

Public Agenda Briefing Forum

Tuesday 3 December 2019

Draft Agenda for the Ordinary Council Meeting 17 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.

www.kalamunda.wa.gov.au

city of
kalamunda



INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

The Briefing Session will be held in the Function Room of the City of Kalamunda commencing at 6.30pm.

Agenda Briefing Forums will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums that are conducted by the City of Kalamunda:

- a) Public Agenda Briefing Forums will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b) Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c) The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d) Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e) Relevant employees of the City of Kalamunda will be available to make a presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f) All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g) The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- h) Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i) Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council to review and confirm as being a true and accurate summary of the preceding forum.
- j) At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k) Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015* (**City's Standing Orders**)

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a) Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c) Public question time 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.
- d) Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e) Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- f) Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g) The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h) Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i) The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j) Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k) Questions and any responses will be summarised and included in the minutes of the meeting.
- l) It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a) Members of the public are invited to make statements at Briefing Forums.
- b) Statements made at a Briefing Forum must relate to a matter contained in the agenda.
- c) A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d) Public Statement Time will be limited to two (2) minutes per member of the public.
- e) Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f) Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time Is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g) Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h) Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i) A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j) Statements will be summarising and included in the notes of the Briefing Forum.

Questions in Writing

- a) Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b) The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c) Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d) The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e) The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f) Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g) A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h) Questions and any response will be summarised and included in the minutes of the meeting.

- i) It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a) Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) Questions of clarification 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.
- c) The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d) Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e) The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f) Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

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

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*.)

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.

4. Announcements by the Member Presiding Without Discussion

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.

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.

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced But Not Discussed

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.

BACKGROUND

4. 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.
5. The City currently has two existing DCAs; being Cell 9 in Wattle Grove and the Forrestfield/High Wycombe Stage 1 Industrial Area.
6. 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).
7. 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

8. 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.
9. 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.
10. IDCAs are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to the finalisation of a DCA.
11. 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.
12. 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.
13. 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.
14. The Policy was adopted by Council for the purpose of public advertising at the 27 August 2019 Ordinary Council Meeting.
15. The Policy was advertised from 12 September 2019 until 14 October 2019. No submissions were received.
16. 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

17. This Policy has been prepared under and in accordance with the Deemed Provisions.
18. Clause 6.5 of LPS3 outlines the statutory provisions for DCAs within the City.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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

27. 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.
28. This Policy is a Local Planning Policy prepared and adopted pursuant to the Deemed Provisions.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

30. The Policy was advertised from 12 September 2019 until 14 October 2019. No submissions were received.
31. 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

32. 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.
33. 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

34. *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

- 35. 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

- 36. 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

- 37. Nil

RISK MANAGEMENT CONSIDERATIONS

38.	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

- 39. 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.
- 40. The Policy will provide a well-documented and transparent procedure to guide the establishment and operation of IDCAs.
- 41. The Policy provides recommended conditions requiring the applicant to enter into an IDCA with the City. The recommended condition requiring an IDCA does not require the applicant to make a development cost contribution but, rather, requires the applicant to enter into a legally binding agreement with the local government to commit to making a contribution towards the costs of providing certain identified common services and community facilities when the DCA is finally approved.

42. 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.
43. From a planning perspective, the Policy is consistent with the applicable strategic and statutory planning framework and is consistent with orderly and proper planning.
44. No submissions were received during the public advertising period and therefore no modifications are recommended for the finalisation of the Policy.
45. 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]

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>		
	Likelihood	Consequence	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	<p>a) clearly defined scope of works and specifications have been developed;</p> <p>b) construction to be supervised by the City to validate quality; and</p> <p>c) the contract to be entered into provides for claims against the contractor for remedial action if needed.</p>		

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

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
Ability to Carry Out the Works	40%
Tenderers resources	40%
Occupational Safety and Health, Environmental Management	20%

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:
- Sprayking WA Pty Ltd;
 - Turfmaster Pty Ltd; and
 - 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:
- meeting or exceeding the qualitative assessment benchmark;
 - proven capacity and capability to undertake the work;
 - satisfying reference checks from previous clients;
 - satisfying independent financial reference checks of the proposed contractor; and
 - 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 to this report; and
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 to this report.

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.

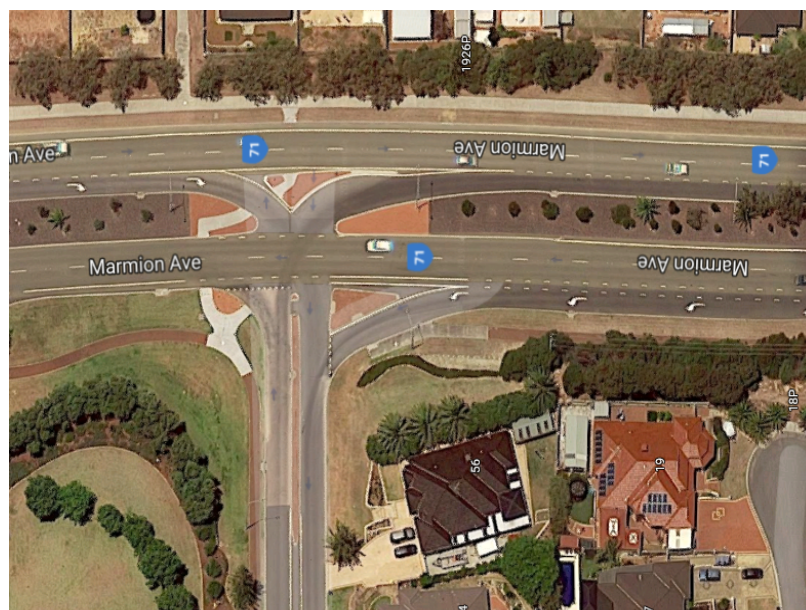
DETAILS

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:
- the funding agreement is to be executed by the City by 18 December 2019;
 - the roll out of three bins is to be completed no later than 30 June 2026;
 - payment will be available in the 20/21 Financial Year; and
 - 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.

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.		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
Clear communications strategy outlining the views of the community will be considered in any final decision.		

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

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 Forum and Ordinary Council Meeting 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	<ol style="list-style-type: none">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.

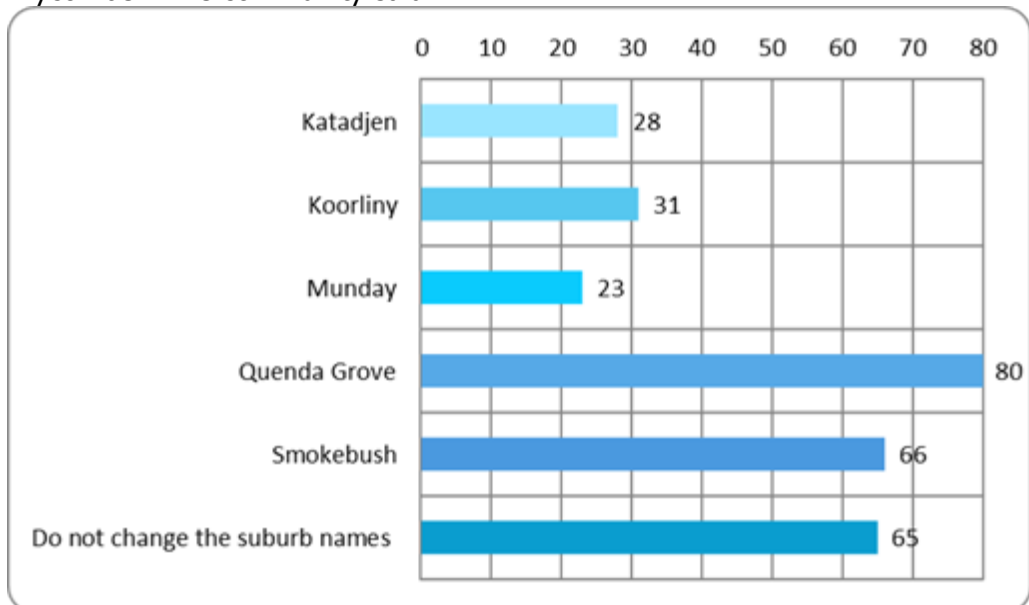
BACKGROUND

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:

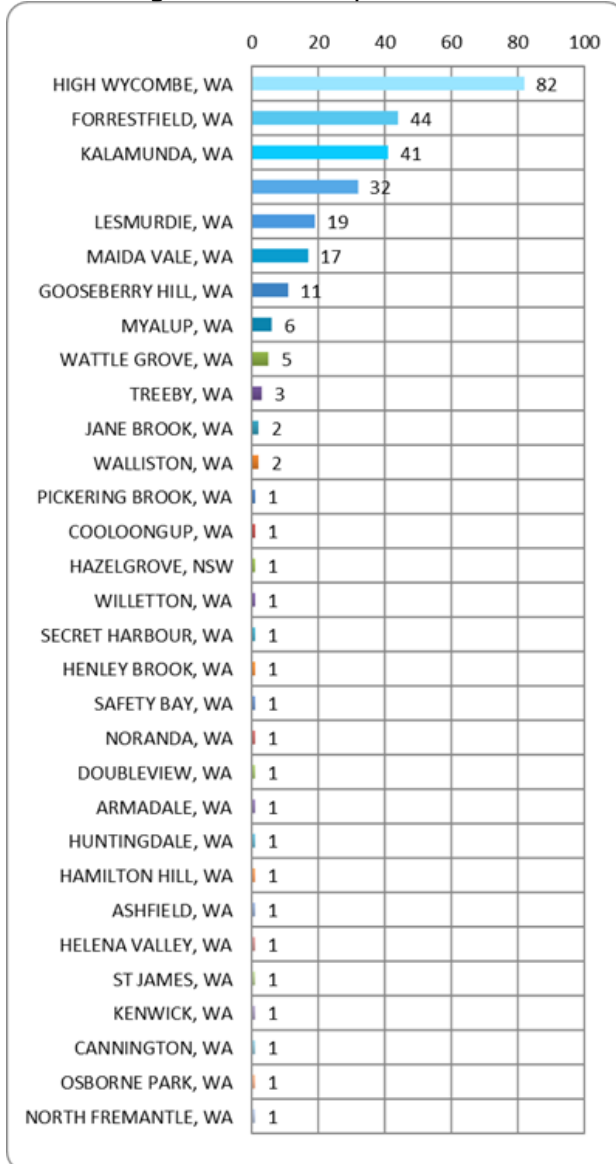


22.

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.

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.

11. Closure