

# Public Briefing Forum

Minutes for 11 September 2018

## UNCONFIRMED



**city of  
kalamunda**

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**1. Official Opening**

The Presiding Member opened the meeting at 6:32pm and welcomed Councillors, Staff and Members of the Public.

**2. Attendance, Apologies and Leave of Absence**

**2.1 Attendance**

**Councillors**

**South East Ward**

John Giardina - (Mayor)

Michael Fernie

**South West Ward**

Allan Morton

Brooke O'Donnell

**North West Ward**

David Almond (Presiding Member)

Dylan O'Connor

**North Ward**

Cameron Blair

Tracy Destree

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

**Management Team**

Nicole O'Neill - Manager Customer & Public Relations

Andrew Fowler-Tutt - Manager Approval Services (*left at 7:06pm*)

Jamie Paterson - Manager Information Technology

Doug Bartlett - Manager Asset Planning & Management Services (*left at 7:39pm*)

**Administration Support**

Kristy Lisle - Legal & Governance Assistant to General Counsel

Leisha Fair - Governance Officer

Dhiwya Mahendran - Service Desk Analyst

**Members of the Public**

7.

**Members of the Press**

Nil.

- 2.2        **Apologies**  
             **North West Ward**  
             Cr Sara Lohmeyer  
             **South West Ward**  
             Cr Lesley Boyd

- 2.3        **Leave of Absence Previously Approved**  
             **North Ward**  
             Cr Margaret Thomas  
             **South East Ward**  
             Cr Geoff Stallard

### **3.            Declarations of Interest**

#### **3.1        Disclosure of Financial and Proximity Interests**

- a)        Members must disclose the nature of their interest in matter 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*.)
  - i.        Nil.

#### **3.2        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.
  - i.        Nil.

### **4.            Announcements by the Member Presiding Without Discussion**

- 4.1        Nil.

### **5.            Public Question Time**

*Public question time will be allocated a maximum of 10 minutes and will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.*

*Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.*

*For the purposes of Minuting, these questions and answers will be summarised.*

5.1 Mr Peter Forrest of 36 Panoramic Terrace, Kalamunda

Item 10.1.1 – Consent to Advertise Draft Local Planning Policy P-DEV 62: Maddington Kenwick Strategic Employment Area

Summary of question:

Would you please take into consideration that the area is heavily tree covered and the visuals presented are misleading?

Summary of response from the Director Development Services:

There are existing buildings within existing industrial estates and the documents show the level of proposed landscaping within the development. There will be some loss of canopy cover as this is unavoidable and there is a provision for landscaping. Over time the vegetation will mature, and the cover will reinstate itself.

Item 10.1.2 - Environmental Land Use Planning Strategy - Adoption for Public Advertising

Summary of question:

Could the Council please consider a longer time than usual for public comment on the Strategy?

Summary of response from the Director Development Services:

The resolution to Council states 'not less than 28 days', therefore this provides scope to extend beyond 28 days.

Item 10.2.1 – Roads Asset Management Plan

Summary of question:

Can I organise the painting of some zebra crossings on Canning Road (near the IGA)?

Summary of response from the Chief Executive Officer:

The City does not have the authority to approve zebra crossings as this is a decision for Main Roads.

Summary of response from the Director Asset Services:

An application for a pedestrian crossing has been submitted for approval to Main Roads and the City is awaiting a response.

**6. Public Statement Time**

*A period of maximum 10 minutes is provided to allow public statements from the gallery on matters relating to a matter contained on the agenda or the functions of Council. Public Statement Time will be limited to two (2) minutes per member of the public.*

*Public Statement Time is declared closed following the 10 minute allocated time period, or earlier if there are no further statements.*

*For the purposes of Minuting, these statements will be summarised.*

6.1 Nil.

**7. Public Submissions Received in Writing**

7.1 Nil.

**8. Petitions Received**

8.1 Nil.

**9. Confidential Items Announced But Not Discussed**

9.1 Item 10.2.2 Consideration of Tenders for the Provision of Fire Mitigation Maintenance Services (RFT 1813) – Attachment 10.2.2.1 Tender Evaluation Report and Attachment 10.2.2.2 Schedule of Rates  
*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."*

## 10. Reports to Council

### 10.1 Development Services Reports

#### 10.1.1 Consent to Advertise Draft Local Planning Policy P-DEV 62: Maddington Kenwick Strategic Employment Area

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

*The Manager Approval Services provided a presentation on this item.*

*Questions asked by Councillors and members of the public were clarified.*

*Cr Destree asked about lighting improvements within the road reserve on Welshpool Road East. The Director Asset Services advised this is the responsibility of Main Roads and that the matter would be raised with them. This question has been taken on notice and a response will be provided to Council.*

|                |  |
|----------------|--|
| Previous Items | Nil  |
| Directorate    | Development Services   |
| Business Unit  | Approval Services  |
| File Reference | 3.009297   |
| Applicant      | Taylor Burrell Barnett c/- Linc Property Pty Ltd ABN 33 096 272 043  |
| Owner          | Nil  |
| Attachments    | 1. Local Planning Policy PDEV-62 Maddington Kenwick Strategic Employment Area <b>[10.1.1.1]</b><br>2. Kalamunda Design Advisory Committee Meeting Minutes - 01.02.18 <b>[10.1.1.2]</b> |

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of draft Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A (the Policy) for the purpose of public advertising.
2. The Policy has been written with the intent of protecting the amenity of the locality and that of the surrounding landowners as well as providing comprehensive guidance for the design and consideration of development within the precinct.
3. It is recommended that Council adopt the Policy with amendments for the purposes of public advertising.

#### BACKGROUND

4. The area subject to the Policy forms part of the Maddington Kenwick Strategic Employment Area (MKSEA) which was identified in the Economic and Employment Lands Strategy (2012) and the City of Kalamunda's (City) Local Planning Strategy as a future industrial precinct.
5. The MKSEA precinct sits mostly within the City of Gosnells, and partly in the City's boundary at the southern end of Wattle Grove, south of Welshpool Road East. The area of land within the City's boundary is approximately 20.4 hectares.

6. To progress the strategic intent as identified above, the area subject to the Policy was rezoned as follows:
  - a) Metropolitan Regional Scheme Zone from Rural to Industry (1300/57); and
  - b) Local Planning Scheme Zone from Special Rural to General Industry and Light Industry (PG-LPS-003/089).
  
7. No structure plan was prepared for the Kalamunda portion around Courtney Place due to the relatively small size of the amendment area. The planning issues that would usually be addressed in a structure plan were considered as requirements of Scheme Amendment 89 (Amendment), and detailed as Scheme provisions, one of which was the requirement for Design Guidelines to be prepared.
  
8. The Amendment introduced a Special Control Area (Kalamunda Wedge Precinct 3A) Which introduced the following provisions to land contained within the Kalamunda Wedge (Precinct 3A):

*'6.8 KALAMUNDA WEDGE PRECINCT 3A*

*6.8.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:*

  - i. A BAL assessment or Contour Map, prepared in accordance with the Guidelines of Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda.*
  - ii. A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to be [sic] satisfaction of the Department of Water.*
  - iii. Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposed area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda.*
  - iv. Design guidelines adopted by the local government under Part 2 of the deemed provisions for development of land on Lots directly fronting Welshpool Road East.'*
  
9. This Policy is therefore required to satisfy the requirements of the Special Control Area in accordance with Clause 6.8.1(iv) Local Planning Scheme No. 3 (Scheme).



10. **Locality Plan:**



## **DETAILS**

11. The primary objectives of the Policy are to:
  - a) specify provisions which supplement the requirements of the Scheme;
  - b) encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
  - c) ensure that industries are environmentally compatible with surrounding zones and activities;
  - d) promote the development of high quality, attractive and sustainable landscaped areas and streetscapes;
  - e) achieve water conservation through sustainable on-site stormwater management, water-wise landscaping and water efficient reticulation;
  - f) avoid unsightly and poorly planned developments; and
  - g) ensure proposals on the lots abutting Welshpool Road East incorporate an appropriate interface with existing residential development.
  
12. The Policy outlines the requirements of the Scheme and acceptable standards determined by the City within an assessment matrix that includes the following areas:
  - a) Development Precincts (Service Commercial, Light Industrial, General Industrial);
  - b) Subdivision and Amalgamation;
  - c) Built form (including building design and quality, building orientation, building setback, end of trip facilities, parking and access, loading areas, signage, external lighting, crossovers, fencing, stormwater management and waste management);
  - d) Welshpool Road East Interface; and
  - e) Landscaping.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
14. Under Clause 3 (5) of the Regulations, in making a determination under the Scheme, the local government must have regard to each relevant local planning policy to the extent the policy is consistent with the Scheme.
15. In accordance with the Regulations and the City's Scheme, Local Planning Policies are required to be approved for advertising, and then adopted by Council at the conclusion of the advertising period, having regard to submission received.
16. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevail.

## **POLICY CONSIDERATIONS**

17. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

18. A preliminary assessment was undertaken from an Assets and Parks and Environment perspective. The Policy was reviewed to include elements addressing stormwater management, landscaping and vehicular access.

### **External Referrals**

19. A previous version of the draft Policy was considered by the Kalamunda Design Advisory Committee (DAC) Meeting in February 2018. The DAC provided recommended revisions (refer Attachment 2).
20. While the Policy has been revised generally in accordance with the DAC comments, it is proposed to refer the revised draft back to the DAC for further consideration during the advertising period.
21. In response to the issues raised through the DAC, the proponent engaged urban design consultants to ensure the Policy was prepared to address the concerns of the City and DAC. Other issues raised by DAC include emphasis being placed on the built form, setbacks and landscaping treatments to Welshpool Road East.
22. Should Council resolve to adopt the draft Policy for the purposes of public advertising, it will be advertised for public comment in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals for a period of 21 days which is consistent with the advertising period specified in Schedule 2, Part 2 Clause 4(2) of the Regulations.
23. In accordance with Local Planning Policy P-DEV 45, the City is required to publish a notice of the Policy in a local newspaper circulating within the Scheme area for two consecutive weeks and place notifications on the City's website and social media pages.
24. In addition to the mandatory advertising requirements stipulated by P-DEV 45 for a local planning policy, the City can also choose at its discretion to undertake additional advertising measures. In this regard, letters will be sent to affected landowners within the Kalamunda Wedge 3A area and Community Information Session will be held.
25. The City will also give notice of the draft Policy to the Western Australian Planning Commission (WAPC) and the City of Gosnells during this time.

## **FINANCIAL CONSIDERATIONS**

26. All costs associated with advertising of the Design Guidelines is to be borne by the Applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

27. *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

28. If the Policy is adopted, developers will have more certainty as to the standard of the built form and landscaping required for the industrial area.
29. The community will have access to more clarity and transparency in how the City and the Council makes decisions, leading to improved outcomes and reduced timeframes.

### Economic Implications

30. Development of the industrial area in an attractive, sustainable and functional manner will ensure developers are keen to locate in the industrial area, thus creating an economic stimulus through investment and job creation.

### Environmental Implications

31. Landscaping requirements are stipulated within the Policy which will guide the establishment of landscaping areas to assist with improving visual amenity and addressing the interface with existing residential development.

## RISK MANAGEMENT CONSIDERATIONS

|     |  |                    |               |
|-----|--|--------------------|---------------|
| 32. | <b>Risk:</b> The Policy is not adopted for the purposes of public advertising and no design guidance is provided for development within the area which may impact the amenity of surrounding residents.                              |                    |               |
|     | <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
|     | Unlikely   | Moderate           | Low           |
|     | <b>Action/Strategy</b>   |                    |               |
|     | Ensure that the Council is aware of the importance of the Policy in terms of protecting the amenity of surrounding landowners and to provide consistency and transparency in decision making for development in the industrial area. |                    |               |

## **OFFICER COMMENT**

33. The proposed Policy has been drafted with the intent of protecting the amenity of surrounding landowners and providing comprehensive guidance for the design and approval of development within the precinct and to ensure consistency and transparency in decision-making. Additionally, the Policy will assist with providing quality-built form and landscaping outcomes which will protect the investment of companies locating in the industrial area.
34. The Policy is intended to preserve the amenity of nearby residents through providing guidance, consistency and transparency in decision making throughout Precinct 3A of MKSEA. More specifically, Part 2.4 (Welshpool Road East) of the Policy ensures high quality-built form and landscaping treatments for lots fronting Welshpool Road East which have an interface with the existing residential area in Wattle Grove Cell 9.
35. From a planning perspective, the Policy is consistent with the applicable strategic and statutory planning framework and is consistent with the principles of orderly and proper planning.
36. The Policy has been reviewed by the City's DAC, with a number of resulting improvements included to the provisions of the Policy. These included particular emphasis being placed on the built form, setbacks and landscaping treatments to Welshpool Road East.
37. Advertising the Policy will provide the community an opportunity to comment, and for any concerns raised to be considered through appropriate revisions to the content of the Policy.
38. Having regard to the above, it is recommended that Council adopts the Draft Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A for the purpose of public advertising.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

## **RECOMMENDATION**

That Council:

ADOPTS Draft Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A for the purpose of advertising for a period of 21 days pursuant to Clause 3(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations *2015*.

## 10.1.2 Environmental Land Use Planning Strategy - Adoption for Public Advertising

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

*The Director Development Services provided a presentation on this item.*

*Questions asked by Councillors and members of the public were clarified.*

*Cr O'Donnell referred to Wattle Grove (Cell 9) and asked where community facilities and tourism accommodation would be located? The Director Development Services advised that there are existing facilities located on Welshpool Road East and took the remainder of this question on notice.*

|                |  |
|----------------|--|
| Previous Items | Nil  |
| Directorate    | Development Services   |
| Business Unit  | Strategic Planning   |
| File Reference | 3.003948   |
| Applicant      | City of Kalamunda  |
| Owner          | N/A  |
| Attachments    | 1. Draft Environmental Land Use Planning Strategy Report [ <b>10.1.2.1</b> ] |

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the City of Kalamunda's (City) draft Environmental Land Use Planning Strategy (Strategy).
2. The Strategy has been prepared by the City and expands upon the planning implications discussed in the existing Local Planning Strategy 2010. The Strategy will form a part of the future Local Planning Strategy that will be developed in 2019 and will ultimately provide guidance and rationale for changes to any zoning, land use classification and development standards and will inform the preparation of a new Local Planning Scheme No. 4.
3. It is recommended that Council adopt the Strategy for the purposes of public advertising.

### BACKGROUND

4. The Strategy will form a component of the City's new Local Planning Strategy, which is currently anticipated to be progressed throughout 2019.
5. In 2010, the City developed a Local Biodiversity Strategy in collaboration with the Perth Biodiversity Project and by utilising the *Local Government Biodiversity Planning Guidelines for the Metropolitan Region* developed by the Western Australian Local Government Association. The guidelines promote a four-phase process with the final phase recommending review of the Local Planning Scheme and application of Local Planning Policy for the protection of locally significant natural areas.
6. Planning strategies of this nature are recommended to be reviewed every five years.

## DETAILS

7. The Strategy has been prepared in accordance with the Western Australian Planning Commission (WAPC) Local Planning Manual 2010 (Manual). The Manual forms a guide to the preparation of local planning strategies and schemes in Western Australia. The Strategy incorporates the relevant environmental development considerations from the Manual.
8. The Strategy will form a key component of the development of a new Local Planning Strategy to be progressed in 2019. This Strategy incorporates information from the Local Biodiversity Strategy (2010) and delivers a new set of objectives in the context of the latest State planning framework and updated statistical data.
9. The Strategy has the following overarching goal:  
  
*To compile a comprehensive report on the status of current natural environmental factors and influences in the City, and develop strategies to enhance and improve biodiversity and promote sustainable planning practises which are sensitive and complimentary to the existing natural ecosystem.*
10. The City comprises of three distinct areas, the Darling Plateau, the Darling Scarp and the Swan Coastal Plain. Development within the City has been strongly influenced by landform, focussing urban development in areas on the Swan Coastal Plain where there are fewer geological constraints to development.
11. The City contains a diverse array of endemic flora, fauna and ecological communities which have important ecological functions, and sometimes national or even global significance. The City supports a number of threatened flora and fauna species and ecological communities listed under the Environmental Protection and Biodiversity Conservation Act and Wildlife Conservation Act and a number of supplementary priority species. There are 22 species listed as rare or likely to become extinct, including 13 flora and nine fauna species. A further 38 flora species, 12 priority fauna species and one species of fungi have priority status.
12. The Strategy takes into consideration key factors that influence environmental land use planning including soil types, topography, climate, water management, existing reserves and high quality ecological areas and identifies strategies which provide actions to be taken to improve the natural environment within the City.
13. **General Findings**  
The Strategy makes the following key observations:
  - a) there is limited opportunity for further development of the Darling Scarp and Darling Plateau rural regions due to bushfire constraints, priority agricultural areas, and the provision of sewer;

- b) the majority of urban development will occur on the Swan Coastal Plain regions including Maida Vale, High Wycombe, Forrestfield, and Wattle Grove;
- c) there are numerous high-quality reserves protected and maintained throughout the City, however there are greater opportunities to form ecological links between them and reduce habitat fragmentation;
- d) communication around bushfire and biodiversity needs to be undertaken to educate residents about the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone areas to protect and preserve high quality vegetation whilst maintaining resident safety; and
- e) the natural environment is an important cultural consideration for the City and part of the local character and identity.

#### 14. **Strategies Recommended**

The Strategy sets out strategic directions and actions to improve the quality of the natural environment including:

- a) identify and map sensitive geological areas to inform appropriate land use planning;
- b) develop a local planning policy for flood prone areas (the floodway and flood fringe) and identify Water Catchment areas which conflict with provisions for Public Drinking Water Source Areas;
- c) identify and prepare criteria to manage compatibility between rural and agri-tourism developments;
- d) develop a Street Tree Masterplan, which analyses, identifies, and prioritises street tree plantings to improve urban forest canopy cover in conjunction with a Green Links Masterplan to be prepared by the year 2020;
- e) through community consultation of the draft Strategy, investigate the mechanisms available to address clearing of trees on private property;
- f) investigate the implementation of a Scheme amendment and/or local planning policy to protect vegetation or local natural areas deemed to have a significant environmental, cultural or heritage value;
- g) undertake workshops, surveys, polls, and collate submissions to understand current levels of satisfaction in environmental protection and identify areas of improvement. This is particularly relevant in relation to the small-scale clearing of vegetation on private land;
- h) implement online building and planning approval processes to reduce paper waste, provide transparency, and streamline approvals;
- i) prepare a local planning policy or Scheme provisions, to address the generation of energy by way of solar or wind power; and
- j) review and prepare a report or strategy for sites of Aboriginal heritage significance and any recommended changes to zoning to ensure appropriate protection and preservation.



15. **Strategic Community Plan (2017-2027) Priority**

The City and its community have identified environmental sustainability and maintaining the natural environment as a key priority through the development of the Strategic Community Plan (2017-2027). In particular, Priority 2 – Kalamunda Clean and Green: delivering environmental sustainability and maintaining the integrity of the natural environment.

16. **What was in the old Local Planning Strategy 2010?**

Some of the key points identified in the old Local Planning Strategy adopted in 2010 (LPS 2010), include -

- a) minimal development is expected in the hills area due to the conservation of environmental values and lack of sewer;
- b) 67% of the Shire (now City) is in conservation reserves and is comprised mainly of endemic vegetation;
- c) 26% of the total area is urban and have a large number of parks and recreation reserves;
- d) Local Natural Areas make up 7% of the total land area which are public and private landholdings which contain vegetation worthy of conservation;
- e) industrial expansion will occur in the Forrestfield freight hub, and growth of Perth Airport and rapid urban development of the Swan coastal plain will occur; and
- f) identified Maida Vale South and Wattle Grove as future urban growth centres.

17. **Current Major Projects**

Current major projects which may affect the Strategy include:

- a) Airport Expansion - The addition of a new runway at Perth airport significantly affects nearby land use planning, due to impacts such as noise. Such effects may limit residential zoning densities, height of structures, and reflectivity of materials;
- b) Forrestfield-Airport Link - The State Government's announcement in 2014 confirming the Forrestfield-Airport Link project, resulted in a large proportion of land rezoning in Forrestfield and High Wycombe. This resulted in the need to redefine the potential land uses surrounding the future station, focusing on mixed use development incorporating retail, commercial and higher density residential. There are significant environmental challenges in protecting the ecological values of the area, particularly the conservation of existing Wavy-leaved Smokebush (*Conospermum undulatum*);
- c) Maida Vale South - An area south of Maida Vale and in the north-east area of Forrestfield has been identified as a possible area for strategic planning investigation for urban development by both the WAPC and City through various strategic planning documents. The majority of the land parcels are zoned Rural under the Metropolitan Region Scheme (MRS) and have been subject to rural and semi-agricultural type uses for many years;

- d) Wattle Grove South -The Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework has identified Wattle Grove South as an area to be investigated for the purposes of future urban development. Development of the site for urban purposes represents the most efficient use of the land given the subject land's strategic location in close proximity to the urban front, the capacity of existing infrastructure and services, the future Forrestfield Train Station and nearby major arterial routes (e.g. Tonkin Highway);
- e) Maddington Kenwick Strategic Employment Area (MKSEA) has been rezoned from Special Rural to Industrial. Infrastructure upgrades and subdivision/development are currently in the process of occurring; and
- f) Pickering Brook investigation area – Pickering Brook town centre is currently under investigation to determine if access for bushfire safety can be improved and to review appropriate land uses in the town centre.

18. **Objectives**

The objectives of the Strategy are principally to:

- a) manage natural resources, land use, and development proposals to maintain the health and viability of geological soil systems in coordination with other ecosystem functions;
- b) adapt to predicted climate change effects, and maintain and improve the safety of residents from bushfire events;
- c) protect and enhance waterways, wetlands and the groundwater and ensure sustainable use and management of water resources;
- d) preserve, enhance, connect and rehabilitate natural areas and protect biodiversity values;
- e) improve the connectivity of existing green spaces and maintain and enhance urban soil, air and water quality; and
- f) identify and protect natural areas of Aboriginal cultural significance and local heritage value.

**STATUTORY AND LEGAL CONSIDERATIONS**

- 19. The Local Planning Strategy is required to be reviewed and developed every five years in accordance with the WAPC Local Planning Manual and informs the Local Planning Scheme. The local government is required to prepare a Local Planning Strategy as per the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA), Part 3.
- 20. The Environmental Land Use Planning Strategy is one section of the Local Planning Strategy which is currently being drafted. Other sections include:
  - a) Public Open Space Strategy (adopted);
  - b) Industrial Strategy (being advertised);
  - c) Housing Strategy;

- d) Rural Strategy;
- e) Activity Centre Strategy; and
- f) Infrastructure Strategy.

These strategies will inform a summary document – the Local Planning Strategy which will require referral and endorsement by the WAPC in accordance with Part 3, Regulation 14 and 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA).

## POLICY CONSIDERATIONS

|     |  |   |
|-----|--|---|
| 21. | <b>DRAFT Design WA</b>   | Draft document advertised 2017 to replace the R-Codes for R40-R80. Includes Draft SPP Design on the Built Environment.  |
|     | <b>Liveable Neighbourhoods</b>                                   | Best practice guidelines for designing liveable spaces.   |
|     | <b>SPP 2.0 Environment and Natural Resources Policy</b>          | A policy that defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters. |
|     | <b>SPP 2.4 Basic Raw Materials</b>                               | A policy detailing the matters to be taken into account in considering zoning, subdivision and development applications impacting extractive industries.  |
|     | <b>SPP 2.7 Public Drinking Water Source</b>                      | A policy to protect and manage public drinking water source areas from incompatible land uses and pollution.  |
|     | <b>SPP 2.8 Bushland Policy for the Perth Metropolitan Region</b> | A policy to provide an implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision-making.  |
|     | <b>SPP 2.9 Water Resources</b>                                   | Provides clarification and additional guidance to for consideration of water resources in land use planning strategy.   |
|     | <b>SPP 3.1 Residential Design Codes</b>                          | State planning policy guiding residential development standards.  |

|   |   |
|---|---|
| <b>SPP 3.4 Natural Hazards and Disasters</b>    | A policy to inform and guide planning for natural disasters and minimising the adverse impacts of natural disasters on communities, the economy and the environment.  |
| <b>SPP 3.7 Planning in Bushfire Prone Areas</b> | This policy directs how land use should address bushfire risk management in Western Australia.  |
| <b>Better Urban Water Management (2008)</b>     | Better Urban Water Management provides guidance on the implementation of SPP 2.9, facilitating better management of our urban water resources by ensuring an appropriate level of consideration is given to the total water cycle at each stage of the planning system. |

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

22. The Strategy was workshopped with internal departments relating to aspects such as engineering, health, and environmental considerations in March 2018 and comments provided have been incorporated into the latest version of the draft Strategy.

### External Referrals

23. The Strategy was peer reviewed by planning consultants from GHD Pty Ltd. GHD provided a review report, notes on existing maps and tracked changes to the initial draft Strategy.
24. In the context of the Strategy forming a component of the City's Local Planning Strategy, it is recommended that the Strategy is advertised in a similar manner to a Local Planning Strategy.
25. If Council decide to adopt the proposed draft Strategy, it will be advertised for public comment for not less than 28 days. In accordance with section 13 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (WA)*, a minimum of 21 days advertising is required.
26. A Communications and Engagement Strategy will be developed to assist with guiding the public advertising process. Consultation will target the City's key stakeholders impacted by the recommendations of the Strategy.
27. As part of the advertising process the Kalamunda Environmental Advisory Committee will be given an opportunity to provide feedback on the draft Strategy.

28. Specific consultation regarding tree preservation on private land will be undertaken as part of the advertising for the draft Strategy. The consultation will seek to gauge the community's view on regulating small scale clearing on private land.
29. Recent major development applications have attracted a large number of submissions relating to clearing of vegetation.
30. Currently the Scheme defaults to the *Environmental Protection Act 1986 (WA)*, and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)*, which were developed to address large scale clearing.
31. Any clearing on private land less than 5 ha per year therefore does not require a clearing permit from the Department of Water and Environmental Regulation and is largely unregulated from a planning perspective. Other local governments including but not limited to the Shire of Serpentine Jarrahdale, Shire of Mundaring, City of Fremantle, City of Belmont and City of Stirling have addressed the clearing of trees on private property through various planning provisions, plans or policies.
32. Direction will be sought through community consultation which will inform the City's approach in preparing a Local Planning Policy that will guide the way in which small scale clearing on private land is addressed from a planning perspective. This may include the requirement to provide contributions towards revegetation in other parts of the City or revegetation on the subject property. Council will also be provided the opportunity to provide input into this process.

## **FINANCIAL CONSIDERATIONS**

33. Costs associated with the preparation and public advertising of the document are met through the Development Services annual budget.
34. Some actions arising from the Strategy may have financial implications; the details of which will be developed as part of a financial implementation plan and annual budget when preparing to complete the action.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

35. *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.

## SUSTAINABILITY

### Social Implications

- 36. Improved liveability through integration of natural environmental features will strengthen the character of the area and provide opportunities for interaction and engagement.
- 37. Streamlined processes when dealing with development applications that contain a significant environmental factor.

### Economic Implications

- 38. Expansion of opportunities for agri-tourism, eco-tourism, and utilisation of our existing natural features are a key attractor to the City.
- 39. The Strategy aims to increase the local workforce particularly in the hills and rural regions to boost agricultural production.
- 40. Identified environmental constraints are mapped and reviewed providing greater certainty to landowners and developers.

### Environmental Implications

- 41. Improved quality of the existing natural environment, reduce habitat fragmentation and higher quality land use management.
- 42. Improved water quality management for healthy waterways, wetland, and areas prone to seasonal flooding.
- 43. Reduced widescale clearing and improved outcomes for biodiversity in bushfire prone areas.
- 44. Improved microclimates in urban areas due to increased canopy cover.

## RISK MANAGEMENT CONSIDERATIONS

|     |   |                    |               |
|-----|---|--------------------|---------------|
| 45. | <b>Risk:</b> The community disagrees with strategic directions and actions for the Strategy.                                  |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Possible  | Moderate           | Medium        |
|     | <b>Action/Strategy</b>  |                    |               |
|     | Undertake community engagement and appropriately respond to submissions received as part of the finalisation of the Strategy. |                    |               |

46.

|   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Degradation of City's biodiversity through the development process.                  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Major              | High          |
| <b>Action/Strategy</b>  |                    |               |
| Ensure key actions of the Strategy are resourced and undertaken within the timeframes prescribed. |                    |               |

**OFFICER COMMENT**

47. The Strategy has been prepared in accordance with the Manual.
48. The above notwithstanding, the Strategy will benefit from input from stakeholders within the community including Friends Groups, the Kalamunda Environmental Advisory Committee, residents and landowners, who the City expects will inform and refine opportunities and constraints for each area based on individual characteristics.
49. Tree preservation on private land will be addressed in detail as part of the engagement. The consultation will seek to gauge the community's view on regulating small scale clearing on private land.
50. Community consultation will inform the City's approach in preparing a Local Planning Policy that will guide the way in which small scale clearing on private land is handled from a planning perspective. This may include the requirement to provide contributions towards revegetation in other parts of the City or revegetation on the subject property. Council will also be provided the opportunity to give input into this process.
51. In order to undertake the actions recommended in the Strategy, project specific briefs will need to be undertaken to rationalise the recommended actions.
52. It is recommended that Council adopt the Strategy for the purposes of public advertising.

**Voting Requirements: Simple Majority****RECOMMENDATION**

That Council:

ADOPTS the draft City of Kalamunda Environmental Land Use Planning Strategy for the purposes of public advertising for a period of not less than 28 days.

## 10.2 Asset Services Reports

### 10.2.1 Roads Asset Management Plan

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

*The Manager Asset & Management Services provided a presentation on this item. Questions asked by Councillors and members of the public were clarified.*

|                |   |
|----------------|---|
| Previous Items | OCM 130/2012, OCM 157/2016, OCM 79/2017, OCM 125/2017, OCM 140/2017, OCM 129/2018 |
| Directorate    | Asset Services  |
| Business Unit  | Asset Planning  |
| File Reference | HU-PAA-013  |
| Applicant      | N/A   |
| Owner          | N/A   |

Attachments 1. Roads Asset Management Plan Ver 1 **[10.2.1.1]**

#### **EXECUTIVE SUMMARY**

1. The City of Kalamunda (City) has prepared the Roads Asset Management Plan 2018 (Roads AMP). This plan includes an asset register, current condition rating information, current valuation data and treatment selection matrix of the assets related to the City's road system.
2. The Roads AMP includes 617km of roads, 190 bus shelters and 224 car park assets with a replacement cost of \$227 million. The Roads AMP also includes the feedback from community consultation undertaken in February and March 2018.
3. The financial modelling indicated that no increase in funding would be required for most roads assets (surfaces, pavements, and safety barriers), provided that a policy was adopted to replace 'like-for-like' in respect of road surface type. This means that spray seal surfaces would be replaced with spray seals and not asphalt, with asphalt being the higher cost and aesthetically appealing surface. Small increases are proposed for bus shelters and car parks.
4. This report recommends endorsement of the City's Roads Asset Management Plan 2018 and sets the objective of providing an average annual increase in funding over the next ten years of \$30,000 for bus shelters and \$55,000 for car parks.



## **BACKGROUND**

5. The City produced its first asset management plan for roads in 2013. In 2016 the Asset Management Council Policy was revised, and a number of internal processes improved, resulting in a revised Asset Management Strategy, new Pathways and Parks Asset Management Plans (adopted in 2017), new Drainage Asset Management Plan (adopted July 2018), and this proposed new Roads AMP. A Buildings Asset Management Plan is being developed and proposed to be presented to Council in June 2019.

## **DETAILS**

6. The Roads AMP covers the following subjects:
  - a) Current Status of Assets;
  - b) Levels of Service;
  - c) Life Cycle Management;
  - d) Risk Management;
  - e) Future Demand;
  - f) Financial Summary; and
  - g) Improvements, Monitoring and Review.
7. The City manages 617km of roads (58% asphalt sealed, 39% chip sealed, and remainder unsealed or other), 884km of kerbs, 4 road bridges, 190 bus shelters, 273 car parks, and 7.5km of road safety barriers.
8. The average condition rating of roads assets (on a scale of 1 to 5, with 1 being very good) is:
  - a) Roads – Surface (2.0), Pavement (1.1) – the pavement refers to the substructure of the road whereas the surface is the asphalt, chip seal or other driving surface;
  - b) Kerbs (2.0);
  - c) Road Bridges (2.3);
  - d) Bus Shelters (3.0);
  - e) Car Parks – Surface (2.4), Pavement (2.3); and
  - f) Road Safety Barriers (2.0).
9. A condition assessment of the road and kerb assets was undertaken during the first half of 2018 using a specialised test vehicle. The condition inspections of the other roads assets were undertaken using visual condition rating methods.

10. "Levels of Service" is a phrase used in asset management to reflect the service the assets provide to the community. The City conducted community consultation in 2018 to understand the expectations of asset levels of service, with half the respondents disagreeing that the road surfaces in the City are in acceptable condition. There was no preference shown for the surface type when viewing spray seal and asphalt surfaces.
11. The Roads AMP considers the growth in population, developments and the forecast impact of climate change on roads assets. The City will be developing an Integrated Transport Plan which will also inform future Asset Management Plans.
12. The Roads AMP addresses fair value, key performance indicators, current funding levels, funding gap analysis and different funding scenarios. The preferred funding scenarios have been selected and recommended funding increases proposed.
13. The Roads AMP will be reviewed again in three years. During this period the following tasks will inform a revised plan:
  - a) update the Infrastructure Asset Management Policy to include a 'like for like' rule for upgrading residential streets, meaning spray seal will be resurfaced with spray seal and asphalt will be resurfaced with asphalt;
  - b) develop a Maintenance Management Plan to include routine defects, inspection intervals, service standards (for example quality and timeliness of repairs) and performance measures;
  - c) investigate the use of Assetic or similar software for improved maintenance management including mobile capability for field crews, and integration with Assetic;
  - d) develop an assessment process for roads assets such that criticality is considered when developing new, renewal and funding needs and priorities;
  - e) continue to progress the Main Roads WA Road Re-classification of Canning Road, Welshpool Road East and Abernethy Road; and
  - f) review the demand factors for roads and quantify the future demand as part of the City's Integrated Transport Plan.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. The City is required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995* (WA) and supporting *Local Government (Administration) Regulations 1996* (WA). Asset Management Plans are informing strategies for the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, and Integrated Planning and Reporting Framework which are recommended requirements for compliance to the Act and Regulations.

## **POLICY CONSIDERATIONS**

15. The Roads AMP is prepared in support of the Asset Management Policy, (AS-01) and Asset Management Strategy 2017-2021.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. The draft Roads AMP was reviewed by the Infrastructure Asset Management Steering Committee prior to finalising this report.

### **External Referrals**

17. Asset Management Plans are informed by "levels of service" which is the result of a community consultation process. Consultation on Levels of Services for roads, drains and pathways was undertaken during February and March 2018.

## **FINANCIAL CONSIDERATIONS**

18. The City's current Long Term Financial Plan forecasts a total average annual amount of \$3.3 million for capital expenditure on all roads asset renewals.
19. The recommendations of this Asset Management Plan require an average increase of capital expenditure of \$85,000 per year.
20. The Roads AMP also includes three financial ratios, being the Asset Consumption Ratio, the Asset Sustainability Ratio, and the Asset Renewal Funding Ratio.
21. The Asset Consumption Ratio measures the fair value of the assets compared to the replacement cost of the assets. The recommended practice is that a ratio of 0.5 to 0.75 (fair value/replacement cost) is maintained over the long term. Bus shelters are at risk of falling below this measure unless the funding is increased.
22. The Asset Sustainability Ratio measures the renewal or replacement rate against the rate of financial depreciation of the asset. This has an inherent bias as it only includes the next ten years of renewals while the depreciation represents the life of the assets. Except for classes of asset that are brand new, the recommended practice is to maintain this ratio at 0.90 or greater, indicating reasonable financial sustainability. The Asset Management Plan indicates that increased investment in roads and bus shelters may be necessary as these ratios (at current funding levels) are at 0.72 and 0.48 respectively. At this time, no increase in funding for roads (surfaces, pavements and safety barriers) is proposed due to the other ratios being acceptable. The recommended funding increase for bus shelters will raise this ratio to 0.86.

23. The Asset Renewal Funding Ratio measures the ability of the City to fund its asset renewal/replacement program within the Long Term Financial Plan. The measure is the Net Present Value of approved 10-year renewal/replacement funding compared to the Net Present Value of the required renewal and replacement funding (which is informed by the other ratios). The recommended Asset Renewal Funding ratio is between 0.75 and 0.95. The ratios indicate that funding is needed for bus shelters (ratio of 0.56) and car parks (ratio of 0.65).

## 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.

## SUSTAINABILITY

### Social Implications

25. Maintaining roads assets at an acceptable level will assist in providing a safe and functional road network to meet community transportation needs.

### Economic Implications

26. Maximising grant funding income will be essential for the City to financially support the level of maintenance and renewal expenditure required to maintain its Roads Assets at an acceptable level of service to the community.

### Environmental Implications

27. There are no direct environmental implications arising from the Roads AMP.

## RISK MANAGEMENT CONSIDERATIONS

- 28.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The planned Roads AMP when implemented fails to meet its objectives.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Significant        | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Ensure asset management activities continue in line with national practices. Continue to collect data, improve practices, and seek funding for renewals and engaging with the community on levels of service. |                    |               |

### **OFFICER COMMENT**

29. The Roads AMP is presented in a format that is consistent with contemporary asset management practices across Australia and New Zealand.
30. The financial modelling identified that the condition rating and funding requirements is considered an 'Intermediate' level practice in terms of asset management maturity.
31. Through the scenario modelling process, the Roads AMP provides 10 year funding options and assists in the development of appropriate roads assets renewal programs.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### **RECOMMENDATION**

That Council:

1. ENDORSES the Roads Asset Management Plan 2018.
2. NOTES the recommended funding for inclusion in the Long Term Financial Plan, in preparation for the 2019/2020 budget deliberations.

## 10.2.2 Consideration of Tenders for the Provision of Fire Mitigation Maintenance Services (RFT 1813)

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

*The Director Asset Services provided a presentation on this item.*

*Questions asked by Councillors and members of the public were clarified.*

*Mr Dick Lovegrove of 41 Brentwood Road, Wattle Grove asked for details on the assessment of the Tender Evaluation Report. The Director Asset Services advised that this could not be discussed as it is a confidential attachment to the report. Mr Dick Lovegrove advised Council that he would be applying for the details through a Freedom of Information Act 1992 (WA) application.*

|                |                |
|----------------|----------------|
| Previous Items | N/A            |
| Directorate    | Asset Services |
| Business Unit  | Asset Services |
| File Reference | AD-TEN-004     |
| Applicant      | N/A            |
| Owner          | N/A            |

Attachments Nil

Confidential Attachments

1. Tender Evaluation Report
2. Schedule of Rates

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 award of a contract for the Provision of Fire Mitigation Maintenance Services in the City of Kalamunda (RFT 1813).
2. On 7 March 2018, the City of Kalamunda (City) issued the Request for Tender (RFT 1813) seeking submissions for the Provision of Fire Mitigation Maintenance Services across the City's reserves to meet the requirements of the *Bush Fires Act 1954* (WA) (Bush Fires Act).
3. It is recommended that Council appoint Entire Empire Pty Ltd T/A Entire Fire Management ACN 166 567 228 (Entire Empire Pty Ltd) for the Provision of Fire Mitigation Maintenance Services for the City of Kalamunda (RFT 1813), for a period of three years with options, at the sole discretion of the City, to extend by a further two x 12-month periods.

### BACKGROUND

4. The City is required to manage its recreation, conservation, road reserves and other lands under its control for compliance with the Bush Fires Act. The City is required to manage all bush fire risks to all assets, public, private and commercial to an acceptable level.

5. The City assesses each area under its management for bushfire risk to assets and private property and determines a treatment plan to reduce that risk. Each treatment plan considers a number of factors including environmental, cultural and amenity values to determine a treatment method, staging and priority. The City has identified more than 300 bush fire prone locations, including 115 reserves.
6. An experienced contractor with skilled staff and equipment suitable to the City of Kalamunda's environmental conditions, is required for firebreak installation and maintenance, chemical weed control to firebreaks and mechanical flammable vegetation fuel reduction by slashing and woody weed removal. These works are primarily applied to 115 remnant bushland reserves, 45 hectares of undeveloped reserves and 72,000 metres of firebreaks.

## **DETAILS**

7. The scope of works for the period of the contract includes an annual program to be completed prior to the prohibited fire season from 1 November to 31 March each year:
  - a) assess the site for the most appropriate machinery to suit the terrain, vegetation type and minimal environmental impact;
  - b) firebreak mechanical construction and maintenance to achieve a three-metre-wide mineral earth break;
  - c) herbicide maintenance of firebreaks;
  - d) slashing of grasses to reduce flammable material;
  - e) manual or mechanical removal of large woody weeds;
  - f) disposal of vegetative material overburden at an approved disposal site; and
  - g) 24-hour emergency bush fire response.
8. All works are undertaken to a purchasing order instruction and invoiced at the tender rate.
9. The following officers were appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
  - a) Manager Parks and Environmental Services (Panel Chair);
  - b) Parks and Environmental Services Technical Officer; and
  - c) Fire Mitigation Officer.
10. The Request for Tender RFT 1813 was advertised on 18 July 2018 and closed at 2:00pm, Wednesday 8 August 2018.
11. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by Procurement and Finance. Of the four submissions received, three were assessed as compliant with the Tender Compliance Criteria.

12. Qualitative Criteria for RFT 1813 were included and a predetermined Qualitative Pass Mark (QPM) was set at 60%.
13. The Panel undertook qualitative evaluation of each Tender submission in accordance with the following general direction:
  - a) Panel members read each response and evaluated answers to the Qualitative Criteria on an individual basis;
  - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
  - c) where clarifications are sought from Tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
  - d) the evaluation process is observed by the Procurement and Finance Officer to ensure fair and correct processes are followed.
14. All compliant submissions were considered against the Qualitative Criteria to ensure the Tenderers have the skills, experience and resources, along with a clear understanding of the requirements of the scope of works for delivering a quality service. This is demonstrated by their response to the Qualitative Criteria, which included site specific scenarios.
15. The Panel met and completed the Qualitative Evaluation by comparison of individual scores and determining consensus scores for each of the Qualitative Criteria on Thursday, 23 August 2018.
16. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below:

| <b>Qualitative Criteria</b>                           | <b>Weighting</b> |
|---|------------------|
| Demonstrated Experience in Providing Similar Services | 30%              |
| Key Personnel Skills and Experience                   | 15%              |
| Tenderer's Resources                                  | 15%              |
| Demonstrated Understanding of Required Works          | 40%              |

Detailed requirements for each of these criteria are outlined in the Tender Evaluation Report (Confidential Attachment 1).

17. The qualitative assessment resulted in only Entire Empire Pty Ltd achieving the Qualitative Pass Mark of 60% and therefore advanced to the price assessment stage of the tender evaluation process.  
The actual scores achieved are detailed in the attached Tender Evaluation Report (Confidential Attachment 1).
18. Tenderers were required to provide a Price Schedule and Schedule of Rates to undertake the services for all nominated locations and works as detailed in the Tender specification.



19. The Panel assessed the price for an anticipated schedule of works for the period of the contract and no guarantee of the final quantity of works allocated under the contract was given.
20. The price assessment is detailed in the attached Tender Evaluation Report (Confidential Attachment 1).

### **STATUTORY AND LEGAL CONSIDERATIONS**

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

### **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. Sufficient funds are allocated in the 2018/2019 Parks and Reserves Maintenance allocations for bush fire mitigation programs for an annual programme of around \$120,000 within:

|  |           |
|--|-----------|
| a) N400 – Bushland Fire Mitigation     | \$232,988 |
| b) N402 – Fuel Reduction City Reserves | \$335,818 |

The balance of these funds is costed to field staff plus overheads (2 FTEs) allocations and minor unscheduled works.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

26. *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**

- 27. Actively managing our reserves to reduce bush fire risk assists with protecting life and property throughout the City.

**Economic Implications**

- 28. Actively managing our reserves to reduce bush fire risk assists with protecting the City’s assets and the commercial and industrial economic facilities and services in the City.

**Environmental Implications**

- 29. Actively managing our reserves to reduce bush fire risk reduces the potential loss of ecological communities to wildfire destruction and assists with a balanced approach to protecting environmental values and managing recreational access and use.

**RISK MANAGEMENT CONSIDERATIONS**

|     |  |                    |               |
|-----|--|--------------------|---------------|
| 30. | <p><b>Risk:</b> Failure to award the Tender prior to upcoming Bush Fire Season will necessitate ad hoc works to be done to meet the requirements of the Bush Fires Act which may result in a breach of City’s Purchasing Policy.</p> |                    |               |
|     | <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
|     | Almost Certain   | Moderate           | High          |
|     | <b>Action/Strategy</b>   |                    |               |
|     | Award of tender mitigates against: responsiveness compromised along with increased costs for unscheduled actions and administrative time required to respond. Purchasing Policy non-compliance for period of contract.               |                    |               |

|     |  |                    |               |
|-----|--|--------------------|---------------|
| 31. | <p><b>Risk:</b> The Contractor does not satisfy the specification.</p>   |                    |               |
|     | <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
|     | Unlikely   | Moderate           | Low           |
|     | <b>Action/Strategy</b>   |                    |               |
|     | Industry standard measures applied, contract management and six-monthly review in place. Contractor has demonstrated capability for other Local Governments. |                    |               |

**OFFICER COMMENT**

- 32. All Tenderers were given the opportunity to provide information in accordance with the Request for Tender.

33. The Panel concluded that Entire Empire Pty Ltd provided sufficient information as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring more than the QPM of 60%.
34. It is anticipated that the Contract is to commence immediately in order to meet compliance timeframes closing 1 November, subject to consideration of Tender Award by Council.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

## **RECOMMENDATION**

That Council:

APPROVES the appointment of Entire Empire Pty Ltd T/A Entire Fire Management ACN 166 567 228 for the Provision of Fire Mitigation Maintenance Services for the City of Kalamunda (RFT 1813), for a period of three years commencing on 1 July 2018 with an option, at the sole discretion of the City, to extend by a further two x 12-month period in accordance with the Schedule of Rates in Confidential Attachment 2.

## 10.3 Corporate Services Reports

### 10.3.1 Proposed Permanent Closure of Portion of Masonmill Road, Carmel and Dedication of Portion of Reserve 10601

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

*The Director Corporate Services provided a presentation on this item.*

|                |  |
|----------------|--|
| Previous Items | OCM 214/2016   |
| Directorate    | Corporate Services   |
| Business Unit  | Economic, Land & Property Services                                       |
| File Reference | MS-02/GEN  |
| Applicant      | Land Insights – ABN: 88755259718   |
| Owner          | State of Western Australia   |
| Attachments    | 1. Masonmill Road Road Reserve Rationalisation Plan<br><b>[10.3.1.1]</b> |
|                | 2. Masonmill Road Summary of Submissions <b>[10.3.1.2]</b>               |

#### EXECUTIVE SUMMARY

1. The purpose of this report is to request Council to support a boundary adjustment to the Masonmill Road road reserve adjacent to Lot 1107 (No. 40) Masonmill Road, Carmel and Reserve 10601.
2. To adjust the road reserve, the portion of road reserve that is no longer required must be closed and the additional portion of land required as road reserve must be excised from Reserve 10601 and dedicated. A resolution of Council is required to proceed with the proposed permanent road closure, and the excision and dedication.
3. It is recommended that Council request the Minister for Lands to adjust the boundary of the Masonmill Road road reserve by closing the unrequired portion of road reserve, and excising and dedicating the portion of Reserve 10601 required as road reserve.

#### BACKGROUND

4. The need to correct the road reserve boundary was identified as part of a retrospective development application by Land Insights (Applicant), on behalf of the owner of Lot 1107 (Owner). The application included a mini golf course and associated infrastructure. Part of the mini golf course was identified to be located within the Masonmill Road road reserve.
5. Upon review of aerial imagery, it appeared that the formed part of Masonmill Road has always been incorrectly positioned within the road reserve. Aerial imagery also shows that the prior use was an orchard, where some of the trees were also located within the road reserve.

## DETAILS

6. In late 2016, the Owner/Applicant commenced landscaping development for a mini golf course along the frontage of the property. At the time, the City of Kalamunda (City), (then Shire), advised the Owner/Applicant that this did not have approval. While the landscape works did not require development approval, the change of use to "private recreation" did. To capture the "tourism" related uses on site, some of which did not have development approval, Scheme Amendment 85 Additional Uses (Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, Recreation – Private, and Tourist Development) was adopted by Council with conditions on 19 December 2016 (OCM 214/2016).
7. Scheme Amendment 85 received final approval from the Minister of Planning on 27 July 2017. One of the conditions of Scheme Amendment 85 is that a Local Development Plan (LDP) be prepared and endorsed by Council. A draft LDP was lodged with the City on 16 April 2018. There have been several revisions of the initial LDP lodged.
8. The Applicant lodged a Development Application (DA) seeking retrospective approval for a number of uses on site including the mini golf course (Private Recreation) on 13 December 2017 (DA17/0588).
9. Both the draft LDP and the DA show the mini golf course located partially within the road reserve of Masonmill Road. Prior to finalising the LDP and the DA, the Applicant needs to either amend the applications to align with the existing property boundary or the portion of road reserve onto which the mini golf course encroaches needs to be closed and amalgamated with Lot 1107.
10. Due to the road safety hazard associated with having a mini golfing activity within the road reserve, the Owner/Applicant was requested to cease using that area, and the City commenced the process of adjusting the road reserve alignment.

## STATUTORY AND LEGAL CONSIDERATIONS

11. The proposed road closure and road dedication must proceed in accordance with sections 56 and 58 of the *Land Administration Act 1997* (WA)(Land Administration Act).
12. Section 56 of the *Land Administration Act* relates to the dedication of land as road. Section 56(1)-(2) states as follows:
  - (1) *If in the district of a local government —*
    - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
    - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
      - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*

(ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*  
or

(c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

*and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

(2) *If a local government resolves to make a request under subsection (1), it must —*

(a) *in accordance with the regulations prepare and deliver the request to the Minister; and*

(b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

13. Section 58 of the *Land Administration Act* relates to permanent road closures. Section 58(1)-(3) states as follows:

(1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

(2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

(3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

## **POLICY CONSIDERATIONS**

14. The City's Asset Management Policy C-AS-01 (Policy) provides "*a framework for undertaking long term strategic asset management of the Shire's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community.*"

15. Further, the Policy states that "*As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council.*"

16. This proposal reflects good asset management as it seeks to adjust the road reserve so that it matches the road as constructed.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

17. Asset Management have advised that there are no City owned assets affected by the road reserve realignment.
18. Approval Services have no objection to the proposal, subject to the relocation of services and the subsequent rectification of land uses and LDP.

### **External Referrals**

19. The proposal was advertised in the Kalamunda Reporter on 15 May 2018, in the Hills Gazette on 18 May 2018 and on the City's website. Comments closed at 5:00pm on Thursday 21 June 2018.
20. The proposal was referred to the Water Corporation, as management body for Reserve 10601.
21. The proposal was also referred to the service authorities for comment.
22. The submissions received by the City are summarised in the Summary of Submissions Table attached to this report at Attachment 2.

## **FINANCIAL CONSIDERATIONS**

23. The costs of the proposal are as follows:
- a) purchase price for portion of road reserve to be closed and amalgamated into Lot 1107;
  - b) easements and service relocations (if required);
  - c) Department of Planning, Lands & Heritage document preparation fees;
  - d) Landgate fees; and
  - e) survey costs.
24. It is proposed that the Applicant be required to pay for all costs of the proposal, except the survey fees which are proposed to be shared 50/50 between the Applicant and the City.
25. The amount of each of these costs will be determined by the Department of Planning, Lands & Heritage, Landgate, the service authorities and any consultants engaged by the Department.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *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 3.2** - To connect community to quality amenities.

**Strategy 3.2.1** - Optimal management of all assets.

## SUSTAINABILITY

### Social Implications

27. The proposal will not have any social or lifestyle impacts on residents.

### Economic Implications

28. The proposal will not impact on the economic lives of residents.

### Environmental Implications

29. No environmental impacts are envisaged, as the relevant portion of road has already been constructed. The proposal merely seeks to adjust the road reserve to match the road as constructed.

## RISK MANAGEMENT CONSIDERATIONS

|     |  |                    |               |
|-----|--|--------------------|---------------|
| 30. | <b>Risk:</b> The proposed road closure, and the excision and dedication, do not occur.   |                    |               |
|     | <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
|     | Unlikely   | Moderate           | Low           |
|     | <b>Action/Strategy</b>   |                    |               |
|     | Demonstrate that a failure to adjust the road reserve boundary will mean that the road reserve will not match the constructed road.  |                    |               |
|     | Demonstrate that a failure to proceed with the proposed road closure will mean that a portion of the mini golf course operated by the Owner will be located on road reserve. |                    |               |

## OFFICER COMMENT

31. The proposal will result in the Masonmill Road road reserve matching the road as constructed.



32. The proposal will also eliminate the road safety hazard associated with having a mini golfing activity within the road reserve.
33. Further, the proposal will enable the LDP and DA lodged by the Applicant to be finalised.
34. It is recommended that Council support the proposed permanent road closure, and the excision and dedication.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

## **RECOMMENDATION**

That Council:

1. REQUESTS the Minister for Lands to permanently close that portion of the Masonmill Road, Carmel road reserve shown delineated and marked as "Proposed Road Reserve Closure" on the plan attached to this report as Attachment 1, pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) the Applicant must pay the purchase price for the portion of road reserve proposed to be closed and amalgamated into Lot 1107 (No. 40) Masonmill Road, Carmel;
  - b) the Applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities;
  - c) the Applicant must pay all Department of Planning, Lands & Heritage document preparation fees and Landgate fees;
  - d) the costs of the surveying for the proposed permanent closure of portion of Masonmill Road road reserve and amalgamation with Lot 1107 and excision and dedication of portion of Reserve 10601 will be borne 50% by the Applicant and 50% by the City of Kalamunda; and
  - e) the Applicant must pay any other costs of, and incidental to, the road closure and amalgamation.
2. REQUESTS the Minister for Lands to excise and dedicate that portion of Reserve 10601 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 1, pursuant to section 56 of the *Land Administration Act 1997* (WA)
3. CONFIRMS the City has complied with section 58(3) of the *Land Administration Act 1997* (WA).
4. UNDERTAKES to comply with sections 56(2) and 58(2) of the *Land Administration Act 1997* (WA).
5. INDEMNIFIES the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road reserve that portion of Reserve 10601 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 1, pursuant to section 56(4) of the *Land Administration Act 1997* (WA).

## 10.3.2 Function Room Audio Visual Upgrade

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

*The Director Corporate Services provided a presentation on this item.*

*Questions asked by Councillors and members of the public were clarified.*

*Cr Destree asked where a wheelchair could be placed in Chambers as there is no current area for a wheelchair to be located. The Director Corporate Services took this question on notice.*

|                |                        |
|----------------|------------------------|
| Previous Items | OCM 74/2018            |
| Directorate    | Corporate Services     |
| Business Unit  | Information Technology |
| File Reference | IM-CPS-002             |
| Applicant      | N/A                    |
| Owner          | N/A                    |

Attachments 1. Kalamunda Briefing [**10.3.2.1**]

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Councillors with an update on the proposed upgrade of audio-visual facilities in the Function Room at the City of Kalamunda's (City) Administration Centre.
2. The current audio-visual system within the Function Room has a number of operational limitations when conducting Public Agenda Briefing sessions.  
These issues relate to:
  - a) microphone feedback compromising the sound quality;
  - b) limited visual aids for the community; and
  - c) using manual workarounds to improve the sound quality within the Function Room.
3. It is recommended that Council notes a budget of \$40,383 in FY 2018/19 to supply, install and configure an upgraded audio system within the Function Room.

### **BACKGROUND**

4. Since November 2017, Council has been conducting Public Agenda Briefing Forums in the Function Room, providing enhanced community engagement opportunities.
5. Initial quotations received to upgrade the audio visual capability within the Function Room estimated a budget allocation of \$65,000 to \$70,000 was required.
6. Council did not support a budget allocation of \$65,000 to \$70,000 for the purpose of upgrading the Function Room.

7. In October 2017, an 84-inch commercial television was installed in the Council Chambers to assist members with viewing agenda items and reports at a cost of \$13,000.
8. The City subsequently went back out to market instructing the audio visual consultant to remove the video upgrade requirements from the Function Room scope of works seeking solely to purchase microphones, sound management and control hardware, and a hearing impaired system.
9. Responses were received from two suppliers with quotes ranging from \$40,383 to \$104, 868 ex GST.
10. The current audio-visual system within the Function Room has a number of operational limitations when conducting Public Agenda Briefing sessions.  
These issues relate to:
  - a) microphone feedback compromising the sound quality;
  - b) limited visual aids for the community; and
  - c) using manual workarounds to improve the sound quality within the Function Room.
11. The current audio-visual system operating in the Function Room is non-compliant with current disability standards due to the lack of a hearing impairment induction loop in the Function Room. It does have an exemption, however, due to the age of the building.
12. Upgrading the Function Room would allow greater use of the Function Room:
  - a) for Public Agenda Briefing Forums;
  - b) to provide overflow capability when required for Council meetings held in Council Chambers;
  - c) as a general meeting area, used for internal staff meetings, meetings with external stakeholders, and formal functions such as citizenship ceremonies; and
  - d) use as an incident management centre to coordinate with other authorities during emergency incidents.

## **DETAILS**

13. The initial audio visual consultant's report provided the following findings:
  - a) Public Agenda Briefing Forums - The current audio-visual environment needs to be upgraded significantly to be suitable for such use. The following will need to be undertaken:
    - i. an upgrade of the current projector and screen to allow all Councillors and members of the public to view agenda items and presentations no matter where they sit in the Function Room;

- ii. the implementation and installation of microphones into the Function Room for the use of Councillors, CEO, Directors and for the public gallery. This system will also record audio as per Council Chambers;
  - iii. to meet legislative disability requirements, the hearing-impaired induction loop must be extended from Council Chambers into the Function Room and must cover at least 80% of the Function Room area; and
- b) General Usage - The audio-visual environment, while not entirely fit for purpose for all uses, is sufficient for use as an overflow area for Council Chambers as required, as a general meeting area, and as an incident management centre. To improve the Function Room for general usage meetings the following will need to be undertaken:
- i. the purchase and installation of two new projectors and projector screens. This will improve the quality and resolution of picture of the projectors in the Function Room; and
  - ii. these improvements will be undertaken over time, as part of the City's yearly budgeting process.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. *Section 31(1) of the Disability Discrimination Act 1992 (Cth).*

*Section D3.7(1)(a) of the Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation.*

*Section D3.7(2)(a) of the Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation.*

## **POLICY CONSIDERATIONS**

15. *Disability Access and Inclusion Plan 2017 – 2022.*

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. Office of the CEO, Legal and Governance.

### **External Referrals**

17. Hewshott International Audio-Visual Consultancy.

## **FINANCIAL CONSIDERATIONS**

18. The estimated budget \$40,383.00 incl GST to deliver an audio system suitable for Public Agenda Briefing Forums has been determined by a standard market competitive process of seeking three quotes.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

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

## SUSTAINABILITY

### Social Implications

20. Nil.

### Economic Implications

21. Nil.

### Environmental Implications

22. Nil.

## RISK MANAGEMENT CONSIDERATIONS

|     |   |                    |               |
|-----|---|--------------------|---------------|
| 23. | <b>Risk:</b> Public Briefing Forums may not be compliant with the intent behind the Disability Access and Inclusion Plan 2017 – 2022. |                    |               |
|     | <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
|     | Almost Certain  | Moderate           | High          |
|     | <b>Action/Strategy</b>  |                    |               |
|     | Upgrade the audio-visual systems within the Function Room.  |                    |               |

## OFFICER COMMENT

24. Conducting Public Agenda Briefing Forums provides enhanced community engagement opportunities.
25. The current location of the Public Agenda Forum is not consistent with the intent behind the *Disability Access and Inclusion Plan 2017 – 2022*.
26. Initial investigations conducted by the City using an audio visual consultant have confirmed that the estimated costs for upgrading the Function Room audio visual capability are approximately \$65,000 to \$70,000 exclusive of GST, professional fees, builders works and electrical and programming works.
27. Subsequent testing of the market has provided the City with a quote of \$40,382.00 incl GST to upgrade audio quality and functionality in the Function Room.

28. It is prudent to consider any upgrades to the Function Room incrementally within current budget constraints. The current cost of providing briefing forums in the Function Room entails hire of technical support and microphone facilities at around \$350 per session as well as staff time of 5.5 hours or \$250 to setup and pack away.
29. The proposed upgrade to the audio equipment only in the Function Room, will enhance the Function Room audio capabilities and be a more inclusive meeting room for those with disabilities.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

**RECOMMENDATION**

That Council:

1. NOTES the amended scope of works to upgrade the audio system within the Function Room.
2. NOTES the cost of \$40,383 incl GST to be funded from within the existing 2018/2019 Information and Communications Technology budget.

**11. Meeting Closed to the Public**

11.1 The Presiding Member asked all members of the public to leave in order for Council to discuss the confidential attachment to Item 10.2.2 Consideration of Tenders for the Provision of Fire Mitigation Maintenance Services (RFT 1813).

11.2 The meeting closed to the public at 7:39pm.

**12. Meeting Opened to the Public**

12.1 The meeting re-opened to the public at 7:45pm after discussing the Confidential Attachment.

12.2 No members of the public returned to the meeting.

**13. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 7:46pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2018.