 January 2020 inclusive.
- 5.2 That Cr Geoff Stallard be granted leave of absence for the period 4 February to 13 February 2020 inclusive.

6. Confirmation of Minutes from Previous Meeting

- 6.1 That the Minutes of the Ordinary Council Meeting held on 26 November 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 26 November 2019."

- 6.2 That the Minutes of the Public Agenda Briefing Forum held on 3 December 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 3 December 2019."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.1 Consideration of Tenders for Patterson Road Widening and Upgrade Stage 2, Pickering Brook (RFT 1914) – CONFIDENTIAL ATTACHMENT – Tender Evaluation Report - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.2 Item 10.1.2 Consideration of Tenders for the Road Rehabilitation of Various Sites within the City of Kalamunda (RFT 1916) – CONFIDENTIAL ATTACHMENT - – Tender Evaluation Report - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.3 Item 10.1.3 Consideration of Tenders for Powerline Vegetation Management (RFT 1909) – CONFIDENTIAL ATTACHMENT - – Tender Evaluation Report - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.4 Item 10.1.4 Consideration of Tenders for the Supply of Reticulation and Associated Materials (RFT 1910) – CONFIDENTIAL ATTACHMENT - – Tender Evaluation Report - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.5 Item 10.1.5 Consideration of Tenders for Weed Control and Associated Services (RFT 1911)) – CONFIDENTIAL ATTACHMENT - – Tender Evaluation Report - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.6 Item 10.1.6 Consideration of Tenders for the Construction of the Kalamunda Community Centre at Jorgensen Park, Kalamunda (RFT 1918)) – CONFIDENTIAL ATTACHMENT - – Tender Evaluation Report - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.7 Item 10.5.8 Enterprise Bargaining Agreements for Employees 2019 - Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affect an employee or employees"*

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

- a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

9.2. Disclosure of Interest Affecting Impartiality

- a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

10. Reports to Council

10.1. Development Services Reports

10.1.1. Draft Local Planning Policy 25 – Interim Development Contribution Arrangements - Consideration of Submissions and Modifications for Final Adoption

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 198/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments	1. Local Planning Policy No.25 - Interim Development Contributions [10.1.1.1 - 5 pages]
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EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the final adoption of Local Planning Policy 25 – Interim Development Contribution Arrangements (Policy) (Attachment 1).
2. The Policy seeks to guide the preparation of Interim Development Contribution Arrangements (IDCA) within the City of Kalamunda.
3. The Policy was advertised from 12 September 2019 until 14 October 2019. No submissions were received.
4. It is recommended that Council:
 - a) Consider the final adoption of Local Planning Policy 25 – Interim Development Contribution Arrangements Policy.

BACKGROUND

5. The Policy applies to all areas identified to be within a proposed Development Contribution Area (DCA) Special Control Area (SCA) under the City's Local Planning Scheme No. 3 (LPS3) which is yet to be formally gazetted but has been advertised.
6. The City currently has two existing DCAs; being Cell 9 in Wattle Grove and the Forrestfield/High Wycombe Stage 1 Industrial Area.
7. The City is also in the process of considering a draft DCA for the Kalamunda Wedge of the Maddington Kenwick Strategic Employment Area (MKSEA) which has been progressed as LPS3 Amendment No.101 (Amendment 101).

8. Amendment 101 proposes to include, within Schedule 12 of LPS3, the DCA for the MKSEA area. Amendment 101 was adopted by Council for the purpose of public advertising in December 2018. It is anticipated that Amendment 101 will be finalised in early 2020 and subsequently issued to the Western Australian Planning Commission (WAPC) and Minister for Planning for consideration.

DETAILS

9. This Policy is a Local Planning Policy prepared and adopted pursuant to Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (Regulations) (Deemed Provisions). The Policy augments, and is to be read in conjunction with, the provisions of the Deemed Provisions relating to DCAs. If there is a conflict between this Policy and the Deemed Provisions, then the Deemed Provisions prevail.
10. Development contributions are generally calculated and applied by way of conditions of a subdivision, strata subdivision or development, with the timing for payment determined by the decision maker in accordance with the provisions of LPS3. This usually occurs at the subdivision or building license phase.
11. IDCAs are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to the finalisation of a DCA.
12. IDCAs are the legal mechanism by which the City can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who develop before DCAs are finalised.
13. The Policy will establish a concise and documented procedure for the establishment of IDCAs to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.
14. The primary objectives of the Policy are to:
- a) Clearly outline the City's expectation in regard to satisfactory arrangements being established for contributions prior to formal gazettal of a DCA;
 - b) Identify the City's position with regard to IDCAs prior to the formal gazettal of a DCA;
 - c) Identify the City's position with regard to the provision of infrastructure and land prior to the finalisation of a DCA and the potential for development contribution offsets accordingly; and
 - d) Ensure that developers acknowledge the risks of entering into IDCAs prior to the finalisation of a DCA.
15. The Policy was adopted by Council for the purpose of public advertising at the 27 August 2019 Ordinary Council Meeting.

16. The Policy was advertised from 12 September 2019 until 14 October 2019. No submissions were received.
17. No modifications are proposed from the advertised version of the Policy. The Policy has been reformatted in accordance with the City's new logo and style guide.

STATUTORY AND LEGAL CONSIDERATIONS

18. This Policy has been prepared under and in accordance with the Deemed Provisions.
19. Clause 6.5 of LPS3 outlines the statutory provisions for DCAs within the City.
20. It is noted that Regulation 73(1) of the Regulations states that a local government, when determining development applications, must not levy a contribution for the provision of infrastructure unless there is a DCA for the area. Conversely, the Regulations also state under Regulation 73(3) that a local government must not refuse to grant development approval on the grounds that a DCA is being prepared, unless the DCA has already been advertised.
21. Similarly, Regulation 73(2) states that when considering subdivision proposals, the Commission must not levy a contribution for the provision of infrastructure unless there is a DCA for the area. Conversely, the Regulations also state under Regulation 73(4) that the Commission must not refuse to grant development approval on the grounds that a DCA is being prepared, unless the DCA has already been advertised.
22. The inference is that the City may contemplate refusal of the proposal where an advertised DCA has not yet been finalised through a scheme amendment and in situations where the payment of contributions has not been determined.
23. Deemed Clause 69(1) has the effect of precluding a local government from refusing an application for development approval solely on the basis that a DCP is not in place in relation to the development.
24. Deemed Clause 69(2) precludes a local government from granting development approval subject to a condition a Development Contribution under a DCP may be required, in circumstances where the relevant DCP has not been incorporated in LPS3 at the time of the determination of the development application.
25. In the interests of progressing development, the Policy provides a framework for permitting development within the area, subject to a condition of approval, requiring an IDCA to be established between the parties (i.e. developer/landowner and the City) to address the matter of the contribution requirement.

26. It is envisaged that such arrangements would include an agreement with the City, which provides clarity for the applicant as to their obligations to the DCA and security for the City that any contribution payment applicable to the subject site will be received upon finalisation.
27. The City has considered the legal parameters with regard to the preparation and implementation of the Policy and can see no reason why the City should not prepare such a Policy.

POLICY CONSIDERATIONS

28. State Planning Policy 3.6 (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provisions of infrastructure in new and established DCAs.
29. This Policy is a Local Planning Policy prepared and adopted pursuant to the Deemed Provisions.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

30. The Policy was referred to internal teams during the drafting phase and public advertising phase.

External Referrals

31. The Policy was advertised from 12 September 2019 until 14 October 2019. No submissions were received.
32. The advertising included:
- a) Notice on the City's website and social media platform;
 - b) Local newspaper advertisement;
 - c) A notice sent to landowners within the Draft DCA for MKSEA; and
 - d) Display of documents at the Administration Centre.

FINANCIAL CONSIDERATIONS

33. IDCAs are intended to protect the financial and community interests of the City and all landowners within a DCA, through a legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation.
34. IDCAs require resources to establish and administer and do not completely eliminate financial risk to stakeholders. However, the benefits of having interim arrangements generally outweigh the negative aspects.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

35. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

Priority 3: Kalamunda Develops

Objective 3.3 - To develop and enhance the City's economy.

Strategy 3.3.1 - Facilitate and support the success and growth of industry and businesses.

SUSTAINABILITY

Social Implications

36. This Policy will provide a transparent and equitable procedure for the establishment of IDCAs to provide for the consistent management by the City.

Economic Implications

37. IDCAs do not offer any direct economic benefits to an area. The implementation of IDCAs however, can assist in the timely, efficient and equitable provision of infrastructure through a DCA that may in turn facilitate economic growth and employment creation.

Environmental Implications

38. Nil

RISK MANAGEMENT CONSIDERATIONS

39.	Risk: Not having a Policy results in lack of transparency of the process and possible inefficiencies.		
	Likelihood	Consequence	Rating
	Possible	Major	High
	Action/Strategy		
	It is recommended that Council adopt the Policy to mitigate this risk.		

OFFICER COMMENT

40. It is necessary for the Council to establish a formal position with regard to IDCAs to ensure that the City can carry out its role as administrator of DCAs in a fair, reasonable, consistent and transparent manner that minimises the financial risk to the City and the broader community.
41. The Policy will provide a well-documented and transparent procedure to guide the establishment and operation of IDCAs.
42. The Policy provides recommended conditions requiring the applicant to enter into an IDCA with the City. The recommended condition requiring an IDCA would require the applicant to enter into a legally binding agreement with the local government to commit to making an interim contribution towards the costs of providing certain identified common services and community facilities.
43. When the DCA is finally approved the applicant may be required to make an additional contribution where the interim contribution amount paid is less than the amount required under the approved DCP. On the other hand, the City may be required to refund the applicant where the interim contribution amount paid is more than the amount required under the approved DCP.
44. The provisions of the Policy do not bind Council to this approach. Other arrangements may be considered on their merits should they arise or circumstances change over time.
45. From a planning perspective, the Policy is consistent with the applicable strategic and statutory planning framework and is consistent with orderly and proper planning.
46. No submissions were received during the public advertising period and therefore no modifications are recommended for the finalisation of the Policy.
47. Having regard to the above, it is recommended that Council adopts the Policy.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. That Council ADOPT Local Planning Policy 25 – Interim Development Contribution Arrangements as outlined in Attachment 1 pursuant to Schedule 2, Part 2, Clause 4(3)(b)(ii) and Clause 4(4) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (WA)*.

10.1.2. Draft Local Planning Policy No.23 - Retaining Walls and Earthworks - Consideration for Final Adoption

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 145/2019
Directorate	Development Services
Business Unit	Approval Services
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments	1. Local Planning Policy No.23 - Retaining Walls and Earthworks [10.1.2.1 - 4 pages]
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EXECUTIVE SUMMARY

1. The purpose of this report is to consider the final adoption of draft City of Kalamunda (City) Local Planning Policy No.23 – Retaining Walls and Earthworks (Policy).
2. This Policy has been prepared to provide an objective-based framework to streamline the assessment of development applications for retaining walls and filling of land in the City of Kalamunda (City) and ensure the amenity of neighbouring properties or the natural landscape features and environmental values of the surrounding area is protected. The Policy will replace the existing P-DEV 14.
3. It is recommended Council adopt the Policy with modifications as highlighted in Attachment 1.

BACKGROUND

4. The City periodically reviews, revokes and adds new policies to provide a level of consistency and transparency in decision making and to ensure Council has a clear and defensible position regarding planning matters.
5. The Policy will ensure retaining walls and filling of land occurs in a manner that maintains the amenity and character of the area while providing an opportunity for landowners to change the ground level and topography of their property.

DETAILS

6. The primary objectives of the Policy are to:
 - a) Ensure retaining walls and filling of land maintains the amenity and character of the areas where they are proposed.
 - b) Minimise the impacts of retaining walls and fill on the natural environment and landscape.
 - c) To streamline the development approval and assessment process for retaining walls and filling of land.

7. The Policy states the following matters should be given due regard when considering retaining walls and earthworks relating to the filling of land:
- a) Existing amenity.
 - b) Wall heights.
 - c) Landscaping.
 - d) Earthworks relating to fill.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 (WA)

8. The *Planning and Development (Local Planning Schemes) Regulations 2015*, provide in Schedule 2, Part 2 Clause 4(3) – (6).

Local Planning Scheme No.3

9. Nil.

POLICY CONSIDERATIONS

10. The Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. The Policy specifically relates to Statutory Planning, however comments were sought internally from Engineering and Building. Building had no comments, as Building Permits would be required in most cases. Engineering commented on retaining wall design being completed by a qualified person and the exemptions through the subdivision process.
12. Applications will be required to be referred internally on a case by case basis.

External Referrals

13. The Policy was advertised for a period of 21 days in accordance with the requirements of the City's Local Planning Policy 11 – Public Notification of Planning Proposals and the requirements of the Regulations (Schedule 2, Part 2, Clause 4(2)).
14. No submissions were received.

FINANCIAL CONSIDERATIONS

15. All costs incurred through advertising were met through the Approval Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

- 16. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

- 17. If the Policy is adopted, Council and City officers will be provided with more guidance in the assessment and determination of retaining wall and filling of land development applications.
- 18. Additionally, the community will have access to more clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

- 19. Nil.

Environmental Implications

- 20. The provision of the landscaping requirements for retaining wall and earthworks applications will positively contribute to the amenity of impacted areas and the City’s environment.

RISK MANAGEMENT CONSIDERATIONS

21.	Risk: The Policy is not adopted, which could result in inconsistent application of planning advice, thereby failing to improve decision making.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure that Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications.		

OFFICER COMMENT

- 22. The proposed Policy will provide valuable guidance for the community and assessing Officers to ensure that retaining walls and filling of land has acceptable impacts.

23. Retaining walls over 0.5 metres require development approval. Fill associated with a retaining wall to a maximum height of the wall does not require further approval, streamlining the approval process.
24. Fill with no retaining walls requires approval in accordance with the deemed provisions.
25. 'Cut' of land is considered earthworks and requires approval in accordance with the deemed provisions. The draft policy has been amended to ensure 'cut' proposals are subject to similar objectives and assessment as filling of land.
26. It is not intended to include residential landscaping in urban areas in the policy, as those works are not considered to require planning approval.
27. Officers have renamed to the Policy to 'Retaining Walls and Earthworks' to reflect the wider scope of the content of the policy.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT Local Planning Policy No.23 – Retaining Walls and Earthworks, as set out in Attachment 1, pursuant to Schedule 2, Part 2, Clause 4(3)(b)(ii) and Clause 4(4) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA).

10.2. Asset Services Reports

10.2.1. Consideration of Tenders for Patterson Road Widening and Upgrade Stage 2, Pickering Brook (RFT 1914)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-004; PT-02/GEN
Applicant	N/A
Owner	City of Kalamunda

Attachments Nil

Confidential Attachment 1. Tender Evaluation Report
Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for widening and upgrade works on Patterson Road (Stage 2), Pickering Brook.
2. The City of Kalamunda (City) issued the Request for Tender inviting tenders for Patterson Road Widening and Upgrade Stage 2 (RFT 1914). Tenders were received and assessed.
3. It is recommended Council accepts the tender from JEK Pty Ltd ACN 008 942 783 trading as HAS Earthmoving for the works for a lump sum price of \$456,147 (excluding GST).

BACKGROUND

4. Stage 2 involves the next stage of widening and upgrade works on Patterson Road. Patterson Road is classified a rural road and involves a road widening (500mm on either side of the existing lanes), extension of culvert pipes and reinstating "V" drains and the inclusion of solid edge lines for approximately 1km of roadway.

DETAILS

5. The City issued RFT 1914 seeking to engage a contractor to undertake the next stage of widening and upgrade works on Patterson Road. Tenders closed on 14 October 2019. Five tenders were received by the closing date.

6. Tenders received by the closing date were from the following companies (in alphabetical order):
- a) BMD Urban;
 - b) Comiskey's Contracting Pty Ltd;
 - c) HAS Earthmoving;
 - d) Industrial Roadpavers (WA) Pty Ltd; and
 - e) TRACC Civil.

7. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.

8. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	30%
Tenderer's Resources	20%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	30%

9. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.

10. All tenders received with the exception of Industrial Roadpavers WA met the compliance criteria.

11. The four compliant tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
HAS Earthmoving	70%	1
TRACC Civil	65%	2
BMD Urban	63%	3
Comiskey's Contracting Pty Ltd	60%	4

12. All four tenders achieved the required minimum of 60% as a Qualitative Pass Mark.

13. A price assessment was then undertaken for these four tenders to determine the best value for money outcome for the City.

14. The tender evaluation report is provided as Confidential Attachment 1 to this report.

15. The recommended tender best satisfied the City's requirements in terms of:
- a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;
 - d) satisfying independent financial reference checks of the proposed contractor; and
 - e) providing the best value for money outcome.
16. The Evaluation Panel has recommended HAS Earthmoving as the preferred Tenderer for its lump sum price of \$456,147 (excluding GST) to undertake Stage 2 of Patterson Road.

STATUTORY AND LEGAL CONSIDERATIONS

17. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

18. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Nil.

External Referrals

20. Nil.

FINANCIAL CONSIDERATIONS

21. The recommended tender is 3% below the pre-tender estimate. As such, the overall project budget for Patterson Road Stage 2 is \$475,000 comprising of \$298,612 of approved Road to Recovery grant funding.
22. From time to time during the construction works, there may be the need to approve variations to the construction contract to meet the design intent. These variations to the construction contract would be funded from the project contingency. In awarding this contract, Council also approves any increases in the contract sum necessary from variations as determined by the Superintendent of the Contract. If the project budget cannot be maintained, further approval from Council will be sought.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Strategy 3.2.2 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

SUSTAINABILITY

Social Implications

24. Nil.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.	<p>Risk: The Contractor fails to fulfil the requirements of the contract (in terms of scope, time or quality) leading to increased costs to the City or delays in project completion.</p>						
	<table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Moderate	Unlikely	Low
Likelihood	Consequence	Rating					
Moderate	Unlikely	Low					
	<p>Action/Strategy</p> <ul style="list-style-type: none"> a) clearly defined scope of works and specifications have been developed; b) construction to be supervised by the City to validate quality; and c) the contract to be entered into provides for claims against the contractor for remedial action if needed. 						

OFFICER COMMENT

28. This project allows for the next stage of widening and upgrade of Patterson Road, Pickering Brook. The City is satisfied that the recommended tenderer has the capability and capacity to undertake the works to the required scale of scope, time and cost.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACCEPT the tender for Patterson Road Widening and Upgrade Stage 2, Pickering Brook (RFT 1914) from JEK Pty Ltd ACN 008 942 783 trading as HAS Earthmoving for its lump sum price of \$456,147 (plus GST);
2. APPROVE the use of project contingency funding if required within the approved project budget for any variations to the works contract necessary to achieve the intent of the contract.

10.2.2. Consideration of Tenders for the Road Rehabilitation of Various Sites within the City of Kalamunda (RFT 1916)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 148/2019
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-005
Applicant	N/A
Owner	City of Kalamunda
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for the road rehabilitation of various sites within the City of Kalamunda.
2. The City of Kalamunda (City) issued a Request for Tender seeking to engage a contractor for Road Rehabilitation of Various Sites within the City of Kalamunda (RFT 1916).
3. It is recommended Council accept the tender from Downer EDI Works Pty Ltd ACN 008 709 608 for the works for a lump sum price of \$1,371,356.89 (excluding GST).

BACKGROUND

4. The project involves the rehabilitation of pavement sections at various locations (nine sections). Works include insitu foamed bitumen stabilisation of existing pavements incorporating supplementary binders of cement at the nominated rates of addition and depth of stabilisation, as well as associated infrastructure improvements.
5. This project is $\frac{2}{3}$ funded from grant funding via the Metropolitan Regional Road Group through the Road Rehabilitation Program, with the remaining $\frac{1}{3}$ made up from Municipal funding.

DETAILS

6. The City issued RFT 1916 seeking to engage a contractor to undertake road rehabilitation of various sites within the City. Tenders closed on 17 October 2019, with four tenders received by the closing date.

7. Tenders received by the closing date were from the following companies (in alphabetical order):
 - a) Asphaltech Pty Ltd;
 - b) Downer EDI Works Pty Ltd;
 - c) Stabilised Pavements of Australia Pty Ltd; and
 - d) WA Profiling & Stabilisation Pty Ltd.
8. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.
9. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	30%
Tenderer's Resources	20%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	30%

10. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
11. All four tenders received met the compliance criteria.
12. The four tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
Downer EDI Works Pty Ltd	76%	1
WA Profiling & Stabilisation Pty Ltd	69%	2
Asphaltech Pty Ltd	64%	3
Stabilised Pavements of Australia Pty Ltd	63%	4

13. All four tenders achieved the required minimum of 60% as a Qualitative Pass Mark.
14. A price assessment was then undertaken for these four tenders to determine the best value for money outcome for the City.

15. The tender evaluation report is provided as Confidential Attachment 1 to this report.
16. The recommended tender best satisfied the City's requirements in terms of:
- a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;
 - d) satisfying independent financial reference checks of the proposed contractor; and
 - e) providing the best value for money outcome.
17. The Panel recommends Downer EDI Works Pty Ltd be the preferred Tenderer for its lump sum price of \$1,371,356.89 (plus GST).

STATUTORY AND LEGAL CONSIDERATIONS

18. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

19. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. Nil.

External Referrals

21. Nil.

FINANCIAL CONSIDERATIONS

22. The recommended tender is 14.9% below the pre-tender estimate. This is also below the overall budget for the road rehabilitation projects of \$1,626,791, therefore providing potential savings to the project.
23. From time to time during the construction works, there may be the need to approve variations to the construction contract to meet the design intent. These variations to the construction contract would be funded from the project contingency. In awarding this contract, Council also approves any increases in the contract sum necessary from variations as determined by the Superintendent of the Contract. If the project budget cannot be maintained, further approval from Council will be sought.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Strategy 3.2.2 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

SUSTAINABILITY

Social Implications

25. Nil.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

28.	<p>Risk: The Contractor fails to fulfil the requirements of the contract (in terms of scope, time or quality) leading to increased costs to the City or delays in project completion.</p>						
	<table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Moderate	Unlikely	Low
Likelihood	Consequence	Rating					
Moderate	Unlikely	Low					
	<p>Action/Strategy</p> <p>a) clearly defined scope of works and specifications have been developed; b) construction to be supervised by the City to validate quality; and c) the contract to be entered into provides for claims against the contractor for remedial action if needed.</p>						

OFFICER COMMENT

29. This project allows for road rehabilitation of various sites within the City of Kalamunda. The City is satisfied that the recommended tenderer has the capability and capacity to undertake the works to the required scale of scope, time and cost.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACCEPT the tender for road rehabilitation of various sites within the City of Kalamunda (RFT 1916) from Downer EDI Works Pty Ltd ACN 008 709 608 for the lump sum price of \$1,371,356.89 (plus GST).
2. APPROVE the use of project contingency funding if required within the approved project budget for any variations to the works contract necessary to achieve the intent of the contract.

10.2.3. Consideration of Tenders for Powerline Vegetation Management (RFT 1909)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 127/2016
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	City of Kalamunda
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for the provision of powerline vegetation management services for the City of Kalamunda (City).
2. The City issued a Request for Tender seeking to engage a contractor for Powerline Vegetation Management (RFT 1909).
3. It is recommended Council accept the schedule of rates tender from Beaver Tree Services Aust Pty Ltd ACN 093 584 788 for a three-year period, with two single year options for extension.

BACKGROUND

4. The City is required to prune an estimated 11,000 cultivated street trees that are growing near live power lines to maintain safety and security of electrical supply. Additionally, the City requires contractors to prune these trees to maintain traffic sight line clearances and road clearance pruning works. These trees are currently pruned by contractors as the City does not have the necessary resources to undertake these works with inhouse staff.
5. In contrast, the responsibility for pruning native WA species under power lines rests with Western Power and as such is not a cost borne by the City.

DETAILS

6. The City issued RFT 1909 seeking to engage a contractor to undertake powerline vegetation management within the City. Tenders closed on 26 September 2019, with five tenders received by the closing date.

7. Tenders received by the closing date were from the following companies (in alphabetical order):
- a) Beaver Tree Services;
 - b) Geoff's Tree Services;
 - c) Kennedy's Tree Services;
 - d) Total Tree Services; and
 - e) WA Tree Works.

8. An Evaluation Panel was convened of suitable qualified City officers to assess the tenders received.

9. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Ability to do the work	40%
Tenderer's Resources	40%
Occupational Safety and Health, Environmental Management	20%

10. Tenders which met or exceeded the Qualitative Pass Mark (QPM) of 60% were then assessed for price.

11. Four Tenderers exceeded the required QPM of 60%. The remaining Tenderer, below the required QPM, was eliminated from further assessment.

12. The five tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
Beaver Tree Services	70%	1
Geoff's Tree Services	64%	3
Kennedys Tree Services	64%	3
Total Tree Services	50%	4
WA Tree Works	66%	2

13. The following four tenders achieved the required minimum of 60% as a Qualitative Pass Mark:

- a) Beaver Tree Services;
- b) Geoff's Tree Services;
- c) Kennedys tree services; and
- d) WA Tree Works.

14. A price assessment was then undertaken for these four tenders to determine the best value for money outcome for the City.

15. This contract is structured such that there are fixed and known costs for each type of tree service (full pruning, road clearance, streetlight clearance, service wire clearance) but also a schedule of rates for the various scales of traffic management necessary when working on verges. This latter aspect is largely dependent on the situation at hand each time.
16. The tender evaluation report is provided as Confidential Attachment 1 to this report.
17. The recommended tender best satisfied the City's requirement in terms of:
 - a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;
 - d) satisfying independent financial reference checks of the proposed contractor; and
 - e) providing the best value for money outcome.
18. The Evaluation Panel recommended Beaver Tree Services as the preferred Tenderer based on having best satisfied all criteria in the Evaluation Process and having submitted the most competitive price for their services.
19. The basis of the contract is to engage the Contractor on an agreed set of rates to undertake works as needed and within budget provisions. As such given the vagaries in scoping the necessary works from year to year (due to changes in growth, weather, environment, site specific traffic management needs and other factors) does not render this contract to a fixed lump sum option.
20. The contract is proposed to be for an initial term of three years with a further two single year extensions at the discretion of the City. Escalation of the schedule of rates has been set as changes in CPI for each year of the contract.

STATUTORY AND LEGAL CONSIDERATIONS

21. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

22. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Nil.

External Referrals

24. Nil.

FINANCIAL CONSIDERATIONS

25. It is estimated that the annual spend on powerline vegetation management will be in the order of \$600,000 to \$800,000. This costs forms part of the overall annual budget for verge management which is in the order of \$2.33m.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.1 - Enhance our bushland, natural areas, waterways and reserves.

Strategy 2.1.2 - Support the conservation and enhancement of our biodiversity.

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

27. Nil.

Economic Implications

28. Nil.

Environmental Implications

29. Nil.

RISK MANAGEMENT CONSIDERATIONS

30.	<p>Risk: The Contractor fails to fulfil the requirements of the contract, leading to increased cost to the City or delays in completing the works.</p>		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	<p>a) Corporate scorecard confirms financial viability of contractor. b) Formal and detailed qualitative criteria within tender minimise risk.</p>		

OFFICER COMMENT

31. Setting in place a contract with known costs for verge trees under powerline management for a potential five year period is an effective and efficient process which overcomes the administrative burden of having to seek quotes on an ongoing basis for both ad hoc and programmed works.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender for Powerline Vegetation Management (RFT 1909) from Beavers Tree Services Aust Pty Ltd ACN 093 584 788 as per the schedule of rates set out in Confidential Attachment 1 for a three-year period from the date of formal agreement with two optional extensions of one year each at the City's discretion.

10.2.4. Consideration of Tenders for the Supply of Reticulation and Associated Materials (RFT 1910)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	City of Kalamunda
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for the supply of reticulation and associated materials for the City of Kalamunda (City).
2. The City issued a Request for Tender seeking to engage a contractor for Supply of Reticulation and Associated Materials (RFT 1910).
3. It is recommended that Council accept the schedule of rates tender from Total Eden Pty Ltd ACN 010 118 895 for an initial three-year period with two further one-year extensions at the City's discretion.

BACKGROUND

4. This tender is for the supply of fittings to replace any damaged or unserviceable irrigation fittings for the City's Parks and Reserves.
5. The City also installs new or replacement irrigation systems each year as part of its Capex program. This tender provides a schedule of rates for the supply of irrigation parts necessary for projects undertaken by City resources.
6. Although the cost of each individual reticulation part is not significant, collectively the value of the contract is substantial and requires Council approval.

DETAILS

7. The City issued RFT 1910 seeking to engage a contractor to supply reticulation and associated materials for a three-year period, with two optional single year extensions at the City's discretion. Tenders closed on 3 October 2019, with three tenders received by the closing date.

8. Tenders received by the closing date were from the following companies (in alphabetical order):

- a) Reece Pty Ltd;
- b) Total Eden Pty Ltd; and
- c) WA Reticulation Supplies.

9. An Evaluation Panel was convened of suitable qualified City officers to assess the tenders received.

10. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Track record of supplier providing similar irrigation parts contracts	50%
Inventory on hand at shop front for City to procure items of an urgent nature	50%

11. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.

12. Reece Pty Ltd and Total Eden satisfied the Qualitative Criteria. WA Reticulation Supplies did not.

13. The three tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
Total Eden	80%	1
Reece Pty Ltd	60%	2
WA Reticulation Supplies	40%	3

14. The following two tenders achieved the required minimum of 60% as a Qualitative Pass Mark:

- a) Reece Pty Ltd; and
- b) Total Eden.

15. A price assessment was then undertaken for the two tenders to determine the best value for money outcome for the City.

16. The tender evaluation report is provided as Confidential Attachment 1 to this report. It includes the schedule of pricing for each component to be potentially purchased.
17. The recommended tender best satisfied the City's requirement in terms of:
- a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;
 - d) satisfying independent financial reference checks of the proposed contractor; and
 - e) providing the best value for money outcome.
18. The contract term is proposed to be an initial three-year term with two further one-year extensions at the City's discretion. The schedule of rates will increase annually by CPI. It is estimated that the spend in the first year will be \$80,000 pa and generally similar amounts in subsequent years.

STATUTORY AND LEGAL CONSIDERATIONS

19. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

20. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. Nil.

External Referrals

22. Nil.

FINANCIAL CONSIDERATIONS

23. It is estimated that the spend on irrigation fixtures and fittings within this contract will be \$80,000 pa funded from within operational and capital works budgets.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

Objective 2.2 - To achieve environmental sustainability through effective natural resource management effective natural resource management.

Strategy 2.2.1 - Facilitate the appropriate use of water and energy supplies for the City.

Strategy 2.2.2 - Use technology to produce innovative solutions to reduce power and water usage.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

25. Potential loss of amenity.

Economic Implications

26. Potential reduction in Public Open Space asset value.

Environmental Implications

27. Potential loss of habitat.

RISK MANAGEMENT CONSIDERATIONS

28.	Risk: The contractor fails to fulfil the requirements of the contract, leading to increased costs to the City.		
	Likelihood	Consequence	Rating
	Rare	Moderate	Low
	Action/Strategy		
	a) Corporate scorecard confirms financial viability of contractor. b) Formal and detailed Qualitative criteria within Tender minimise risk.		

OFFICER COMMENT

29. Setting in place a contract with certain pricing for irrigation parts over the next five years provides the City with an efficient and effective means of undertaking works whilst reducing the administrative overhead in constantly seeking quotes for ongoing works.

Voting Requirements: Simple Majority

RECOMMENDATION

It is recommended that Council ACCEPT the tender schedule for the Supply of Reticulation and Associated Materials (RFT 1910) from Total Eden Pty Ltd ACN 010 118 895, as per the schedule of rates set out in Confidential Attachment 1 to this report for an initial three-year term with two further one-year extensions at the City's discretion.

10.2.5. Consideration of Tenders for Weed Control and Associated Services (RFT 1911)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	City of Kalamunda
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for weed control and associated services for the City of Kalamunda (City).
2. The City issued a Request for Tender seeking to engage a contractor for Weed Control and Associated Services (RFT 1911).
3. It is recommended Council accept the tenders from Sprayking WA Pty Ltd ACN 166 992 203 as the preferred Tenderer for Category One and Two areas and Martins Environmental Services Pty Ltd ACN 103 915 644 for Category Three at their respective schedule of rates prices.

BACKGROUND

4. The City of Kalamunda is required to control weeds for a variety of reasons such as preservation of Assets, to maintain functionality of Assets such as sportsgrounds, drains and footpaths and for amenity reasons.
5. This schedule of rates service tender is divided into three Categories:
 - a) Category 1: civil infrastructure whereby total weed control is required;
 - b) Category 2: selective control on parks; and
 - c) Category 3: specialised weed control within the City's conservation areas.

Tenderers were invited to submit prices for one, two or all Categories and were evaluated on their proposals.

6. These areas are required to be serviced by Contractors as the City does not have the necessary resources to undertake these works with inhouse staff.
7. The Contract duration is for three years, with two single year options at the City's discretion.

DETAILS

8. The City issued RFT 1911 seeking to engage a contractor to undertake weed control and associated services within the City. Tenders closed on 3 October 2019, with eleven tenders received by the closing date.
9. Tenders received by the closing date were from the following companies (in alphabetical order):
- a) DM Roads;
 - b) Environmental Industries;
 - c) GMS Contractors;
 - d) LD Total;
 - e) Lochness Landscape Services;
 - f) Martins Environmental Services;
 - g) Perry Environmental Contracting;
 - h) Sprayking WA Pty Ltd;
 - i) Supa Pest and Weed Control;
 - j) Turfmaster Pty Ltd; and
 - k) Website Weed and Pest Pty Ltd

Note: (i) above Supa Pest and Weed Control, offered an alternate offer to include steam weed control. The practical use of this alternative treatment is limited and may be sourced separately outside of this Tender as required.

10. An Evaluation Panel was convened of suitable qualified City officers to assess the tenders received.
11. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience and track Record	40%
Key Personnel Skills and Experience	40%
Tenderers Resources and Safety Management Plan	20%

12. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
13. Three Tenderers passed the Qualitative Criteria requirement of 60%. Eight did not.

14. The 11 tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
Sprayking WA Pty Ltd	66%	1
Turfmaster Pty Ltd	64%	2
Martins Environmental Services Pty Ltd	60%	3
Lochness Landscape Services	58%	4
Perry Environmental Contracting	56%	5
Website Weed and Pest Management	52%	6
Environmental Industries Pty Ltd	50%	=7
LD Total	50%	=7
Supa Pest and Weed Control	50%	=7
DM Roads	44%	10
GMS Contracting	20%	11

15. The following three tenders achieved the required minimum of 60% as a Qualitative Pass Mark:
- a) Sprayking WA Pty Ltd;
 - b) Turfmaster Pty Ltd; and
 - c) Martins Environmental Service.
16. A price assessment was then undertaken for these three tenders to determine the best value for money outcome for the City.
17. The tender evaluation report is provided as Confidential Attachment 1 to this report.
18. The recommended tenders best satisfied the City's requirement in terms of:
- a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;
 - d) satisfying independent financial reference checks of the proposed contractor; and
 - e) providing the best value for money outcome.
19. The Evaluation Panel recommended Sprayking WA Pty Ltd as the preferred Tenderer for Categories 1 and 2 and Martins Environmental Service for Category 3 at their respective schedule of rates prices.
20. This contract is structured such that the City can terminate the contract at any time if it determines that alternate methods for treatment of weeds is necessary.

STATUTORY AND LEGAL CONSIDERATIONS

21. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

22. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Nil.

External Referrals

24. Nil.

FINANCIAL CONSIDERATIONS

25. Works associated with this Tender will be charged to the approved OPEX maintenance accounts. The overall expenditure is estimated at \$250,000 in the first year of the contract with subsequent years incurring CPI increases only.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.1 - Enhance our bushland, natural areas, waterways and reserves.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

27. Improve amenity by controlling unsightly weed species.

Economic Implications

28. Reduce risk of damage to infrastructure from encroaching vegetation.

Environmental Implications

29. Provide control of environmental weed species. Reduce risk of further infestations. It is recognised that some negative connotation may exist with the use of herbicides which can be monitored and managed as the contract rolls out.

RISK MANAGEMENT CONSIDERATIONS

30.

Risk: The recommended contractors fails to fulfil the requirements of the contract, leading to increased costs to the City.		
Likelihood	Consequence	Rating
Rare	Moderate	Low
Action/Strategy		
a) Corporate scorecard confirms financial viability of contractors.		
b) Formal and detailed Qualitative criteria within Tender minimise risk.		

OFFICER COMMENT

31.

The City recognises that there are some concerns from some members of the community regarding the use of glyphosate chemical treatment of weeds. We will continue to monitor the situation and advise Council as necessary. The award of this contract does not lock the City into continued use of this chemical if it wishes to discontinue its use.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACCEPT the tender for Weed Control and Associated Services (RFT 1911) from Sprayking WA Pty Ltd ACN 166 992 203 for Category 1 and 2 works at the schedule of rates set out in Confidential Attachment 1.
2. ACCEPT the tender for Weed Control and Associate Services (RFT1911) from Martins Environmental Services Pty Ltd ACN 103 915 644 for Category 3 works at the schedule of rates set out in Confidential Attachment 1 .

10.2.6. State and Australian Government Black Spot Programs Submissions 2020-2021 Revised

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 184/2019
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	EG-RDM-004
Applicant	N/A
Owner	N/A

Attachments	1. Kalamunda Road Priory Road intersection concept design [10.2.6.1 - 1 page]
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EXECUTIVE SUMMARY

1. The purpose of this report is to request Council to reconsider not submitting a Black Spot funding submission to undertake works to improve road safety at the intersection of Priory Road and Kalamunda Road, Maida Vale.
2. The City undertook examination of options that maintained existing turning movements that also could reduce the risk of turning movement accidents at this intersection.
3. This review of options to reduce crashes at the intersection has determined that the closure of the right turn movement from Priory Road into Kalamunda Road appears to provide a high benefit at relatively low cost. The project is still available for consideration by the State Black Spot Funding Program for 2020/2021.
4. It is recommended that Council now endorse a submission for State Black Spot funding to undertake works at this intersection.

BACKGROUND

5. Council considered the submission of three projects for Black Spot funding in July 2019 (OCM 184/2019). Two projects were supported at that time, being:
 - a) Hale Road / Strelitzia Avenue intersection, Forrestfield, modification of the signalised intersection to provide a turning pocket and turning signal phase for vehicles turning right into Strelitzia Avenue; and
 - b) Hawtin Road / Maida Vale Road intersection, Maida Vale, upgrade of the Maida Vale Road approach to provide dedicated left and right turn lanes.
6. Concerns were raised by Council regarding the impacts of the third project, a closure of the right turn movement from Priory Road into Kalamunda Road. This project was not endorsed for submission to the Black Spot program.

DETAILS

7. The proposed works in Priory Road are to stop right-hand turn movements into Kalamunda Road. Between 2014 and 2018, there were seven crashes from vehicles turning right from Priory Road hitting vehicles travelling northbound on Kalamunda Road. A proposed road treatment to halt this movement was estimated at \$51,000. With its high benefit to cost ratio, this project would be eligible for 67% grant funding under the Black Spot program with 33% municipal funding needed.
8. Consultation with some Councillors identified two issues that required addressing:
 - a) dealing with resident concerns regarding the volume and number of vehicles speeding on Priory Road; and
 - b) avoiding the closure of the right turn movement on Priory Road to not force vehicles onto Maida Vale and Hawtin Roads.
9. In regard to the speeding issues on Priory Road, this will be the subject of further investigations and a separate Council report on the matter.
10. The City undertook additional traffic counts and assessment to determine the impact of this project if it proceeded. The outcomes are:
 - a) the traffic that can no longer turn right at Priory Road will move to other parts of the road network. The number of vehicles is estimated to be 500 vehicles per day.
 - b) This means 500 less vehicles per day on Priory Road (travelling north) and 500 vehicles more per day on Maida Vale Road (travelling east to Hawtin Road). The vehicles travelling east on Maida Vale Road are expected to turn north into Hawtin Road thus increasing that road usage by 500 vehicles per day;
 - c) there will be no change in intersection level of service at the Hawtin Road/Maida Vale Road intersection and only a minor change to the level of service at the Kalamunda Road/Hawtin Road intersection; and
 - d) the overall impact of this redirection of vehicles is that Priory Road sees an 8% decrease in traffic volumes and makes it more suited to the hierarchy of the road. Likewise, Maida Vale Road (east of Priory Road) will see an increase in traffic that is consistent with its road hierarchy.
11. In regard to the road hierarchy, Maida Vale Road is a Distributor B road that is intended to accommodate **over** 6,000 vehicles per day. Priory Road is a Local Distributor road that is intended to accommodate **less** than 6,000 vehicles per day. The current traffic volumes are reflected below:
 - a) Priory Road current 5,975 vehicles per day (which would fall by 500); and
 - b) Maida Vale Road (Priory to Hawtin) current 6,219 vehicles per day (which would increase by 500).
12. In regard to maintaining the right turn movement out of Priory Road (but also reducing the risk of traffic collisions) a number of options were examined and assessed (and very high-level costs apportioned), and are detailed herein.

13. **Option 1:** Create an acceleration lane in Kalamunda Road for vehicles entering from Priory Road. This option is estimated at \$175,000 to construct. Whilst it may have some positive impacts (some drivers turning right are secure in the knowledge that they have a protected entry into Kalamunda Road) southbound, it is felt that the reduction in risk is small due to the high incidence of eastbound traffic exiting Priory Road being struck at right-angles by north-westbound traffic travelling along Kalamunda Road which would not be eliminated by the acceleration lane. It is unlikely to meet any minimum benchmark for Black Spot funding and as such would need 100% municipal funding. This option may look like this:



14. **Option 2:** Significantly reconstruct the intersection to provide protected merge lanes – similar to this example below:



The estimate of this work is in the order of \$250,000 and would necessitate land resumption. The resultant benefit cost ratio would not make it eligible for Black Spot funding and as such would need to be fully funded from municipal funds.

15. **Option 3:** Install a Roundabout. The estimate of this is \$750,000 (depending on road reserve requirements in adjacent land), would not meet any criteria for Black Spot funding and thus would be 100% municipal funded. It has the benefit of significantly reducing the risk of crashes.
16. **Option 4:** Modify traffic signal timings at Kalamunda Road / Hawtin Road such that there is longer gaps in traffic approaching Priory Road. Whilst this option may provide extra time for right turning vehicles to exit Priory Road, the downside is that this will create additional queueing and delays for traffic travelling north-west on Kalamunda Road, especially in peak hour. Main Roads would be very unlikely to approve such a change.
17. **Option 5:** Install traffic lights at Priory Road and Kalamunda Road. The estimated cost of this would be in the order of \$750,000 to \$1,000,000. Based on Main Roads assessment guidelines and practice, approval of traffic lights is a 'last resort', would not satisfy Main Roads warrants and is unlikely to be approved if there is a lower impact solution (e.g. roundabouts or slip lanes). Again, this would need to be fully municipal funded.
18. **Option 6:** Proceed with the initial works recommended (close right turn movements into Kalamunda Road) at the budget cost of \$51,000. This work is shown in Attachment 1.
19. In conclusion it is preferred that the City endorse a plan to stop right-hand turn movements from Priory Road into Kalamunda Road using the fully funded grant from the Black Spot program. This recommendation is on the basis of opportunity to address a known traffic collision black spot with small amount of municipal funding requirements and that alternate road routes exist close by to facilitate the movement from Maida Vale Road to Kalamunda Road.

STATUTORY AND LEGAL CONSIDERATIONS

20. Nil.

POLICY CONSIDERATIONS

21. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. It is not recommended that community consultation on a funding submission to close the right-hand turn movement is undertaken at this time. It is known that residents residing on Priory Road have raised concerns with the City regarding vehicle numbers and speed, so it is reasonable to anticipate localised support for this work.

23. If the project is successfully funded, community consultation will then proceed.

External Referrals

24. Residents affected by any approved Black Spot Project will be consulted during the design and construction phases of the project.

FINANCIAL CONSIDERATIONS

25. The Priory Road / Kalamunda Road intersection black spot project is estimated to cost \$51,000 and would be two-thirds funded by the state government. This will require:
- a) Municipal funds of \$17,000; and
 - b) State black spot funds of \$34,000.
26. Should the City not be successful in the State Black Spot Program, the City can elect to proceed with the project funded by municipal funds at \$51,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.2 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

SUSTAINABILITY

Social Implications

28. The Main Roads WA State Black Spot Program Development and Management Guidelines states "The State Black Spot Program is aimed at further improving road safety across Western Australia thereby reducing the significant trauma and suffering of crash victims and their loved ones." Any form of crash induces stress and impacts on the community and the State Black Spot Program provides a mechanism by which the City can address these issues and thereby reduce the number and severity of crashes using proven treatments.

Economic Implications

- 29. Crashes have been identified as a road user cost which impacts individuals and the general community through insurance premiums, cost of services, and loss in efficiency from the road network.

Environmental Implications

- 30. There are no direct environmental implications arising from this project.

RISK MANAGEMENT CONSIDERATIONS

31.

Risk: The opportunity is lost for government funding contributions towards treatment of Black Spots on the City's road network.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action/Strategy		
Consider all other options and determine preferred action to address a road safety issue.		

32.

Risk: The works do not achieve the crash reductions that are intended, or otherwise creates unintended consequences.		
Likelihood	Consequence	Rating
Rare	Significant	Low
Action/Strategy		
The treatment selection methodology has been thoroughly tested and the process includes significant oversight and review by Main Roads WA. Black Spot sites are also reviewed in future years to determine the effect of the treatments. Modelling has been undertaken to check the impact on the surrounding road network.		

OFFICER COMMENT

- 33. To reduce or eliminate crashes, the City must consider traffic treatments that do not appear obvious and which may have other flow-on effects. The suggestion to close the right-turning movement from Priory Road into Kalamunda Road has secondary benefits by:
 - a) reducing traffic demand on Priory Road; and
 - b) reducing vehicle movements across the Priory Road / Kalamunda Road intersection.
 thus improving pedestrian safety in the vicinity of Maida Vale Primary School.

34. As also noted in the report, the City is examining the issue of vehicle speed in Priory Road and the potential need for traffic calming measures and will report back in due course on this matter.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE a funding submission as part of the 2020/2021 State Government Black Spot Program for works to prevent right-hand turn movements from Priory Road to Kalamunda Road as shown as Attachment 1 to this report.

10.2.7. Consideration of Tenders for the Construction of the Kalamunda Community Centre at Jorgensen Park, Kalamunda (RFT 1918)

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 155/2019
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-005
Applicant	N/A
Owner	City of Kalamunda

Attachments Nil

Confidential Attachment 1. Tender Evaluation Report
Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for the construction of the Kalamunda Community Centre at Jorgensen Park, Kalamunda.
2. The City of Kalamunda (City) issued a Request for Tender seeking to engage a commercial building construction contractor to undertake the construction of the Kalamunda Community Centre at Jorgensen Park, Kalamunda (RFT 1918).
3. It is recommended Council accept the tender from Pindan Contracting Pty Ltd ACN 120 076 360 for the works for a lump sum price of \$4,878,441.39 (excluding GST).

BACKGROUND

4. The project involves the construction of the City's new Kalamunda Community Centre Building, carparking improvements and associated infrastructure to be located within Jorgensen Park, Kalamunda.

DETAILS

5. The City issued RFT 1918 seeking to engage a building construction contractor to undertake the construction of the Kalamunda Community Centre at Jorgensen Park, Kalamunda. Tenders closed on 21 October 2019, with six tenders received by the closing date.
6. Tenders received by the closing date were from the following companies (in alphabetical order):
 - a) Bistel Construction Pty Ltd;
 - b) Castle Projects Pty Ltd;
 - c) Classic Contractors Pty Ltd;
 - d) Cooper & Oxley Group Pty Ltd;

- e) McCorkell Constructions Pty Ltd; and
- f) Pindan Contracting Pty Ltd.

7. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.
8. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Demonstrated Capability to undertake Building, Carpark and Landscape Works	45%
Demonstrated Capacity to undertake the Construction Works	40%
Delivery Issues	15%

9. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
10. All six tenders received met the compliance criteria.
11. The six tenders were ranked as following regarding the Qualitative Criteria:

Tenderer	Score	Rank
McCorkell Constructions	75.5%	1
Bistel Construction	70%	=2
Classic Contractors	70%	=2
Cooper & Oxley Group	70%	=2
Pindan Contracting	70%	=2
Castle Projects	51.5%	6

12. With the exception of Castle Projects, all tenders achieved the required minimum of 60% as a Qualitative Pass Mark. The remaining five tenders were then considered further.
13. A price assessment was then undertaken for these five tenders to determine the best value for money outcome for the City.
14. The tender evaluation report is provided as Confidential Attachment 1 to this report.
15. The recommended tender best satisfied the City's requirements in terms of:
 - a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;

- d) satisfying independent financial reference checks of the proposed contractor; and
 - e) providing the best value for money outcome.
16. The Panel recommends Pindan Contracting Pty Ltd be the preferred Tenderer for its lump sum price of \$4,878,441.39 (excluding GST).

STATUTORY AND LEGAL CONSIDERATIONS

17. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

18. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Nil.

External Referrals

20. Nil.

FINANCIAL CONSIDERATIONS

21. The pre-tender estimate for this contract was \$5.25m. The recommended Tender at \$4.88m is \$370,000 (or 7%) below the pre-tender estimate.
22. The project budget is \$6.65m which includes not only construction costs, but also fees, loose furniture and equipment, allowances for environmental improvements and project contingency. At this stage, the project budget appears sufficient to complete the project.
23. From time to time during the construction works, there may be the need to approve variations to the construction contract to meet the project intent. These variations to the construction contract would be funded from the project contingency. In awarding this contract, Council also approves any increases in the contract sum necessary as variations are determined by the Superintendent of the Contract. If the project budget cannot be maintained, further approval from Council will be sought.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

25. The creation of this new community centre building will allow the Kalamunda Community Learning Centre (as the main user) and other community groups to be able to continue as well as grow their capacity to provide social connectivity and learning opportunities for our Community.

Economic Implications

26. Creation of multi-purpose spaces as well as the hall area provides opportunities for the City to (dependent on availability and demand) hire these areas to commercial operators at commercial rates.

Environmental Implications

27. It was important that the location of the building minimised its impact upon Jorgensen Park recognising the intrinsic value of the existing flora and fauna. The City, in consultation with the Kalamunda Community Centre Community Reference Group, spent considerable effort in getting a good understanding of the impacts of the building and developing suitable mitigation responses.

28. The City developed an Environmental Avoidance and Mitigation Report and submitted the project for consideration by the Commonwealth in line with the Environmental Protection and Biodiversity Conservation Act. The Commonwealth has advised that no further action is needed under this Act.

RISK MANAGEMENT CONSIDERATIONS

29.	Risk: The contractor fails to complete the works in accordance with scope, time or budget leading to increased costs and negative reputational outcomes.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	The selection of a suitable contractor takes into account past performance, external financial review of the contractor, capacity and capability. Robust project management oversight is employed during delivery of the works.		

OFFICER COMMENT

30. The City will be pleased to deliver this building after many years of advocacy with State and Federal Governments to achieve suitable funding. The efforts over many years of the Kalamunda Community Learning Centre are recognised as is the time and effort given by members of the Kalamunda Community Centre Community Reference Group.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACCEPT the tender for the construction of the Kalamunda Community Centre at Jorgensen Park, Kalamunda (RFT 1918) from Pindan Contracting Pty Ltd ACN 120 076 360 for the works for a lump sum price of \$4,878,441.39 (excluding GST).
2. APPROVE the use of project contingency funding if required within the approved project budget for any variations to the works contract necessary to achieve the intent of the project.

10.2.8. Better Bins Application - Advice from State Government

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 146/2019
Directorate	Asset Services
Business Unit	Asset Services
File Reference	EG-RLW-006
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement to enter into a Better Bins funding agreement with the Waste Authority of WA.
2. This agreement will assist the City of Kalamunda in procuring a third kerbside bin for each residence for the purposes of implementing the State Waste Avoidance and Resource Recovery Strategy (WARR).
3. It is recognised that the City has not yet developed its Waste Plan 2030 which would normally be adopted prior to committing to the three bin system. The current circumstances suggest this opportunity for funding assistance should be pursued.
4. It is recommended that Council authorise that the City enters into the funding agreement noting the issues set out in this report.

BACKGROUND

5. At the 25 June 2019 Ordinary Council Meeting Council considered a report regarding the development of the City's Waste Plan and decided:

RESOLVED OCM 146/2019

That Council:

1. *ENDORSE the Project Plan for the Waste Plan Project (Attachment 1).*
 2. *AUTHORISE the Chief Executive Offices to submit a Better Bins Application to the Department of Water and Environmental Regulation to implement a 3 bin system noting that any contractual agreement will be subject to a further Council deliberation.*
6. The City was advised by the Waste Authority (part of the Department of Water and Environmental Regulation (DWER)) that its application was conditionally accepted. The conditions of acceptance are discussed in this report.

DETAILS

7. Better Bins is a Waste Authority initiative that provides grants to Local Governments to assist in the cost of implementation of improved kerbside waste systems.

The Table below details the various options and funding assistance provided:

Kerbside Collection Preference	Kerbside Collection Services—Households			Funding allocation per household
	General waste Red lid	Comingled recycling Yellow lid	Green waste/ organic Lime green lid	
Preference 1 Three bin system, small general waste	140L or less weekly	240L or more fortnightly	240L or more fortnightly	\$30
Preference 2 Three bin system, standard general waste	240L or less weekly	240L or more fortnightly	240L or more fortnightly	\$24
Preference 3 Two bin system, small general waste	140L or less weekly	240L or more fortnightly	–	\$10
Preference 4 Two bin system, standard general waste	240L or less weekly	240L or more fortnightly	–	\$4

8. The third bin proposed in this scheme would be for Food Organics and Garden Organics (FOGO) process which attracts the highest grant funding.
9. The City has received advice that it would be eligible for funding of up to the maximum \$30 / household if it implemented preference 1 and potentially scale down from there depending on the kerbside bin system being rolled out.
10. For the 23,040 households within the City this could equate to a maximum grant of \$691,200. The estimated cost (at this stage) to fully implement a three bin system as per preference 1 is in the order of \$1.9m.
11. The key elements of the conditional approval for this funding are:
- a) the funding agreement is to be executed by the City by 18 December 2019;
 - b) the roll out of three bins is to be completed no later than 30 June 2026;
 - c) payment will be available in the 20/21 Financial Year; and
 - d) reporting of the outcomes are due one year after completion of the implementation.

12. The main area of concern to the City is the requirement to execute the funding agreement by 18 December 2019. The City's application for funding clearly sets out that it would be considering the three bin issue as part of its new Waste Plan 2030 which is scheduled to be considered by Council in June 2020. Despite further approaches to DWER at Director General level, this condition is not being relaxed by them.
13. As part of the drafting and development of the Waste Plan 2030, the City planned extensive community consultation on the matter, including three bins. It was planned that any recommendation to Council regarding three bins would be accompanied by feedback from the Community on the issue.
14. Having to execute this agreement now could be perceived that the City has predetermined the decision on three bins without the Community being brought along for the journey. This is unfortunately unavoidable to meet deadlines for funding availability.
15. This matter can be expressed best that the City is securing the opportunity for significant grant funding to aid in the future of waste collection and disposal and at the appropriate time, if the City and community wish to go in a different direction then we do not proceed with the grant funding.
16. Since the launch by the State Government of the WARR Plan and Strategy, the City has received some community feedback, the majority of which is supportive of the Strategy for environmental benefits and seeking information as to the timing of when the City commences three bins. As such, perhaps, there is latent support within the community for improvements to our waste management process.
17. The City is about to commence initial awareness of the Waste Plan 2030 with the community and this will include the decision regarding Better Bins grant funding and the rationale for the decision. If Council endorses this recommendation, the communications will clearly specify that it does not bind the City to three bins before the whole Waste Plan is properly developed and considered by Council.
18. The City can cancel the grant agreement and return any funding received at any time.
19. Conversely, the FOGO strategy adopted by the Eastern Metropolitan Regional Council (EMRC) (of which the City is a member), has indicated that the cost of implementing the third bin (along with kitchen caddies and education) would be funded from the EMRC waste reserve. The EMRC have indicated however that each Member Council should actively pursue Better Bins funding to reduce drawdown on this waste reserve.

STATUTORY AND LEGAL CONSIDERATIONS

20. The *Waste Avoidance and Resource Recovery Act 2007* requires, if directed that Councils prepare and submit a Waste Plan to DWER. The City has received this direction.

POLICY CONSIDERATIONS

21. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. Nil.

External Referrals

23. Nil.

FINANCIAL CONSIDERATIONS

24. Availability of up to \$691,200 of grant funding.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

Objective 2.3 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 - Identify and implement strategies to reduce waste.

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

29.	<p>Risk: The Community feels that the City has predetermined a future waste system prior to proper community consultation occurring impacting the reputation of the City.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Significant</td> <td>High</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Significant	High
Likelihood	Consequence	Rating					
Possible	Significant	High					
	<p>Action/Strategy</p> <p>Clear communications strategy outlining the views of the community will be considered in any final decision.</p>						

OFFICER COMMENT

30. The City is well underway with its project plan to provide the Kalamunda Waste Plan 2030 by June 2020 in which Better Bins funding was to form one of the financial aspects. Having this matter determined now completes one task within the project plan.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE that the Chief Executive Officer executes the Better Bins funding agreement between the Waste Authority of WA and the City of Kalamunda.

10.3. Office of the CEO Reports

10.3.1. Council Meeting Dates for 2020

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	OCM 210/2018
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	N/A
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. Proposed Schedule of Council Meeting dates 2020 [10.3.1.1 - 1 page]
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EXECUTIVE SUMMARY

1. The purpose of this Report is to consider the setting Ordinary Council (OCM) and Public Agenda Briefing Forum (PABF) meeting dates until 31 December 2020.
2. The current meeting cycle adopted by Council in 2018 provides for the PABF to be held on the second Tuesday of each month and the OCM on the fourth Tuesday, with no meetings scheduled in January.
3. It is recommended that Council set the dates for meetings of the PABF and OCM as detailed in the Schedule (Attachment 1).

BACKGROUND

4. The current meeting cycle adopted by Council in 2018 provides for the PABF to be held on the second Tuesday of each month and the OCM on the fourth Tuesday, with no meetings scheduled in January.

DETAILS

5. Section 5.4 (b) of the *Local Government Act 1995* (the Act) provides for the Council to call OCM's and Section 5.25 (1) (g) of the Act and Regulation 12 of the *Local Government (Administration) Regulations 1996* requires at least once every year a local government is to give public notice of the dates, time and place for OCM and Committee meetings required to be open to the public.
6. The Council currently does not have any Committees that are required by the Act to be open to the public.
7. The current meeting structure and cycle has now been in operation for nearly two years and appears appropriate in meeting the operational and strategic direction of Council and the needs of the Community, with no major issues for either Council or the community.

8. It is also open to Council to amend the scheduled meeting night to one other than Tuesday night. When Council last changed the meeting night from Monday's, it was on the basis of synchronising with other local governments in the region.
9. A schedule of proposed meeting dates until 31 December 2020 has been prepared on the basis of no change. (Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

10. Section 5.4 (b) of the Act provides for the Council to call OCM's.
11. Sections 5.8, 5.9 and 5.10 of the Act provides for the establishment of committees, determination of the type and appointment of members of committees.
12. Section 5.17 of the Act provides that Council can delegate some of its powers and duties to certain types of committees. Council has not delegated any powers or duties to a committee.
13. Section 5.25 (1) (g) of the Act and Regulation 12 of the Local Government (Administration) Regulations 1996 requires at least once every year a local government is to give public notice of the dates, time and place for OCM and Committee meetings required to be open to the public.

POLICY CONSIDERATIONS

14. Nil

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. Nil

External Referrals

16. As this report recommends no change to current meeting structure or cycle, no community consultation has been undertaken.

FINANCIAL CONSIDERATIONS

17. Acceptance of the recommendation will not result in any additional expenditure being incurred to that already included in the current or 2020/21 budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

19. Nil.

Economic Implications

20. Nil

Environmental Implications

21. Nil

RISK MANAGEMENT CONSIDERATIONS

22.	Risk: Retention of the current meeting structure and schedule does not align with the Council or community requirements and expectations.		
	Likelihood	Consequence	Rating
	Unlikely	Medium	Significant
	Action/Strategy		
	Develop a meeting structure and schedule that is acceptable.		

OFFICER COMMENT

23. The Officer recommendation is based on there being no change to the current meeting structure or cycle.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council SET the dates for meetings of the Public Agenda Briefing Forums and Ordinary Council Meetings as detailed in the Schedule (Attachment 1).

10.3.2. Forrestfield North Naming Competition

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	August 2018
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	
Owner	

Attachments	1. Attachment 1 Name Suggestions for Forrestfield North [10.3.2.1 - 18 pages]
	2. Attachment 2 Geographic-names-policies [10.3.2.2 - 140 pages]
	3. Attachment 3 Submissions on names [10.3.2.3 - 4 pages]
	4. Attachment 4 Votes Mapped [10.3.2.4 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the results of the Forrestfield North Naming Competition and subsequent community engagement.
2. The City of Kalamunda has undertaken community engagement regarding the name over 2018 and 2019.
3. The report recommends Council notes the results of the community engagement and authorise the Chief Executive Officer to provide a copy of the report to Landgate and the Geographical Naming Committee.

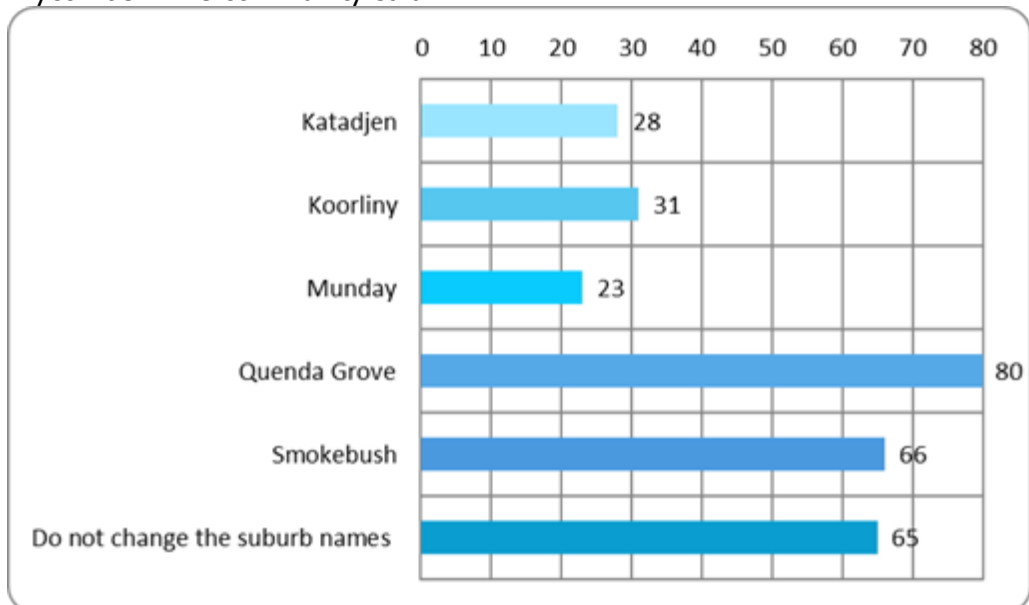
BACKGROUND

4. In 2014, the State Government confirmed the Forrestfield-Airport Link project, inclusive of a new rail line to Perth Airport and a train station near High Wycombe termed "Forrestfield Station".
5. The State Government instructed the City to prepare a District Structure Plan (DSP) over the subject land, in order to identify new land use opportunities arising from the Forrestfield Train Station. In response, Element (previously TPG + Place Match), under commission from the City, prepared the Forrestfield North DSP. The area was informally named 'Forrestfield North' in the context of its location north of the existing suburb of Forrestfield and the State Government's naming of the Forrestfield-Airport Link project.
6. In September 2015, the City of Kalamunda (the City) adopted a District Structure Plan, which set a vision and planning framework for development surrounding the future Forrestfield railway station. For planning and consultation purposes, the development area was temporarily termed "Forrestfield North". For consistency, the City has continued use of this name throughout the community consultation process to date.

7. In September 2016, the Forrestfield North DSP was approved by the Western Australian Planning Commission (WAPC) to guide the structure, vision and objectives of future urban development for the area.
8. Media reports ("Name of Forrestfield train station could be changed after calls from State and Federal members", Sarah Brookes, 14 Dec 2017) indicated there is a level of desire in the community to change the name of Forrestfield Station, given it is located in High Wycombe. The strong focus on the station's name drew questions around the name for the development area.
9. In April 2018, Council adopted, for the purposes of public advertising, the Forrestfield North Residential Precinct Local Structure Plan (LSP). The LSP provides a more refined and detailed planning framework to facilitate subdivision and development of the residential precinct. The LSP area is generally bounded by Sultana Road West to the south, Poison Gully Creek to the north, Milner Road to the west and Roe Highway to the east.
10. The area, which is bound by Berkshire Road, Roe Highway and Poison Gully Creek in High Wycombe (currently referred to as Forrestfield North), is poised for a major transformation with the new train station scheduled for opening in 2020 and consultation for rezoning of the surrounding area currently underway.
11. Landgate's Policies and Standards for Geographical Naming in Western Australia (Policy) governs geographical naming in Western Australia. There are a number of processes required to be fulfilled in order to give effect to the naming of a suburb. The naming of a train station is a decision made by the Minister for Transport and generally reflects the geographic location of the station.
12. Since the City informally named the project as Forrestfield North, residents within the area and surrounding locality have raised concerns as the project actually sits within the existing suburb of High Wycombe.
13. In response to these concerns, Council resolved to support a NOM at the May 2018 OCM as follows:
"RESOLVED OCM 83/2018
That Council:
1. Request the Chief Executive Officer to investigate and liaise with the relevant State Government agencies regarding the processes that gives consideration to the naming of the future train station currently known as Forrestfield and the District Structure Plan area currently known as Forrestfield North and report to Council on this process."
14. In August 2018 Council passed a recommendation,
"That Council:
ENDORSES the proposal to initiate the naming of the Forrestfield North District Structure Plan area."

DETAILS

15. The City of Kalamunda ran a 'name that suburb' competition in 2018, with 147 suggestions put forward. A Copy of the suggestions and reasons for putting these forward is provided at Attachment 1 as raw data.
16. Submissions were reviewed in accordance with the Policies and Standards for Geographical Naming in WA.
17. The list of names was then supplied to Landgate, excluding those that did not comply.
18. The list was then assessed by Landgate to ensure that there was no duplicates in other States or Territories, with the final shortlist compliant.
19. Shortlisted names included:
 - Katadjen
 - Koorliny
 - Munday
 - Quenda Grove
 - Smokebush
 -
20. The City of Kalamunda released the shortlist for public comment and encourages community members to have their say. An option to not change the name was included.
21. In response 283 Surveys were received, the results are as follows:
When asked, 'Which of the names do you prefer for the locality bound by Berkshire Road, Roe Highway and Poison Gully Creek in Forrestfield and High Wycombe?' The community said:



22.

Option	Percentage of votes
Quenda Grove	27.3%
Smokebush	22.5%
Do not change suburb names	22.2%
Koorliny	10.6%
Katadjen	9.6%
Munday	7.8%

23.

In assessing where the responses came from the following data was provided:



Not all respondents specifically indicated their property address.

24. In addition, the City received four submissions, three of which supported the retention of the existing names. A copy of the submissions received is included at Attachment 3.
25. To determine the level of support for the name change with landowners within the subject area the City wrote to landowners in the Forrestfield North Structure Plan area in August 2019 and asked them to confirm their preference.
26. The City sent subsequent correspondence to landowners via direct mail where no response was received by the due date of 6 September 2019.
27. As at the 19 November 2019 the Results of this are as follows:

	Total
Change to Quenda Grove	14
Remain the same	39
Neutral	1
Total number of Responses	54
Owned by City of Kalamunda	4
Owned by State Government	22
No Response Provided (excl city and state owned)	154
Total number of Properties	234

28. A map showcasing responses is included at Attachment 4.

STATUTORY AND LEGAL CONSIDERATIONS

29. *Local Government Act 1995*

POLICY CONSIDERATIONS

30. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

31. The City of Kalamunda had an internal cross functional team who were involved in the Name the Suburb Competition.


External Referrals

32. To assist and build community involvement with the Forrestfield North – Renaming campaign, the City developed a comprehensive engagement plan that outlined the requirement to communicate directly with landowners through targeted letters, along with advertising via traditional channels to spread the word amongst the community. The first letter was issued 19

September 2018 informing landowners of the City's Name the Suburb competition – listing relevant information and deadlines for returning suggestions.

33. When launched in September 2018 on social media there was a social media reach of more than 26,000 people. The City received 147 suggestions.

 Thank you, City of Kalamunda community, for sharing your suburb name 11.7K

 Entries are open for the City of Kalamunda's NAME THE SUBURB 26.1K

34. Applicants needed to demonstrate that their name adheres to the Policies and Standards for Geographical Naming in Western Australia. Names could be the same as an existing suburb, double-barrelled or containing numerals. Names without relevance to the area are also not acceptable.

35. In April 2019, a shortlist was released to the public for voting with advertising to the community and a campaign. 283 responses received as noted in the details. Social media reach exceeded 2,000, with traditional advertising also taking place.

36. A second letter was issued to landowners on 29 April 2019, advising residents of all feedback regarding preferred suburb names and that together with Landgate and the State Governments of Australia, the City had reviewed each submission and developed a short-list for the community to choose their preferred name for the suburb. Residents were given details on how to submit a preference and the closing date for comments.

37. A third letter was issued to Landowners on 12 August 2019, reminding residents in the Forrestfield North catchment to submit their preference prior to the closing date.

38. A fourth letter was issued to landowners on 15 October 2019 to residents that had not made a submission regarding a preferred name by the closing date, offering them the opportunity to have their say by direct submission.

39. Each direct communication to landowners resulted in additional responses being lodged.

40. The City has provided progress updated to Landgate and the Public Transport Authority.

FINANCIAL CONSIDERATIONS

41. Not applicable

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

42. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

43. The creation of a name has the potential to assist with the creation of community in the new Forrestfield North Structure Plan precinct.

Economic Implications

44. There is a financial implication for current landowners, who if the suburb changes would be required to update their address details for relevant identification.

45. The area is subject to an approved District Structure Plan, with future subdivision potential.

Environmental Implications

46. Not applicable

RISK MANAGEMENT CONSIDERATIONS

47.	Risk: A name is selected that is not endorsed by Landgate		
	Likelihood	Consequence	Rating
	Low	Significant	
	Action/Strategy		
	Ensure due regard is given to the Policies and Standards for Geographical Naming in Western Australia.		

OFFICER COMMENT

48. The name the suburb competition was very popular with the community, with a high level of engagement.

49. The shortlisted names showcased Quenda Grove as most popular.

50. 39 landowners within the Forrestfield North Structure Plan area preferred to stay the same.
51. The successful name of 'Quenda Grove was suggested by Kathleen Ridgewell in September 2018, who is therefore the winner of the Name the Suburb' competition ran by the City of Kalamunda. The winner will receive \$500.00.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSES the results of the Community Engagement for the name of the Forrestfield North District Structure Plan Area noting Quenda Grove as the most popular name and the responses from 39 landowners who preferred to stay the same.
2. AUTHORISE the Chief Executive Officer to provide a copy of the report to Landgate for consideration by the Geographic Names Committee.

10.4. Chief Executive Officer Reports

10.4.1. Draft Monthly Financial Statements to November 2019

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachments	1. Statement of Financial Activity 30 November 2019 [10.4.1.1 - 2 pages]
	2. Statement of Net Current Funding Position as at 30 November 2019 [10.4.1.2 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 30 November 2019.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the period's performance against the first term review budget adopted by the Council on 26 November 2019 for the 2019/2020 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the period ended 30 November 2019, which comprise:
 - a) Statement of Financial Activity (Nature or Type);
 - b) Statement of Financial Activity (Statutory Reporting Program);
 - c) Net Current Funding Position, note to financial report as of 30 November 2019;

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
5. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2018/2019.

DETAILS

6. The *Local Government Act 1995* (WA) requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 30 November 2019

7. This Statement reveals a net result surplus of \$33,016,218 compared to budget for the same period of \$33,164,523.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$911,780. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$744,844. This variance is mainly attributable to the cost reimbursements received from CELL 9 of \$1,304,551 to cover the expenditure incurred on behalf of CELL9.
 - b) Fees and Charges are over budget by \$45,274. This is an aggregate result of minor variances in individual fee categories and considered to be a timing issue.
 - c) Interest Income is over budget by \$5,745. This is the result of a timing issue.
 - d) Other Revenue is under budget by \$7,832. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

9. Total expenditure are under budget by \$1,041,722. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$410,744, which is primarily due to vacant positions and aggregate result of minor variances in various business units and considered to be a timing issue.
 - b) Materials and Contracts are under budget by \$178,549. This is mainly due to Consultancy fees, various projects are under budget. These are considered to be a timing variance;
 - c) Utilities are under budget by \$47,251, which mainly relates to street lighting costs which is lower than projected;
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$364,676. Budgeted depreciation will be adjusted during the mid-term budget review.
 - e) Insurance expense is under budget by \$9,592. The variance will be monitored in the coming months;
 - f) Other expenditure is under budget by \$30,542. The variance is due to the timing difference of planned donations and contributions to various community groups.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are under budget by \$987,810. The variance is mainly due to the Capital grants income for building projects from various external funding agencies is lower than the budget by \$1,526,145 and considered to be a timing issue.

Capital Expenditures

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$390,042. This is considered to be a timing issue.
12. Capital works-in-progress expenditure of \$912,763 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities shows a variance of \$841,501 which is mainly due to the reserve movements and developer contributions.

Rates Revenues

14. Rates generation is over budget with a variance of \$55,067. The variance is mainly due to the timing of interim rates.

Statement of Financial Activity by Program for the period ended 30 November 2019

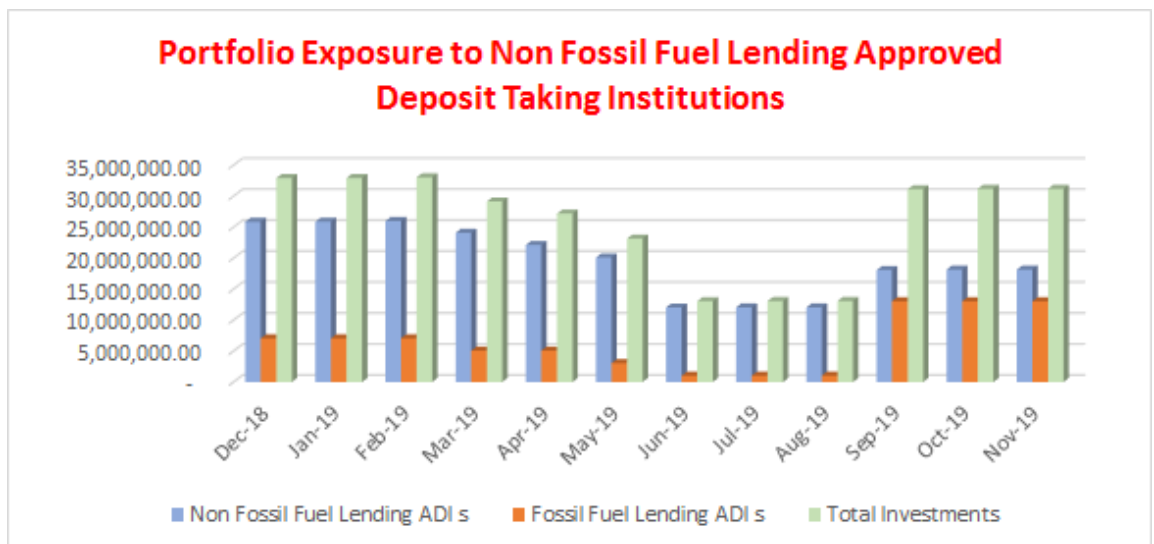
15. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture' and 'Transport'. Major variances have been reported by Nature and Type under points 8 to 14 above.

Statement of Net Current Funding Position as at 30 November 2019

16. The commentary on the net current funding position is based on comparison of the November 2018 to the November 2019 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$46.2 million. The restricted cash position is \$17 million which is lower than the previous year's balance of \$18 million. This is mainly attributed to the Forrestfield Industrial Area Scheme Stage 1 reserve with commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.

18. The following table indicates the financial institutions where the City has investments as of 30 November 2019;

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	4,834,979	16%
	Bankwest	4,000,000	13%
	Bendigo	3,959,265	13%
	Suncorp	5,354,006	16%
Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry		18,148,249	58%
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	7,039,255	23%
	Westpac	6,000,000	19%
Total Investments in Financial Institutions having Investments in Fossil Fuel Industry		13,039,255	42%
Total Investments - including Restricted Funds		31,187,504	100%



19. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$13.9 million.

20. Sundry debtors have increased from \$342,060 to \$969,907, of which \$700,751 consists of current debt due within 30 days. An amount of \$170,100 from the total sundry debtors are related to invoices raised for developer contributions from Forrestfield Industrial Area Scheme Stage 1.
21. Receivables Other represents \$3.3 million including:
- a) Emergency Service Levy receivables \$2 million; and
 - b) Receivables sanitation \$0.9 million.
22. Provisions for annual and long service leave have increased by \$470,520 to \$3.6 million when compared to the previous year. The increase was mainly due to the increase in the leave provisions subsequent to the 2018/19 year-end adjustments.

STATUTORY AND LEGAL CONSIDERATIONS

23. The *Local Government Act 1995* (WA) and the *Local Government (Financial Management) Regulations 1996* (WA) require presentation of a monthly statement of financial activity.

POLICY CONSIDERATIONS

24. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

25. The City's executive and management monitor and review the underlying business unit reports which form the consolidated results presented in this report.

External Referrals

26. As noted in point 24 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

27. The City's financial position continues to be closely monitored to ensure it is operating sustainably and to allow for future capacity.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

28. *Kalamunda Advancing: Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT CONSIDERATIONS

32.	Risk: Over-spending the budget.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department.		

33.	Risk: Non-compliance with Financial Regulations		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action / Strategy		
	The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations. External Audit confirms compliance.		

OFFICER COMMENT

34. The City’s Financial Statements as at 30 November 2019 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 30 November 2019 which comprises:

- a) Statement of Financial Activity (Nature or Type) ;
- b) Statement of Financial Activity (Statutory Reporting Program);
- c) Net Current Funding Position, note to financial report

10.4.2. Debtors and Creditors Report for the Period Ended November 2019

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachments	1. Creditor Payments for the period Ended 30 November 2019 [10.4.2.1 - 37 pages]
	2. Summary of Debtors for the month of November 2019 [10.4.2.2 - 2 pages]
	3. Summary of Creditors for the month of November 2019 [10.4.2.3 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in November 2019, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of November 2019.
3. It is recommended that Council:
 - a) receive the list of payments made from the Municipal and Trust Fund Accounts in November 2019 in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13); and
 - b) receive the outstanding debtors and creditors report for the month of November 2019.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of November 2019, there were no abnormal overdue debtors that demanded special attention.
5. In accordance with the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS

Debtors

- 6. Sundry debtors as of 30 November 2019 were \$970,057 of which \$700,751 was made up of current debts and \$7,112 unallocated credits (excess or overpayments).
- 7. Invoices over 30 days total \$15,580; debts of significance:
 - a) N-Com Pty Ltd, \$3,616, License Fee - telecommunications; and
 - b) Kalamunda & District Netball, \$3,225, Utilities.
- 8. Invoices over 60 days total \$11,944; debts of significance are:
 - a) Kalamunda & District Rugby Union, \$2,344, Utilities; and
 - b) Site & Planning Design, \$1,168, Planning Fees.
- 9. Invoices over 90 days total \$248,895, debts of significance are:
 - a) PJ Dujmovic, \$170,100, Developer Contribution;
 - b) Berkshire Hathaway, \$30,716, Insurance – Employee claim;
 - c) Kalamunda & District Rugby Union, \$14,220, Player Fees;
 - d) High Wycombe Amateur Football Club, \$12,690, Player Fees;
 - e) Kalamunda Club, \$8,529, Loan;
 - f) Zig Zag Gymnastics, \$3,014, Lease Fees;
 - g) Forrestfield Sisdac, \$3,708, Hall Hire;
 - h) Private Citizen, \$1,500, Contribution to removal of verge tree; and
 - i) Chamber of Commerce, \$1,100, KCC Membership.

Creditors

- 10. Payments totaling \$5,781,857 were made during the month of November 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
- 11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Downer EDI Works Pty Ltd	Road rehabilitation works Abernethy, Kalamunda Roads	1,042,479.47
Has Earthmoving	Earth moving services at Mundaring Weir Road widening - Progress claim - \$407,596.75	635,995.30

	Forrestfield Industrial Area Intersection upgrades - \$228,398.55**	
John Maurice & Danuta Dickman	Land acquisition – Public open space and road land acquisition – lot 28(296) Hale Road, Wattle Grove*	434,058.18
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	433,523.96
Australian Tax Office	PAYG payments	383,048.68
Cleanaway	Waste, recycling and bulk bin disposal fees	276,014.18
WA Local Government Superannuation Plan	Superannuation contributions	195,721.75
ISOBAR	Implementation fee website redevelopment & CMS training, Sitefinity license renewal	124,129.83
Synergy	Power Charges – various locations	117,106.09
Asphaltech Pty Ltd	Road materials for various locations	88,820.97
West Tip Waste Control Pty Ltd	Removal and processing of gully educting, sweeping	71,442.48
Contraflow	Traffic management for various locations	67,978.96
Natural Area Management Services	Weed control at various locations	62,404.38
Dowsing Group Pty Ltd	Supply and lay concrete pathways and maintenance – various locations	55,174.06
Mckay Earthmoving Pty Ltd	Plant, equipment and operator hire various locations	54,149.48
Industrial Recruitment Partners (IRP) Pty Ltd	Staff hire costs	50,232.44

These payments total \$4,092,280.21 and represent 70.78% of all payments for the month.

* The amounts paid for land acquisitions and infrastructure works for CELL 9 were reimbursed drawing against the CELL 9 trust net of GST.

** The amounts paid for infrastructure works for Forrestfield Industrial Area Scheme Stage 1 were reimbursed drawing against the reserve set aside for it net of GST.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,179,578.43 was paid in net salaries for the month of November 2019.

13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:

- a) CELL 9 Trust;
- b) POS Trust;
- c) BCITF Levy;
- d) Building Services (Licence) Levy;
- e) Unclaimed Monies;

15. The following payments (GST exclusive) were made from the Trust Accounts in the month of November 2019.

CELL 9		Amount (\$)
Date	Description	
28/11/2019	John Maurice & Danuta Dickman - Public open space and road land acquisition – lot 28(296) Hale Road, Wattle Grove*	434,058.18
28/11/2019	Lycopodium Infrastructure Pty Ltd – Hale Road widening design and approvals	7,640.00
28/11/2019	Glen Flood Group Pty Ltd - Woodlupine Living Stream Area -Sign Design Development	1,371.02
28/11/2019	Syrinx Environmental Pty Ltd - Woodlupine Living Stream – Preparation of Mosaic for Community Consultation	4,880.00
28/11/2019	McLeods Barristers & Solicitors - Acquisition of Portion Lot 2 (268) Hale Road, Wattle Grove & Road land acquisition Lot 28 (No 296) Hale Road, Wattle Grove	504.42
BCITF Levy		Amount (\$)
Date	Description	
15/11/2019	Building and Construction Industry Training fund levy – October 2019	7,212.83
BRB Levy		Amount (\$)
Date	Description	
8/11/2019	Building Services Levy – October 2019	10,874.00

STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996 (WA)*, payment may only be made from the municipal fund or the trust fund:
- a) if the local government has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from those funds — by the CEO; or

- b) otherwise, if the payment is authorised in advance by a resolution of the Council.
17. Council has provided delegated authority to the CEO to make payments from these funds through Delegation FMR1.
18. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
- a) the payee's name;
 - b) the amount of the payment;
 - c) the date of the payment; and
 - d) sufficient information to identify the transaction.
19. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

POLICY CONSIDERATIONS

20. Debt Collection Policy S-FIN02.

CONSULTATION / COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. Various business units are engaged to resolve outstanding debtors and creditors as required.

External Referrals

22. Debt collection matters are referred to the City's appointed debt collection agency when required.

FINANCIAL CONSIDERATIONS

23. The City will continue to closely manage debtors and creditors to ensure optimal cash flow management.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing: Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service-based organisation.

SUSTAINABILITY

Social Implications

25. Nil.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

28.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action/Strategy		
	Ensure debt collections are rigorously managed.		

Creditors

29.	Risk: Adverse credit ratings due to the City defaulting on the creditor.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action / Strategy		
	Ensure all disputes are resolved in a timely manner.		

OFFICER COMMENT

30. Creditor payments for November 2019 are within the normal trend range.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in November 2019 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from the Trust Fund Accounts in November 2019 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 2 and 3) for the month of November 2019.

10.4.3. Rates Debtors Report for the Period Ended November 2019

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items N/A
 Directorate Corporate Services
 Business Unit Financial Services
 File Reference FI-DRS-004
 Applicant N/A
 Owner N/A

Attachments 1. Rates Debtors Report November 2019 [**10.4.3.1** - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for 2019/2020 on 1 July 2019 totalling of \$37,459,034, and as at 30 November \$25,693,329 has been collected for current and outstanding rates for the 30 June 2019 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of November 2019 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 12 July 2019 with the following payment options available:

Options	Payment Dates			
Full Payment	16 August 2019			
Two Instalments	16 August 2019	18 December 2019		
Four Instalments	16 August 2019	17 October 2019	18 December 2019	19 February 2020

DETAILS

5. A total of 20,128 Rate Notices, 934 BPAY View and 2,116 eRates were issued on 12 July 2019. Rates Levied and Collectable for the 2019/20 Financial Year currently total \$39,183,405. As at 30 November 2019, a total of \$25,693,329 has been collected since Rate Notices were released. This represents a collection rate of 66.9%.
6. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 922 ratepayers signed up. It is expected that this will further increase as debt collection processes continue.

- b) eRates – there are a total 2,360 properties signed up for email delivery, compared to 2,116 in the previous year.
 - c) BPay View – approximately 998 ratepayers have signed up for this service.
7. It is expected that eRates registrations will increase throughout the year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
8. Interim Rating has commenced for 2019/2020 and will continue throughout the financial year, as at 30 November 2019 a total of \$46,817 has been raised for 2019/20 and \$5,503.00 for 2018/19.
9. The City issued 1058 Letters of Demand for ratepayers who had not taken up the instalment options and not paid the rates in full. Of these 148 have paid in full, 80 have taken up a Direct Debit Arrangement and 75 have promised to pay by 31 December 2019. A total of 665 ratepayers have made no attempt to pay or to enter into payment arrangements and the City will proceed to recovery through the courts. The balance of the rate payers that have not contacted the City fall below the threshold of \$700 to commence legal action and the rates will remain on the property as arrears for 2021/22 financial year. Depending on resources the Rates Department will attempt to contact the ratepayer prior to commencing legal action.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 November 2019 to 30 November 2019 there was a total of 765 incoming calls and 109 outgoing calls, equating to 20 hrs of call time.

STATUTORY AND LEGAL CONSIDERATIONS

11. The City collects its rates debts in accordance with the *Local Government Act 1995 Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.*

POLICY CONSIDERATIONS

12. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. The City's General Counsel has been briefed on the debt collection process.

External Referrals

14. The higher-level debt collection actions are undertaken by the City's Debt Collection firm Illion (formerly Dun and Bradstreet) with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

FINANCIAL CONSIDERATIONS

- 15. The early raising of rates in July allows the City’s operations to commence without delays improving cashflow, in addition to earning additional interest income.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

- 16. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

SUSTAINABILITY

Social Implications

- 17. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
- 18. The City has introduced “a smarter way to pay” to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A “Smarter Way to Pay” allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce the financial burden.

Economic Implications

- 19. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the City.

Environmental Implications

- 20. The increase in take up of eRates and BPay View, as a system of Rate Notice delivery, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT CONSIDERATIONS

21.	Risk: Failure to collect outstanding rates and charges.		
	Likelihood	Consequence	Rating
	Likely	Moderate	Medium
	Action/Strategy		
	Ensure debt collections are rigorously maintained.		

OFFICER COMMENT

22. The City's debt collection strategy remains effective with the 2018/19 collection as at the end of June 2019 at 96.24%.

The City is ranked in the top four WA metropolitan Councils (of 19 Councils surveyed) for efficiency in rates collection (Source: Australasian LG Performance Excellence Survey, 2017).

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Rates Debtors Report for the Period Ended 30 November 2019 (Attachment 1).

10.4.4. Community Safety and Crime Prevention Advisory Committee - Proposal for Open Youth Consultation Session

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	Nil
Directorate	Office of the Chief Executive Officer / Development Services
Business Unit	Community Development / Community Safety
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
Attachments	1. Open Youth Consultation Session Proposal [10.4.4.1 - 5 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the matters regarding youth crime prevention raised for Council consideration by the Community Safety and Crime Prevention Committee (CSCPAC) at the meeting on 2 October 2019.
2. CSCPAC resolved the following:
 - a) That CSCPAC request Council to endorse and allocate funding and resources as outlined in the proposal (attachment 1) for the Open Youth Consultation Session.
3. It is recommended that Council supports the recommendation of CSCPAC.

BACKGROUND

4. The purpose of CSCPAC is to provide guidance to Council on the development of initiatives to enhance community safety and reduce anti-social behaviour within the City. CSCPAC also provides advice to Council on road safety related matters.

DETAILS

5. The matter of youth crime prevention was initially discussed at the CSCPAC meeting on the 7 August 2019 with an item to consider the formation of a youth sub-committee to assist CSCPAC. The role of the sub-committee is to allow a platform for the youth to have input and advise of matters involving the youth of the City.
6. A working group was formed comprising CSCPAC members Councillor Lesley Boyd, Councillor Dylan O'Connor, the Forrestfield Police Officer in Charge, Senior Sergeant Simon Parke, with staff from Environmental Health & Community Safety and Community Development, to meet to discuss the potential of a youth program.

7. Following these meetings, a proposal for a youth consultation session was developed (Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 5.8 of the Local Government Act 1995 states:

"A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to those committees"

POLICY CONSIDERATIONS

9. City of Kalamunda Strategies:

- a) Shire of Kalamunda Youth Plan 2017 – 2022
- b) City of Kalamunda Community Health and Wellbeing Plan 2018 -2022.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. The City ensured the proposal was developed having regard for the following related disciplines:
- a) Environmental Health & Community Safety
 - b) Community Development.

External Referrals

11. The proposal for a youth consultation session was presented by staff from Community Development and a resolution by CSCPAC requesting Council endorse and allocate funding and resources as outlined in the proposal (attachment 1) for the open youth consultations session.

FINANCIAL CONSIDERATIONS

12. The proposal for a youth consultation session will have a financial impact. The total cost is estimated to be \$2,000 and consist of:
- a) Staff time.
 - b) Consumables, materials and catering.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilities and provides quality lifestyles choices.

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

SUSTAINABILITY

Social Implications

14. The proposal will have positive social outcomes from engaging with youth to develop and or choose a program that is best suited to their needs.

Economic Implications

15. The proposal will have economic benefits by engaging with youth to reduce the risk of anti-social behaviour.

Environmental Implications

16. The proposal has the potential to improve environmental benefits such as reduced graffiti and vandalism, from better engagement with youth to prevent anti-social behaviours.

RISK MANAGEMENT CONSIDERATIONS

17.	<p>Risk: The consultation session does not attract enough youth to ensure it is successful.</p>		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure the consultation program is promoted and advertised extensively to ensure greater participation.		

OFFICER COMMENT

18. A youth consultation session was considered the preferred option. The group consultation session has the potential to attract a large number and variety of attendees. The session will have a short turnaround time and will require less commitment from the youth to obtain input.
19. The information collected from the consultation session will then be presented for consideration by the CSCPAC.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the recommendation of the Community Safety and Crime Prevention Advisory Committee requesting funding and resources for the Open Youth Consultation Session (Attachment 1).
2. ENDORSE the proposal for the Open Youth Consultation Session.
3. NOTE there is \$2000 within the 2019/2020 Community Development (Youth Services) Annual Budget to action the Open Youth Consultation Session.

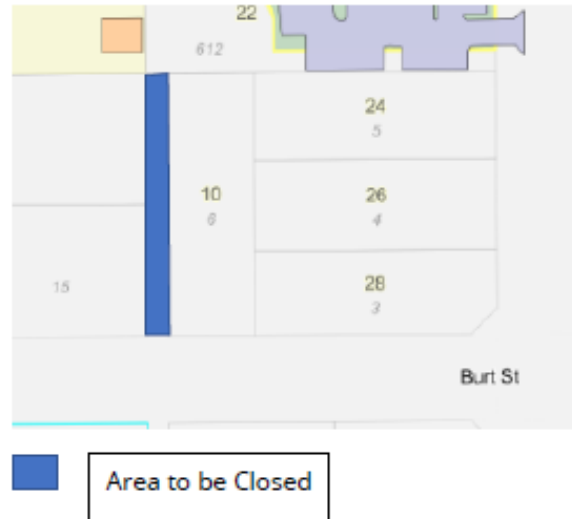


Figure 2: Northern section of laneway from Burt Street to Kalamunda Bus Station

5. This laneway joins Canning Road (near Kalamunda Senior High School) to Burt Street (beside Kalamunda Toyota). It is not substantially used as a vehicle thoroughfare and serves more as a pedestrian access between Canning Road, Kalamunda Bus Station and Commercial areas.
6. Concerns have been raised with the City for some time centring around:
 - a) community safety concerns including antisocial and unsavoury behaviour;
 - b) increased community complaints regarding behaviours of some youths;
 - c) formal requests from the WA Police to assist in the matters; and
 - d) Councillor requests to close the laneway.
7. The laneway has been temporarily closed from late November 2019 by way of installation of fences and gates across each end of the southern laneway and the Burt Street end of the northern laneway.

DETAILS

8. Section 3.50 of the Act deals with closures of certain thoroughfares to vehicles. This laneway is a thoroughfare that was able to be used by vehicles and is part of the Burt Street road reserve. The predominant issues arise from pedestrians using the laneway.
9. The Act (s3.50 (1a)) provides that the City can close thoroughfares without substantive notice or approvals for up to four weeks. For closures beyond four weeks (including permanent closures) the Act requires the City to undertake a series of consultative actions as detailed in the following paragraphs.

10. The City must give local notice of the proposed closure and seek comments (s3.50 (4)(a)). This was undertaken in The Echo local newspaper on 19 October 2019. Comments were invited up to 25 November 2019. Eight comments were received.
11. Seven comments were in support of the closure, with four stating the concerns with antisocial behaviour and crime. One respondent did not support the closure, as the person uses the laneway to walk with their family between Canning Road and the bus station.
12. The Act (s3.50 (4)(b)) also requires the City to seek comment from "prescribed persons". These include fire services, ambulance services, and utility service providers that may be affected. Letters were sent to these agencies on 4 December 2019 with no objections received at the time of this report.
13. Following the above notifications, the City must then provide a copy of the local notice to the Commissioner of Main Roads WA (s3.50 (5)). This will be undertaken following Council approval of the closure.
14. If the current proposal for permanent closure under s. 3.50 of the *Local Government Act 1995* is supported, the laneway will still be road reserve. The current proposal is intended to permanently close the laneway by way of installation of fences and gates:
 - a) until closure under s. 58 of the *Land Administration Act 1997* occurs; or
 - b) permanently, if closure under s. 58 of the *Land Administration Act 1997* does not proceed.
15. The City has received an application to permanently close the laneway under s. 58 of the *Land Administration Act 1997*. If closure under s. 58 of the *Land Administration Act 1997* proceeds, the road reserve comprising the laneway will be closed, purchased by adjoining landowners and amalgamated with the adjoining lots. This application is still being processed and will be the subject of a separate report to Council.
16. The proposed closure order can permit authorised vehicles to continue to use the thoroughfare. It is intended to declare the southern section of the laneway closed from Canning Road, however, to authorise Department of Fire and Emergency Services vehicles to have access. This will maintain access to the rear of the Kalamunda Fire and Rescue Services Station.
17. The northernmost section of the southern laneway leading to Burt Street will remain open to vehicles to provide access to the rear parking area of 32 Central Road (Childcare Centre).

STATUTORY AND LEGAL CONSIDERATIONS

18. S3.50 of the *Local Government Act 1995* covers the closing of certain thoroughfares to vehicles. This is supported by section 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

19. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. This proposal has been undertaken in consultation between Asset Services, Land and Property Services and Environmental Health and Public Safety Business Units.

External Referrals

21. The matter has been referred to the community and agencies as set out above.

FINANCIAL CONSIDERATIONS

22. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.1 Facilitate a safe community environment.

SUSTAINABILITY

Social Implications

24. This proposal will mitigate against existing concerns regarding antisocial behaviour occurring in the laneway.

Economic Implications

25. Nil direct benefit to the City.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.	<p>Risk: That antisocial behaviour continues to occur in the laneway leading to reputational damage to the City.</p>		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	<p>Action/Strategy The City has installed security fencing in the laneway which acts as a deterrent to people entering the laneway for antisocial behaviour.</p>		

OFFICER COMMENT

28. The Chief Executive Officer is given delegated authority by Council to enact temporary closures of thoroughfares in accordance with s3.50 of the *Local Government Act 1995*. This delegation was used to enact the temporary closure for the laneway.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. MAKE an order in accordance with s3.50 of the *Local Government Act 1995* to close the thoroughfare starting at Canning Road between Lot 4 (No 49) Canning Road and Lot 4 (No 51) Canning Road and ending at the rear of Lot 71 (No 34B) Central Road to all classes of vehicles and pedestrians except where authorised by the City of Kalamunda; and
2. MAKE an order in accordance with s3.50 of the *Local Government Act 1995* to close the thoroughfare starting at Burt Street between Lot 10 (No 43) Canning Road and Lot 6 (No 10) Burt Street and ending at the rear of Lot 612 (No 22) Central Road to all classes of vehicles and pedestrians except where authorised by the City of Kalamunda.

10.4.6. Appointment of Community Member to the Tourism Advisory Committee

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	SCM 248/2019
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	
Owner	
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to appoint a delegate to the Tourism Advisory Committee and to amend the Terms of Reference for the Committee.
2. Council appointed delegates to Management and Advisory Committees at a Special Council Meeting on 29 October 2019. Due to an administrative oversight one delegate was omitted from the appointees to the Tourism Advisory Committee. This report seeks to rectify this omission.
3. This report recommends the appointment of Mr Charles Dornan to the Tourism Advisory Committee.

BACKGROUND

4. Advisory Committees provide an effective collaborative forum between the City and the Community.

DETAILS

5. At the Special Meeting of Council held on 29 October 2019 Council appointed delegates to Advisory and Management Committees and amended Terms of Reference as per resolution SCM 248/2019.
6. Following this it was ascertained one of the nominated candidates was omitted from the list of successful candidates.
7. The addition of this candidate will require to membership of the committee to be increased by one and thus an amendment to the terms of reference is required.

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 5.8 of the *Local Government Act 1995* – Establishment of Committees
Section 5.9(2)(c) of the *Local Government Act 1995* – Types of Committees
Section 5.11 (2)(d) of the *Local Government Act 1995* – Tenure of Committee Membership.

POLICY CONSIDERATIONS

9. Council Policy – Appointment of Community Members to Advisory Committees and Reference Groups.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. Not required.

External Referrals

11. Not required.

FINANCIAL CONSIDERATIONS

12. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.3 - To develop and enhance the City's economy.

Strategy 3.3.1 - Facilitate and support the success and growth of industry and businesses.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

SUSTAINABILITY

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.	<p>Risk: Member of Committee not correctly appointed</p>												
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Minor</td> <td>Low</td> </tr> <tr> <th colspan="3">Action/Strategy</th> </tr> <tr> <td colspan="3">Approve appointment and accepted amended terms of reference.</td> </tr> </table>	Consequence	Likelihood	Rating	Unlikely	Minor	Low	Action/Strategy			Approve appointment and accepted amended terms of reference.		
Consequence	Likelihood	Rating											
Unlikely	Minor	Low											
Action/Strategy													
Approve appointment and accepted amended terms of reference.													

OFFICER COMMENT

18. This was an administrative error which was brought to the City’s attention.

19. This reports recommendation seeks to rectify the oversight and consequence omission and to amend the terms of reference accordingly.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. AMEND the Terms of Reference for the Kalamunda Tourism Advisory Committee Terms of reference by adding one additional community member.
2. APPOINT supported nominee Mr Charles Dornan to the Kalamunda Tourism Advisory Committee.

10.4.7. Enterprise Bargaining Agreements for Employees 2019

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	
Directorate	Office of the CEO
Business Unit	People Services
File Reference	
Applicant	
Owner	
Attachments	Nil

To be provided under separate cover.

10.4.8. Annual Report 2019

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Annual Report 2018-2019 [10.4.8.1 - 120 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to accept the City of Kalamunda (City) 2018/2019 Annual Report and set the date for the Annual General Meeting of Electors.
2. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It also contains the audited Annual Financial Report, previously adopted by Council.
3. It is recommended Council accepts the 2018/2019 Annual Report and sets Tuesday 4 February 2020 as the date for the Annual General Meeting of Electors.

BACKGROUND

4. Section 5.53 of the *Local Government Act 1995* (the "Act") requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
5. Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.
6. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.
7. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

DETAILS

8. Section 5.53 of the *Local Government Act 1995* (the "Act") requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.

The statutory Annual Report is prepared to advise the Community on the activities of the local government. It reports on the annual outcomes achieved by the organisation against the strategic priorities, objectives and strategies set out in the Strategic Community Plan – Kalamunda Advancing.

9. The Annual Report contains the audited Annual Financial Report, previously adopted by Council.

STATUTORY AND LEGAL CONSIDERATIONS

10. The Draft 2018/2019 Annual Report is in compliance with Sections 5.53 and 5.54 of the Act.
11. Section 5.27(2) of the Act requires the Annual General Meeting of Electors to be held within 56 days of acceptance of the Annual Report.

POLICY CONSIDERATIONS

12. There are no policy considerations with respect to the Annual Report.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. All Directorates within the City of Kalamunda have been involved in the preparation of the 2018/2019 Annual Report.

External Referrals

14. Section 5.55 of the Act requires that the Chief Executive Officer give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.

FINANCIAL CONSIDERATIONS

15. The 2019/2020 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilities and provides quality lifestyles choices.

Strategy 1.1.1 - Facilitates the inclusion of the ageing population and people with disability to have access to information, facilities and services.

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.

Strategy 1.3.1 - Support local communities to connect, grow and shape the future of Kalamunda.

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events.

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.1 - Enhance our bushland, natural areas, waterways and reserves.

Strategy 2.1.2 - Support the conservation and enhancement of our biodiversity.

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

Objective 2.2 - To achieve environmental sustainability through effective natural resource management effective natural resource management.

Strategy 2.2.1 - Facilitate the appropriate use of water and energy supplies for the City.

Strategy 2.2.2 - Use technology to produce innovative solutions to reduce power and water usage.

Priority 2: Kalamunda Clean and Green

Objective 2.3 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 - Identify and implement strategies to reduce waste.

Priority 2: Kalamunda Clean and Green

Objective 2.4 - To ensure contaminated sites are safe and managed to ultimate use.

Strategy 2.4.1 - Identify, examine and manage risk associated with contaminated sites.

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Strategy 3.2.2 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

Strategy 3.4.2 - Advocate and facilitate diversification options for the rural properties to flourish.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service based organisation.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

SUSTAINABILITY

Social Implications

17. Nil

Economic Implications

18. Nil

Environmental Implications

19. Nil

RISK MANAGEMENT CONSIDERATIONS

20.	Risk: The Annual Report is not accepted as required by the Act		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure the Annual Report is prepared in time to meet the legislative requirements.		

OFFICER COMMENT

21. The Act requires the Annual General Meeting (AGM) of Electors to be held within 56 days of acceptance of the Annual Report, therefore it is proposed the Annual General Meeting of Electors be held on Tuesday 4 February 2020.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. ACCEPT the 2018/2019 Annual Report (Attachment 1) in accordance with Section 5.54 of the *Local Government Act 1995*.
2. AGREE the Annual General Meeting of Electors be held on Tuesday 4 February 2020.

10.5. Audit & Risk Committee Recommendations 10 December 2019

Voting Requirements: Simple Majority

The recommendations of reports A&R9.1.1, A&R9.1.2 and A&R9.1.3 be adopted by Council en bloc.

Moved:

Seconded:

Vote:

10.5.1 A&R9.1.1. Bushfire Risk Management Plan

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the Bushfire Risk Management Plan shown as Attachment 1 to this report, subject to final minor formatting and editing changes.

10.5.2 A&R9.2.1. Internal Audit Report December 2019

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the details of the Internal Audit Reviews conducted during the past quarter.
2. RECEIVE the details of the 2019 Audit Year in review.
3. NOTE the status of the Internal Audit Tracker for the 2019 year.

10.5.3 A&R9.3.1. Adoption of Annual Financial Report 2018/2019

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

ACCEPT the 2018/2019 Annual Financial Report (Attachment 1) according to Section 6.4 of the *Local Government Act 1995*.

11. Motions of Which Previous Notice has been Given

11.1. Economic Development Advisory Committee

MOTION

Voting Requirements: Simple Majority

That Council REQUEST the Chief Executive Officer to present a report outlining how the Council can form a City of Kalamunda Economic Development Advisory Committee that includes but is not limited to:

- a) A draft Terms of Reference, including:
 - (i) Strategic objectives;
 - (ii) Number of members;
 - (iii) A recommended committee composition of Councillors, City staff and skilled community members;
 - (iv) Meeting frequency.
- b) A direct connection to the Kalamunda Chamber of Commerce Executive.

Moved: Cr Dylan O'Connor

Seconded: Cr Margaret Thomas

Vote:

Rationale

- 1. The City of Kalamunda currently has an Economic Development Strategy (EDS) that is currently being implemented.
- 2. The development of an EDS is intended to build strategic alliances and partnerships that will drive an integrated approach to facilitate economic growth throughout the City. The strategy will consider the allocation of resources to targeted initiatives that achieve the desired outcomes of attracting greater investment and the creation and retention of employment opportunities throughout the City.
- 3. The formation of an Economic Development Committee will assist the City officers in their role of delivering the current EDS whilst positioning the City to deliver a new EDS and its initiatives.

4. In their role, Councillors come in contact with a wide range of businesses and skilled residents who have expert views on the direction and activities of the City of Kalamunda. Councillors can present those views to the committee.
5. Consideration should be given to including external community members who have skill sets that relate to the objectives of the EDS.
6. The Kalamunda Chamber of Commerce provides a valuable service to its members and the wider community and it would be beneficial to invite their President to be a member of this committee.
7. The City of Kalamunda currently has an Economic Development Strategy (EDS) that is currently being implemented.
8. The development of an EDS is intended to build strategic alliances and partnerships that will drive an integrated approach to facilitate economic growth throughout the City. The strategy will consider the allocation of resources to targeted initiatives that achieve the desired outcomes of attracting greater investment and the creation and retention of employment opportunities throughout the City.
9. The formation of an Economic Development Committee will assist the City officers in their role of delivering the current EDS whilst positioning the City to deliver a new EDS and its initiatives.
10. In their role, Councillors come in contact with a wide range of businesses and skilled residents who have expert views on the direction and activities of the City of Kalamunda. Councillors can present those views to the committee.
11. Consideration should be given to including external community members who have skill sets that relate to the objectives of the EDS.
12. The Kalamunda Chamber of Commerce provides a valuable service to its members and the wider community and it would be beneficial to invite their President to be a member of this committee.

Officer Comments

The City sees value is setting up an advisory committee as long as it remains strategically focused.

- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
 - 16.1 Bushfire Advisory Committee Minutes 19 September 2019
- 17. Closure**