



Shire of  
Serpentine  
Jarrahdale

# Special Council Meeting Agenda

**5.00pm**

**Monday, 3 February 2020**

**Purpose:** Developer Contribution Arrangements – Lot 102 Abernethy Road, Byford

Award Request for Tender – RFT 10/2019 – Construction of Limestone Firebreaks

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## Contact Us

### Enquiries

Call: (08) 9526 1111  
Fax: (08) 9525 5441  
Email: [info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au)

### In Person

Shire of Serpentine Jarrahdale  
6 Paterson Street, Mundijong WA 6123  
Open Monday to Friday 8.30am-5pm (closed public holidays)



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



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## Table of Contents

1. Attendances and apologies (including leave of absence): .....	4
2. Public question time: .....	4
2.1 Public questions .....	4
3. Public statement time: .....	4
4. Petitions and deputations: .....	4
5. Declaration of Councillors and Officers interest: .....	4
6. Receipt of reports: .....	4
6.1 Reports .....	5
6.1.1 – Developer Contribution Arrangements – Lot 102 Abernethy Road, Byford (SJ1393-03) .....	5
6.1.2 – Award Request for Tender – RFT 10/2019 – Construction of Limestone Firebreaks .....	17
7. Motions of which notice has been given: .....	26
8. Urgent business: .....	26
9. Closure: .....	26

The purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council's Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the resolutions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



### Councillor Attendance Register

In accordance with Ordinary Council Meeting, 16 December 2019, Resolution OCM293/12/19, clause 5 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings and Policy Concept Forums”.

#### October 2019 -

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Denholm	Cr McConkey	Cr Strange	Cr Strautins
16/12/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/11/19	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
04/11/19	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/10/19	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LOA – Leave of Absence

NA – Non Attendance



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Dear Elected Member

A Special Council Meeting of the Shire of Serpentine Jarrahdale will be held on Monday, 3 February 2020 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong – commencing at 5.00pm.

Paul Martin  
**Chief Executive Officer**

24 January 2020

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## Agenda

- 1. Attendances and apologies (including leave of absence):**
- 2. Public question time:**
  - 2.1 Public questions**
- 3. Public statement time:**
- 4. Petitions and deputations:**
- 5. Declaration of Councillors and Officers interest:**
- 6. Receipt of reports:**



## 6.1 Reports

<b>6.1.1 – Developer Contribution Arrangements – Lot 102 Abernethy Road, Byford (SJ1393-03)</b>	
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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### Report Purpose

The purpose of this report is to recommend to Council a process in which to address the development cost contribution for Lot 102 Abernethy Road, Byford. This land comprises Salvado Catholic College, which is required to make cost contribution in accordance with Development Contribution Area No. 1 (Byford) pursuant to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("Scheme"). The Scheme provides two options in respect of how the cost contribution liability is to be calculated, imposed and paid by the landowner. This report recommends Council endorse the shared use agreement option, to provide for public access to district open space on the College site agreed to the satisfaction of the Shire.

It is the Officer's position, that a number of stages of the College's development have been permitted to proceed, without any actual payment having yet been insisted on noting the presence of two options in calculating this payment.

This creates an uncertain financial risk for both parties, and in accordance with the JDAP decision on the latest stage of the school's development dated 12 November 2019, it is necessary to address this issue.

### Relevant Previous Decisions of Council

*Ordinary Council Meeting – 25 August 2014 - OCM030/08/14 - extract*

*COUNCIL DECISION / Alternative Motion:*

- A. *Note that the application for the proposed construction of stage one school buildings for the Byford Catholic College – Lot 281 Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.*



*Ordinary Council Meeting – 8 December 2014 - OCM096/12/14 - extract*

*COUNCIL DECISION / Officer Recommendation:*

*That Council:*

- A. Note that the application for the proposed amendment for stage one car park of Byford Catholic College – Lot 281 Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.*

*Ordinary Council Meeting – 19 December 2016 - OCM217/12/16 - extract*

*COUNCIL DECISION / Alternative Recommendation:*

*That Council:*

- 1. Adopt the Community Infrastructure and Public Open Space Strategy included in the attachment OCM217.1/12/16 with the exception of Appendix A: Schedule of Community Infrastructure.*

*Ordinary Council Meeting – 14 October 2019 - OCM219/10/19*

*COUNCIL RESOLUTION / Officer Recommendation*

- 1. That Council ENDORSES the Responsible Authority Report contained within attachment 1, which recommends that the Metropolitan East Joint Development Assessment Panel approve the proposed extension to the Salvado Catholic College at Lot 102, 115 Abernethy Road, Byford, including the following conditions:*
  - a. Prior to commencement of works, a Construction and Operational Management Plan shall be prepared and approved by the Shire of Serpentine Jarrahdale and thereafter implemented for the duration of construction. The Construction and Operational Management Plan shall be prepared with a view towards managing dust, noise, and traffic impacts that may occur as a result of construction.*
  - b. Prior to commencement of works, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale and implemented in its entirety thereafter.*
  - c. Prior to commencement of works, a Mosquito Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale and implemented in its entirety thereafter.*
  - d. Prior to commencement of works, an amended Transport Impact Assessment shall be submitted to and approved by the Shire of Serpentine Jarrahdale.*



- e. *Prior to commencement of works, a revised site plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale, taking into account any modifications to the access from Abernethy Road recommended by the amended Transport Impact Assessment.*
- f. *Prior to occupation, a Traffic Management and Parking Plan shall be prepared in accordance with the recommendation of the Transport Impact Assessment (as amended), submitted to the Shire of Serpentine Jarrahdale for approval and thereafter implemented in its entirety.*
- g. *Prior to occupation, the landowner/applicant shall pay a contribution to the Shire for the establishment of public art or provide a public art installation in accordance with Local Planning Policy 1.6 – Public Art, to a value of 1% of the construction value of the development.*
- h. *Prior to the issue of a building permit, the landowner/applicant must contribute towards development infrastructure provisions pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*
- i. *The proposed development shall provide no less than 79 bicycle parking spaces in accordance with Local Planning Policy 4.15 – Bicycle Facilities to the satisfaction of the Shire of Serpentine Jarrahdale.*
- j. *The Bushfire Management Plan attached to and forming part of this approval shall be implemented in its entirety for the duration of the development, unless otherwise amended as part of subsequent approvals.*
- k. *The Urban Water Management Plan attached to and forming part of this approval shall be implemented in its entirety for the duration of the development, unless otherwise amended as part of subsequent approval.*
- l. *The development complying with the Environmental Protection (Noise) Regulations 1997 at all times to the satisfaction of the Shire of Serpentine Jarrahdale and the Department of Water, Environment and Regulation.*
- m. *A minimum of 88 additional car parking bays being provided onsite, and thereafter maintained to the specifications and satisfaction of the Shire of Serpentine Jarrahdale. The car parking area(s), including associated access ways and driveways, are to be designed, paved, line marked and drained to the satisfaction of the Shire. Details to be submitted to and approved by the Shire prior to the issue of a Building Permit.*

## **Background**

Salvado Catholic College, Lot 102, 115 Abernethy Road, Byford is bound by Abernethy Road to the north, Warrington Road to the west, and Mead Street to the south. The eastern boundary adjoins the Byford Secondary College site. The land to the south is the Shire's district recreation facility Briggs Park, and the adjoining Bush Forever site.

The school has completed the administration block and primary school development components, and in accordance with its master plan will ultimately provide a K to year 12 learning experience. Previous development has been in two main stages to date:



2015 - Administration Block, Teaching Block, Classroom Block and Covered Assembly Area  
2017 - Provision of 2 further teaching blocks, one multi-use resource block, covered walkways.

The next main stage is the first of the high school component.

Discussions with the Shire in respect of developer contribution arrangements date back to 2012, and evidently should have been concluded upon prior to development of the school commencing. Previous discussions have focussed on both parties pursuing the cost contribution option that reflects a shared use agreement for district open space on the school grounds. This would enable community access for sporting purposes on a shared arrangement with the school, accessing an agreed district level oval delivered by the school on its land.

The landowner, being the Roman Catholic Archbishop of Perth, is subject to making a cost contribution in accordance with Development Contribution Area No. 1 (Byford) pursuant to the Scheme. This provides two options in respect of calculating and imposing the cost contribution liability as follows:

#### Calculation options

**Non shared use option** - Non-residential subdivision or development the R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate.

(Precinct contribution rate per lot/dwelling x DER x D x R20 subdivision/development potential of the site – the equivalent of one lot or one dwelling = Required development contribution)

$130,554\text{m}^2 / 450\text{m}^2 = 290.12$  lot equivalent – 1 parent lot = 289.12 lots

Contribution per lot (as at first Building Permit 26/02/15) = \$14,292.61

**Total Due: 289.12 lots x \$14,292.61 = \$4,132,279.40**

This effectively takes the entire landholding of the school (13ha) and divides it by the average R20 lot size of 450sqm. In other words, it anticipates a conventional residential subdivision of the land, which would yield approximately 290 lots.

**Shared use option** - For private education establishments and associated development, provided a shared use agreement for public access to district open space is agreed to the satisfaction of the Shire, development contributions shall be levied at the 0.3 percent of the total development costs of the site, as agreed with the Shire based on the building licence application.

<b>Planning Application #</b>	<b>Total Value</b>	<b>0.3% of Total Value</b>
P09128/01	\$11,328,250.00	\$33,984.75
PA17/713	\$8,700,000.00	\$26,100.00
PA18/873	\$75,000.00	\$225.00
PA19/622	\$1,000,000.00	\$3,000.00
PA19/797	\$10,923,577.00	\$32,770.73
<b>Total to date</b>		<b>\$96,080.48</b>





### Rational for the difference

The underlying rationale for this difference in calculation is important to define. It is noted that the landowner / College benefits from, and places a load upon the infrastructure provided for by the Development Contribution Plan within DCA 1. However, the Scheme recognises that it is also fair and equitable to allow the College to off-set the value of its provision of facilities for public use in so far as they can be seen to contribute, in effect, to the provision of district open space that would otherwise need to be provided elsewhere. This is given effect in the form of the concessionary rate of 0.3% of development cost.

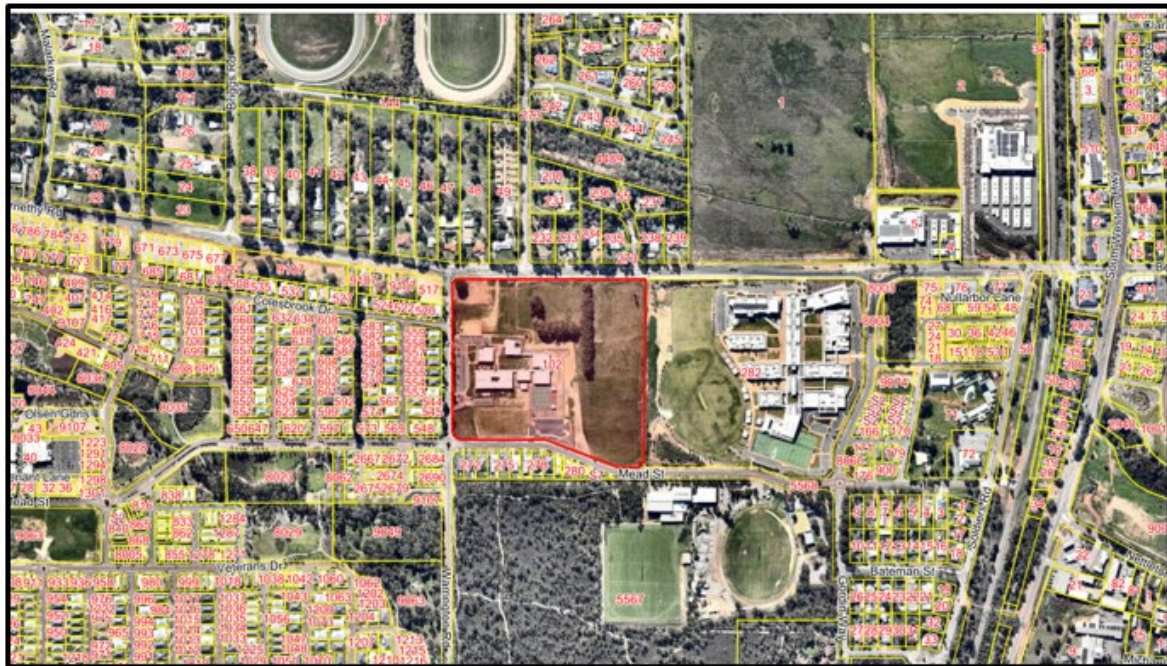
The Scheme development contribution report defines the rationale for pursuing a shared use agreement on the basis that “there are significant economies of scale and efficiencies involved which will allow schools to become a focal point for the community.”

Importantly, it is a shared use agreement for public access to district open space agreed to the satisfaction of the Shire. The absence of a shared use agreement would require the payment of the cost contribution of \$4,132,279.40. This effectively accounts for these funds being needed to establish a district open space facility elsewhere within the contribution area.

The landowner have indicated their interest to enter into a shared use agreement option for the Salvado College Oval. The master plan for the College is shown following, with the areas in red showing the oval and associated surrounding areas:



**Master Plan and nominal shared use oval area**



Aerial Photograph

### Community / Stakeholder Consultation

The Shire has been in discussions dating back to 2012 with the landowner and Catholic Officers have recently met with the School Principal, representatives of Catholic Education and the School Board as part of seeking to address this issue. Three separate meetings have occurred since December 2019.

It is noted by all stakeholders that addressing this issue will provide certainty to inform the design and delivery of future school stages, and also how the Shire facilitates its sport and recreation opportunities for the community.

### Statutory Environment

The most important elements of the planning framework in this regard are:

- State Planning Policy 3.6 Development contributions for infrastructure.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

### Comment

As mentioned above, the Scheme structures a specific development contribution area for Byford. In respect of the private education establishments, it provides for an effective concessionary rate for the cost contribution liability dependent on the existence of a shared use agreement.

This variation recognises that the landowner / College benefits from, and places a load upon, the infrastructure provided for by the Development Contribution Plan within DCA 1. However, the Scheme recognises that it is also fair and equitable to allow the College to off-set the



value of its provision of facilities for public use in so far as they can be seen to contribute, in effect, to the provision of district open space that would otherwise need to be provided elsewhere. This is given effect in the form of the concessionary rate of 0.3% of development cost.

The most recent development approval issued by JDAP, being for the first stage of the senior school and dated 12 November 2019, includes the following condition:

*8. Prior to the issue of a building permit, the landowner/applicant is to enter into suitable arrangements with the Shire of Serpentine Jarrahdale for payment of development contributions pursuant to CI 9.3.13.2 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*

This creates the necessity to now address this issue.

#### Shared use option

If a shared use agreement for public access to district open space is agreed to the satisfaction of the Shire, development contributions shall be levied at the 0.3 percent of the total development costs of the site, as agreed with the Shire based on the building licence applications.

The shared use option is essentially a staged contribution, and to date the landowner would pay the Shire \$96,080.48 if that option was agreed. This figure is up to and including the current stage of development, as approved by JDAP on 12 November 2019. This figure is specifically made up of the following stages of development that have occurred, and will occur:



Planning Application #	Building Permit Application #	Description	PA Value	0.3% of PA
P09128/01		Stage 01 value – K-1 Primary To Secondary College for the catholic education office of WA Buildings to include an Administration Block, Covered Assembly & Teaching Block with carpark and siteworks.	\$11,328,250	<b>\$33,984.75</b>
	BA15/246	Proposed Administration Block, ELC Teaching Block, Classroom Block and Covered Assembly – \$10,191,685 – permit issued 26/02/2015		
PA17/713		Stage 2 - Provision of 2 teaching blocks, one multi-use resource block, covered walkways	\$8,700,000	<b>\$26,100.00</b>
	BA17/1120	1 transportable classroom - permit issued 19/1/18		
	BA18/390	Classrooms x 2 and resource centre, covered walkway - permit issued 11/7/18		
PA18/873		Playground	\$75,000	<b>\$225.00</b>
	n/a			
PA19/622		Internal earthworks for new carparking, paving and soft landscaping; levelling and compaction	\$1,000,000	<b>\$3,000.00</b>
	n/a			
PA19/797		Stage 3 - Construction of new teaching building, new carparking, paving and soft landscaping	\$10,923,577	<b>\$32,770.73</b>
	Not yet received			
<b>Totals</b>				<b>\$96,080.48</b>



### Non shared use option

If a shared use agreement for public access to district open space is not agreed, then the R20 subdivision/development potential of the site (minus the equivalent of one lot or dwelling) multiplied by the applicable development contribution rate. This results in the contribution liability of \$4,132,279.40.

### Recommended approach

Notwithstanding the delivery of the redeveloped Briggs Park oval, Shire Officers consider a shared use agreement to be preferred, given the already known pressures being placed on the Shire's active sporting ovals. Particularly in respect of Byford, it has a current population of almost 20,000, and is planned to grow to between 50,000 to 70,000 people. Much of Byford's open space requirement is allocated to managing environmental constraints through linear multiple use corridors. This limits areas being available for active open space, especially sporting ovals, and for this reason, having a further district level open space is critical to the future sporting and active recreational needs of the community.

Considering an ultimate population of between 50,000 to 70,000 people, the adopted Community Infrastructure Implementation Plan (August 2017) states that the ratio required for district open space is 1: 15,000 – 25,000. Adhering to these guidelines ensures that facilities and open spaces are accessible to our current and future community, and the planning for Byford sees the need to secure this in the form of a shared use agreement for the College's future oval. This will supplement Briggs Park as currently the only district open space located in Byford, and ensure flexibility to respond to emerging sporting needs of our community.

In the absence of an appropriate legal mechanism to ensure that the College will make its facilities (district open space) available to the community, the default contribution rate based on an as-if-R20 development potential is applicable. Due to the urgency associated with the next stage of development, being the first stage of the high school, officers do not have sufficient time in which to work with the College to develop and secure an appropriate shared use agreement prior to the issue of a building permit. Accordingly, a legal agreement is recommended to Council to establish the shared use agreement, and to also require the payment of outstanding contributions owed to date based on the concessional contribution amount.

The legal agreement is the statutory mechanism that will enable the Shire to work with the landowner to reach a shared use agreement to the Shire's satisfaction.

Without limiting the content of a legal agreement, it would need to address the following issues:

1. Timeline to prepare and parties involved
2. Defining the design vision for the district open space
3. Undertaking concept design and timelines for delivery of the oval and the associated (supporting) infrastructure
4. Defining the terms of sharing
5. Finalising the shared use agreement

If a shared use agreement was not achieved to the Shire's satisfaction, the landowner will be liable to meet its development cost contribution based on the non-shared use option.



## Options and Implications

### Option 1

Council resolves to enter in to a legal agreement with the landowner, to create a shared use agreement for the future district open space oval on the College site, and requires the payment of the concessional contribution rate up to and including the latest approved stage prior to the issue of a building permit.

### Option 2

Council requires the full development contribution cost, based on no shared use agreement being pursued. This to be paid in a staged manner, with the Shire acting reasonably in this regard.

Option 1 is recommended.

## Conclusion

The landowner is subject to DCA1 under the Scheme. The cost contribution amount depends on whether the Shire chooses to enter a shared use agreement to its satisfaction, to enable community access to the future district open space oval on the College site. Officers consider the current and emerging sporting needs of our community to drive a preferred option as a shared use agreement for the future oval.

Officers have had recent consultation with the landowner, who support the shared use agreement option. It is recommended this be supported by Council.

## Attachments

- **6.1.1 - CONFIDENTIAL attachment 1 – Legal Advice (IN20/1657)**

## Alignment with our Strategic Community Plan

<b>Outcome 1.1</b>	A healthy, active, connected and inclusive community
<b>Strategy 1.1.1</b>	Provide well planned and maintained public open space and community infrastructure
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.2</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

## Financial Implications

As the legal agreement is a mechanism associated with the landowner's cost contribution liability under the Scheme, all costs involved in its preparation must be met by the landowner.



## Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council does not secure shared use agreement over the district open space which causes a shortfall in sporting ovals for the community	Possible (3)	Major (4)	High (10-16)	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Accept Officer Recommendation

## Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 8 has been determined for this item.



**Voting Requirements:                      Absolute Majority**

**Officer Recommendation:**

**That Council:**

- 1. At the landowners cost, requires the preparation of a legal agreement by the Shire's Solicitors to the Shire's satisfaction prior to the issue of a building permit for the next stage of development, as approved by JDAP on 12 November 2019, that requires the landowner and Shire to work collaboratively to reach a shared use agreement for the future district open space oval on the College site;**
- 2. Requires the landowner to pay \$96,080.48 to the Shire prior to the issue of a building permit for the next stage, to bring to account the current stages of development that have occurred, based on this being the concessional rate as a result of a shared use agreement; and**
- 3. Requests the final draft shared use agreement be presented to Council for consideration, in accordance with the terms of the legal agreement prepared in accordance with Part 1 above.**





<b>6.1.2 – Award Request for Tender – RFT 10/2019 – Construction of Limestone Firebreaks</b>	
<b>Responsible Officer:</b>	Acting Manager Emergency Services and Community Safety
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

#### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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#### Report Purpose

The purpose of this report is to advise Council of submissions received in relation to Tender RFT 10/2019 – Construction of Limestone Firebreaks and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

#### Relevant Previous Decisions of Council

<i>Ordinary Council Meeting – 15 July 2019 - OCM144/07/19</i>			
<i>That Council:</i>			
1. <i>ENDORSES the Shire of Serpentine Jarrahdale funding application to the 2019/20 Bushfire Mitigation Activity Fund (MAF) Round 3.; and</i>			
2. <i>APPROVES the following Budget allocation contingent on successful grant application:</i>			
<b>Account Number</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
<i>BMW636</i>	<i>Bushfire Mitigation – Outgoing Expenditure</i>	<i>600,000</i>	
<i>ESD406</i>	<i>Grants – Incoming Grant Funding</i>		<i>600,000</i>

The above amount of \$600,000 was an estimation of funds of the Shire's application. Due to a change in land tenure, the Shire of Serpentine Jarrahdale subsequently, applied for \$418,990.00.



## Background

The Western Australian Government has established the Bushfire Mitigation Activity Fund to proactively treat extreme, very high and high bushfire risks in combination with the progressive rollout of the Bushfire Risk Management Planning framework.

Eligible local governments who have completed a Bushfire Risk Management Plan to the satisfaction of the Office of Bushfire Risk Management (OBRM) are eligible for funding. The Shire of Serpentine Jarrahdale's Bushfire Risk Management Plan was approved in November 2018.

The Shire of Serpentine Jarrahdale received \$521,700.00 in 2018/19 and \$418,990.00 for 2019/20, a total of \$940,690.00.

Individual projects identified for 2019/20 include:

Project Name	Suburb	Activities
Baskerville Reserve	Mundijong	Limestone firebreak, prescribed burn and spraying
Brickwood Reserve	Byford	Limestone firebreak, prescribed burn and spraying
Bella Cummings Reserve	Mundijong	Limestone firebreak, prescribed burn and spraying
Craghill Way	Oakford	Limestone firebreak, gates, prescribed burn and spraying
Pound Reserve	Mundijong	Fencing, under pruning, spraying and grazing
Bournbrook Avenue	Cardup	Limestone firebreak, prescribed burn and spraying
Prescribed Burns on Craddon, Foxton, Wolfe and King Roads	Oakford	5 x prescribed burns

The Tender was split into five (5) Separable Portions. Those being, limestone firebreaks for:

1. Separable Portion 1 – Cnr Paterson and Keirnan Street, Mundijong
2. Separable Portion 2 – Bournbrook Avenue, Oakford
3. Separable Portion 3 – Baskerville Road, Mundijong
4. Separable Portion 4 – Brickwood Reserve, Turner Road, Byford and
5. Separable Portion 5 – Craghill Way, Oakford

Splitting the tender into Separable Portions allowed respondents the opportunity to quote on all portions or only separable portions.



The remaining works of prescribed burning, spraying, fencing, gates, under pruning and grazing works will be undertaken in accordance with the Shire's Procurement Process, whereby written quotes will be requested based on the budgeted amount of the works.

### **Community / Stakeholder Consultation**

Nil.

### **Submissions**

The Request for Tender RFT 10/2019 – Construction of Limestone Firebreaks was advertised on Wednesday 18 December 2019 and closed at 2.00pm on Thursday 16 January 2020.

The Tender was advertised in the following papers:

- West Australian Newspaper
- Examiner (Serpentine Jarrahdale & Armadale)
- Pinjarra/Murray Times (including Mandurah Coastal Times)
- Sound Telegraph (Rockingham & Kwinana)

Eleven (11) submissions were received, and the submissions are summarised in **confidential attachment 1**.

All tender submissions comply with the request for tender guidelines and compliance criteria.

Tender submissions were received from the following companies:

#	Company Name
1	Allwest Plant Hire Australia Pty Ltd
2	Aussie Earthworks Pty Ltd
3	Cosmag Pty Ltd T/A Kennedys Tree Services
4	Dowsing Group Pty Ltd
5	Entire Fire Management
6	Industrial Roadpavers WA Pty Ltd
7	LTD Total Pty Ltd
8	Rapid Crushing Screening Contractors
9	Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors
10	TRACC Civil Pty Ltd
11	WA TreeWorks



## Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Bushfire Mitigation Officer
- Coordinator Emergency Services
- Manager Subdivisions and Environment

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenderers. Each member of the panel assessed the submissions separately.

## Evaluation Criteria

The following evaluation criteria and weightings were used by the tender evaluation panel to assess tender submissions:

EVALUATION CRITERIA	WEIGHTING
Price with quantities	60%
Relevant experience with: <ul style="list-style-type: none"><li>• Demonstrated relevant experience of the Company in providing the same or similar services to local government or the private sector over the past five years.</li></ul>	15%
Tenderers' Resources, Key Personnel, Skills and Experience with: <ul style="list-style-type: none"><li>• Capacity to deliver the services including:</li><li>• Key personnel / Professional skills;</li><li>• Describe the key personnel who will be involved in the work, including past work of a similar nature.</li></ul>	15%
Demonstrated Understanding/Experience with: <ul style="list-style-type: none"><li>• Project schedule;</li><li>• Process for delivery of goods/services;</li><li>• Project Management Plan;</li><li>• Critical assumptions; and</li><li>• Any additional information.</li></ul>	10%



## Comment

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results of this assessment and prices are documented in **confidential attachment 1**.

Following the assessment of all tender submissions, against the selection criteria, the tenders submitted by:

1. Aussie Earthworks Pty Ltd for Separable Portion 1 – Cnr Paterson and Keirnan Streets, Mundijong;
2. Dowsing Group Pty Ltd for Separable Portion 3 – Baskerville Road, Mundijong; and
3. Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors for  
Separable Portion 2 – Bournbrook Avenue, Oakford;  
Separable Portion 4 – Brickwood Reserve, Turner Road, Byford; and  
Separable Portion 5 – Craghill Way, Oakford.

All were assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission's made by **Aussie Earthworks Pty Ltd, Dowsing Group Pty Ltd and Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors** be accepted.

## Statutory Environment

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Council Policy - *Procurement of Goods or Services through Public Tendering* (E19/5672):

### Tendering

#### 2. Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;



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## Options and Implications

The following options have been identified:

### Option 1

Award the contract as recommended in **confidential attachment 1** – RFT 10/2019 – Construction of Limestone Firebreaks to:

1. Aussie Earthworks Pty Ltd for  
Separable Portion 1 – Cnr Paterson and Keirnan Streets, Mundijong;
2. Dowsing Group Pty Ltd for  
Separable Portion 3 – Baskerville Road, Mundijong; and
3. Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors for  
Separable Portion 2 – Bournbrook Avenue, Oakford;  
Separable Portion 4 – Brickwood Reserve, Turner Road, Byford; and  
Separable Portion 5 – Craghill Way, Oakford.

### Option 2

Not award the contract and retender.

### Option 3

Not award the contract and not retender i.e. – nil action.

### Option 4

That Council reassess and appoint an alternative contractor.

Option 1 is recommended.

## Conclusion

**Aussie Earthworks Pty Ltd, Dowsing Group Pty Ltd and Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors** have been assessed as being able to meet the requirements of the contract. The respondent's met all of the requirements for Relevant Experience, Key Personnel, Skills and Resources and Demonstrated Understanding and were assessed as providing the best value for money.

Therefore, it is recommended that Council support Option 1 and the contract be awarded to

1. Aussie Earthworks Pty Ltd for  
Separable Portion 1 – Cnr Paterson and Keirnan Streets, Mundijong;



2. Dowsing Group Pty Ltd for  
Separable Portion 3 – Baskerville Road, Mundijong; and
3. Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors for  
Separable Portion 2 – Bournbrook Avenue, Oakford;  
Separable Portion 4 – Brickwood Reserve, Turner Road, Byford; and  
Separable Portion 5 – Craghill Way, Oakford.

### Attachments

- **6.1.2 – CONFIDENTIAL attachment 1** – RFT 10/2019 – Construction of Limestone Firebreaks - Evaluation Report - (E20/473)

### Alignment with our Strategic Community Plan

<b>Outcome 3.4</b>	An innovation centre of excellence.
<b>Strategy 3.4.1</b>	Identify and promote innovation and education opportunities.
<b>Outcome 4.1</b>	A resilient, efficient and effective organisation.
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources.
<b>Strategy 4.1.2</b>	Maximise the Shire's brand and reputation in the community.
<b>Outcome 4.2</b>	A strategically focused Council.
<b>Strategy 4.2.1</b>	Build and promote strategic relationships in the Shire's interest.
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration.

### Financial Implications

The Department of Fire and Emergency Services will pay the grant funds (no GST applied) in two instalments. The initial 50% of the total grant will be paid once the Funding Agreement has been executed, and the remaining 50% (up to the total grant and total cost) will be paid following acceptable grant acquittal.

Any unexpended funds will be returned to the Department of Fire and Emergency Services within 30 days of the acceptance of the grant acquittal, as per conditions of the grant.

The Shire of Serpentine Jarrahdale must keep adequate financial accounts and records to enable identification of the grant, payments and receipts to ensure that the tenders received are within budget allocations..



## Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Poor selection of contractor to provide quality works	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation
Fire Danger to the Community	Possible (3)	Major (4)	High (10-16)	Property - 4 Major - Localised damage requiring internal & external resources to rectify	Risk Management Plan
Financial implications to the Shire and Community	Possible (3)	Major (4)	High (10-16)	Financial Impact - 5 Catastrophic - More than \$2M	Risk Management Plan

## Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)	
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)	
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)	





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A risk rating of **12** has been determined for this item.

The award of the contracts to multiple contractors will increase the likelihood that completion timeframes can be met, thus reducing the risk.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

1. That Council **AWARDS Separable Portion 1 – Cnr Paterson and Keirnan Streets, Mundijong of Tender RFT 10/2019 – Construction of Limestone Firebreaks to Aussie Earthworks Pty Ltd** to the value of \$22,120.00, excluding GST, as contained within confidential attachment 1.
2. That Council **AWARDS Separable Portion 3 – Baskerville Road, Mundijong of Tender RFT 10/2019 – Construction of Limestone Firebreaks to Dowsing Group Pty Ltd** the value of \$25,635.14, excluding GST, as contained within confidential attachment 1.
3. That Council **AWARDS:**  
  
Separable Portion 2 – Bournbrook Avenue, Oakford;  
Separable Portion 4 – Brickwood Reserve, Turner Road, Byford; and  
Separable Portion 5 – Craghill Way, Oakford.  
  
of Tender RFT 10/2019 – Construction of Limestone Firebreaks to *Thomas Family Trust T/A Jandakot Earthmoving and Rural Contractors* to the value of \$174,510.00, excluding GST, as contained within confidential attachment 1.



**7. Motions of which notice has been given:**

**8. Urgent business:**

**9. Closure:**