



# Ordinary Council Meeting

MINUTES

Tuesday 25 July 2023

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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 Previously Approved**

**Councillors**

**South East Ward**

John Giardina  
Janelle Sewell  
Geoff Stallard

**South West Ward**

Mary Cannon

**North West Ward**

Sue Bilich  
Lisa Cooper (by telephone)  
Dylan O'Connor

**North Ward**

Kathy Ritchie  
Margaret Thomas JP (Mayor) Presiding Member

**Members of Staff**

**Chief Executive Officer**

Gary Ticehurst - Acting Chief Executive Officer

**Executive Team**

Sinead McGuire - Director Asset Services  
Nicole O'Neill - Director Community Engagement  
Nathan Ritchie - Director Development Services

**Administration Support**

Darrell Forrest - Governance Advisor  
Donna McPherson - Executive Assistant to the CEO

**Members of the Public 2**

**Members of the Press Nil.**

**Apologies**

Cr Brooke O'Donnell

**Leave of Absence Previously Approved Nil.**

**3. Public Question Time**

3.1 David Downing, High Wycombe

Q. There appears to be fewer reports presented to Council this year. What has changed in the business of Council since December 2022.

A. The A/CEO advised nothing has changed in relation to the business of Council, it is more to do with the timing of initiatives and events. With the adoption of the 2023/24 budget, and the commencement of the new financial year, it is expected more business will be presented to council.

Q. In December 2022 a planning application for a Garden Centre on Welshpool Road was presented and refused by Council (9/3) despite the advice of the Director Development Services indicating the proponent could, and would, appeal to the State Administrative Tribunal. After a 2-day hearing the Tribunal has recently published its decision to approve the development with the same conditions as was presented to Council. A further condition was offered by the proponent and accepted by the Tribunal. The Council offered, in its defence to the Tribunal, four reasons for rejecting the original application the Tribunal did not accept any of these as reasonable grounds for denial. What was the total cost to the City and its ratepayers, including officer time, of this failed attempt by Council to deny the garden centre approval.

A. Taken on Notice.

**4. Petitions/Deputations**

4.1 Nil.

**5. Applications for Leave of Absence**

5.1 Nil.

**6. Confirmation of Minutes from Previous Meeting**

6.1 RESOLVED OCM 94/2023

That the Minutes of the Special Council Meeting held on 26 June 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

6.2 RESOLVED OCM 95/2023

That the Minutes of the Ordinary Council Meeting held on 27 June 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Mary Cannon**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

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

Congratulations to Core Cider for being named the 2023 Switched on Business winner. These awards are a fantastic initiative aimed at encouraging businesses to embrace sustainability and innovation. Core Cider was a worthy winner and a great part of our Tourism Industry in this City.

The new Forrestfield Library opened early in the month. It is our first library to open in a shopping centre and I am delighted to say the space has welcomed hundreds of people since its doors opened and our library memberships have spiked as a result.

I was also grateful to be invited to part of the Karingal Green NAIDOC Week morning tea celebrations. It was a sincere and moving gathering and I thank them for the wonderful opportunity.

Another highlight of the past month was the visit to the High Wycombe Football Club for their Members Day with Crs Bilich, Cooper and O'Connor. Seeing everyone enjoying themselves was fabulous. I thank the administrators, coordinators and other volunteers for the tireless effort they make for the youth of the City.

On Saturday just gone Cr Giardina and I attended the annual Kalamunda Volunteer Bushfire Brigade Awards. There were so many deserving recipients and I would like to thank them publicly for the hours they give to keeping our community safe.

Last night we celebrated our 2022 sports stars. Twenty-four amazing athletes were presented with awards. These athletes represent their State or Country in an amazing array of sports including ice hockey, badminton and Irish dancing. Well done to all.

## **8. Matters for Which the Meeting may be Closed**

- 8.1 RFT 2218 Provision of General Building Maintenance - Award of Tender – Confidential Attachment -RF T 2218- Tender Evaluation Report

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

- 8.2 RFT 2302 Provision of Traffic Management Services - Award of Tender - Confidential Attachment - RFT 2302- Tender Evaluation Report

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

- 8.3 Kalamunda Waterpark Slides – Refurbishment – Confidential Attachments - Kalamunda Water Park Slide Refurbishment - Scope of Work Costings & Kalamunda Water Park Engineering Report

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

**9. Disclosure of Interest**

**9.1. Disclosure of Financial and Proximity Interests**

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

9.1.1 Gary Ticehurst declared a Direct Financial Interest on Item 14.1 Urgent Business Approved. Mr Ticehurst declared an interest as this matter relates to his employment at the City of Kalamunda.

**9.2. Disclosure of Interest Affecting Impartiality**

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

9.2.1 Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.4.1 Event Sponsorship & Donations 2023/24. Cr Stallard's grandson live with him and attends Falls Road Primary School.

**10. Reports to Council**

**10.1. Development Services Reports**

**No reports presented.**

**10.2. Asset Services Reports**

**10.2.1. RFT 2302 Provision of Traffic Management Services - Award of Tender**

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

Previous Items	OCM 325/2021, 86/2016; 204/2016
Directorate	Asset Services
Business Unit	Asset Maintenance
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A

Attachments	Nil
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Confidential Attachment	<i>Reason for Confidentiality: Local Government Act 1995 s5.23 (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>
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**TYPE OF REPORT**

	Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
<b>P</b>	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 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.

**Strategy 3.2.3** - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of tender RFT 2302 to provide traffic management services.
2. It is recommended Council accept the tender from Contraflow Pty Ltd, ACN 111 400 714 as the Primary Contractor and Advanced Traffic Management (WA) Pty Ltd, ACN 107 481 756 as the Secondary Contractor as per the Schedule of Rates set out in the Confidential Attachment 1. The estimated expenditure within this contract is \$700,000 (ex GST) per annum with an initial term of three years and two further one-year extensions at the City's discretion.

## BACKGROUND

3. The City of Kalamunda (City) sought to engage a panel of suitably experienced contractors for the provision of traffic management services complementary to maintenance and minor capital works projects being conducted on or near roads.
4. The services proposed require the preparation of traffic management plans (TMPs), provision of traffic controllers (TCs), vehicles, signages, equipment and to provide the resources and ability to implement simple and complex traffic management onsite.
5. Provision of suitable traffic management services in place during these works is a workplace safety requirement.

## DETAILS AND ANALYSIS

6. The City often undertakes maintenance or minor capital works in and around roads. Examples of these tasks may include, but are not limited to, drainage pit replacements, kerb replacements, minor road crack or pothole repairs, footpath repairs.

7. Workplace safety considerations require the City to undertake suitable measures to protect workers from potential of vehicle collisions in a pragmatic manner. This results in the need for suitable traffic management services to be implemented for these works.
8. The ad hoc nature and multiple concurrent need at various sites of these services, along with the specialist training and equipment to be procured, has been determined to be cost ineffective for the City to maintain inhouse staff and resources. It is more effective to engage external contractors for traffic management services.
9. Where the City has engaged contractors for services such as major roadworks, powerline vegetation clearing or verge management, traffic management services are included in other contracts.
10. The City issued RFT 2302 through its E-Tendering Portal and an advertisement in the West Australian newspaper on Wednesday 29 March 2023. Receipt of Tender submissions closed at 2:00pm AWST Thursday 27 April 2023.
11. Tender submissions were received from (in alphabetical order):
  - a) Advanced Traffic Management Pty Ltd
  - b) Altus Traffic Pty Ltd
  - c) Contraflow Pty Ltd
  - d) Overwatch Traffic Services Pty Ltd
  - e) Traffic Management South West Pty Ltd
  - f) Workforce Road Services Pty Ltd
12. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
13. 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.
14. The Qualitative Criteria and weighting were determined as follows:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Relevant Experience	35%
Key Personnel Skills & Experience	30%
Tenderer's Resources	30%
Local Benefits	5%

15. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria.
16. The six tender submissions were ranked against the qualitative criteria, with a Qualitative Pass Mark (QPM) of 60.
17. Of the six tender submissions, two met the required QPM of 60% or above and were progressed into the next stage. These tenderers were Contraflow Pty Ltd and Advanced Traffic Management Pty Ltd.
18. A price assessment was then undertaken to determine the best value for money outcome for the City.
19. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report.
20. The recommended tenderers' submission best satisfied the City's requirements by:
  - a) meeting or exceeding the qualitative assessment benchmark.
  - b) proven capacity and capability to prepare traffic management plans, provide traffic controllers, vehicles, signages, equipment and implement simple to complex traffic management onsite for City's maintenance and capital work and other activity carried out by the City's various departments.
  - c) having the skills and experience to carry out all aspect of traffic management services requested in this contract.
  - d) availability 24/7 for emergency works.
21. Of the two qualifying, and compliant qualitative tender responses, Advanced Traffic Management Pty Ltd and Contraflow Pty Ltd respectively provided the lowest and second lowest total value for the required services.
22. The Tender Assessment Panel has recommended the contract for RFT 2302 The Provision of Traffic Management Services be awarded to Contraflow Pty Ltd as Primary Contractor and Advance Traffic Management Pty Ltd as the Secondary Contractor.

#### **APPLICABLE LAW**

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

#### **APPLICABLE POLICY**

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

**FINANCIAL CONSIDERATIONS**

25. The use of traffic management services under this contract will form part of approved annual budgets in Infrastructure Services and capital works projects.

**RISK MANAGEMENT**

26.

<b>Risk:</b> The Contractor fails to fulfil the requirements of the contract, leading to increased safety risk to City staff and general public.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Major	Possible	High
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>a) Closely manage, report and review the Contractor safety processes as outlined within their tender and throughout the contract.</li> <li>b) Complete on site inspections on the traffic controller’s performance and quality of signage and equipment used onsite.</li> <li>c) Utilise the secondary contractor should the primary contractor have a contractual safety breach of contract.</li> </ul>		

**CONCLUSION**

27. The delivery of Tender RFT 2302 The Provision of Traffic Management Services will allow the City to carry out road and drainage maintenance work and capital works projects by various departments throughout the City.
28. The City is satisfied the recommended tenderers have the capability, capacity, along with experienced traffic planners and traffic controllers to provide the City with the required traffic management services.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 96/2023

That Council ACCEPT the tender RFT 2302 The Provision of Traffic Management Services to prepare traffic management plans, provide traffic controllers, vehicles and equipment required to implement simple to complex traffic management for maintenance and capital work projects and other activity carried out by the City's various departments from Contraflow Pty Ltd, ACN 111 400 714, as the Primary Contractor and Advanced Traffic Management Pty Ltd, ACN 107 481 756, as the Secondary Contractor for the itemised prices as per the Schedule of Rates set out in Confidential Attachment 1 to this report.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

## 10.2.2. RFT 2218 Provision of General Building Maintenance - Award of Tender

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

Previous Items	OCM 116/2018
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
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

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 consider the award of a Request for Tender (RFT) 2218 for the Provision of General Building Maintenance and Minor Works to provide general building maintenance services to City of Kalamunda (City) owned facilities and assets.
2. It is recommended that Council accept the Tenders for the four building maintenance categories separately identified in RFT 2218 from the following contractors:
  - a) General Building Maintenance and Minor Works - Hoskins Investments Pty Ltd AFT MR Hoskins Family Trust T/A AE Hoskins Building Services, ACN 078 593 950.
  - b) General Pest Control Services- Kastee Nominees Pty Ltd in its capacity as Trustee for Teekmar Family T/A Maxwell Robinson & Phelps Pest Control, ACN 113 474 365.
  - c) General Glazing Services- Action Glass Pty Ltd, ACN 093 404 909.
  - d) Roof & Gutter Services- Access Without Barriers Pty Ltd, ACN 167 698 964.

Based on the schedule of rates included as Confidential Attachment 1 to this report.

3. The award is for a three-year contract with the option of two (one year) extensions at the sole discretion of the City.

## BACKGROUND

4. The City undertakes a substantial amount of scheduled and reactive building maintenance services each financial year to ensure the City can deliver its intended levels of service for building assets to the community.
5. The four key building maintenance areas are:

Building Maintenance and Minor Repairs which includes minor demolition and construction works, masonry works, carpentry and cabinetry works, plastering, tiling, general repairs, fencing, painting, and removal of asbestos.

Pest Control which includes Annual external inspection and treatment to facilities, sheds, outbuildings, and adjoining land for signs of pests, placement of control, monitoring and baiting systems/ stations and removal of infestations.

Glazing Services which includes glazing works, removal and replacement of putty and seals, repair and or replacement of window and door frames/hardware as required.

Roof and Gutter works which includes clear and clean out gutters, downpipes and spoon drains, repairs to roofs, gutters and downpipes, test, tag and certify roof anchoring points.

The estimated expenditure for the five-year term of the contract is \$3,000,000 equating to approximately \$600,000 per annum.

## **DETAILS AND ANALYSIS**

6. The City issued a request for Tender (RFT 2218) seeking Tenderers to attend to general building maintenance and minor works to City owned facilities and assets with the scope of works based on required annual maintenance requirements to all the City's facilities.
7. Tenders were invited for RFT 2218 on the 8 February 2023 through the City's tendering portal. Tender submissions closed at 2.00pm AWST on Wednesday 1 March 2023.
8. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received with the City's Coordinator Procurement providing overall probity support.
9. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliance Criteria were evaluated on a "Yes/No basis, this assessment was completed by the Coordinator Procurement and Senior Procurement Officer. There was one non-compliant submission from Quality Assured Contracting who did not sign the Tender Offer Form.
10. In the lead up to the commencement of the Tender Evaluation Process and based on the Qualitative Criteria for RFT 2218, consideration was given to determining what would be an acceptable qualitative score that indicates the ability of a Tenderer to satisfactory deliver the requirements of this request. In this instance, the predetermined Qualitative Pass Mark (QPM) for RFT 2218 was set at 60%.



11. As part of the Tender assessment process, all compliant submissions must be considered against the predefined Qualitative Criteria, which is described in the Request for Tender document.
12. The purpose of the Qualitative Criteria is to provide Tenderers with the opportunity to demonstrate to the City their ability and experience, amongst other things, to service this contract.
13. The Panel undertakes a qualitative evaluation of each submission with the following general approach:
  - a) Panel members read each submission and evaluate answers to the Qualitative Criteria on an individual basis.
  - b) Panel members score each criterion and compares their scores and comments with each other to determine consensus score.
  - c) Where clarifications are sought from Tenderers, all responses are logged in a Clarification Register and duly considered by the Panel.

The evaluation process is observed by the Coordinator Procurement and Senior Procurement Officer to ensure the correct processes are followed.

14. Panel members completed the Qualitative Criteria Evaluation through comparison of individual scores and determination of consensus scores for each of the Qualitative Criteria on Wednesday 3 May 2023.
15. The Qualitative Criteria and weighting used in evaluating the submission received are noted in the below table below:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Relevant Experience	35%
Tenderer's Resources	30%
Methodology	30%
Local Benefits	5%

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

16. The QPM scores for each compliant tender was predetermined at 60%. A summary of this assessment is presented in the table below:

<b>Category</b>	<b>Total Submissions</b>	<b>Passed QPM Assessment</b>
Part A – Building Maintenance	8	4
Part B - Pest Control Services	3	2
Part C – Glazing Services	2	1
Part D – Roof and Gutter Services	6	3

No clarifications were sought by the Panel in relation to the qualitative assessment undertaken.

17. Tenderers were required to provide Price Schedules as specified in the RFT document. The Panel assessed the prices based on a fixed price servicing schedule and hourly rates. No guarantee of the final quantity of works is allocated under the contract.
18. Tenderers who achieved the required QPM and passed the independent financial assessment are ranked on the Pricing Schedules as per the RFT document, summarised in the tables below:

**Part A- Building Maintenance**

<b>Company Name</b>	<b>Pricing Assessment Rank</b>
Hoskins Investments Pty Ltd ATF MR Hoskins Family Trust T/A AE Hoskins Building Services	1
DNW Solutions Pty Ltd TA Kineticon Group	2
Access Without Barriers Pty Ltd	3

**Part B- Pest Control Services**

<b>Company Name</b>	<b>Pricing Assessment Rank</b>
Kastee Nominees Pty Ltd in its capacity as Trustee for the Teekmar Family T/A Maxwell Robinson & Phelps Pest Control	1
Precision Pest Management WA Pty Ltd	2

**Part C- Glazing Services**

<b>Company Name</b>	<b>Pricing Assessment Rank</b>
Action Glass Pty Ltd	1

**Part D- Roof and Gutter Services**

Company Name	Pricing Assessment Rank
Access Without Barriers Pty Ltd	1
Hoskins Investments Pty Ltd ATF MR Hoskins Family Trust T/A AE Hoskins Building Services	2

19. Price assessment is detailed in the attached Tender Evaluation report (Confidential Attachment 1).

**APPLICABLE LAW**

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

**APPLICABLE POLICY**

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

**STAKEHOLDER ENGAGEMENT**

22. Nil.

**FINANCIAL CONSIDERATIONS**

23. The funding for these services is through individual operational cost codes attributed to the relevant building maintenance activities, as per the adopted operation budget. Sufficient funds have been allocated in the accounts for FY 2023/24.
24. Funding to accommodate the works for the balance of the contract will be allocated in the future operating budgets.

**SUSTAINABILITY**

25. **Social Implications:**  
Failure to attend to building maintenance can cause significant reputational risk as buildings can become structurally unsafe and visually unsightly.
26. **Economic Implications**
- a) Programmed maintenance can minimise cost implications to reinstate or replace failed structural components.
  - b) Programmed maintenance can minimise loss of income from facilities if they are not able to be used or occupied by tenants.

27. **Environmental Implications**  
Waste disposal and the handling of chemicals is addressed in the Request for Tender document.

**RISK MANAGEMENT**

28.

<b>Risk:</b> Tender not awarded, compromising the City's capacity to undertake building maintenance in a timely manner.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Undertake an interim contractual arrangement which would have increased costs and administrative time.		

29.

<b>Risk:</b> The Contractor does not perform in accordance with the contractual requirements.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Contract management mechanisms in place to minimise risk of non compliance. In addition six (6) monthly reviews are in place to review performance.		

**CONCLUSION**

30. It is recommended that Council award RFT 2218 as set out in the Recommendation clause of this report.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 97/2023

That Council ACCEPT the Tender RFT 2218 - Provision of General Building Maintenance and Minor Works and appoints the following contractors to the individual building maintenance disciplines as listed below for a period of three years commencing from the 1 July 2023 with two 12-month extension options, at the sole discretion of the City in accordance with Tender Evaluation Report and Pricing Schedule (Confidential Attachment 1).

- a) Part A- General Building Maintenance and Minor Works - Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust t/a AE Hoskins Building Services ACN 078 593 950.

- b) Part B- General Pest Control Services- Kaste Nominees Pty Ltd in its capacity as Trustee for the Teekmar Family T/A Maxwell Robinson & Phelps Pest Control ACN 113 474 365
- c) Part C- General Glazing Services- Action Glass Pty Ltd ACN 093 404 909
- d) Part D- Roof and Gutter Services- Access Without Barriers Pty Ltd ACN 167 698 964

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**



## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 1: Kalamunda Cares and Interacts

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider the Event Sponsorship and Donations program for 2023/2024.
2. The City of Kalamunda Event Sponsorship and Donations Program aims to support organisations and community groups in the running of events that have a direct benefit to the local community and visitors.
3. The recommendation is to approve funding for Event Sponsorship and Donations as per Attachment 1.

## BACKGROUND

4. Applications for Event Sponsorship and Donations opportunities opened on 19 January 2023 and closed on 14 April 2023.
5. All Event Sponsorships and Donations were assessed against the 2023/2024 Guidelines.
6. The Event Sponsorship program is a competitive process with a capped amount available to be awarded each year.
7. The Event Sponsorship and Donations budget was approved at the Special Council Meeting on 26 June 2023.

## DETAILS AND ANALYSIS

8. The City promoted the 2023/2024 Event Sponsorship and Donations funding round via social media, website, electronic direct mail and hard copies distributed to City Libraries and Administration Centre.

9. To be considered for sponsorship events must:
- Be accessible, free or low-cost.
  - Demonstrate benefit to the wider community or a specific community group.
  - Align with the City's values and objectives as set out in the Strategic Community Plan.
  - Provide promotional opportunities for the City
10. Examples of events that may be supported include but are not limited to:
- Cultural or community events.
  - Carnivals, festivals or fairs held within the City.
  - Community development and welfare events or programs for specific target groups
11. The Event Donations program aims to support a wide range of organisations and initiatives and as such, organisations are assessed on a case-by-case basis. Eligible groups must be:
- Not-for-profit organisations
  - Charitable organisations
  - Community organisations
12. All approved events are required to submit an event application and agree to the conditions applied regarding acquittal procedures.
13. Attachment 1 details the applicants and proposed amount of funding for approval.

#### **APPLICABLE LAW**

14. *Local Government Act 1995*

#### **APPLICABLE POLICY**

15. Service 6 – Event Sponsorship and Donations

#### **STAKEHOLDER ENGAGEMENT**

16. Advertising and promotion was undertaken to raise awareness of the grant round being open.

#### **FINANCIAL CONSIDERATIONS**

17. Funding was approved at the 26 June 2023 Special Council Meeting.



**SUSTAINABILITY**

18. The City reviews each application with a strong focus on sustainability, seeking joint funding and partnership opportunities as a priority.

**RISK MANAGEMENT**

19.	<b>Risk:</b> That Events are unable to progress due to unforeseen circumstances.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Ensure clear guidance for event organisers to facilitate a robust event.		

**CONCLUSION**

20. It is noted that there were a small number of applications for funding in this round.
21. All organisations who are successful in receiving event sponsorship are required to ensure the City of Kalamunda is referenced in their promotional materials and at their events.

**Voting Requirements: Simple Majority**

RESOLVED OCM 98/2023

That Council APPROVE the Events Sponsorship and Donations applications as detailed in Attachment 1.

Moved: **Cr John Giardina**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

**10.5. Office of the CEO Reports**

**No reports presented.**

**10.6. Chief Executive Officer Reports**

**10.6.1. Monthly Financial Statements to 30 June 2023**

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

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

Attachments	1. Statement of Financial Activity for the period ended 30 June 2023 [ <b>10.6.1.1</b> - 1 page]
	2. Statement of Net Current Funding Position as at 30 June 2023 [ <b>10.6.1.2</b> - 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
<sup>P</sup> Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When the 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 licenses, other permits or licenses 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 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 to provide Council with the Statutory Financial Statements for the year ended 30 June 2023.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the mid-term budget review adopted by the Council on 28 March 2023 for the 2022/2023 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the year ended 30 June 2023, which comprise:
  - a) Statement of Financial Activity (Nature or Type) for the year ended 30 June 2023;
  - b) Net Current Funding Position, note to financial report as of 30 June 2023.

## BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

## DETAILS AND ANALYSIS

5. The Act requires the Council to adopt a percentage or value to be used in reporting variances against the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2021/2022.

7. The draft report provided is unaudited and subject to change for the below year-end entries:
- a) Capital projects are at a point of finalisation which can impact asset categories and depreciation;
  - b) Adjustments resulting from the Infrastructure Assets revaluation;
  - c) Provisions for staff leave entitlements have not been finalised;
  - d) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
  - e) June 2023 Overhead allocations have not been finalised;
  - f) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
  - g) Adjustments related to the Australian Accounting Standards.
  - h) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

## **FINANCIAL COMMENTARY**

### **Draft Statement of Financial Activity by Nature and Type for the year ended 30 June 2023**

8. This Statement reveals a net result surplus of \$10,232,765 compared to the budget for the same period of \$48,849.

### **Operating Revenue**

9. Total Revenue excluding rates is over budget by ~~\$2,953,976~~ \$2,854,655. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$1,427,077. The variance is mainly attributable to:
    - i) The employee workers' compensation & other insurance claims that recouped \$404,265 to date.
    - ii) Early receipt of Financial Assistance Grant for 2023/2024 \$2,975,207
  - b) Fees and Charges are over budget by \$731,505. The variance is mainly attributable to higher legal fees recovered through rates and income from planning and building applications being higher than the budgeted income.
  - c) Interest income is over budget by \$655,788. The variance is mainly due to the higher interest income received from investments.
  - d) Other Revenue is over budget by \$20,659. The variance is mainly due to the fines & penalties from planning being higher than the budget.

## **Operating Expenditure**

10. Total expenditure is under budget by \$5,465,245. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$660,523, which is primarily due to vacant positions and the aggregate result of minor variances in several business units.
  - b) Materials and Contracts are under budget by \$842,352. The variance is mainly attributed to:
    - i. Consultancy fees budgeted under various projects are under budget by \$527,916;
    - ii. Contaminated site management costs are under budget by \$375,520;
  - c) Utilities are over budget by \$11,183, the variance is mainly due to the aggregate result of minor variances in several business units.
  - d) Depreciation, although a non-cash cost, is tracked under budget, reporting a variance of \$1,865,501.
  - e) Interest and Insurance expenses are tracked below the reportable variance threshold.
  - f) Other expenditure is under budget by \$2,156,662. The variance is due to the land acquisition costs related to CELL 9 projects. The amounts paid for infrastructure works for CELL 9 projects were reimbursed drawing against the Trust account set aside for it.

## **Investing Activities**

### **Non-operating Grants and Contributions**

11. The non-operating grants and contributions are under budget by \$5,370,519. The variance is mainly due to the timing of receipt of grant funding related to various road capital projects.

### **Capital Expenditure**

12. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$16,285,934. The management has reviewed the current year's works programme and identified the projects that the City will continue work in 2023/2024 as part of the carry forward process.
13. Capital works-in-progress expenditure of \$332,727 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account fund the relevant

expenditure. These assets once constructed will be passed over to the City for management.

### Financing Activities

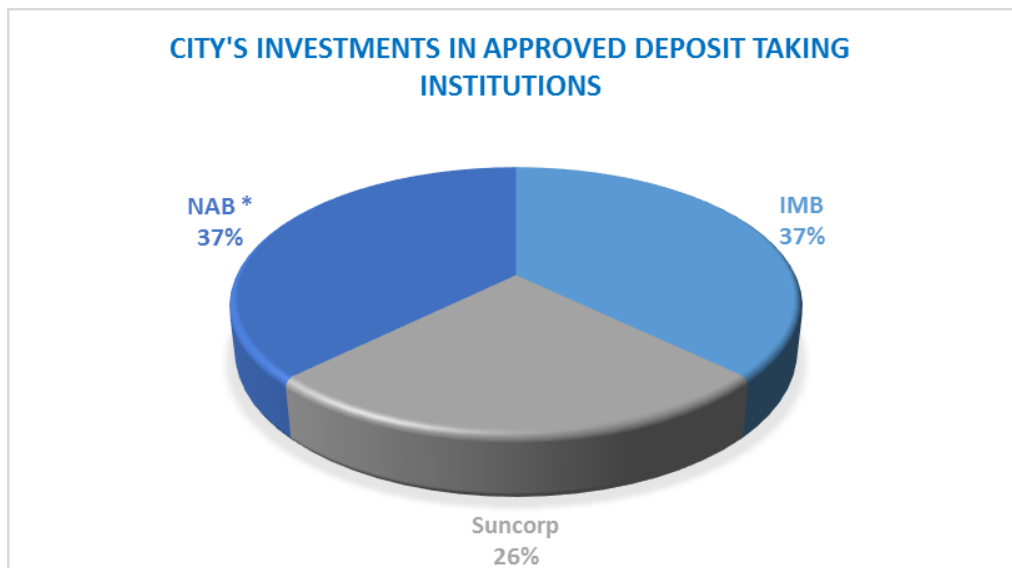
14. The amounts attributable to financing activities show a variance of \$12,105,690 which is mainly due to the developer contributions and reserve transfers.

### Rates Revenues

15. Rates generation is over budget with a variance of \$120,968.

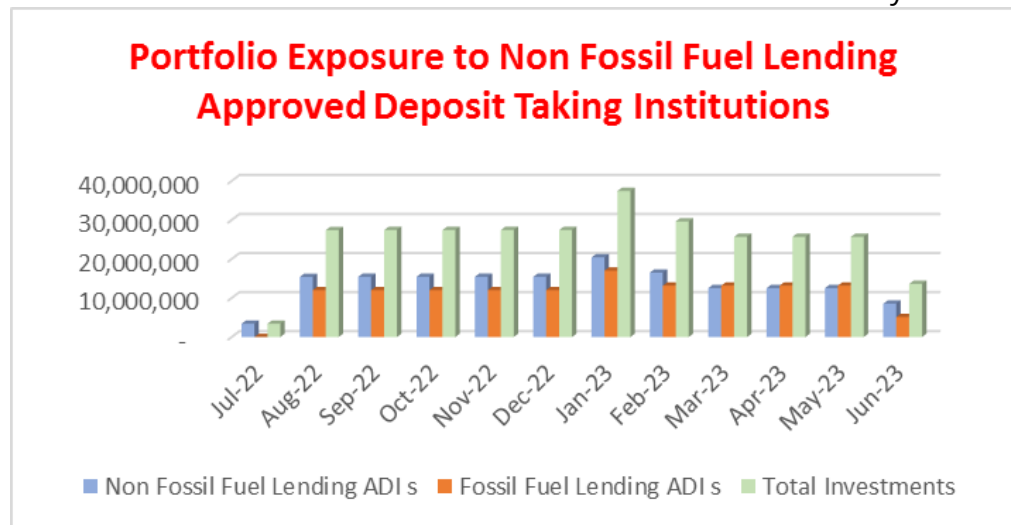
### Statement of Net Current Funding Position as of 30 June 2023

16. The commentary on the net current funding position is based on a comparison of June 2023 to the June 2022 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$29.1 million. The restricted cash position is \$23.4 million which is lower than the previous year's balance of \$24.3 million.
18. The following graph indicates the financial institutions where the City has investments as of 30 June 2023;



19.

\*Financial Institutions with Investments in the Fossil Fuel Industry



20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2 million.

21. Sundry debtors have decreased from \$643,999 to \$404,896 of which \$299,451 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.

22. Receivables Other represents \$1.9 million including:  
 a) Emergency Service Levy receivables \$0.3 million;  
 b) Receivables sanitation \$0.5 million

23. Provisions for annual and long service leave have increased by \$0.084 million to \$4.5 million when compared to the previous year. The 2022/2023 end of the year leave provision adjustments are pending at the time of presenting this report.

**APPLICABLE LAW**

24. *The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.*

**APPLICABLE POLICY**

25. Nil.

**STAKEHOLDER ENGAGEMENT**

**Internal Referrals**

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

**External Referrals**

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

**FINANCIAL CONSIDERATIONS**

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

**SUSTAINABILITY**

**Social Implications**

29. Nil.

**Economic Implications**

30. Nil.

**Environmental Implications**

31. Nil.

**RISK MANAGEMENT**

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



33.

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

**CONCLUSION**

34. The City's Financial Statements as at 30 June 2023 demonstrate the City has managed its budget and financial resources effectively.

**Voting Requirements: Simple Majority**

RESOLVED OCM 99/2023

That Council RECEIVE the Monthly Statutory Financial Statements for the year ended 30 June 2023 which comprises:

- a) Statement of Financial Activity (Nature or Type) for the period ended 30 June 2023;
- b) Net Current Funding Position, note to financial report as of 30 June 2023.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

## 10.6.2. Debtors and Creditors Report for the period ended 30 June 2023

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Creditor Payments for period ended 30 June 2023 [<b>10.6.2.1</b> - 34 pages]</li> <li>2. Summary of Debtors for the month of June 2023 [<b>10.6.2.2</b> - 2 pages]</li> </ol>

### 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
<sup>P</sup> 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 licenses, other permits or licenses 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 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in June 2023, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of June 2023.  
At the time of producing this report, the Creditors module in the Financial Information Management System is kept open to allow for the processing of invoices received in July relating to the financial year ended 30 June 2023. These transactions will be included in the Creditors' payment listing for July 2023.
3. It is recommended that Council:
  - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in June 2023 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
  - b) Receive the outstanding debtors report for the month of June 2023.

## **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

## **DETAILS AND ANALYSIS**

### **Debtors**

6. Sundry debtors as of 30 June 2023 were \$404,896. This includes \$299,451 of current debts and \$515 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$41,354 debts of significance:
  - a) Forrestfield United Soccer Club, \$21,590, Winter Season Fees;
  - b) Forrestfield United Soccer Club, \$5,896, Loan 214 Repayment; and
  - c) Kalamunda District Rugby Union Club, \$8,887, Winter Season Fees.
8. Invoices over 60 days total \$7,462, debts of significance:
  - a) N-Com Pty Ltd, \$3,872, Lease Communications Tower;
  - b) Kalamunda Cricket Club, \$1,287, Utilities; and
  - c) Perth'ect Pickleball Academy, \$1,144, Hall Hire.

9. Invoices over 90 days total \$57,144, debts of significance:
- a) Municipal Workcare, \$31,830, Workers Compensation Claims;
  - b) Private Citizen, \$9,281, Fire Break – Reimbursement;
  - c) Optus, \$5,851, Lease – Communications Tower;
  - d) N-Com Pty Ltd, \$4,843, Lease Communications Tower; and
  - e) Private Citizen, \$4,070, Fire Break – Reimbursement.

**Creditors**

10. Payments totalling \$6,500,612 were made during the month of June 2023. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Department Of Fire and Emergency Services (DFES)	Emergency Services Levy 2022/23 - Quarter 4	719,357.53
Advanteeing Civil Engineers	Progress claim payments for Stirk park playground & Skate Park	475,499.14
Australian Taxation Office	Taxation	402,238.00
Cleanaway	Waste / recycling & bulk bin disposal services fees	399,192.68
Eastern Metropolitan Regional Council (EMRC)	Domestic / waste charges - red hill tip, mattress & timber disposal fees	343,791.48
Fulton Hogan Industries Pty Ltd	Road materials for various locations	281,597.44
AE Hoskins Building Services	Progress claim - construction of Forrestfield Library	236,692.93
Western Australian Treasury Corporation	Loan no.243 interest payment	197,187.17
Aware Super Pty Ltd	Superannuation Contributions	183,798.28
Beaver Tree Services	General tree services / under powerlines pruning for various locations	174,833.74
Synergy	Power charges	174,140.33

LGIS WA	Workers' compensation - endorsement - period 30/06/21 to 30/06/22 adjustment	156,827.00
NewGround Water Services Pty Ltd	Progress payment - Scott Reserve, High Wycombe - Reticulation System	149,747.40
(A) POD Pty Ltd	Design and documentation of the new Scott Reserve & Maida Vale Reserve pavilions	138,371.86
McInerny Ford	Supply & deliver of 2 new vehicles	120,788.44
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	99,277.48
Contraflow	Traffic management for various locations	88,261.56
Natural Area Management & Services	Progress Claim - Project Woodlupine Living Stream, Wattle Grove	80,011.25
Hill Top Group Pty	Contractor building maintenance - various buildings	78,135.02
Entire Land Care Pty Ltd	Fire mitigation services to City Reserves	76,703.00
Serenitas Communities Holdings Pty Ltd - Hillview	50% rates rebate refund	75,624.88
Downer EDI Works Pty Ltd	Supply and lay mountable kerbing - various locations	73,018.59
Dowsing Group Pty Ltd	Supply & lay concrete pathways, maintenance & misc. works at various locations	65,549.15
Jones Lang Lasalle Advisory Services Pty Ltd	Infrastructure Revaluation Services 22/23	64,900.00
Urbis Pty Ltd	Commercial investigations (phase 2) - highest & best use analyses	63,580.00
OCE Corporate Pty Ltd - Office Cleaning Experts	Cleaning services / consumables for various locations	61,026.25
Kala Bob Kats Pty Ltd	Plant equipment and operator hire for various locations	53,559.00
Landscape and Maintenance Solutions	Residential verge, passive & active reserves mowing services	52,636.82
Kalamunda Electrics	Electrical repairs / maintenance for various locations	52,377.02

These payments total \$5,138,723 and represent 79% of all payments for the month.

**Payroll**

- 12. Salaries are paid in fortnightly cycles. A total of \$1,233,695.16 was paid in net salaries for the month of June 2023.
- 13. Details are provided in (Attachment 1) after the creditors’ payment listing.

**Trust Account Payments**

- 14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
  - a) CELL 9 Trust;
  - b) Public Open Space funds,
  - c) NBN Tower Pickering Brook Trust
- 15. The following payments (GST exclusive) were made from the Trust Accounts in June 2023.

Cell 9		Amount (\$)
Date	Description	
27/06/2023	Kala Bob Kats Pty Ltd - Clean out Woodlupine Creek	13,630.00
27/06/2023	Natural Area Holdings Pty Ltd - Woodlupine Living Stream	167,629.00
29/06/2023	City of Kalamunda – Project Management Costs for April – June 2023	15,076.68

POS Funds Trust		Amount (\$)
Date	Description	
26/06/2023	City of Kalamunda – Drawdown of actual expenses on POS approved projects	246,634.80

**APPLICABLE LAW**

- 16. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996*.

17. Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

**APPLICABLE POLICY**

18. Debt Collection Policy S-FIN02.
19. Register of Delegations from Council to CEO.

**STAKEHOLDER ENGAGEMENT**

**Internal Referrals**

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

**External Referrals**

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

**FINANCIAL CONSIDERATIONS**

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

**SUSTAINABILITY**

23. Nil.

**RISK MANAGEMENT**

**Debtors**

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

**Creditors**

25.

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

**CONCLUSION**

26. Creditor payments are within the normal trend range.

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

RESOLVED OCM 100/2023

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in June 2023 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors report (Attachments 2) for the month of June 2023.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Sue Bilich**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**



### 10.6.3. Rates Debtors Report for the Period Ended 30 June 2023

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report June 2023 [ <b>10.6.3.1</b> - 1 page]

#### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
P 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 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 to provide Council with information on the rates collection percentage and the status of recovery actions.

2. The City of Kalamunda (City) levied rates for 2022/2023 on 1 July 2022 totalling \$41,664,711. As of 30 June 2023, \$42,340,117 has been collected for current and prior year outstanding rates for the June 2023 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of June 2023 (Attachment 1).

**BACKGROUND**

4. Rate Notices were issued on 15 July 2022 with the following payment options available:

<b>Options</b>	<b>Payment Dates</b>			
Full payment	19 August 2022			
Two instalments	19 August 2022	23 December 2022		
Four instalments	19 August 2022	21 October 2022	23 December 2022	24 February 2023

**DETAILS AND ANALYSIS**

5. A total of 23,828 notices were issued on 15 July 2022. This consisted of 20,773 mailed rate notices, and 3,055 eRates notices. Rates Levied and Collectable for the 2022/2023 Financial Year currently total \$44,703,986.
6. As of 30 June 2023, a total of \$42,340,117 has been collected since Rates Notices were released, representing a collection rate of 96.74%.
7. A total of 8,130 ratepayers have taken up an instalment option. This is an increase from 2021/2022 where 7,576 chose an instalment option. The first instalment due date was 19 August 2022. A total of 350 ratepayers have chosen to pay via direct debit, a significant increase from 156 in 2021/2022. Refer to the table below:

<b>Option</b>	<b>Description</b>	<b>Number</b>
Option 2 on Rate Notice	Two instalments	1,645
Option 3 on Rate Notice	Four instalments	6,485
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	227
Direct Debit	Payment to be received by April 2023	123
Total	Ratepayers on payment options	8,480

8. Interim rating has now commenced for 2022/2023. To 30 June 2023 \$425,967 has been raised for interim rating revenue.

9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 June 2023 to 30 June 2023, there was a total of 321 incoming calls and 176 outgoing calls, equating to 14.98 hours call time.

### **APPLICABLE LAW**

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

### **APPLICABLE POLICY**

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.
12. The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

### **STAKEHOLDER ENGAGEMENT**

#### **Internal Referrals**

13. The City's Governance Unit has been briefed on the debt collection process.

#### **External Referrals**

14. The higher-level debt collection actions will be undertaken by AMPAC.

### **FINANCIAL CONSIDERATIONS**

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

### **SUSTAINABILITY**

#### **Social Implications**

16. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.

17. The City has “a smarter way to pay” direct debit option to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A “Smarter Way to Pay” allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce their financial burden.

**Economic Implications**

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

**Environmental Implications**

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

**RISK MANAGEMENT**

- 20.

<b>Risk:</b> Failure to collect outstanding rates and charges leading to cashflow issues within the current year.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
Ensure debt collections are rigorously maintained.		

**CONCLUSION**

21. With a current collection rate for the financial year of 96.74% (compared to 95.92% last year), the City continues to effectively implement its rate collection strategy and recognises more ratepayers have chosen to pay their rates via instalments and direct debit options.

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

RESOLVED OCM 101/2023

That Council RECEIVE the Rates Debtors Report for the Period ended 30 June 2023 (Attachment 1).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

## 10.6.4. Kalamunda Waterpark Slides – Refurbishment

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

Previous Items	OCM 103/2021
	OCM 39/2022
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Kalamunda Water Park Redundant Speed Slide [<b>10.6.4.1</b> - 1 page]</li> <li>2. Kalamunda Water Park Slide Refurbishment Colour Gel Coating Works [<b>10.6.4.2</b> - 1 page]</li> </ol>
Confidential Attachment	<ol style="list-style-type: none"> <li>1. Kalamunda Water Park Slide Refurbishment - Scope of Work Costings</li> <li>2. Kalamunda Water Park Engineering Report</li> </ol>

Reason for Confidentiality: *Local Government Act 1995 s5.23 (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.”*

### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
<b>P</b> 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 1: Kalamunda Cares and Interacts**

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

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

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

### **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 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 for Council to support additional expenditure to enable the Kalamunda Water Park Slide (KWP) refurbishment project to be undertaken prior to the start of the 2023/24 Season.
2. A structural engineering inspection was undertaken by Leisure Engineering in October 2022, which identified works that needed to be undertaken to ensure safe operation prior to the slides reopening, with a briefing to Council and funding allocated in the 2023/24 Budget.
3. The officer recommendation requests that Council, Pursuant to section 6.8 (1) (b) of the Local Government Act 1995 approve any amendments to the 2023/24 Budget, increasing the budget for KWP Renewal of Water Slides from \$300,000 to \$713,000.

## BACKGROUND

4. The KWP, located on Canning Road, Kalamunda is a City owned leisure facility. The City of Kalamunda (City) is responsible for the renewal and replacement of the differing infrastructure assets, which includes an unheated outdoor 50m pool, learn to swim pools, toddler's pools, two (2) water slides, one (1) redundant speed slide, kiosk, administration area and semi-enclosed changerooms.

5. Since 2016, the City only operates two (2) waterslides. These two (2) waterslides are still serviceable provided that the works outlined within this report proceed. These slides have lengths of 106.9m and 110.7m and were purchased by the City in a used condition in the 1980's.
6. The third slide, known as the redundant speed slide, has not been in use due to its deteriorating condition and failing infrastructure since 2016.
7. The KWP facility is operated through a Management Agreement with Belgravia Leisure seasonally, through the months of November to March each year.
8. The City has the water slides visually inspected annually by a third-party qualified engineer, checking for any defects or concerns that need to be addressed prior to the slides opening for the season to ensure safe operation. Every five (5) years since 2017 the City has had the structural integrity of the waterslides inspected. In October 2022 the structural engineering report was received from Leisure Engineering (Attachment Three (3)) that identified multiple structural concerns that require rectification prior to reopening the water slides to the public.
9. Due to the estimated value of the works being greater than the Tender threshold of \$250,000, the City worked towards developing a Request for Tender (RFT) to test the market. The RFT was informed by the engineering report to scope the repairs required, as well as the requirements for a suitably qualified and resourced contractor. RFT 2219 was advertised on 8th of March 2023 for four (4) weeks.
10. At the close of RFT 2219 on the 5th of April 2023 the City received no bids. Due to the lack of interest the City proposed to separate the RFT into smaller, more manageable portions which could be more attractive and manageable to smaller more specialised contractors.
11. When the City originally tendered for the refurbishment of the two (2) waterslides, the redundant water slide was not included within the scope of work. To access the two (2) waterslides for refurbishment, contractors would be working in close proximity and underneath the redundant speed slide. The failing condition of the redundant speed slide supporting steel structure meant that it needed to be removed for the refurbishment to proceed. Photos of the condition of the supporting structure can be seen in Attachment 1.



## DETAILS AND ANALYSIS

12. In October 2022, following a full structural review by Leisure Engineering, the report concluded that:
- “3 CONCLUSIONS*
- 3.1 More than a dozen slide support mounts (Glass Reinforced Plastic (GRP)-to-steel) and attachment points exhibited partial or complete delamination, as well as advanced corrosion (refer attached Report Image Gallery).*
- These structural mounts need to be repaired immediately.*
- 3.2 All internal GRP surfaces and joint locations are to be re-inspected and made good by a qualified contractor (refer attached Report Image Gallery). These surfaces/defects need to be rectified immediately.*
- 3.3 All external GRP surfaces and joint locations are to be re-inspected and made good by a qualified contractor (refer attached Report Image Gallery). These surfaces/defects need to be rectified immediately.*
- 3.4 The slide start tubs and runouts both displayed minor surface defects (refer attached Report Image Gallery). It is highly recommended that these components are rectified at the same time as the other rectification work prescribed in this section.*
- 3.5 All sites of corrosion on the steel sub-structure are to be abraded and re-surfaced (refer attached Report Image Gallery). These sites need to be rectified immediately.*
- All maintenance activities prescribed above and in the attached Report Image Gallery are to be carried out prior to reopening of the waterslides.”*
13. The City sought suitably qualified and resourced contractors to undertake the works as stipulated in the engineering report, through RFT 2219 Refurbishment of Waterslides at the KWP. Whilst interest was shown no submissions were received. Based on feedback received from the interested parties the City decided to split the works to make the portions more manageable and attractive to smaller more specialised contractors.
14. Post Tender the City split the works into the following categories:
1. Demolish redundant speed slide
  2. Scaffolding
  3. Replace structural steel components
  4. Sandblasting
  5. Fibreglass repair and renew gelcoat
  6. Engineering review and sign off
15. A budget allocation of \$300,000 was included in the 23/24 budget based upon early estimates, however quotes subsequently received for the individual portions totalled \$713,000.

16. The City has received costing from suppliers to inform the project funding total. This is detailed within Confidential Attachment 1.
17. The City has allowed a 10% contingency within the funding request to cover any unforeseen issues that may arise.
18. All works are scheduled to be completed prior to the pools and slides opening at the end of the 2023 calendar year. It should be noted that the fibreglass and gel coating works are weather dependant and may be subject to delay if there are unseasonal rain conditions.
19. The gel coat renewal allows the City the opportunity to change the colour of the two (2) slides. The sapphire blue, based on pigment available as informed by the supplier, is the proposed choice of colour. This can be seen in Attachment 2.
20. Once the works have been completed, the City will engage a suitably qualified engineer to certify that the required works have been satisfactorily completed prior to the commencement of the 2023/24 season. To ensure ongoing safe operation of the refurbished slides it will be necessary for the City to continue to engage an engineer to do a visual inspection on an annual basis thereafter. This is expected to incur an additional annual operational cost of approximately \$1500.
21. An ongoing maintenance program will be implemented on completion of work based upon the engineering report. This may include works to repair feathering, edging & joints.

## **APPLICABLE LAW**

22. Pursuant to section 6.8 (1) (b) of the *Local Government Act 1995*, which outlines the process for expenditure that is not included in annual budget.

Pursuant to section 6.11 (2) (b) of the *Local Government Act 1995*, which relates to Reserve funds.

Pursuant to the Local Government (Functions & General Regulations) 1996 Division 2 11 (2) Tenders do not have to be publicly invited where

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

## **APPLICABLE POLICY**

23. CEOD7 - Purchasing

## **FINANCIAL CONSIDERATIONS**

24. The operation of the slides at KWP is a key financial driver for the KWP business model for Belgravia Leisure, as evidenced by the 13,575 attendances in 2021/22. This also positively impacts secondary spend at the kiosk.
25. As a result of the slide closure for the 2022/23 season, a revised net subsidy to Belgravia Leisure was increased by \$214,000 to a total of \$411,000 to account for the loss of this major income source.
26. The 2023/2024 agreed net subsidy for Belgravia Leisure to operate the KWP for the season is \$231,842. This figure was developed on the basis that the slides would be back in operation for the 2023/24 season.
27. As a result, the City's expenditure of \$713,000 for the slide project, will be realised within a three (3) to four (4) year period by not having to pay an increase in the subsidy, hence the slides are critical to the KWP business model.
28. If the slides were to remain closed, the impact will be that the net subsidy for Belgravia Leisure will need to be increased each year by approximately \$179,000 plus CPI each year.
29. Funding of the shortfall a difference of approximately \$413,000 is recommended to be transferred from Asset Enhancement Reserve Fund. This reserve currently has a balance of approximately \$1.8 million.

## **SUSTAINABILITY**

30. The City will endeavour wherever possible with the demolition works, that materials are responsibly recycled.

**RISK MANAGEMENT**

31.

<b>Risk:</b> The City fails to demolish the redundant speed slide, placing the two (2) remaining slides refurbishment project at risk, in addition to the risk of injury to the contractor and future users.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Possible	High
<b>Action/Strategy</b>		
The unsafe structure has been identified as safety hazard. If a failure occurred it could cause potential injury due to those entering the facility through unauthorised access, contractors and stakeholders. The structure failure could also damage the other water slides being remediated. It is recommended that the redundant slide be removed so the City has meet its duty of care to users and contractors.		

32.

<b>Risk:</b> The City decides not to proceed with the refurbishment of the two (2) water slides resulting in reduced patronage, reduced service to community and an increase in the net subsidy payable to the Pool operator.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Likely	High
<b>Action/Strategy</b>		
To protect the City from significant reputational damage, it is recommended that Council approves the funding to proceed with the works required to reopen the slides and to avoid increasing subsidy costs.		

**CONCLUSION**

- 33. In order to complete the works to the two (2) slides for the 2023/24 season, an additional budget allowance of \$413,000 must be allocated to fund the project.
- 34. It is proposed that the budget shortfall is found from the Asset Enhancement Reserve, which has an approximate current balance of \$1.8 million.
- 35. Due to safety concerns, the redundant speed slide, which has been decommissioned since 2016, will be removed from site.
- 36. On works completion, engineering sign off will confirm that the two (2) water slides can be reopened to the public.
- 37. In order to meet the City's procurement practices and policies, delegation must be provided to the CEO to engage WA Fibreglass Pools, given that RFT process resulted in no bids.

**Voting Requirements: Absolute Majority**

RESOLVED OCM 102/2023

That Council:

1. APPROVE the revised scope of works for the Kalamunda Water Park Slide Refurbishment project.
2. Pursuant to section 6.8 (1) (b) of the *Local Government Act 1995*, APPROVE the following amendments to the 2023/2024 Budget:
  - (a) increase the budget for Kalamunda Water Park Renewal of Water Slides from \$300,000 to \$713,000.
  - (b) transfer \$413,000 from the Asset Enhancement Reserve to the Municipal Fund.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY /ABSOLUTE MAJORITY (9/0)**

### 10.6.5. High Wycombe South Development Contribution Plan - Status Update

The Director Development Services provided clarification in relation to reference to legal advice being provided a confidential item to council. There is no legal advice provided relating to this item. The reference to legal advice is an administrative error in the production of the agenda.

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

Previous Items	OCM 14/2015, SCM 05/2015, OCM 15/2017, SCM 67/2018, SCM 231/2018, OCM 280/2019, OCM 243/2019, OCM304/2021, OCM 37/2022, OCM 45/2022, OCM 46/2023
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/113
Applicant	N/A
Owner	N/A
Attachments	1. Complex Amendment Process [ <b>10.6.5.1</b> - 1 page]

#### TYPE OF REPORT

	Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
<b>P</b>	Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
<b>P</b>	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 1.1.1** -- Ensure the entire community has access to information, facilities and services.

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

### Priority 3: Kalamunda Develops

**Objective 3.1** - To plan for sustainable population growth.

**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

### Priority 3: Kalamunda Develops

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

**Strategy 3.2.2** - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

### Priority 3: Kalamunda Develops

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

**Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

### 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 to:
  - a) Provide the Council a status update on Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 (LSP3) which seeks to introduce a Development Contribution Plan (DCP) in High Wycombe South (HWS) Residential Precinct; and

- b) Outline the Stakeholder and Community engagement approach for the intervening period before advertising, and once formal advertising commences.
2. Amendment 113 and the supporting draft DCP Report were considered at the Ordinary Council Meeting (OCM 46/2023) on 18 April 2023. At this OCM, the Council resolved to proceed with Amendment 113 for the purposes of commencing public advertising.
3. Prior to the City of Kalamunda (City) commencing the formal advertising process, confirmation is required from the Western Australian Planning Commission (WAPC) that Amendment 113 and supporting documentation is suitable for advertising. A response is also required from the Environmental Protection Authority (EPA) on whether Amendment 113 should be assessed.
4. The City referred Amendment 113 and the associated HWS DCP to the WAPC on 1 May 2023 following the publication of the City of Kalamunda April 2023 OCM Minutes. As at 30 June 2023, which represents 60 days from receiving Amendment 113 the Department of Planning, Lands and Heritage (DPLH), the responsible authority for providing a review and recommendation to the WAPC, is undertaking a detailed review of all documentation.
5. The Council is recommended to note the information presented in this report and request continued support and cooperation from DPLH to finalise Amendment 113 and the DCP to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range.

## **BACKGROUND**

6. The DCP proposed for HWS Residential Precinct comprises two key parts:
  - a) Proposed Amendment 113 which will provide the statutory provisions to operationalise the DCP, including a Special Control Area on the LPS 3 map and provisions in Schedule 12; and
  - b) The DCP Report which provides detail regarding the needs analysis, estimated infrastructure and administration costs, timing and priority principles for delivery, and cost apportionment details.
7. A DCP is a planning tool that helps to manage the collection of funds (cost contributions) and the delivery of infrastructure for the precinct. A DCP is designed to support landowners and developers in an area that is identified for, or currently undergoing, subdivision and development.

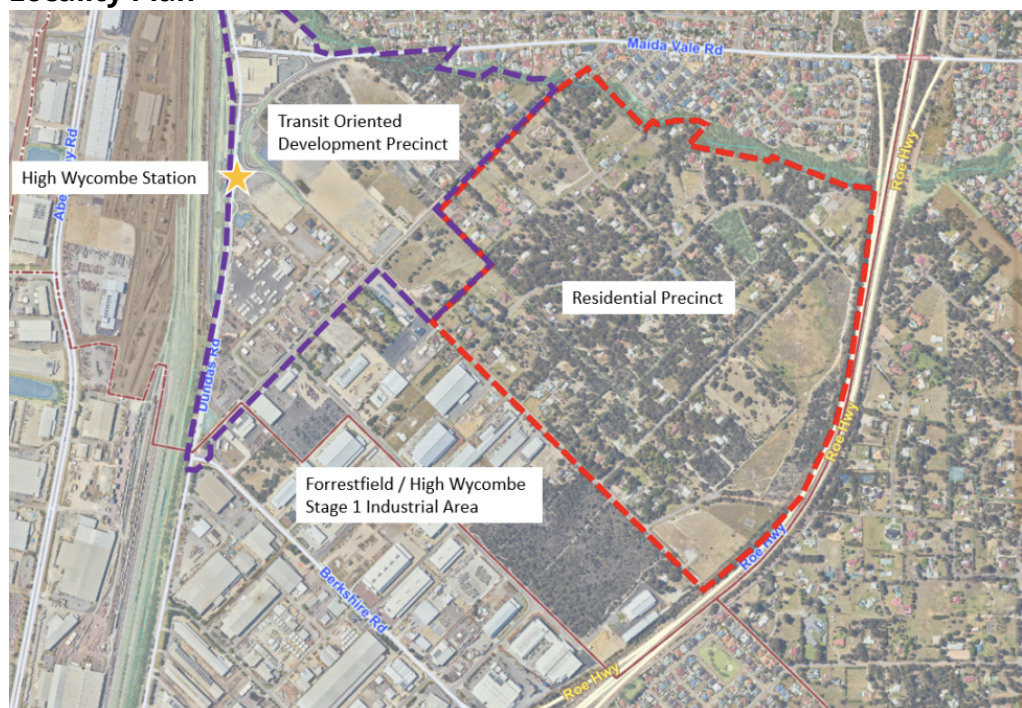


8. The April 2023 OCM (OCM 46/2023) provides a comprehensive overview of Amendment 113 and the HWS DCP, associated and relevant locality context and history.

9. **Location**

The DCP proposed under Amendment 113 applies to the HWS Residential Precinct, proposed to be marked on the LPS3 Scheme Map as Development Control Area 2 (DCA2); an area of approximately 121.7 hectares bounded by the Transit Oriented Development (TOD) surrounding the High Wycombe Train Station, Roe Highway, Poison Gully Creek and Sultana Road West. The area is highlighted in red on the Locality Plan below.

10. **Locality Plan**



11. Amendment 113 and the associated HWS DCP was considered at the April 2023 Ordinary Council Meeting (OCM 46/2023), where the following resolved:

*“That Council:*

1. *CONSIDER Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 a complex amendment, pursuant to Regulation 35 (2) and 72 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
  - a) *The amendment proposes a Development Contribution Plan.*
  - b) *The amendment is not a standard or basic amendment.**
2. *FORWARD proposed Scheme Amendment No.113 to Local Planning Scheme No.3 to the Western Australian Planning Commission pursuant to*

*Regulation 37(2) and 37(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

3. *FORWARD proposed Scheme Amendment No.113 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to Section 81 of the Planning and Development Act 2005.*
4. *Subject to Points 2 and 3, PROCEED to advertise Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 as at Attachment 1 and with supporting Attachment 2, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 37 (1) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
5. *REQUEST the Western Australian Planning Commission amend the Metropolitan Region Scheme, to reclassify areas identified as Local Open Space on the High Wycombe South Residential Precinct Local Structure Plan within the 'Green Link' identified in Attachment 13, from Urban to a Parks and Recreation Reserve.*
6. *REQUEST continued support and cooperation from the Department of Planning, Lands and Heritage to finalise Amendment 113 and the Development Contribution Plan, to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range.*
7. *AGREE to list for consideration as part of the 2023/24 Budget preparation process funds to undertake detailed designs to 85% for the Development Contribution Plan Infrastructure to inform final adoption."*

## **DETAILS AND ANALYSIS**

12. The procedure for amending a Local Planning Scheme is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*. In summary, the procedure for a complex amendment involves the following sequential steps:
  - a) Local Government resolves to proceed with the Amendment (OCM 46/2023).
  - b) The Local Government submits the amendment to the WAPC for examination within 21 days of the resolution.
  - c) The Local Government submits the amendment to the Environmental Protection Authority (EPA) to determine whether environmental assessment is required.
  - d) The WAPC examines the amendment documents and within 60 days (or a longer period the Minister or an authorised person allows) advises if it considers the amendment suitable for advertising.
  - e) The WAPC may instruct the Local Government to make modifications to the amendment.
  - f) The Local Government advertises the Amendment for at least 60 days.
  - g) Within 90 days of the end of the submission period (or a period approved by the WAPC) the Local Government considers submissions

and passes a resolution to support, support with modifications, or not support the amendment. If modifications are significant, the Local Government may readvertise the amendment.

- h) The Local Government submits the amendment to the WAPC within 21 days of the resolution.
- i) The WAPC considers and makes recommendations to the Minister within 90 days of receiving the amendment.
- j) The Minister for Planning decides whether to approve, modify or refuse the amendment.

Attachment 1 provides a detailed flowchart of the above process.

### ***Amendment 113 Status***

- 13. Prior to the City commencing public advertising for Amendment 113, responses are required from the WAPC and the EPA confirming the suitability of the documents submitted.
- 14. A referral was submitted to the EPA and WAPC on 1 May 2023. The City received a response from the EPA on 10 July 2023 confirming that Amendment 113 would not be assessed. The City is yet to receive a formal response from the WAPC.
- 15. The *Planning and Development (Local Planning Schemes) Regulations 2015* provide the WAPC 60 days to formally respond. While a response has not been received, the City has been regularly communicating with officers at the DPLH to support a timely review of the information submitted.
- 16. The DPLH has recently established resources and processes dedicated to the review of DCPs with an objective to ensure DCPs are consistent with regulation, policy requirements, and principles underpinning DCPs. The HWS Residential Precinct will be one of the first significant Amendments for consideration in this context.
- 17. DPLH's thorough review of Amendment 113 and the DCP Report is beneficial to all parties. This process will provide greater confidence in the supporting documents and approach as it progresses to public advertising.
- 18. Given the significant volume of information supporting Amendment 113, together with the City's MRS Amendment Request for the Green Link, the City expects that the DPLH will seek the Minister's approval for additional time beyond the aforementioned 60 day consideration period.
- 19. The City's officers have requested a response from the DPLH regarding the timing for a response, however are yet to receive definitive

information in this regard. It is recommended that the Council included an item in the resolution to formally request the WAPC provide detail regarding the timing to complete a review of the documentation to support the City's communication with landowners, industry, and preparations to move the proposal forward.

20. The below table provides a status update of the seven (7) items of the resolution passed at the April 2023 Ordinary Council meeting (OCM 46/2023).

RESOLUTION	STATUS UPDATE	
<p>1. <i>CONSIDER Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 a complex amendment, pursuant to Regulation 35 (2) and 72 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:</i></p> <p><i>c) The amendment proposes a Development Contribution Plan.</i></p> <p><i>d) The amendment is not a standard or basic amendment.</i></p>	NA	No action required the purpose of this resolution is informative.
<p>2. <i>FORWARD proposed Scheme Amendment No.113 to Local Planning Scheme No.3 to the Western Australian Planning Commission pursuant to Regulation 37(2) and 37(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.</i></p>	P	Forwarded to WAPC on 1 May 2023.
<p>3. <i>FORWARD proposed Scheme Amendment No.113 to Local Planning Scheme No.3 to the Environmental Protection Authority for comment pursuant to Section 81 of the Planning and Development Act 2005.</i></p>	P	Forwarded to EPA on 1 May 2023. Response received 10 July 2023.
<p>4. <i>Subject to Points 2 and 3, PROCEED to advertise Amendment 113 to the City of Kalamunda Local Planning Scheme No. 3 as at Attachment 1 and with supporting Attachment 2, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 37 (1) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015.</i></p>	NA	Pending formal confirmation from the WAPC.

5. <i>REQUEST the Western Australian Planning Commission amend the Metropolitan Region Scheme, to reclassify areas identified as Local Open Space on the High Wycombe South Residential Precinct Local Structure Plan within the 'Green Link' identified in Attachment 13, from Urban to a Parks and Recreation Reserve.</i>	P	Forwarded to WAPC on 1 May 2023. Pending WAPC consideration.
6. <i>REQUEST continued support and cooperation from the Department of Planning, Lands and Heritage to finalise Amendment 113 and the Development Contribution Plan, to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range.</i>	P	Ongoing support and cooperation is being provided by the DPLH.
7. <i>AGREE to list for consideration as part of the 2023/24 Budget preparation process funds to undertake detailed designs to 85% for the Development Contribution Plan Infrastructure to inform final adoption.</i>	P	Funds have been listed in the 2023/24 budget for this activity.

21. The City will commence the community consultation process once consent has been advised from both the EPA and DPLH/WAPC.

**APPLICABLE LAW**

22. *Planning Development Act 2005*  
 23. *Environmental Protection Act 1986*  
 24. *Planning and Development Regulations (Local Planning Schemes) 2015*  
 25. *City of Kalamunda Local Planning Scheme No.3*

## **APPLICABLE POLICY**

26. *State Planning Policy 3.6 (Infrastructure Contributions)*
27. *City of Kalamunda Local Planning Policy No. 11 (Public Notification of Planning Proposals)*

## **STAKEHOLDER ENGAGEMENT**

### **28. *Proposed Consultation Approach***

The City has been actively preparing for community engagement to enable Amendment 113 to commence as soon as confirmation is provided from DPLH and the EPA.

29. The City has the following statutory obligations when undertaking advertising for Amendment 113:
  - a) A consultation period of 60 days. Notwithstanding, as noted in the Council report item presented to OCM on 18 April 2023 (OCM 46/2023) the City will request the formal advertising period to occur for 90 days.
  - b) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.
  - c) Publish a notice on the City's website that includes all information relevant to Amendment 113.
  - d) Make a copy of all information relevant to Amendment 113 available at the City's offices.
  - e) Publish a notice in a newspaper circulating in the local area.

In addition to the consultation obligations under the Regulations, the City intends to support the engagement process with the following measures:

- a) Given the significance of the documentation, the City will request an extended advertising period for at least 90 days.
- b) Write to all landowners affected by the DCP detailing how information can be accessed and how to make a submission.
- c) Meetings with individual landowners, or small landowner groups to increase understanding of the DCP, and landowner experiences.

30. Throughout the planning process for HWS, the City has received and heard about the experiences of landowners. While these experiences can vary, the key messages for many remaining landowners can be summarised as:
- a) Discontent with the timelines of the planning process(es);
  - b) need for greater communication about what is going on; and
  - c) a request to understand and help landowners wishing to transition out of the area and realise asset value.
31. A guiding objective of the consultation approach is to continue to build trust with the community, listening to and learning from the lived experiences of landowners, and considering the economic and social strengths and weaknesses for the area. The City's officers have met with approximately 11 landowners since the Council's consideration of Amendment 113 on 18 April 2023. Further meetings are planned, including recurring meetings with groups of landowners to enable feedback and further questions and discussion items. The City will also invite groups of landowners in a common locality with common interests (eg. development cells) to participate in future meetings with City officers.

**FINANCIAL CONSIDERATIONS**

32. Any costs associated with public advertising will be met through the Development Services annual budget.

**SUSTAINABILITY**

33. The DCP will create a framework for the facilitation of infrastructure to service new development in HWS. The planning and coordination of infrastructure through a DCP is important for the long term economic and social development of the community.

**RISK MANAGEMENT**

34.	<b>Risk:</b> The WAPC does not provide notification that Amendment 113 is suitable for advertising within a reasonable period.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Unlikely	Medium
	<b>Action/Strategy</b>		
	The City will continue its open dialogue with the DPLH and provide assistance where possible to support the continued progression of Amendment 113. In the meantime, the City will continue to update the community and Council via the monthly HWS Newsletter, meetings with landowners, and Reports to Council if and when required.		

35.

**Risk:** The WAPC requires significant modifications to Amendment 113 which delays consultation and/or alters the forecast contribution rate.

<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Possible	High

**Action/Strategy**

Continue to work with the DPLH for early identification of any modifications, and undertake further analysis as required to reduce the impact on the Amendment 113 approval process, and the DCP.

**CONCLUSION**

- 36. The City and DPLH are regularly communicating at a senior officer level to ensure this matter receives an appropriate degree of attention and priority.
- 37. While a formal response is yet to be received from the WAPC, the benefits of a detailed and thorough peer review of Amendment 113 and the DCP Report are considered to be one positive element from the delayed response. The timeframe for a response and ultimately the commencement of community engagement will depend on the final findings from the DPLH. It is recommended that the Council formally request a response from the WAPC regarding the timing to complete a review of Amendment 113, to enable the City to communicate with the affected community and prepare for the next steps to finalise the DCP.
- 38. The City's staff are committed to updating the Council and the community, providing an opportunity to openly discuss the content and status of the DCP.



<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 103/2023

That Council:

1. NOTE the information contained in this Report and attachments.
2. REQUEST continued support and cooperation from the Department of Planning, Lands and Heritage to finalise Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 and the Development Contribution Plan, to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range.
3. REQUEST a response from the Western Australian Planning Commission regarding the timing to complete a review of Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 and the Development Contribution Plan, to enable the City of Kalamunda to communicate with the affected community and prepare to finalise the Development Contribution Plan preparation.

Moved: **Cr Sue Bilich**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

**11. Motions of Which Previous Notice has been Given**

**12. Questions by Members Without Notice**

12.1 Traffic Issues - Welshpool Road East and Lewis Road (Cr Janelle Sewell)

Q. Concerns have been raised in relation to the number of accidents which are regularly occurring at the intersection of Welshpool Road East and Lewis Road. Could it be advised if there is the intention to apply for black spot funding for the upgrade of this intersection. If there are other plans for this intersection?

A. Progressed a concept design for this intersection. This will be brought back to council and presented to the community. Based on the current funding timelines this would be presented for funding in the 2025/26 financial year.

12.2 Traffic Issues - Welshpool Road East and Lewis Road (Cr John Giardina)

Q. What form of Traffic management system would be considered at this site?

A. It is currently traffic lights. This is subject to further design review.

12.3 Traffic Issues - Welshpool Road East and Lewis Road (Cr Geoff Stallard)

Q. Is there anyway the upgrade of this intersection could be fast tracked.

A. Taken on Notice

12.4 Maida Vale Reserve Drainage (Cr Dylan O'Connor)

Q. Are there any plans to remediate the portion of land lease by the Maida Vale Primary school as after raining this area holds water for about 48 hours and during this time a large portion of the leased area is unusable.

A. Taken on Notice

**13. Questions by Members of Which Due Notice has been Given**

13.1 Nil.

**14. Urgent Business Approved by the Presiding Member or by Decision**

Gary Ticehurst declared a Direct Financial Interest on Item 14.1 Urgent Business Approved. Mr Ticehurst declared an interest as this matter relates to his employment at the City of Kalamunda. Mr Ticehurst left the meeting at 6:56pm and returned at 6:57pm.

Voting Requirements: Simple Majority
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RESOLVED OCM 104/2023

That Council:

1. APPROVE the Chief Executive Officer, Ms Rhonda Hardy, to be on leave until the 31 August 2023.
2. APPOINT, pursuant to Council Policy Governance 18 – Appointment of Acting Chief Executive Officer the Director Corporate Services be appointed as the Acting Chief Executive Officer for the period 31 July 2023 to 31 August 2023.

Moved: **Cr John Giardina**

Seconded: **Cr Sue Bilich**

Vote: For: **Cr Margaret Thomas, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Sue Bilich, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil**

**CARRIED UNANIMOUSLY (9/0)**

**15. Meeting Closed to the Public**

15.1 Nil.

**16. Tabled Documents**

Kalamunda Tourism Advisory Minutes 29 June 2023  
Kalamunda Environmental and Sustainability Advisory Committee  
Draft Minutes -6 July 2023  
Public Agenda Briefing Forum Notes 11 July 2023  
KAAC Minutes July 2023

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 6:58pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2023.