



Public Agenda Briefing Forum

NOTES

8 February 2022



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1. Official Opening

The Presiding Member opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence

Councillors

South East Ward

Janelle Sewell
Geoff Stallard

South West Ward

Mary Cannon
Kellie Miskiewicz
Brooke O'Donnell (Deputy Mayor)

North West Ward

Sue Bilich
Lisa Cooper
Dylan O'Connor

North Ward

Andrew Osenton
Kathy Ritchie - Presiding Member
Margaret Thomas JP (Mayor)

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services
Brett Jackson - Director Asset Services
Peter Varelis - Director Development Services

Management Team

Chris Thompson - Manager Asset & Waste Services
James Wickens - Manager Environmental Health & Community Safety
Nicole O'Neill - Manager Customer & PR
Aleck Nortje - Coordinator Building Maintenance

Administration Support

Darrell Forrest - Governance Advisor
Sarah Griffiths - Council Support Officer

Members of the Public: 9

Members of the Press: Nil.

Apologies

John Giardina

Leave of Absence Previously Approved: Nil

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*.)

3.1.1 Nil.

3.2. Disclosure of Interest Affecting Impartiality

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

3.2.1 Nil

4. Announcements by the Member Presiding Without Discussion

4.1. Nil

5. Public Question Time

5.1 Questions by the Public were allowed following the presentation of the report

6. Public Statement Time

6.1 Statements by the Public were allowed following the presentation of the report

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1. Nil.

9. Confidential Items Announced But Not Discussed

10.2.2 Award of RFT 2115 - Provision of General Cleaning Services

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10. Reports to Council

10.1. Development Services Reports

10.1.1. City of Kalamunda - Dog Local Law 2022

The Manager Environmental Health & Community Safety provided a presentation on this report

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

Previous Items	OCM 50/2010, OCM 92/2020, OCM 260/2020
Directorate	Development Services
Business Unit	Community Safety
File Reference	3.009297
Applicant	N/A
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. City of Kalamunda Dog Local Law 2022 [10.1.1.1 - 21 pages] 2. City of Kalamunda Changes to Dog Local Law 2022 [10.1.1.2 - 10 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g., accepting tenders, adopting plans and budgets)
Information	For Council to note
Ⓡ Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

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 4: Kalamunda Leads**Objective 4.1** - To provide leadership through transparent governance.**Strategy 4.1.1** - Provide good governance.**Strategy 4.1.2** - Build an effective and efficient service based organisation.**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to re-consider the proposed City of Kalamunda (City) Dogs Local Laws 2022 (Local Law) in Attachment 1.
2. The provisions of the *Local Government Act 1995 (the Act)* require local governments to review local laws every eight (8) years. The current laws were gazetted in 2010 and are due for review.
3. Council commenced the statutory process on the 23 June 2020 for the Local Law at the Ordinary Council Meeting (OCM) when Council resolved to give public notice of its intention to make the new Local Law and seek submissions on the proposal. Following submissions, Council resolved to make the Local Law at the 15 December 2020 OCM.
4. The Joint Standing Committee on Delegated Legislation (JSCDL), however, recommended in September 2021 that the Local Law be disallowed due to it being considered invalid due to non-compliance with sections 3.12(4) and 3.13 of the *Local Government Act 1995 (Act)* concerning changes made post-public advertising.
5. In accordance with the Act, the process to make the Local Law must recommence from the start and therefore, it is recommended the draft City of Kalamunda Dogs Local Law 2022 be adopted for the purposes of seeking public comment.

BACKGROUND

6. The City of Kalamunda Dog Local Law 2021 was Gazetted on 16 April 2021, and copies of the Local Law supplied to the JSCDL shortly after.
7. The role of the JSCDL is to scrutinise subsidiary legislation in accordance with its terms of reference.
8. The JSCDL found that the City did not comply with the Act due to there being, what they consider, a significant difference between the advertised law and the adopted law, specifically in relation to the number of dogs permitted at a residence. The advertised Local Law permitted a maximum of four (4) dogs whereas the adopted Local Law only had a maximum of two (2) dogs.

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9. Changes can be made to a draft law during the drafting process, however, in doing so, the City in accordance with section 3.13 of the Act, should have restarted the local lawmaking process rather than adopting the local law with changes. In essence, the local law should have been re-advertised with the proposed change.
10. The JSCDL also noted two typographical errors being in clause 3.4(a) which referred to clause 3.5 where it should have referred to clause 3.3. The other error being in clause 4.12(1) which opened with the word 'An written application' whereas it should have stated 'A written application'. Please note both errors have been corrected in the draft local law.

DETAILS AND ANALYSIS

11. This draft local law is identical to the local law that was adopted by Council on the 15 December 2020 subject to the two grammatical errors which have been updated and the title of the local law being the Dogs Local Law 2022.
12. Key changes between the proposed 2022 local law and current 2010 local law are.
 - a) Additional definitions and all definitions consolidated into clause 1.5.
 - b) Added five additional clauses to Part 3 to provide clarity with respect to applications for keeping of additional dogs.
 - c) Amended clauses 5.1 and 5.2 to reflect changes to the Dog Act 1976 that now provides local government can designate Dog Exercise Areas and Prohibited Areas by resolution of the Council.
 - d) Updated Prescribed Offences and Modified Penalties to reflect current practice.
 - e) General wording changes to update and modernise the local law.
13. A complete summary of the changes is detailed in Attachment 2.

APPLICABLE LAW

14. *Dog Act 1976 and Local Government Act 1995*

APPLICABLE POLICY

15. Nil

STAKEHOLDER ENGAGEMENT

16. The local law has been subject to previous advertising and will be undertake further advertising for a period of six weeks.

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FINANCIAL CONSIDERATIONS

- 17. Administrative costs associated with the creation of the local law are met through the annual budget.

SUSTAINABILITY

Social Implications

- 18. Dogs are companion animals and can have positive impacts on people’s health and wellbeing. However, regulation is required to ensure dog behaviours can be controlled so as not to create a nuisance.

Economic Implications

- 19. Nil

Environmental Implications

- 20. Nil

RISK MANAGEMENT

21.	<p>Risk: The proposed new local law is not approved resulting in outdated local laws for the regulation of dog ownership.</p>		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Medium
	<p>Action/Strategy Ensure Council is aware that the legislation requires a review of Local Laws every eight (8) years.</p>		

CONCLUSION

- 22. The proposed *City of Kalamunda Dog Local Laws 2022* provides for the orderly and effective management of dogs within the City.

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Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. GIVE local public notification that Council proposes to make a new local law, the City of Kalamunda Dog Local Law 2022. (Attachment 1).
2. NOTE:
 - a) The purpose of the proposed local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises, the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas; and
 - b) The effect of the proposed local law is to extend controls over dogs which exist under the Dog Act 1976.

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10.2. Asset Services Reports

10.2.1. Submissions for the 2023 - 2024 Metropolitan Regional Roads Group Road Rehabilitation Projects Program


Director Asset Services provided a presentation on this report.

Councillors sought clarity regarding the projects and funding, Director of Asset Services responded.

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

Previous Items	OCM 39/2021
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00010195
Applicant	N/A
Owner	N/A
Attachments	1. Metropolitan Regional Roads Group Program 2023 2024 Summary of Projects [10.2.1.1 - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
 Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of submissions for funding as part of the 2023/2024 Metropolitan Regional Roads Group (MRRG) Road Rehabilitation Projects Program.
2. The MRRG program provides the opportunity for local governments to seek a grant from the state government of two thirds of the cost of projects for road rehabilitation projects. Funding is capped at \$750,000 per local government authority. The City has undertaken technical assessments across the road network and identified suitable projects that meet the grant criteria.
3. Council endorsement is requested for the seven projects being parts of Kalamunda Road, Mundaring Weir Road, Abernethy Road (3 sections), Berkshire Road, and Daddow Road.

BACKGROUND

4. Each year, Main Roads WA (Main Roads) invites project submissions for funding consideration as part of the MRRG Road Rehabilitation Projects Program. This report is to consider projects for the 2023/2024 financial year.

DETAILS AND ANALYSIS

5. Road Rehabilitation Projects are those proposed for existing roads where a failed road section is to be brought back to pre-existing physical condition. This can be through milling, resealing, reconstruction and resurfacing.
6. The City prepares grant submissions using the MRRG scoring system that includes the technical assessment of road condition (roughness, cracking, deformation, and other road defects).
7. When received by the MRRG, the submissions are reviewed, and a priority listing of all metropolitan local government authority projects are prepared. The list of projects is then reviewed by a sub-group of the MRRG and final list returned to Main Roads. Main Roads then makes recommendations to the State Road Funds to the Local Government Advisory Committee. The Cities of Kalamunda, Swan and Bayswater, Shire of Mundaring and Town of Bassendean form the eastern sub-group.
8. It is practice to submit bids for projects which exceed the cap allowable on the basis that during assessment each local government ultimately is

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usually funded for projects within the cap allowed, and those that don't receive funding are held in reserve if further funding becomes available during the relevant year.

9. The Minister for Transport and Planning ultimately approves the funding for the projects.
10. State supporting funding is currently capped at \$750,000 per local government authority. Funding for projects is on the basis of 2/3rds from the State and 1/3rd from the City. The City therefore would be required to fund \$375,000 to match the \$750,000 State funding.
11. The project costs allowable under the MRRG Scheme are based on 'core' design and construction costs only within the relevant funding year. It excludes City allocation of overheads beyond a fixed proportion of project costs and any design or preparatory works undertaken on projects before funding announcements made. Therefore the \$375,000 requirement for City funding for the approved projects also needs to be increased by an amount (determined at budget time) for the 'over and above' costs.
12. The following seven road rehabilitation projects have been prepared for submission to Main Roads, with further details in Attachment 1:
 - a) Kalamunda Road, Boonooloo Road to Faye Crescent;
 - b) Mundaring Weir Road, Railway Road to Crescent Road;
 - c) Abernethy Road, South Bound lanes just north of the Tonkin Highway On-Ramp;
 - d) Abernethy Road, North Bound slow lane just South of Hudswell Road;
 - e) Abernethy Road, North Bound median lane, just North of Grogan Road;
 - f) Berkshire Road, 100m North of Bonser Road to Ashby Close; and
 - g) Daddow Road, from City Boundary to Dundas Road.
13. The proposed treatments are all "mill and fill". This is where the existing surface and some pavement material is milled out using a type of grinding machine, and then new asphalt layers placed. In Attachment 1, the abbreviations used are:
 - a) PMB - polymer modified bitumen, a type of bitumen with elastic properties;
 - b) DGA - dense graded asphalt, an asphalt designed for high and heavy traffic loads;
 - c) SMA - stone mastic asphalt, an asphalt with a higher bitumen content for flexibility; and
 - d) SLK - straight line kilometre, a distance measure for roads.
14. Council's endorsement of these proposed projects is required to support the submissions for funding consideration. Submissions are due 22 April

2022. A submission does not bind the City to undertaking the works unless a budget is subsequently approved.

15. Advice on the successful projects for the 2023/2024 financial year is normally issued early in the calendar year, in this case early 2023. The City will then list the projects in the capital works program for consideration with the 2023/2024 budget.

APPLICABLE LAW

16. There is no relevant legislation.

APPLICABLE POLICY

17. The assessment and renewal of infrastructure assets is undertaken in accordance with Policy Service 4 – Asset Management.

STAKEHOLDER ENGAGEMENT

18. Being a technical assessment of road rehabilitation needs, no public consultation is normally undertaken. Owners, residents and businesses directly affected by each project will have community engagement during each relevant project planning and execution.

FINANCIAL CONSIDERATIONS

19. The list of Road Rehabilitation Projects for 2023/2024 outlined in Attachment 1 indicates a total estimated MRRG contribution of \$1,057,090 to undertake all projects. This exceeds the \$750,000 cap. This allows further consideration and prioritisation by MRWA to finalise an approved list of projects within the funding cap.
20. Should the City be successful in achieving grant funding totalling in the order of \$750,000 as part of the 2023/2024 program, then it will need to contribute in the order of \$375,000 plus 'over and above' overheads from municipal funding.
21. The 2023/2024 and future years of the City's Capital Works Program include the maximum grant of \$750,000 and the City's contribution of \$375,000.
22. This level of investment is consistent with the average annual capital spend on Roads Renewals set out in the Roads Asset Management Plan adopted by Council in October 2018.

SUSTAINABILITY

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23. There are no direct sustainability implications arising from the projects, however, milled old asphalt is commonly reused as pavement materials in other projects.

RISK MANAGEMENT

24.

Risk: The City fails to secure grant funding leading to additional rates funding needs.		
Consequence	Likelihood	Rating
Major	Unlikely	Medium
Action/Strategy		
The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program.		

25.

Risk: The City fails to receive grant funding and is unable to rehabilitate the roads. The projects identified for the grants are reaching the end of their life and are expected to fail within a few years. This would have a significant economic impact on the community and reputational impact on the City.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program.		

CONCLUSION

26. As part of an ongoing, annual process, the City has assessed seven projects for consideration with the MRRG Road Rehabilitation Project Program. The projects required specialist technical assessments of road condition such as rutting and deformation.
27. The resulting projects all meet the criteria for funding and will be shortlisted by the MRRG Eastern Sub-group with formal advice ultimately received from the Minister for Transport and Planning. Council endorsement is required for the submissions, with the final list of projects to be considered as part of the 2023/2024 capital works program budget.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the City of Kalamunda submission of projects for the 2023/2024 Metropolitan Regional Roads Group Road Rehabilitation Projects Program, as set out in Attachment 1.

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10.2.2. Award of RFT 2115- Provision of General Cleaning Services


Manager Asset & Waste Operations provided a presentation on this report.

A Councillor sought clarity regarding zones and impact on residents. The Manager responded.

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

Previous Items	OCM 139/2016
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-001
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> <i>"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>

TYPE OF REPORT

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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of RFT 2115- Provision of General Cleaning Services.
2. It is recommended that that the Council accepts the tender(s) from:
 - a) CSCH Pty Ltd trading as Charles Service Company, ACN 619 947 429 for the cleaning of the South Zone; and
 - b) Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning, ACN 082 965 964, for cleaning of the Central Zone including the BBQ's throughout the City as per the schedule of rates set out in the Confidential Attachment 1 to this report.
3. The estimated expenditure within this contract is \$650 000 (excl. GST) per annum with an initial term of three years and two further one year extensions at the City of Kalamunda's (City) discretion.

BACKGROUND

4. The City sought to engage a suitable Contractor or Contractors for the Provision of General Cleaning Services throughout City owned and operated facilities and assets.
5. The services proposed primarily consists of general day to day cleaning to Community Facilities and City occupied facilities as well as all the BBQ's in City parks and reserves.
6. The scale of these services are such that they are split into 2 separate contracts South & Central, in order to facilitate a broad as possible range of potential contractors.

DETAILS AND ANALYSIS

7. The Request for Tender (RFT 2115) was issued through the City's E-Tendering website: www.tenderlink.com/kalamunda and by way of an advertisement in the West Australian newspaper on Saturday 16 October 2021. Receipt of Tender submissions closed at 2.00pm AWST Friday 26 November 2021.

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8. Tender submissions were received from:
 - a) CSCH Pty Ltd trading as Charles Service Company
 - b) GJ & K Cleaning Services Pty Ltd
 - c) Iconic Property Services Pty Ltd
 - d) Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning
 - e) Spick & Span Commercial Property Maintenance Pty Ltd
 - f) DMC Cleaning Corporation Pty Ltd
9. An Evaluation Panel was convened of suitably 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, these were set out in the tender invitation).
11. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	20%
Key Personnel Skills & Experience	25%
Tenderer's Resources	20%
Demonstrated Understanding	30%
Local Benefits	5%

12. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria.

The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.
13. Of the six tender submissions only four met the required QPM of 60% or above and progressed to the next stage. These tenderers were, CSCH Pty Ltd trading as Charles Service Company, Office Cleaning Experts trading as OCE Corporate Cleaning, Spick and Span Commercial Property Maintenance Pty Ltd and Iconic Property Services Pty Ltd.
14. A price assessment was then undertaken 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 tenderers submissions best satisfied the City's requirements by:

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- a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to provide general cleaning services throughout the City;
 - c) have the skills and experience to carry out all general cleaning services requested in this contract;
 - d) Available 24/7 for emergency works; and
 - e) providing the best value for money outcome.
17. Of the four qualifying and compliant qualitative tender responses, CSCH Pty Ltd trading as Charles Service Company and Office Cleaning Experts trading as OCE Corporate Cleaning provided the lowest total value for the required services.
18. The Evaluation Panel recommends the City separate the Central and South Zone for ensuring best value for money and best possible coverage through the City, especially in the current environment.
- Recommendation as follows:
- a) that the contract for RFT 2115- Provision of General Cleaning Services be awarded to CSCH Pty Ltd trading as Charles Service Company for the cleaning to all facilities within the South Zone; and
 - b) Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning for the cleaning of all facilities and BBQ's within the Central area as set out in Confidential Attachment 1.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

21. The use of cleaning services under this contract will form part of approved annual budgets in Building Maintenance.

SUSTAINABILITY

22. Clause 2.20 of the tender request states all consumables must be environmentally friendly, child safe and economical cleaning products for the cleaning of premises so that activities are managed in a way to avoid or minimise the potential for air, water, and soil pollution.

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23. Clause 4.4 (4.4.1 to 4.4.4), of the tender request states that the awarded contractor(s) will comply with all statutes, regulations and by-laws relating to the protection of the environment.

RISK MANAGEMENT

24.

Risk: The Contractor(s) fails to provide skilled and experienced personnel to complete scope of works as set out in this request (in terms of time and quality) leading an increased safety risk to the public, City staff and pest infestations through public and staffed facilities.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
a) Ensure that City's expectations and the scope of works are clearly communicated at the start up meeting.		
b) Ensure regular inspections are done to ensure Contractor(s) KPI's are met.		
c) Address any issues immediately.		

25.

Risk: The City fails to implement a cleaning contract will lead to unsanitary facilities and working conditions. Can also damage the City's reputation as our facilities will not comply or present in an appropriate or acceptable standard. Failing to provide a clean and safe working space for staff will also lead OHS issues, especially in the current (COVID) environment.		
Consequence	Likelihood	Rating
Significant	Likely	Extreme
Action/Strategy		
a) The recommendation is that the City engages suitable contractors to provide this service.		
b) It is not recommended that the City undertakes these works in house as it would not be cost efficient.		

CONCLUSION

26. The delivery of Tender RFT 2115 - Provision of General Cleaning Services will allow the City to carry out regular/ day to day cleaning, any additional or specials cleaning the City may require as well as periodical cleaning that may be required by various departments throughout the City. The City is satisfied that the recommended tenderers have the capability, capacity, along with experienced staff and resources available to provide the City with the required general cleaning services.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender RFT 2115 - Provision of General Cleaning Services to provide general cleaning services, periodical cleaning and any other cleaning requirements as directed by the City of Kalamunda from CSCH Pty Ltd trading as Charles Services Company ACN 619 947 429 for cleaning of the South Zone, and Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning ACN 082 965 964 for the cleaning of the Central zone including all the BBQ's throughout the City as set out in Confidential Attachment 1, for the initial three-year contract with two further one-year extensions at the sole discretion of the City of Kalamunda.

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10.3. Corporate Services Reports

10.4. Office of the CEO Reports

10.4.1. Request for Naming of Park - Mr Noel Morich

The Manager Customer & PR provided a presentation on this report.

Councillors sought clarity regarding process. The Manager answered.

Public Statements were given by Mr Noel Morich Jr and Mr Terry Morich in support of the recommendation.

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer and PR
File Reference	
Applicant	City of Kalamunda
Owner	
Attachments	<ol style="list-style-type: none"> 1. SE O 18157 P 0421111815250 [10.4.1.1 - 1 page] 2. bush tucker [10.4.1.2 - 1 page] 3. bush tucker 2 [10.4.1.3 - 1 page] 4. Further detail on the Life of Noel Morich [10.4.1.4 - 6 pages]

TYPE OF REPORT

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STRATEGIC PLANNING ALIGNMENT

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Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.2 - Empower, support and engage all of the community.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for council to consider a request for the naming of a Park after a well-respected member of the City of Kalamunda (City) community.
2. The family of the late Noel Morich who was a respected Aboriginal Elder has submitted the request for a portion of land in the Hales Estate, Forrestfield to be named after him.
3. The report recommends endorsement of the naming for the purpose of public advertising.

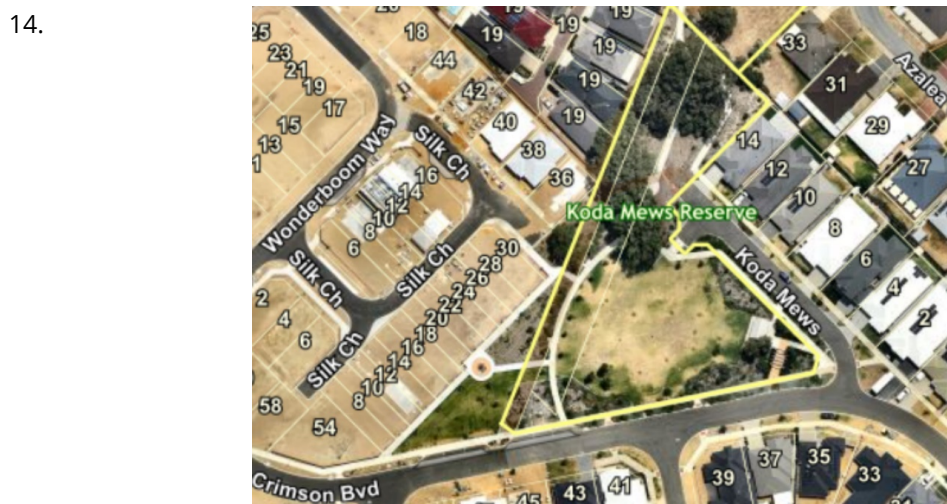
BACKGROUND

4. Council recently adopted a Policy – Governance 19 Naming of Parks, Reserves, Streets and Infrastructure, to assist in considering such requests.
5. The City received the request from the family of the Late Mr Noel Morich to name a Park after Noel.

DETAILS AND ANALYSIS

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6. Mr Bernard (Noel) Morich was born on 30 January 1944 and moved to Forrestfield in 1979. He passed away in 2016 at the age of 72. His wife still resides at the family home.
7. Noel was employed at the Education Department, he worked as the sole Aboriginal Liaison Officer in the Perth Metropolitan Area, including schools in the district.
8. In this work he played a vital role in teaching culture and supporting Aboriginal Students attending schools throughout Perth.
9. In his later years he was involved in many Welcome to Country's, Heritage work and was a part of the Whadjuk Working Party from the early 2000's. This group undertook significant work with the City as a part of the development undertaken at the Hartfield Park Maamba site
10. The family has requested the site bordered by Koda Mews and Crimson Boulevard in Forrestfield be named Noel Morich Reserve.
11. The Reserve (53723) is officially unnamed with Landgate having been newly created as a part of the Hales Estate.
12. It is currently referred to, based on the road it is on, as 'Koda Mews reserve' however this is not an official name.
13. The name must adhere to the requirements of Policies and Standards for Geographical Standards for Geographical Naming in Western Australia.



15. Mr Morich is considered a figure of local historical note and the City supports the naming of the site in recognition of the significant work he has undertaken in teaching Aboriginal history, heritage and culture in the district for close to 40 years. Additional information is provided in Attachments 2 - 4.

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16. The request has been assessed in accordance with Council Policy Governance 19: Naming of Parks, Reserves, Streets and Infrastructure.

APPLICABLE LAW

17. *Local Government Act 1995.*
 18. Section 26 and 26A of the *Land Administration Act 1997.*

APPLICABLE POLICY

19. Governance 19 - Naming of Parks, Reserves, Streets and Infrastructure.
 20. City of Kalamunda Reconciliation Action Plan

STAKEHOLDER ENGAGEMENT

21. The family of Mr Morich are supportive of the naming request.
 22. The City has also received a letter of support (Attachment 1) from the Hon Ken Wyatt MP who worked with Mr Morich in his career at the Department of Education.
 23. The City would be required to engage with the community by undertaking public consultation, supported by advertising across a range of mediums.
 24. Community support for the name would be required for Landgate to give consideration to the proposal.

FINANCIAL CONSIDERATIONS

25. Public advertising will cost \$300.

SUSTAINABILITY

26. Nil.

RISK MANAGEMENT

27.

Risk: Community may not agree with the name.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		

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Undertake broader community consultation.

CONCLUSION

- 28. Mr Morich dedicated close to 40 years to the district, teaching culture and history and has made a significant contribution to the region.
- 29. There is substantial evidence of works undertaken by Mr Morich for the benefit of the community.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the naming of “Noel Morich Park”, at Reserve 53723, the site bounded by Koda Mews and Crimson Boulevard in Forrestfield for the purposes of public advertising and report to Council on the outcome.

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10.4.2. Kalamunda Agricultural Society Memorandum of Understanding

The Manager Customer & PR provided a presentation on this report.


Councillors sought clarity regarding MOU and the impacts on the length and funding. The Manager answered.

Mr Wayne Garwood provided a Public Statement in support of the recommendation. Councillors asked Mr Garwood questions and answers were provided

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer and PR
File Reference	
Applicant Owner	Kalamunda & District Agricultural Society
Attachments	1. Kalamunda Show MOU 22 [10.4.2.1 - 20 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
 Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.2 - Empower, support and engage all of the community.

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 4: Kalamunda Leads

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a draft Memorandum of Understanding (MOU) with the Kalamunda and Districts Agricultural Society (KDAS).
2. The City of Kalamunda (City) has been a long-time supporter of the KDAS in its delivery of the annual Kalamunda Agricultural Show at Kostera Oval.
3. The recommendation is to approve the Memorandum of Understanding.

BACKGROUND

4. Originally the Agricultural Society owned the Agricultural Hall and the Grounds (now Kostera Oval).
5. In 1922 the Agricultural Society found they could not finance the upkeep of the Hall and grounds and the decision was made to hand the Hall and grounds to the Darling Range Road Board.

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- 6. In 1961 the current name ‘Kalamunda and Districts Agricultural Society’ became the permanent name of the KAS, who operate both the Kalamunda Show and the Spring Flower Show.
- 7. The Show is now entirely organised by the KDAS. In recent years, the Show has shown a resurgence amongst the community with strong attendances and attracts many visitors from outside the district.
- 8. In 2022 the 122nd Kalamunda Show will be held. The Show has operated since 1898, with only a couple of years missed in continuous operation, most recently as a result of COVID-19.

DETAILS AND ANALYSIS

- 9. The Memorandum of Understanding is designed to ensure there is clear guidance on the responsibilities of the KDAS and the City in respect to the grounds, agreements to utilise Kostera Oval and the Kalamunda Performing Arts Centre, storage of equipment, and associated items.

APPLICABLE LAW

- 10. *Local Government Act 1995.*

APPLICABLE POLICY

- 11. Service 06 - Events Sponsorship and Donations

STAKEHOLDER ENGAGEMENT

- 12. The City has worked with the KDAS in the development of the MOU.
- 13. The KDAS are supportive of the MOU.

FINANCIAL CONSIDERATIONS

- 14. Any financial support is subject to the Annual Budget process.

SUSTAINABILITY

- 15. The KDAS work each year to ensure they have a strong base of support, volunteers, other funding sources (sponsorships and donations) to ensure it is sustainable.

RISK MANAGEMENT

- 16.

Risk: The City does not enter into a Memorandum of Understanding with the Kalamunda & Districts Agricultural Society and therefore parties responsibilities are not clear.

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Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure a MOU is developed, approved and executed in a timely manner.		

CONCLUSION

17. Officers recommend approval of the MOU, which clearly outlines roles and responsibilities in regard to the operations of the KDAS and any support received from the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. APPROVE the Memorandum of Understanding between the City of Kalamunda and the Kalamunda & District Agricultural Society.
2. REQUEST the Chief Executive Officer to arrange execution of the Memorandum of Understanding.

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11. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7.08pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2022.