



# Public Agenda Briefing Forum

3 December 2024

# Our Vision



## Connected Communities, Valuing Nature and Creating our Future Together

### Core Values

**Service:** We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

**Professionalism:** We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

**Quality:** We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

### Aspirational Values

**Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

**Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

**Innovation:** We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

**Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.**

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)



## INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held at the City of Kalamunda.**

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

### Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

### Emergency Procedures

**Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.**

**In case of an emergency follow the instructions given by City Staff.**

**Please remain at the assembly point until advised it is safe to leave.**

## Webcasting Notice

Please note that tonight's meeting will be live streamed and recorded.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

### PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

### Questions Asked Verbally

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

- a. Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c. Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d. Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e. Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f. Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i. The Presiding Member shall decide whether to:
  - i. accept or reject any question and his/her decision shall be final;
  - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
  - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j. Where an Elected Member is of the opinion that a member of the public is:
  - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
  - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k. Questions and any responses will be summarised and included in the minutes of the meeting.
- l. It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

### PROCEDURES FOR PUBLIC STATEMENT TIME

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

### Questions in Writing

- a. Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b. The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c. Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d. The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f. Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g. A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h. Questions and any response will be summarised and included in the minutes of the meeting.
- i. It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.

- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

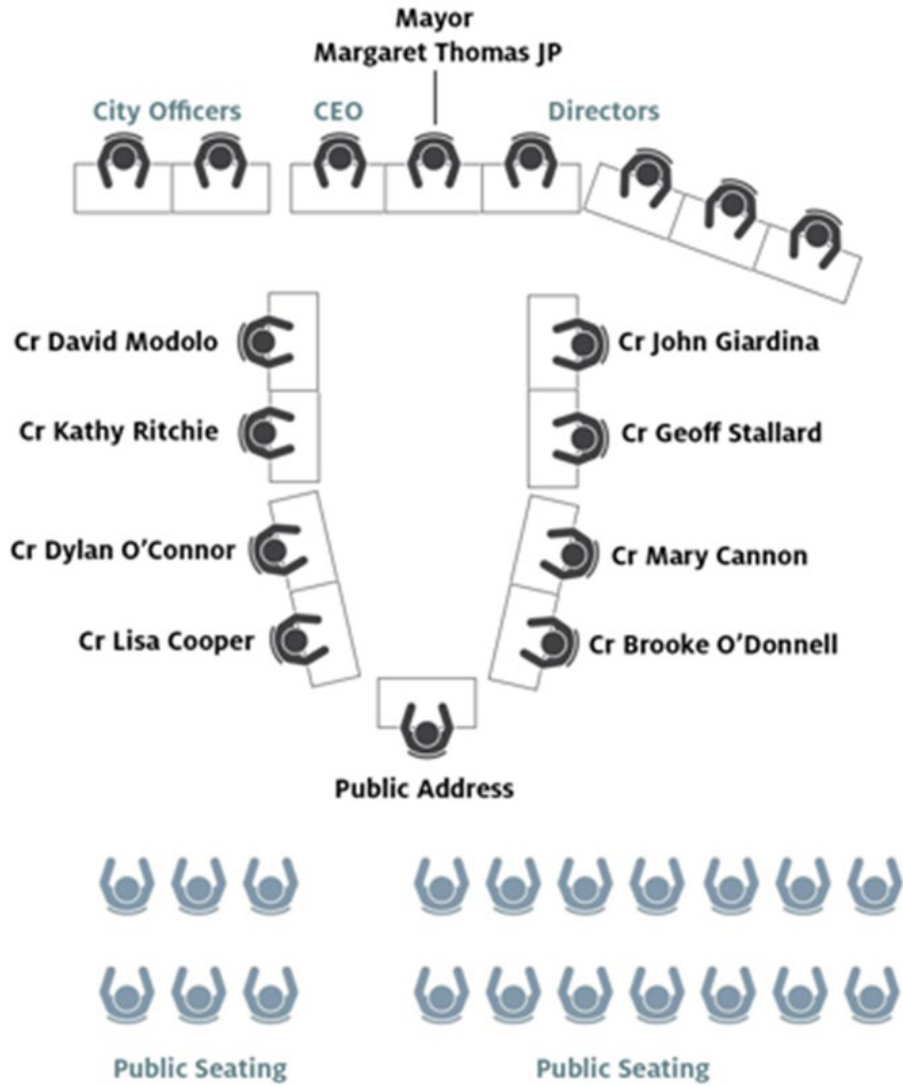
### Questions of Clarification

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

- a. Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c. The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d. Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e. The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f. Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).



## Council Chambers Seating Plan



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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence**
3. **Declarations of Interest**
- 3.1. **Disclosure of Financial and Proximity Interests**
  - a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
  - b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)
- 3.2. **Disclosure of Interest Affecting Impartiality**
  - a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.
4. **Announcements by the Member Presiding Without Discussion**
5. **Public Question Time**

Public questions will be allowed and received following the presentation of the report.
6. **Public Statement Time**

Public statements will be allowed and received following the presentation of the report.
7. **Public Submissions Received in Writing**
8. **Petitions Received**
9. **Confidential Items Announced But Not Discussed**
- 9.1 **Item 10.1.1 City Transformation - Strategic Projects Update – Confidential Attachments -**
  1. High Wycombe Hub Status Snapshot - Oct 24
  2. 9587 - AFL & Little Ath - Status - Oct 2024
  3. 9592 - Soccer - Status - Oct 2024
  4. 9591 - League - Status - Oct 2024
  5. 9589 - Bowls and Tennis Colocation - Status - Oct 2024

6. 9589 - Foothills Mens Shed - Status - Oct 2024
7. 9589 - Bowls and Tennis Colocation - Status - Oct 2024
8. N 613 - Pickering Brook Volunteer Bush Fire Brigade Facility - Status - Oct 2024

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

- 9.2 Item 10.1.2 Proposed Permanent Road Closure - Portion of Nardine Close High Wycombe – **Confidential Attachments** - Submitters Table Nardine Close Road Closure

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

- 9.3 Item 10.2.1 RFT 2422 Powerline Vegetation Management - Award of Tender – **Confidential Attachments** - RFT 2422 Powerline Vegetation Management Evaluataion 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."*

- 9.4 Item 10.2.2 RFT 2417 General Tree Services - Award of Tender – **Confidential Attachments** - RF T 2417 General Tree Services 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."*

- 9.5 Item 10.2.3 RFT 2423 Weed Control and Natural Area Maintenance Services - Award of Tender – **Confidential Attachments** - RFT 2423 Weed Control and NAM TER –

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."*

- 9.6 Item 10.2.4 Maida Vale (Norm Sadler) and Scott Reserve Sport Pavilions - Tender Assessment **Confidential Attachments** – 1. RFT 2408

Redevelopment of Scott Reserve Pavilion Redevelopment;  
Recommendation of Award - Rev 1; 2. RFT 2408 Scott Reserve Pavilion  
TER - Final Unsigned; 3. RFT 2414 Redevelopment of Norm Sadler Pavilion  
Recommendation of Award - Rev 1; 4. Attachment 4 RFT 2414 Maida Vale  
Norm Sadler Pavilion TER - Final Unsigned

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."*

9.7 Item 10.4.1 The Perth Observatory Sculpture Park and Biennial  
Sculpture Event – **Confidential Attachments** - *Appendix. Sculpture Park-  
City of Kalamunda Presentation; Final Sculpture Park City of Kalamunda  
Presentation Oct 24*

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."*

10. Reports to Council

10.1. Development Services Reports

10.1.1. City Transformation - Strategic Projects Update

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

Previous Items	OCM 157/2022, OCM 40/2024,SCM 87/2024
Directorate	Development Services
Business Unit	City Transformation
File Reference	
Applicant Owner	N/A
Attachments	Nil

**TYPE OF REPORT**

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

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 1: Kalamunda Cares and Interacts**

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

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

### Priority 3: Kalamunda Develops

**Objective 3.1** - 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is to provide half year progress on the Strategic Projects being devised, planned and implemented by the City Transformation Business Unit.
2. Significant progress is being made on each project and some are now under construction or in final stages of design as precursor to construction.
3. This report touches upon the proposed methodology of implementation of future Strategic initiatives of the City to be managed by the City Transformation Business Unit.
4. It is proposed that Council note the half year report from the City Transformation Business Unit.

## BACKGROUND

5. In 2023/2024 Council agreed to the engagement of relevant consultant and contractor teams under the direction of the Strategic Projects Director to undertake design and construction of two significant aspects of the Strategic Community Facilities Plan being the implementation of Hartfield Park Master Plan Stage 2A and the High Wycombe Community Hub. These projects formed part of the adopted 2023/24 Budget (SCM 87/2024)

6. In 2024/25 Council determined its two priority projects to be developed for advocacy for the upcoming 2025 State and Federal Elections, being the Pickering Brook Volunteer Bushfire Brigade Facility and the Ray Owen Indoor Stadium and Carparking Expansion (OCM 40/2024). Funding to develop business cases, schematic design and cost plans were approved in the adopted 2024/25 Budget (SCM 87/2024)
7. In September 2024, the Chief Executive Officer released details of the City Transformation Business Unit housing our future enterprise Project Management Office located under the Development Services Directorate.
8. The objective is to adopt an integrated approach to project management and development, and where possible acting commercially to provide returns (fiscal or community benefit) to the residents of Kalamunda. This integrated approach, underpinned by Council and grant funding, enables us to deliver economic benefit, stimulate private investment and deliver complex and strategically significant projects to respond to Kalamunda's changing needs.
9. This new department is to be made up of two parts:
  1. One part will house our future enterprise Project Management Office (PMO) is a whole of business entity that sets standards, provides governance, enforces accountability, and establishes discipline to manage (a collection of) projects in an objective and consistent manner. The PMO's development we will strive to secure sustainable, competitive advantages for the City of Kalamunda (City). Its' mandate includes serving as a partner to other business units and creating a communication and decision-making platform that results in organisation-wide efficiencies and synergies.
  2. The other part will project manage our more complex City Transformational projects including:
    - a) High Wycombe Community Hub,
    - b) Hartfield Park Masterplan Stage 2A: Co-location (ie Hartfield Revitalisation Project)
    - c) Advocacy Project - Ray Owen Indoor Stadium and Carpark Expansion
    - d) Advocacy Project - Pickering Brook Fire Station
    - e) High Wycombe South Development Contribution Plan – Design Development
    - f) City of Kalamunda Local Planning Strategy and Town Planning Scheme



10. The Strategic Projects Director has been leading Projects 1 to 4 in the above list, with the Manager Strategic Planning leading Projects 5 & 6.

#### DETAILS AND ANALYSIS

11. **High Wycombe Community Hub ("Hub")**

1. Development of a contemporary Community facility comprising:
  - a) Indoor and Outdoor lap swimming pools
  - b) Indoor family pool
  - c) Indoor Learn to Swim pool
  - d) Indoor warm water pool
  - e) Spa, Sauna and Steam Room
  - f) Gymnasium
  - g) Community Centre with multiple rooms of varying sizes for community purposes
  - h) Café & Creche
  - i) Growth potential for Indoor Sports Courts, Childcare Centre, Allied Health facilities and Commercial office spaces
2. Funded as result of collaboration between Federal and State Governments during the May 2022 Federal Election Campaign
3. Located immediately opposite High Wycombe Train Station and seen as the first major activation of the High Wycombe Transit Oriented Development (TOD) Precinct.

12. **Works complete to date:**

1. Appointment of Christou Design Group as lead Architect who have in turn appointed a suite of aquatic, engineering, landscape, environment and place making subconsultants.
2. Appointment of Bridge 42 to conduct a feasibility study into possible commercial facilities that could be incorporated into the Hub
3. Appointment of Altus Consulting to provide Quantity Surveying services for the Project
4. Appointment of Bridge 42 to provide Project Risk and Time Planning Services
5. Appointment of CCS Strategic to develop a complete Operating Revenue and Cost model for the Hub and Business Case
6. Execution of \$60m Financial Assistance Agreement between the State Government (Department of Planning, Lands and Heritage-DPLH) and the City
7. Schematic design stage of design
8. Engineering, Aquatic, Environmental and Bushfire analysis reports and workshops with internal stakeholders

9. Initial discussions and presentation to Development WA to progress the Development Application approval.

13. Planned Works for Remainder of 2024/2025:

1. Submission and approval of Development Application
2. Council approval of Business Case for the operation of the Hub
3. Council approval of Business Case for proposed commercial activities within the Hub
4. Council approval to commence Business Plan activities in line with s3.59 of the Local Government Act
5. Completion of Design
6. Considerations of any outcomes from State & Federal Elections regarding undertaking Stage 2 works within the Hub
7. Commencement of Construction Tendering phase
8. Initiate and develop the Community Reference Group and broader Community consultation activities

14. Challenges:

1. Considerable delays in having the Hub site properly created and serviced by the respective State Agencies, impacting site access and planning
2. Construction deadlines to meet Federal funding requirements are tight, notwithstanding the significant time between the Federal funding announcement (May 2022) and executed agreement (October 2024)
3. Integrating Hub design to meet aspirations of DPLH, Development WA, City Stakeholders and taking into account adjacent Wetlands and Threatened Ecological Community lots and proposed Public Open Space Lot which may come under City care and control in the future
4. Managing cost effective solutions for public facilities in bushfire prone area within changing and evolving State Planning Policy and National Construction Code.

15. Financial Implications

To date the City has been 'carrying' the expenses incurred for the Project (~ \$500,000 to date). Within the provision of the funding agreement (subject to meeting milestones), the City should receive \$6m of funding by 30 June 2025 with forecast future payments generally aligned to construction activity

16. Governance and Risk

This Project has high order Project Plan in place along with Project Steering Group (comprising the CEO, key Executive Staff and DPLH representative) providing strategic oversight against time, scope, cost and risk outcomes.

The Project has a well developed strategic risk register which is reviewed monthly.

Core risks at present remain as budget certainty and DA approval timing

17. Conclusion and Summary

1. The Hub project team have been working in the background to develop the design and business cases despite inability to make public statements and reports until such time that the Federal and State Governments were able to allow the City to engage openly on the Project.
2. Notwithstanding the immense time pressure on the delivery team, a high degree of analysis and investigations into design outcomes that have long term impact for the City are being properly managed.
3. The Project is well placed for success.
4. A copy of the single page Project Summary Snapshot is provided as Attachment 1 to this report.

18. Hartfield Park Master Plan Stage 2A

1. Whilst this is the “umbrella” title for the item, it relates to several individual initiatives being undertaken by the City:
  - a) Long Jump Pits and Throwing Circle for Little Athletic Club
  - b) New Pavilion & associated Carparking expansion for AFL & Little Athletic Clubs
  - c) New Change Rooms, Store and public Universally Accessible Toilet for Forrestfield United Football Club (Soccer)
  - d) New Change Rooms and Store and Refurbishment of existing Pavilion for Rugby League Club
  - e) Co-location of Tennis & Bowls Clubs into new and redeveloped facilities
  - f) New Foothills Men’s Shed
2. Each initiative is its own discrete Capital Work Project.

19. Works Complete to Date:

1. Long Jump Pits and Throwing Circle delivered for use in December 2023 (on time and budget)
2. Tender for construction of Foothills Men's Shed awarded and site possession underway
3. Finalisation of construction tender documentation for Soccer works
4. Completion of Design Development phase for remaining projects

20. Planned Works for Remainder of 2024/2025

1. Construction tender for Soccer works awarded and site works commence
2. Construction tender for AFL / Little Athletic Pavilion, Rugby League Pavilion, Tennis & Bowls Colocation awarded
3. Completion of Foothills Men's Shed

21. Challenges

1. It became apparent at Schematic Design that the initial project budget was insufficient to meet intended scope of works. Significant time was incurred in developing options to address this issue, with Council determining to continue the intended scope of the projects through provision of additional Council funding.
2. Development footprints of new facilities that as best possible avoid the need to clear native vegetation. Through team effort between the Architect and Environmental Specialist the resulting outcome was that only 1 tree and ~ 0.003 Ha of native vegetation needs to be removed. This tree has subsequently died due to the climatic conditions experienced recently (as have many trees throughout the City and Perth & Peel at large)

22. Financial Implications

1. Within the scope of these projects are a mix of 5 separate State and Federal Grants and 1 user group contribution with not all grants being applicable to every project. This 'cocktail mix' of funding arrangements necessitates a good level of project accounting
2. The adopted budget cost for the suite of projects was \$18.1m with City funding of \$9.3m. This was premised on the basis that a pending \$200,000 application from the Community Sports and Recreation Facilities Fund towards the new Tennis Courts would be successful. This application was not successful.

3. The most recent cost plan has been received and is being reviewed for scoping such that a target overall budget of \$17.9m is being pursued.
4. At \$17.9m budget, there would be no increase required in City funding to cover the shortfall in assumed grant for the Tennis Courts
5. Individual projects may be above or below their initial budgets however the overall total is being managed to target.
6. Budgets will become more certain as each Construction Tender is awarded.

23. Governance & Risk

1. This Project has high order Project Plan in place along with Project Steering Group (comprising the CEO and key Executive Staff) providing strategic oversight against time, scope, cost and risk outcomes.
2. The Project has a well-developed strategic risk register which is reviewed monthly.
3. Core risk at present remain as budget certainty and meeting delivery timetables aligned to the various funding agency requirements.

24. Conclusion and Summary

1. The design phase of each project has seen significant positive engagement with user groups and Council briefing sessions. This has allowed design to progress in an orderly manner.
2. A deliberate strategy of implementing separate construction contracts for the Foothills Men's Shed and Soccer works is mitigating risks of not meeting some funding agency milestones
3. The project is well on track for completion during 2026 calendar year.
4. A copy of the single page Project Summary Snapshot for the current projects are provided as Attachments 2 to 6 to this report.

25. Ray Owen Indoor Stadium and Carpark Expansion

1. Within the vision of the Ray Owen Reserve Masterplan, an expansion of the existing Indoor Court stadium by 4 multipurpose courts primarily for Basketball and Netball use
2. Commensurate expansion of car parking facilities to address growing player and spectator visitation to Ray Owen Reserve

3. Selected by Council in April 2024 as one of two projects that would develop business case, schematic design and cost plan for advocacy during the 2025 State and Federal Election campaigns

26. Works Complete to Date:

1. Tenders for Design Team to develop schematic plans and costs have been called and assessed
2. Environmental Management specialist engaged to undertake Flora and Fauna study of areas potentially impacted by works for purposes future clearing permit requirements

27. Planned Works for Remainder of 2024/2025

1. Award of design team
2. Completion of schematic designs and costs
3. Review of flora and fauna report
4. Update to original business case imbedded in Masterplan
5. Subject to successful outcome of advocacy, negotiation of funding agreement

28. Challenges

Changes to National Construction Code since original Master Plan and earlier concepts may require significant works inside existing stadium, including bushfire assessment

29. Financial Implications

1. \$500,000 has been provided in the 2024/2025 budget to complete works up to Election Advocacy phase. Indications to date suggest no issue with budget
2. Design tender has flexibility to continue design works post March 2025 if Council determines, budget to be identified for remainder of 2024/2025

30. Governance and Risk

1. Project Plan to be developed and Project Governance Framework to be implemented if Project proceeds beyond schematic phase of design.
2. Core risk at present is that cost of project to meet current National Construction Code may exceed previous forecasts.

31. Conclusion and Summary

1. This project is in its infancy and is on target for milestones to be met in 2024/2025.
2. A copy of the Single Page Project Summary Snapshot is provided as Attachment 7 to this report.

32. **Pickering Brook Volunteer Bushfire Brigade Facility**

1. Council endorsed the 'standing up' of the Pickering Brook Volunteer Bushfire Brigade at the November 2022 Ordinary Council Meeting (OCM 157/2022 refers)
2. Early design investigations concluded that a 2 bay facility and associated infrastructure would be feasible over the abandoned tennis courts at George Spriggs Reserve, Pickering Brook serviced from Weston Rd via a new access road.
3. Selected by Council in April 2024 as one of two projects that would develop business case, schematic design and cost plan for advocacy during the 2025 State and Federal Election campaigns

33. **Works Complete to Date**

1. Tenders for Design Team to develop schematic plans and costs have been awarded
2. Environmental Management specialist engaged to undertake Flora and Fauna study of areas potentially impacted by works for purposes future clearing permit requirements
3. Initial engagement with Water Corporation regarding potential access road to be constructed over land they have an easement.

34. **Planned Works for Remainder of 2024/2025**

1. Completion of schematic designs and costs
2. Review of flora and fauna report
3. Initiation of Western Power design works
4. Subject to successful outcome of advocacy, negotiation of funding agreement

35. **Challenges**

1. Managing impacts of the design within the outcomes of the flora and fauna study

36. **Financial Implications**

1. \$200,000 has been provided in the 2024/2025 budget to complete works up to Election Advocacy phase. Indications to date suggest no issue with budget
2. Design tender has flexibility to continue design works post March 2025 if Council determines, budget to be identified for remainder of 2024/2025

37. Governance and Risk

1. Project Plan to be developed and Project Governance Framework to be implemented if Project proceeds beyond schematic phase of design.
2. Core risk at present is that scope creep may occur for request for larger facility beyond what was agreed in advocacy approval

38. Conclusion and Summary

1. This project is in its infancy and is on target for milestones to be met in 2024/2025.
2. A copy of the Single Page Project Summary Snapshot is provided as Attachment 8 to this report.

**CONCLUSION**

39. The City Transformational Projects imbedded in the 2024/2025 budget are well on track to achieve outcomes required. The lessons being learnt as well as processes already in place within the Strategic Projects area will be carried over to the PMO to set solid foundations for planning and implementing future initiatives for the City of Kalamunda.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council NOTE the progress of City Transformational Projects.



## 10.1.2. Proposed Permanent Road Closure - Portion of Nardine Close High Wycombe

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	NR-10/GEN; NR-10/061; NR-10/067
Applicant	Augustus WA Pty Ltd
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> <li>1. Nardine Close Road Closure Drawing [10.1.2.1 - 1 page]</li> <li>2. Nardine Close Road Closure Aerial [10.1.2.2 - 1 page]</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 (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 for the Council to consider an application received by the City of Kalamunda (City) from Augustus WA Pty Ltd (Applicant) to close a portion of the Nardine Close road reserve.
2. The portion of road reserve/verge proposed to be closed is approximately 436m<sup>2</sup> in area and associated with a previous cul-de-sac arrangement which is now redundant. This area of road reserve is proposed to be amalgamated with Lot 217 (61) and Lot 1218 (67) Nardine Close, High Wycombe.
3. It is recommended Council support the proposed permanent road closure, subject to conditions.

## BACKGROUND

4. Nardine Close previously terminated at a cul-de-sac head at the junction of Lot 1218 (67) Nardine Close, High Wycombe.
5. In 2016, the City extended Nardine Close in accordance with the Forrestfield/High Wycombe Industrial Area Local Structure Plan, funded through the Forrestfield/High Wycombe Development Contribution Plan (DCP). The extension of Nardine Close resulted in a remnant area of road reserve (formerly required to facilitate the cul-de-sac head) which remains as Crown land.
6. The Applicant has lodged an application with the City to permanently close an approximately 436m<sup>2</sup> portion of the Nardine Close road reserve.
7. The portion of road reserve/verge proposed to be closed (Road Closure Land) is depicted in the Road Closure Drawing and Road Closure Aerial (Attachments 1 & 2).
8. The Road Closure Land is proposed to be amalgamated with 61 and 67 Nardine Close, High Wycombe. Both of these properties are owned by the Applicant.
9. On 10 July 2024, the City approved a development application in respect of Lot 217 (61) and Lot 1218 (67) Nardine Close, High Wycombe for a proposed Industry-Light development (DA24/0028). The development, as proposed, can only proceed if the road closure occurs.

## DETAILS AND ANALYSIS

10. The Road Closure Land contains an existing drainage basin. It is proposed that the Applicant replace the existing drainage basin with a new subterranean drainage basin. The drainage design has been reviewed by the City and is acceptable.
11. Prior to the road closure, the City requires the Applicant to enter into a deed with the City in which the Applicant agrees to replace the existing drainage basin with a new subterranean drainage basin of a capacity volume stipulated by the City. In the deed, the Applicant must also accept full maintenance responsibility for the drainage infrastructure. A caveat supporting the deed will ensure that the land cannot be sold without the new owner entering into a similar deed.
12. Prior to the road closure, the City also requires the grant of a drainage easement protecting the City's interest in the existing/proposed drainage infrastructure. The easement must provide the City with access rights, so that in the event of an emergency, such as the Applicant failing to take necessary actions to mitigate flooding, the City can access the land to take urgent action.
13. While it is noted that the State normally receives the proceeds of the sale of land associated with road closures, given this road closure is only possible due to the extension of Nardine Close (facilitated through the Forrestfield/High Wycombe DCP), it is appropriate and reasonable for the sale proceeds from the disposal of the Road Closure Land to be paid into the DCP account.

## APPLICABLE LAW

14. *Land Administration Act 1997*

## APPLICABLE POLICY

15. Service 4: Asset Management

## STAKEHOLDER ENGAGEMENT

### *Public Advertising*

16. The proposal was advertised in the Echo Newspaper and on the City's website. A sign was also erected on-site.
17. The advertising period commenced on 27 September 2024. Comments closed at 5pm on 4 November 2024.

18. The City received one public submission during the advertising period.
19. The submission provides conditional support to the proposal and states as follows:

*Conditional support. I have no objection to the proposal to close the road reserve and amalgamate the area with 61 and 67 Nardine Cl, as long as the funds raised by the sale of this land is paid into the Stage 1 DCP as was originally envisaged and documented in earlier DCP annual reviews.*

20. The identity of the submitter is provided in the Submitters Table (Confidential Attachment 1).

### ***Service Authorities***

21. The proposal was referred to the service authorities for comment.
22. ATCO advised that it owns and operates a DN100 PVC, DN110 PE MP (MAOP 70kPa) NG Pipeline and a section of abandoned DN100 PVC at this location. ATCO has commented that the proposed road closure could result in its assets/infrastructure being located outside of road reserves and into private land or Crown land, with little, if any, protection in place. ATCO advised that it objects to the proposal unless its assets are protected by way of relocation or a 3-metre-wide easement. ATCO requires the proponent to engage a third-party locator to verify the location of the existing ATCO infrastructure at this location.
23. NBN advised it has no objection to the proposal on the following grounds:
- a) NBN only has ownership of the cables in this location.
  - b) NBN has based its evaluation on the basis that the Telstra pit and pipe network will not be adjusted, altered or relocated in any way.
  - c) NBN will require 24-hour access to the Telstra pits that contain NBN-owned assets.
  - d) Any damage to the NBN network will be the responsibility of the property owners.
  - e) If NBN assets need to be adjusted or altered in any way, an application is to be made with NBN to receive a quote for the necessary works.
24. Telstra advised that its plant records indicate there are Telstra assets in the vicinity. Telstra has no objection to the proposal, subject to the Applicant's compliance with Telstra's standard conditions. If Telstra's assets require relocation, the Applicant will need to engage Telstra's Asset Relocation team to obtain a quote to relocate the assets from the location

in question. Telstra has commented that the relocation of the assets would be carried out at the Applicant's cost, however the relocation would ensure that the land and its projected use would not be hindered or restricted by easements. Telstra advised that the existing network on this road cannot be built over. All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's community plant. Telstra would also appreciate due confirmation when this proposed acquisition proceeds, so as to update its cadastre records.

25. Water Corporation advised that it has a water main running within the Road Closure Land. This water main will require relocation along with the reinstatement of any existing water services. The Applicant will be required to engage a civil consulting engineer to design and coordinate the construction on the water main alignment. A civil consulting engineer will determine the most appropriate route based on site context and constraints.
26. Western Power advised if the new property boundary changes the relationship of distribution equipment to that boundary (in other words, if poles, cables, or ground-mounted equipment formerly in the road reserve or running in proximity to the old boundary are now well within the property), an application will need to be made to move or remove equipment. This application will determine if an easement is required or if a physical change is necessary. Even if Western Power assets are present but not affected by a boundary change, continued physical access for maintenance and emergency response must be provided. If this is not via the original road path, changed access conditions should be communicated via Western Power's Land Entry Preferences form.

## FINANCIAL CONSIDERATIONS

27. The Applicant has agreed to be responsible for funding the purchase price of the Road Closure Land and all costs of the proposal. The purchase price will be determined based on a valuation undertaken by the Valuer General's Office.
28. The Road Closure Land is owned by the State of Western Australia and managed by the City. Generally, if a road closure proposal proceeds, the State of Western Australia will receive the proceeds of the sale.
29. Given the road closure is possible due to the extension of Nardine Close (facilitated through the Forrestfield/High Wycombe DCP), the City proposes to request that the sale proceeds from the disposal of the Road Closure Land be paid into the DCP account.

**SUSTAINABILITY**

30. The proposal contributes towards the implementation of the local structure plan and industrial development, without compromising transport or other infrastructure needs, and therefore contributes to the City’s strategies to plan for sustainable growth.

**RISK MANAGEMENT**

31.

<b>Risk:</b> The City is expected to contribute to the costs of the road closure proposal.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Ensure the Council’s support of the road closure is conditional on the Applicant paying all costs of and incidental to the proposal. The Applicant has agreed to be responsible for all costs of the proposal.		

32.

<b>Risk:</b> The City is expected to maintain the drainage infrastructure on the Road Closure Land, once the site becomes private land.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Likely	High
<b>Action/Strategy</b>		
Ensure Council’s support of the road closure is conditional on the Applicant entering into a deed with the City in which the Applicant agrees to take full maintenance responsibility for the drainage infrastructure, such deed to be supported by a caveat.		

**CONCLUSION**

33. The Road Closure Land is excess road reserve. It became surplus to requirements when the City extended Nardine Close.
34. It is recommended that the Council support the proposed permanent road closure, subject to conditions.

<b>Voting Requirements: Simple Majority</b>
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## RECOMMENDATION

That Council:

- 1) REQUEST the Minister for Lands to permanently close that portion of the Nardine Close Road reserve as shown delineated and marked as "Road Closure Zone" on Road Closure Drawing (Attachment 1), pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) The Applicant must pay the purchase price for the portion of the Nardine Close road reserve proposed to be closed (Road Closure Land).
  - b) The Applicant must pay all costs of and incidental to the proposal, including, but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, consultants, and document preparation and lodgement.
  - c) The Applicant must meet all requirements of the service authorities in respect of the proposed permanent road closure, at the Applicant's cost.
  - d) Prior to the road closure occurring, the Applicant must enter into a deed with the City of Kalamunda in which the Applicant agrees to replace the existing drainage basin in the Road Closure Land with a new subterranean drainage basin of a capacity volume stipulated by the City of Kalamunda and to take full responsibility for the maintenance of the drainage infrastructure, such deed to be supported by a caveat. The deed must detail the design, management and maintenance of the new subterranean drainage basin, that it will be at the full cost of the Applicant and what alternative measures will be in place should the underground system fail, such deed to be to the satisfaction of the City of Kalamunda. All costs associated with the preparation and execution of the deed and supporting caveat, including the City's solicitors' costs, are to be borne by the Applicant.
  - e) Prior to the road closure occurring, drainage easements required by the City of Kalamunda for the existing/proposed drainage infrastructure in the Road Closure Land, are to be granted to the City of Kalamunda free of cost, such easements to be to the satisfaction of the City of Kalamunda. All costs associated with the grant of the drainage easements, including, but not limited to, survey costs,

stamping and the City's solicitors' costs, are to be borne by the Applicant.

- 2) REQUEST the Minister for Lands to pay the proceeds of the sale of the Road Closure Land into the Forrestfield/High Wycombe Development Contribution Plan Reserve account, given the road closure is only possible due to the extension of Nardine Close facilitated through the Forrestfield/High Wycombe Development Contribution Plan.



### 10.1.3. Structure Plan and Local Development Plan Rationalisation

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

Previous Items	OCM 17/2024, OCM 93/2024
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010449, 3.010504
Applicant	N/A
Owner	N/A
Attachments	1. Structure Plan and Local Development Plan Rationalisation Report 2024 [10.1.3.1 - 62 pages]

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 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 3.3** - 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.

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to endorse the content and proposed actions to rationalise the suite of Structure Plans (SP) and Local Development Plans (LDP) that have been adopted under Local Planning Scheme No. 3 (LPS 3) and older legacy planning instruments.
2. The City of Kalamunda (City) currently has 18 active SPs and 31 active LDPs. The rationalisation assessment identified eight Structure Plans to be revoked by the 19 October 2025 expiration date, six for approval extension, three that can expire with no action, and one to be retained. The assessment also identified nine LDPs to let expire.
3. Rationalising the SPs and LDPs including normalisation under the scheme will simplify the planning process for the City and the community by reducing the number of relevant planning instruments, potentially resulting in more efficient approval times and/or exemptions for development applications, making it easier to navigate the approval processes and undertaking development.
4. The SP and LDP Rationalisation Report 2024 (Rationalisation Report) has been prepared (Attachment 1) detailing the background, assessment and recommended actions. It is recommended that the Council endorse the content and recommended actions of the Rationalisation Report.

**BACKGROUND**

5. A detailed background to the Local Planning Strategy and Local planning Scheme No. 4 Project Plan (2024 Update) was presented to and supported by Council at the Ordinary Meeting held on 24 July 2024 (OCM 93/2024).
6. A subsequent Local Planning Scheme and Local Planning Strategy - Report of Review was presented to Council at the Ordinary Council Meeting held on 26 November 2024 (Item 10.1.3).
7. As part of the Western Australian Planning Commission's (WAPC) ongoing planning reform, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) came into effect on 19 October

2015 and introduced a maximum ten-year approval timeframe for SPs and LDPs.

8. A key outcome for SPs and LDPs approved prior to 19 October 2015 (i.e. legacy planning instruments) was the ten-year approval period would expire on the 19 October 2025.
9. As the expiration date approaches, the City has commenced rationalisation assessment of current SPs and LDPs to determine if they are fit for purpose. This assessment also forms part of the City's local planning framework review in preparation for a new Local Planning Strategy and new Local Planning Scheme No. 4.

## DETAILS AND ANALYSIS

10. The Rationalisation Report presented in Attachment 1 has been prepared including a summary of the current approval period, expiration date, development activity status and complexity for all SPs and LDPs, and recommendations whether the instrument should be retained, revoked, zoning normalised, or allowed to expire, the commentary and findings summarised below.
11. The City currently has 18 active SPs and 31 active LDPs in effect, some of which are over a decade old and reaching the end of their operational life. Of the 18 active SPs, eight are proposed to be normalised into Local Planning Scheme No. 3 (LPS3). Of the 31 currently active LDP, nine have been identified to let expire. These plans have achieved their purpose and are no longer required for the application of orderly and proper planning.
12. Structure Plans  
SPs coordinate the future subdivision and zoning; neighbourhood design; assign density to residential areas; plan public open space; outline connecting road layout; infrastructure coordination and contributions, public open space configuration, and development outcomes. SPs are vital planning instruments for orderly and proper planning in development areas.
13. The approval period for SPs may be extended before they expire by local government application to the WAPC. For SP recommended for extension of approval time, the City will submit appropriate documentation to the DPLH in the manner and form as required by the WAPC.
14. Local Development Plans  
LDPs are typically prepared to guide local development outcomes for approved subdivision areas already zoned under a scheme. LDPs can

apply development control provisions to supplement the R-Codes and address design issues within the subdivision area however they do not apply zoning, land use or density.

15. A local government may extend the period of approval of an LDP under delegation if there are no changes to the terms of the plan or the conditions attached to the approval. When an LDP expires, any provisions within the LDP will revert to the provisions in the LPS and current planning framework.
16. Normalisation  
Normalisation is a simplified term which refers to the incorporation of zoning/land use from a structure plan into the local planning scheme through a scheme amendment process. This means that instead of the zoning and land use being provided by the SP, the zoning and land use permissibility is provided by the operative local planning scheme.
17. Scheme Amendments  
The process of normalisation involves revoking a structure plan and instead applying the zones under the local planning scheme, which requires a scheme amendment. Scheme amendments that are related to SPs are typically considered Basic or Standard amendments in accordance with Regulation 34(g) of the Planning Regulations, with subsequent proposals to be presented to Council in due course.
18. Assessment Criteria  
Each planning instrument was assessed using the following criteria to assign appropriate actions.
  - a) Approval Period
  - b) Expiration Date
  - c) Development Activity
  - d) Complexity
19. The respective recommended actions for all SPs and LDPs are presented in Tables 1 and 2 in Attachment 1.
20. Due to the complexity and time frame of recommended scheme amendments, the processes for rationalising the planning instruments will take place via two phases, detailed below.
21. Phase 1 – Before 19 October 2025
  - a) Prepare Omnibus Scheme Amendment for normalisation of structure plan areas that are Basic Amendments.
  - b) Request duration of approval extensions from WAPC for structure plans.

- c) Extend approval period for LDPs to be retained.

22. Phase 2 – Post 19 October 2025

- a) Move normalised and expired SPs and expired LDPs to archive and publish notices.
- b) SP normalisation requiring a Standard Scheme Amendment will be assessed through the new Local Planning Scheme No. 4 project.

**APPLICABLE LAW**

23. *Planning and Development Act 2005*

24. *Planning and Development (Local Planning Scheme) Regulations 2015*

25. City of Kalamunda Local Planning Scheme No. 3

**APPLICABLE POLICY**

26. WAPC Western Australian Planning Manual Guidance for Structure Plans

**STAKEHOLDER ENGAGEMENT**

27. Preliminary engagement with the DPLH for a review of LPS3 has been ongoing since 2020, with technical and informational advice received on a range of matters including rationalisation of the local planning framework including SPs and LDPs.

28. Stakeholder engagement is not required for SP normalisation triggering Basic scheme amendments to LPS3, given the changes are largely administrative in nature. For structure plan normalisation that requires a Standard scheme amendment, advertising is to be undertaken in accordance with Regulation 47(2) of the Planning Regulations.

**FINANCIAL CONSIDERATIONS**

29. No immediate financial costs are anticipated as a direct outcome of this report. Costs associated with Basic scheme amendments to be met through the Development Services annual budget.

**SUSTAINABILITY**

30. Social Implications  
Rationalisation of the local planning framework will simplify the planning process potentially resulting in more efficient approval times and making it easier to navigate development approval processes and contribute to

achieving social and cultural objectives of Kalamunda Advancing and associated strategic documents.

31. Economic Implications

Rationalisation of the local planning framework will simplify the planning process potentially resulting in more efficient approval times and making it easier to navigate development approval processes, and contribute to achieving economic objectives of Kalamunda Advancing and associated strategic documents.

32. Environmental Implications

Rationalisation of the local planning framework will simply the planning process potentially resulting in more efficient approval times and making it easier to navigate development approval processes and contribute to achieving environmental objectives of Kalamunda Advancing. The rationalisation can also assist with the recalibration of the local planning framework on planning and coordination on the City's sustainability priority areas, which reflects the community's expectations.

**RISK MANAGEMENT**

33.

<b>Risk:</b> Rationalisation Phase 1 actions do not occur prior to 19 October 2025, resulting in a gap in the local planning framework.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
Endorsement of the recommended rationalisation actions will enable commencement of scheme amendments and implementation of the actions in a timely manner.		

34.

<b>Risk:</b> The Western Australian Planning Commission and Minister for Planning do not support the recommended Based Scheme		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
Continued engagement with the Department of Planning, Lands and Heritage, and preparation of thorough scheme amendment proposals will enable structure plan normalisation into LPS3, and further rationalisation through LPS4.		

**CONCLUSION**

35. The Planning Regulations set a date for legacy SPs and LDPs to expire on 19 October 2025. All active SPs and LDPs have been assessed to determine necessary and practical actions to prevent gaps in the planning framework resulting from the expiry of some planning instruments.
36. The Rationalisation Report presented in Attachment 1 identifies recommended actions to commence rationalisation of SPs and LDPs and opportunities to reduce the complexity and redundancies in the local planning framework.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council ENDORSE the content and recommendations of the Structure Plan and Local Development Plan Rationalisation Report 2024 presented in Attachment 1.

### 10.1.4. Use Not Listed – ‘Liquor Store – Large’ - Lot 16 (12) & Lot 15 (10) Canning Rd, Kalamunda

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

Previous Items	Nil.
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA24/0314
Applicant	JMNAP Kalamunda PTY LTD
Owner	Kalaprop PTY LTD
Attachments	<ol style="list-style-type: none"> <li>1. Development Plans [10.1.4.1 - 3 pages]</li> <li>2. Transport Impact Statement [10.1.4.2 - 26 pages]</li> <li>3. Intended Manner of Trade [10.1.4.3 - 4 pages]</li> <li>4. Submission Table [10.1.4.4 - 18 pages]</li> <li>5. Design Review Panel Minutes [10.1.4.5 - 11 pages]</li> </ol>

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 1: Kalamunda Cares and Interacts**



**Objective 1.3** - 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 3.3** - To develop and enhance the City's economy.

**Strategy 3.3.1** - Facilitate and support the success and growth of businesses.

**Strategy 3.3.2** - Attract and enable new investment opportunities.

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

**Priority 3: Kalamunda Develops**

**Objective 3.4** - To be recognised as a preferred tourism destination.

**Strategy 3.4.1** - Facilitate, support and promote, activities and places to visit.

**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 for Council to consider a Development Application for a proposed 'Use not listed – Liquor Store – Large' at Lot 16 (12) & Lot 15 (10) Canning Rd, Kalamunda WA 6076.
2. The applicant has provided technical documentation to support the application including:
  1. Development plans & Landscaping plan – modified to address Design Review Panel (DRP) comments (Attachment 1)
  2. Traffic Impact statement (Attachment 2)
  3. Intended manner of trade documentation (Attachment 3)
  4. Submission table (Attachment 4)
  5. Design Review Panel Minutes (Attachment 5)
3. The proposal was advertised for a period of 28 days. Thirty-one (31) submissions were received during the advertising process comprising of seventeen (17) objections which included two (2) petitions, three (3) comments of support and eleven (11) submissions which provided comments on the proposal without overtly supporting or objecting to the application. The comments largely related to a perceived over supply of liquor stores in the area and traffic impacts to the surrounding network. Refer to attachment 4 which provides details of the submissions, with the applicants and City of Kalamunda (City) responses to each submission.

4. The Officer recommendation is for Council to NOTE the two (2) petitions submitted as part of the advertising process in Attachment 4; and
5. It is recommended the Council APPROVE the application for a Use Not Listed – Liquor Store – Large at Lot 16 (No. 12) & Lot 15 (No. 10) Canning Road, Kalamunda, subject to conditions and advice notes.

**BACKGROUND**

6.	Land Description:	<p>The subject lots are Lot 16 (No. 12) &amp; Lot 15 (No. 10) Canning Rd, Kalamunda. Lot 16 (No. 12) Canning Rd., has an established IGA store with a frontage to Heath Rd and Canning Rd.</p> <p>The development component is proposed to the street frontage portion of Lot 15 (No. 10) Canning Rd, this area is currently vacant and utilised for ad hoc parking.</p> <p>The rear of both Lot 15 &amp; 16 (No. 10 &amp; No. 12) Canning Road has been developed as a parking area under Development Application DA21/0359 determined under delegation. It was noted through the assessment process that the current area of development (vacant portion) was identified as a ‘future development area subject to a separate application’. This application is for this vacant area predominantly as it relates to the area of built form (building) but includes the established delivery and parking area in a reciprocal access arrangement. Minor modifications will be undertaken to the parking area to support this development, but the current parking provision will not be reduced.</p>
	Land Area:	Lot 16 (No. 12) Canning Road and Lot 15 (No. 10) Canning Road are 1619sqm respectively or 3238sqm in total.
	Local Planning Scheme Zone:	Centre – R-ACO Kalamunda town centre design control area.
	Metropolitan Regional Scheme Zone:	Urban

7. **Locality Plan:**



**Figure 1:** Site location Lot 15 & 16 (No. 10 & No. 12) Canning Road

8. The sites have frontage to Canning Road which is a Category 2 Other Regional Road (ORR) at this portion. The Department of Planning Lands and Heritage (DPLH) manage this road and seek to limit vehicular access to the Other Regional Roads. The application proposes vehicular access for deliveries and patrons from Heath Road a local distributor road. Neither site will take vehicular access from Canning Road but will provide pedestrian access to Canning Road.
9. The sites are identified as part of the Kalamunda Centre Area under Local Planning Scheme No. 3. which aims to provide a basis for future detailed planning in accordance with the Structure planning provision of the Scheme or the Activity Centre State Planning Policy. The proposed Structure plan for the area is with the Minister for Planning, Lands and Heritage for consideration and seeks to embed the design principles set out in Local Planning Policy 30 Kalamunda Activity Centre Plan Built Form Design Guidelines (LPP30).

**DETAILS AND ANALYSIS**

10. **Land use permissibility**  
The applicant is seeking planning approval for the development and use of a 'Use Not Listed (Liquor Store – Large)' located on the vacant portion of Lot 15 (No. 10) Canning Road. An incidental wine tasting room is also included.

'Liquor Store -Large' land use is not defined in the City's Local Planning Scheme No. 3 but is defined under the *Planning & Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) Land use terms Schedule 1 Part 6 Clause 38 (Model Provisions) as follows:

*liquor store — large means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of more than 300 m2.*

Applications for a development where the use is not listed in Local Planning Scheme No. 3 are required to be assessed against the Objectives of the Zone (Clause 4.2.3 Commercial Zones) as set out in Clause 4.4.2 b):

**Centre**

Objective	Assessment
To designate land for future development as a town centre or activity centre.	The proposed land use is consistent with the typology permitted for a District Centre set out in State Planning Policy 4.2 Activity Centres.
To provide a basis for future detailed planning in accordance with the structure planning provisions of the Scheme or the Activity Centre State Planning Policy	The design has been assessed against Local Planning Policy 30 (LPP30) - Kalamunda Activity Centre Plan Built Form Design Guidelines Assessment and is further discussed below.

The proposal is considered consistent with the Objectives of the zone.

The proposed development also seeks approval for an ‘incidental use’ (Wine Tasting Room) which is defined by Schedule 1, Part 1 of LPS3 as follows:

*"incidental use" means a use of premises which is ancillary and subordinate to the predominant or primary use.*

A related definition of LPS3 is the definition of “predominant use”, which is defined by Schedule 1, Part 1 of LPS3 as follows:

*"predominant use" means the primary use of premises to which all other uses carried out of the premises are subordinate, incidental or ancillary.*

When considering incidental uses, it is necessary to determine whether the uses are incidental to the predominant use of land or constitute an independent use. The City is satisfied the proposed use of the Wine tasting Room does not change the predominant use of the land; being ancillary and subordinate to the predominant land use of ‘Liquor Store – Large’. Therefore, approval of the incidental use for a Wine Tasting Room is supported subject to recommended condition 15.

11. As a use not listed the proposal is considered as a use not listed application and meets the definition of a ‘complex application’ as defined in the Planning Regulations:

**complex application means —**

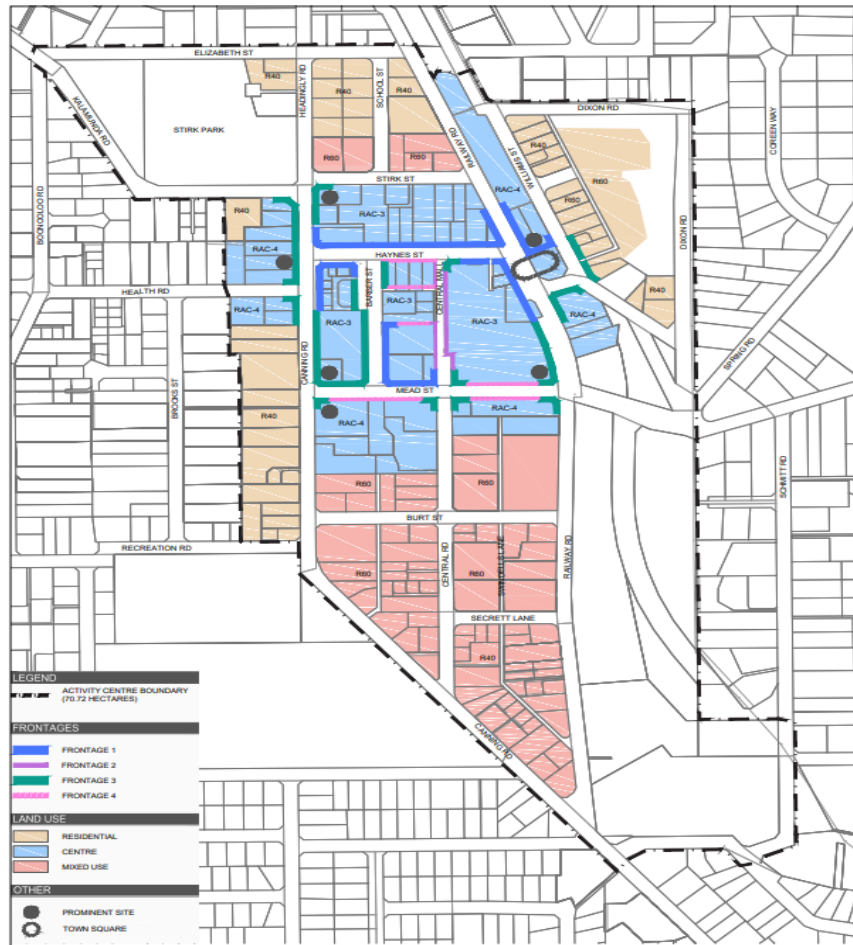
- a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or
- b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;

The City subsequently advertised the application in accordance with Clause 64, Schedule 2 (Deemed Provisions) of the Regulations.

12. **Design controls - Local Planning Policy 30 (LPP30) - Kalamunda Activity Centre Plan Built Form Design Guidelines Assessment**

LPP30 sets out the built form design guidelines for Kalamunda Activity centre. The subject site has specific built form controls as set out in 'Figure 5 Built Form controls map'. The subject site is identified as a Frontage 3 site and in addition it is attributed a Prominent Site designation as it forms part of the terminating vista of Haynes Street. The subject site designations trigger assessment under the City of Kalamunda Design Review Panel (DRP) as set out in Local Planning Policy 16 Design Review Panel (LPP16).

13.



**Figure 5** BUILT FORM CONTROLS MAP

**Figure 2:** Figure 5 Built form Controls map excerpted from LPP30.

14.

LPP30 has design objectives in relation to the built form encompassing issues such as:

- a) Façade design
- b) Prominent sites
- c) Entry legibility
- d) Awnings
- e) Signage
- f) Access and vehicle parking including bike parking
- g) Waste and services
- h) Landscaping

While a number of the of the design criteria are subjective and require input from the Design Review Panel, a number are objective, and an assessment is included below:

LPP30 Requirements	Proposed	Comments
Site planning + Massing		
<ul style="list-style-type: none"> <li>• Nil primary street setback</li> </ul>	Nil proposed	Complies
<ul style="list-style-type: none"> <li>• Floor level (+/- 0.5m)</li> </ul>	Maximum FFL 0.9m	Variation
<ul style="list-style-type: none"> <li>• Clear glazing 50%</li> </ul>	Glazing 53%	Complies
<ul style="list-style-type: none"> <li>• Min Frontage build out</li> </ul>	100% - consistent with established build out line.	Complies
<ul style="list-style-type: none"> <li>• Awnings 80%</li> <li>• Min depth 2m</li> <li>• Min height 3m/Maximum height 4.5m</li> </ul>	Awning 100% 2m Achieves min & max heights across the segments.	Complies
<ul style="list-style-type: none"> <li>• Parking between street &amp; building – not permitted</li> </ul>	None proposed	Complies
<ul style="list-style-type: none"> <li>• Building entrance – public verge</li> </ul>	Building entrance at grade with public verge	Complies
<ul style="list-style-type: none"> <li>• Building height - 3 storeys maximum</li> </ul>	Single Storey	Complies
<ul style="list-style-type: none"> <li>• Boundary wall height – two storeys</li> </ul>	Single storey proposed 5.9m	Complies
<ul style="list-style-type: none"> <li>• Boundary wall length - 2/3 length of one boundary (46.9m)</li> </ul>	32.1m proposed to wall one and 28.6m to wall two	Variation
<ul style="list-style-type: none"> <li>• Side setback - Nil</li> </ul>	Boundary wall proposed to both walls	N/A
<ul style="list-style-type: none"> <li>• Rear setback – 6m</li> </ul>	Exceeds 38m	Complies
<ul style="list-style-type: none"> <li>• Building bulk – plot ratio 1.2</li> </ul>	0.42%	Complies

**Table 1:** LPP30 Development requirements assessment

15. The assessment identifies variations to the Finished Floor level (FFL) in that the floor level proposed is a maximum of 0.9m above the adjacent footpath at the highest point. Notwithstanding LPP30 does note that development has to address the undulating terrain and should aim to work with the topography to achieve an integrated outcome. A prerequisite for commercial uses if that entries can achieve universal access requirements. In this instance the design aims to achieve a consistent approach with the adjoining interrelated lot and provides for universal design and accessibility to both the front and rear entry necessitating a consistent Finished floor level across the lot. The variation can be supported as it meets the design guidance criteria.
16. The assessment also identifies variations in the lengths of boundary walls proposed. The design proposed addresses the requirements to push the building to the street edge and locate parking to the rear meaning the resultant built form proposes to maximise the width of the lot. The design guidelines do facilitate building on the side boundaries to maximise development opportunity and create an urban character. Given the proposal seeks to coordinate with the adjoining existing built form (IGA) the variation can be supported as it achieves an attached streetscape character with a consistent edge of contiguous building frontages across the two lots.
17. The application was present to and assessed by the City's Design review panel on two separate occasions.
- The initial design review held on 9 October 2024 (Design Review 1 (DR1)) resulted in the panel providing several comments to the applicant in relation to areas the panel considered unresolved including:
- a) The integration and functionality of the walkway,
  - b) Resolution of interconnectivity of the stores for:
    - i. deliveries,
    - ii. staff facilities
    - iii. visitor experience
  - c) Security and glazing
  - d) Signage
  - e) Lighting and sustainability
  - f) Landscaping and retaining
  - g) Materials and finishes
  - h) Internal layout to address user functionality
  - i) Location of plant and equipment
  - j) Existing car park arrangement

The DR1 Minutes are available as attachment 5. The high number of unresolved design considerations were indicative of the applicant not having regard to the



City's design policy prior to lodging the application. The applicant was provided the panels feedback for consideration.

18. In response to the above, the applicant submitted amended plans of the building and a landscaping plan to the City. The amended plans were re-viewed by the City's DRP for a second time on 4 November 2024 (Design Review 2 (DR2)). The DR1 & DR2 Minutes are available at attachment 5.
19. The DR2 review noted an improvement in the plans since the DR1. The DRP also recommended that a further refinement in the detail of the proposal be undertaken, including but not limited to the following:
  - a) Materials and colours
  - b) Landscaping (suitably sized shade trees and fencing treatment)
  - c) Resolution of the pedestrian entry to Canning Rd.
  - d) Resolution of the façade design to Canning Rd. (fenestration and awning alignment)

Officers agree that the building facade can be improved with relatively minor modifications. As the applicant has expressed time-sensitivity of a decision. Officers are satisfied that the modifications are within the scope of a valid planning condition, and thus capable of being dealt with after Council's determination. This would not be the case if the modifications were significant and perhaps warranted further community consultation.

Condition 1 and corresponding advice note (a) have been recommended to require the applicant to provide amended plans and documentation detailing the above modifications prior to the lodgement of a building permit.

These amended plans which will have details of colours and materials will be re-considered by the City prior to the lodgement of a building permit and must be implemented prior to occupation to the satisfaction of the City.

Refer to attachment 5 for a full copy of DRP meeting minutes.

20. **Hours of Operation**

The operators will be required to comply with liquor licensing requirements relating to operational hours. The City is satisfied that the operational hours will not impact adjoining amenity.

21. **Car Parking**

Table 3 Parking requirements of Local Planning Scheme No. 3 sets out that parking provision for a Use not listed is at the discretion of the City. In this instance the car parking provisions established under DA21/0359 in addition to available on street parking is sufficient to address the requirement of the existing IGA and the proposed Liquor Store – Large.

## APPLICABLE LAW

22. *Planning & Development Act 2005*

23. *Planning & Development (Local Planning Scheme) Regulations 2015*

24. **State Planning Policy 4.2 Activity Centres**

All activity centres, existing and planned, within the Metropolitan and Peel Region Scheme areas and the Bunbury Metropolitan Area are arranged into the seven classification levels being capital city, strategic, specialised, secondary, district, neighbourhood and local activity centres.

Kalamunda is identified as a North-Est Sub Region District Centre. A district centre is identified as:

**District centres** have a greater focus on servicing the daily and weekly needs of residents. Their relatively smaller scale and catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the needs of their catchments. Many district centres also have a specialisation such as tourism or entertainment which serves a wider catchment. District centres with a rail station should be a focus for medium and high-density housing and employment growth.

As a District centre, Local and Neighbourhood Centre land uses plus District Centre land uses are desired. Liquor store – large is considered a desired land use for a neighbourhood centre, therefore it is also a suitable land use for a district centre. The scale of the development proposed does not trigger a retail needs assessment under SPP4.2.

25. **State Planning Policy 7.0 Design of the Built Environment (SPP7.0)**

SPP7.0 seeks to address design quality and built form outcomes in Western Australia. It seeks to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes and supports consistent and robust design review and assessment processes.

The application was presented to the City's Design Review Panel (DRP) on two (2) occasions.

The initial consideration did not provide an assessment against the Traffic light system utilised to evaluate the design principles. Notwithstanding the panel did provide feedback to the applicant for consideration and implementation via revised plans. The comments were provided in the context that the panel felt the initial design while a positive contribution to the streetscape lacked the refinement of design to fully address the site

constraints including slope, functionality of walkway and interconnectivity of services between stores.

26. Revised plans were presented to the second DRP meeting which refined the design and addresses the 10 design principles of SPP7.0. The panel provided feedback and evaluation against the traffic light system which is included as Attachment 5.

27. **Local Planning Scheme No. 3 (LPS3)**

LPS3 identifies that the Kalamunda District Centre requires precinct structure planning. The proposed structure plan Draft Kalamunda Activity Centre Plan is currently with the Minister of Planning Lands and Heritage for consideration with a recommendation from the City that is be formally adopted (EN BLOC RESOLUTION OCM 31/2020). The proposed structure plan sets out to formalise the design criteria identified in Local Planning Policy 30 Kalamunda Activity Centre Plan Built Form Guidelines. Amendment 106 to LPS3 was progressed to ensure KAPC and LPS3 provision are aligned.

Clause 6.4 of LPS3 sets out the intent of design guidelines for designated areas. The subject lots are identified in and mapped area of the Kalamunda Activity centre plan and is subject to consideration against the Built form design guidelines as set out in Local Planning Policy 30 Kalamunda Activity Centre Plan Built Form Guidelines – discussed below.

## APPLICABLE POLICY

28. **City of Kalamunda Activity Centre Strategy March 2021** identifies the subject site as abutting the Kalamunda District Activity Centre and within the Kalamunda Activity Centre Plan boundary. It identifies additional employment requirements to ensure employment self-sufficiency to support population growth. Should this application be supported it has the capacity to support direct and indirect employment opportunities for local residents.
29. **City of Kalamunda Community Health and Wellbeing Plan 2018-2022** in undertaking a snapshot of public health identified a lower than average alcohol linked risk factors for the Kalamunda Local government area for both long term and short-term harm. Notwithstanding as part of the Healthy living focus area it was identified that alcohol advertising would be monitored across the city and raising awareness in relation to alcohol advertising rules. Signage can be conditioned as part of any approval to adhere to the City strategic aims.

30. **City of Kalamunda Tourism Development Strategy 2019 – 2025** identifies the need to provide accessible and robust tourism support services that exceed visitor expectations. Providing and supporting branding opportunities with a ‘can do’ attitude is a recurring action focus of the strategy. The intended manner of trade document provided to support the application speaks to patron education events (master classes and tastings), exclusive locally sourced offerings (200 from the surrounding area), delivered by an award-winning established business which aligns with the aims of the Strategy.
31. **City of Kalamunda Economic Development Strategy** identifies the need to support local employment opportunities, the need to facilitate retailers to adapt to the changing retail climate post covid and to support Kalamunda as a tourism destination in its own right as well as a supporting locally produced niche products and where possible locally based branding and coordinated markets.
32. **Local Planning Policy 11 – Public Notification of Planning Proposals**  
The application was advertised as a Complex Application in line with the policy provisions. This is discussed further below.
33. **Local Planning Policy 16 Design review panel** – the application was assessed by the City’s design review panel in accordance with the policy provisions and design advice provided which is discussed above.
34. **Local Planning Policy 30 Kalamunda Activity Centre Plan Built Form Guidelines** – discussed above.

## STAKEHOLDER ENGAGEMENT

35. **Public Advertising**  
Pursuant to Local Planning Policy 11, the application was advertised for a period of 28 days from 27 September 2024 to 28 October 2024 via the following methods:
- a) A notice on the City of Kalamunda’s website
  - b) A sign on site
  - c) Letters to surrounding landowners
  - d) Letters to relevant external agencies.
36. The proposal was advertised for a period of 28 days. Thirty-one (31) submissions were received during the advertising process comprising of (17) objections which included two (2) petitions (bearing 65 and 24 signatures respectively), three (3) comments of support and 11 submission which provided comments on the proposal without overtly supporting or rejecting the application. The comments largely related to a perceived over supply of liquor stores and traffic impacts to the surrounding network.

Attachment 4 provides details of the submissions, with the Applicants and City’s responses to each submission.

**FINANCIAL CONSIDERATIONS**

37. The proposal has the capacity to provide local employment in the retail and tourism sector through direct employment (liquor store staff) likely from within the suburb. In addition, a liquor store may support employment in other tourism operations within the wider Kalamunda locality such as accommodation providers, local shops and local producers such as vineyards, cideries and distilleries.

**SUSTAINABILITY**

38. **Social**  
A locally focused sales platform will assist in supporting those who wish to shop local but may not have the knowledge or capacity to visit local suppliers. Classes and special display areas will provide a link to local producers.

39. **Economic**  
The proposal may provide employment opportunities.

40. **Environment**  
The site does not have the potential to retain trees, but it does have the capacity to introduce new landscaping.

**RISK MANAGEMENT**

41.	<b>Risk:</b> The proposed land use will lead to increased noise and traffic which will be an unacceptable outcome for adjoining residents.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Almost Certain	High
	<b>Action/Strategy</b>		
	Note the concerns that have been raised through the advertising period. Conditions of approval regarding management strategies will serve to safeguard on going neighbourhood amenity and road safety. The City will be able to enforce the conditions of approval.		

**CONCLUSION**

42. The proposed development has been assessed against the applicable planning framework and is considered capable of approval.

43. Officers consider the proposed development to be a good planning outcome for the Kalamunda Town Centre, provided that its design is improved in accordance with the recommended conditions of approval.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. NOTE the matters raised in the two (2) Petitions in Attachment 4 and the City of Kalamunda’s responses.
2. APPROVE Development Application (DA24/0314) at Lot 16 (12) & Lot 15 (10) Canning Rd, Kalamunda, in accordance with Clause 68 (2) (b) of the Deemed Provisions of the *Planning & Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions and advice:

**Conditions:**

1. Prior to lodgement of a building permit, the applicant submitting amended plan(s)/drawing(s) and document(s), to the City of Kalamunda for approval, within 90 days of this decision and in accordance with:

Plan No.	Title	Rev.	Date	Prepared by
SK1.01	Site Plan & Floor Plan	F	30.10.24	Armstrong Collective
SK1.02	Elevations	E	29.10.24	Armstrong Collective
SK1.03	Landscaping Plans	A	30.10.24	Armstrong Collective

showing the following amendments:

- a) Resolution of the pedestrian entry to Canning Road.
- b) Resolution of the façade design to Canning Road. (fenestration and awning alignment)
- c) Materials and colours
- d) Landscaping (suitably sized shade trees and fencing treatment)

Once approved, the amended plan(s)/drawing(s) and recommendations made by document(s) are to be implemented prior to occupation of the development and maintained for the duration of the development.

2. Prior to the lodgement of a building permit, an easement being placed on the certificate of title for Lot 16 (No. 12) Canning Road in favour of Lot 15 (No. 10) Canning Road at the location(s) marked on the drawings listed below. Notice of the easement is to be included on the diagram or plan (deposited plan). The easement is to be prepared, or reviewed, by the City of Kalamunda’s solicitors at the cost of the landowner.

Plan No.	Title	Rev.	Date	Prepared by
SK1.01	Site Plan & Floor Plan	F	30.10.24	Armstrong Collective

3. Prior to lodgement of a building permit, the landowner must submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to occupation of the development, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
4. Prior to lodgement of a building permit, a Construction Management Plan must be submitted by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan must be prepared by a suitably qualified person and detail how the construction of the development will be maintained including:
- a) Public safety and security.
  - b) Hours of construction.
  - c) Traffic management plans during construction, including any proposed road closures.
  - d) Toilet facilities for construction workers.
  - e) Protection of public infrastructure and street trees marked for retention within the road reserve.
  - f) Dilapidation report of adjoining properties.
  - g) How materials and equipment will be delivered and removed from the site.
  - h) How materials and equipment will be stored on the site.
  - i) Parking arrangements for staff, contractors and visitors.
  - j) Construction Waste disposal strategy and location of waste disposal bins / skip bins.
  - k) How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction.
  - l) Complaint management procedure.
  - m) Other matters likely to impact on surrounding property owners.

The approved Construction Management Plan must be implemented prior to the commencement of works and thereafter maintained for the duration of works to the satisfaction of the City of Kalamunda.

5. Prior to lodgement of a building permit, a Waste Management Plan must be prepared by the landowner and approved to the satisfaction of the City of Kalamunda. The Waste Management Plan must include the following detail to the satisfaction of the City of Kalamunda:
  - a) The location of the bin storage areas and bin collection areas (all storage and loading areas must be screened from the streetscape).
  - b) The number, volume and type of bins, and the type of waste to be placed in the bins.
  - c) Management of the bins and the bin storage areas, including cleaning rotation and moving bins to and from the bin collection areas; and
  - d) Frequency of bin collections.
  - e) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
  - f) Other matters likely to impact on surrounding property owners.

The approved Waste Management Plan is to be implemented for the duration of the development by the landowner to the satisfaction of the City of Kalamunda.

6. Prior to lodgement of a Building Permit, the applicant is to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the City of Kalamunda. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a Noise Mitigation Plan for approval of the City of Kalamunda. Once approved the Noise Mitigation Plan is to be implemented to the satisfaction of the City of Kalamunda for the duration of the development.
7. Prior to the lodgement of a building permit, a lighting management plan is required to be submitted and approved by the City of Kalamunda satisfying the requirements of the Position Statement: Dark sky and Astrotourism. Once approved the lighting management plan is to be implemented for the duration of the development.
8. Prior to the lodgement of a building permit, a signage plan is required to be submitted and approved by the City of Kalamunda. Once approved the signage plan is to be implemented for the duration of the development.
9. Prior to the lodgement of a Building Permit, the applicant is to submit and have approved by the City of Kalamunda a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The approved design shall be thereafter implemented to the satisfaction of the City of Kalamunda



10. Prior to the lodgement of a Building Permit, the applicant is to submit a revised Transport Impact Statement detailing the sightline assessment for both customer and delivery vehicles and providing the swept path analysis for the nominated delivery vehicles for approval. The approved TIS and any recommendations therein shall be implemented prior to occupation and maintained for the life of the development to the satisfaction of the City of Kalamunda
11. Prior to occupation of the development, the landowner must locate and screen the following components of the development so that they are not visible from any road to which the site has frontage (including [insert relevant road]), adjoining properties or otherwise on display from any public vantage point:
  - a) Refuse storage areas;
  - b) Service equipment;
  - c) Mechanical ventilation;
  - d) Refrigeration units; and
  - e) Storage areas for machinery, materials, or the like.
12. No commercial deliveries must occur outside the hours of 7am and 7pm Monday to Saturday and 9am to 7pm on Sunday.
13. Prior to occupation of the development, the landowner must contribute towards public art, pursuant to City of Kalamunda Local Planning Policy 26
14. The Liquor store – large must be constructed with the finished floor level matching the existing natural ground levels. Any proposed cut and fill to the site does not form part of this development approval and if required, amended plans must be submitted to the City of Kalamunda for approval.
15. The incidental uses of wine tasting room must be restricted to use by the operator/patrons of the Liquor store – large and must not be made available for public use for the duration of the development.
16. The approved boundary wall and footings adjacent to the boundary must be constructed wholly within the subject allotment. Prior to occupation of the development, the external surface of the boundary wall must be finished to a professional standard to complement development on the adjoining lot, to the satisfaction of the City of Kalamunda.
17. Prior to occupation of the development, vehicle parking, access and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda.
18. Prior to occupation of the development bicycle facilities must be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the City of Kalamunda and retained for the duration of the development.

19. The operation/development is to comply with the Environmental Protection (Noise) Regulations 1997.
20. Prior to occupation of the development, the Liquor store - large shall be connected to the reticulated sewerage network.
21. Prior to occupation of the development end of trip facilities shall be provided for the benefit of staff. End of trip facilities are to be designed in accordance with the following criteria:
  - a) A locker of functional and suitable size to be provided for every bicycle parking bay provided
  - b) All required end of trip facilities shall be appropriately located to ensure easy access from bicycle parking areas and be in common property if shared by more than one tenancy.
  - c) All end of trip facilities are required to be designed in accordance with the relevant Australian standards and Building Codes including universal access.
22. The applicant/ landowners are required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation. The Application must include floor plans and elevations of the kitchen and bar areas detailing all fixtures, fittings and finishes to the City's Health Service so that assessment may be made against the requirements of the Food Standards Code and advice can be provided before commencing construction. Such advice will aid in preventing expense and delays caused by the possible need to rectify structural non-compliances at the time of completion.

**Advice notes:**

- a) In regards to condition 1, the landowner/applicant is advised that the amended plans received will be tabled at the City's design review panel.
- b) The City of Kalamunda's Local Planning Policy 26 (Public Art Contributions) provides a concise and documented procedure for public art contributions to provide for consistent management and transparent process by the City.
- c) The landowners advised that a public art contribution of \$12,000 applies to this approval, which can be provided through either a public art contribution within the subject site or within a public area within the vicinity of the subject site equal to \$12,000 or alternatively the provision of a \$12,000 in lieu payment to the City of Kalamunda's Public Art Fund.

- d) A building permit is required prior to the commencement of works on site. The City's Building Department recommendation is for the applicant to engage an independent building surveyor to ensure compliance with National Construction Code (NCC) requirements, in particular disability access and fire separation between structures where applicable.
- e) In regards to Condition 9, the applicant is requested to contact the City of Kalamunda's Development Engineering Services regarding disposal of stormwater.
- f) Prior to occupation any damages to public assets arising during the development activity are to be repaired and restored in accordance with the "Local Government Guidelines for Restoration and Reinstatement in WA" and to the satisfaction of the City of Kalamunda.
- g) All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
- h)
- i) The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment.

## 10.2. Asset Services Reports

### 10.2.1. RFT 2422 Powerline Vegetation Management - Award of Tender

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

Previous Items	OCM 12/2012; OCM 97/2017; OCM 290/2019
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A

Attachments	Nil
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Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> "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."
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#### 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 2: Kalamunda Clean and Green**

**Objective 2.1** - To protect and enhance the environmental values of the City

### 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 acceptance of a tender for the provision of powerline vegetation management services for the City of Kalamunda (City). The current contract ends in January 2025.
2. Powerline vegetation management is pruning encroaching vegetation away from overhead power lines, streetlights, footpaths and the City's road network and associated signage on a programmed basis.
3. The initial budget estimate was \$660,000 per annum. This figure was based on previous costs plus CPI increases only. The actual tendered price estimate is \$947,476 per annum. This estimate is based on similar anticipated volumes of work and will increase with CPI. The significant price uplift is largely attributable to recent changes in traffic management costs across the industry.
4. It is recommended that Council accept the schedule of rates tender from Beaver Tree Services Aust Pty Ltd CAN 093 584 788 for a three-year period, with two single year options for extension. The award of extensions is based on the contractors' performance against a monitored set of measurable Key Performance Indicators (KPIs).

#### BACKGROUND

5. The City has approximately 12,500 cultivated trees that require pruning each year, to prevent them encroaching within the exclusion zone of overhead powerlines. Pruning is also required to prevent vegetation obstructing traffic sightlines, road signs and encroaching over paved road surfaces and footpaths. This service is provided by contractors as the City does not have capacity to undertake these works in house and would be unlikely to be competitive in terms of output and cost.
6. Pruning naturally occurring trees away from the overhead power line exclusion zones is the responsibility of Western Power as the service provider. Hence this is not allowed for within the tender scope of work.

**DETAILS AND ANALYSIS**

7. The City issued RFT 2422, through its E-Tendering Portal and an advertisement in the West Australian Newspaper on Wednesday 18 September 2024, seeking to engage a contractor to complete the powerline vegetation management program. Tenders closed 14.00 AWST Wednesday 16 October 2024, with a single tender submission being received.

8. An Evaluation Panel was convened for suitably qualified City officers to assess the tender submission.

9. The Tender assessment was a four-stage process, with compliance with the tender invitation being the first. The compliant tender was then assessed against the tender qualitative criteria as shown in the below table.

Qualitative Criteria	Weighting
Ability to do the work	40%
Tenderer’s resources	40%
Occupational Safety and Health, Environmental Management	15%
Local Benefits	5%

10. Having exceeded the Qualitative Pass Mark (QPM) the tender was assessed for price.

11. In the absence of other tender bids, a detailed price assessment was then undertaken to confirm that the compliant tender represented value for money. This process included verifying that costs were comparable to other nearby Local Government Authorities.

12. This contract has fixed and known costs for most of the required tree pruning work, therefore the estimate is likely to be reasonably accurate. There is also a schedule of rates for the various traffic management services as this depends upon site specific requirements at the time of works.

13. The tender evaluation report is provided as Confidential Attachment 1 to this report.

14. The tender was able to satisfy the City's requirements in terms of:
  - a) Meeting or exceeding the qualitative assessment benchmark;
  - b) Proven capacity and capability to undertake the work;
  - c) Satisfying reference checks from previous clients;
  - d) Satisfying independent financial reference checks of the proposed contractor; and
  - e) Providing value for money.
15. The Evaluation Panel recommends contractors Beaver Tree Services, based on having satisfied all criteria in the evaluation process and having submitted competitive prices for their services.
16. The basis of the contract is to engage the contractor on an agreed schedule of rates.
17. The contract is proposed to be for an initial term of three years with a further two single year extensions at the discretion of the City. Escalation of the schedule of rates has been set as changes to CPI for each year that the contract is in force.

#### **APPLICABLE LAW**

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

#### **APPLICABLE POLICY**

19. CEOD – CS51 – Purchasing, has been followed and complied with.

#### **FINANCIAL CONSIDERATIONS**

20. Expenditure associated with this contract is charged to existing operational budgets. The cost estimate of \$947,476 per annum or \$5,131,835,63 over the contract timeframe is based on historical data.

#### **SUSTAINABILITY**

21. The green waste by-product of this service is re-used for garden mulch and soil amendment products.

**RISK MANAGEMENT**

22.

<b>Risk:</b> The Contractor fails to fulfil the requirements of the contract, resulting in increased costs to the City or delays in completing the works.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>a) Corporate scorecard confirms financial viability of the contractor.</li> <li>b) A formal and detailed qualitative criteria process carried out to minimise risk.</li> </ul>		

**CONCLUSION**

23. The delivery of Tender RFT 2422 Powerline Vegetation Management serves to mitigate the City’s exposure to risk associated with its street trees encroaching within exclusion zones of overhead Western Power infrastructure and maintains vehicle and pedestrian sightlines around its road network.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council ACCEPT the tender for Powerline Vegetation Management (RFT 2422) from Beaver Tree Services Aust Pty Ltd CAN 093 584 788 as per the schedule of rates set out in Confidential Attachment 1 for a three-year period from the date of formal agreement with two optional extensions of one year each at the City of Kalamunda’s discretion.



## 10.2.2. RFT 2417 General Tree Services - Award of Tender

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

Previous Items	OCM 58/2013; OCM 127/2016; OCM 11/2020
Directorate	Asset Services
Business Unit	Parks & Environmental Services
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 2: Kalamunda Clean and Green**

**Objective 2.1** - To protect and enhance the environmental values of the City

**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 tender RFT 2417 for the provision of general tree services to the City of Kalamunda (City).
2. General tree services are separate from the powerline vegetation management contract. The works are often unscheduled, such as large branch pruning or tree removals and are often to mitigate a hazard, although there are also works required to facilitate construction projects.
3. It is recommended that Council accept the tender from Cosmag Pty Ltd T/A Kennedy's Tree Services, as per the schedule of rates set out in the Confidential Attachment 1 to this report.

## BACKGROUND

4. The City is responsible for the maintenance of trees growing within its public open spaces, streetscapes and conservation areas, with its priority being risk mitigation. Although the City has some capacity in this area, the scope and scale of this work necessitates the use of contractors.
5. The contract term for the current General Tree Services tender is due to expire in March 2025.
6. This Tender is separate from the Powerline Vegetation Management tender that deals with scheduled works, within the road reserve.

## DETAILS AND ANALYSIS

7. The City issued RFT 2417 seeking to engage a contractor to provide General Tree Services. General Tree Services are tree removals, target pruning, crown thinning, dead wooding and stump grinding. The contractor must also be available to attend emergency after hours call-outs, within two hours when trees suffer structural failures.
8. The contract will be in force from March 2025, for a three-year period, with two optional single year extensions at the City's discretion.

9. Tenders received by the closing date were from the following companies (in alphabetical order):

- a) Beaver Tree Services Aust Pty Ltd
- b) Cosmag (Kennedys) Tree Services Pty Ltd
- c) Geoff's Tree Services Pty Ltd
- d) MPK Tree Services Pty Ltd

10. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.

11. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria as set in the tender invitation. The Qualitative Criteria and weightings were determined as follows:

Qualitative Criteria	Weighting
Ability to carry out the work	40%
Tenderer's Resources	40%
Occupational Safety and Health, Environmental Management	15%
Local Benefits	5%

12. All four Tenderers exceeded the qualitative pass mark (QPM) of 60% and were subsequently progressed for price assessment. Qualitative Pass scores were as follows:

Tenderer	Score	Rank
Beavers	73.5	1
Cosmag	69.5	2
Geoff's	69.5	2
MPK	69.5	2

13. This contract is a schedule of rates depending upon the required service. Historic City data has been used where possible to estimate volumes of service categories such as tree removals, stump grinding, as well and target pruning. The remainder of the scope is for ad hoc works depending upon the situation and is charged at an hourly rate.

14. The Tender Assessment Report is provided as Confidential Attachment 1.

15. The recommended tender best satisfied the City's requirements in terms of:
- a) Meeting or exceeding the qualitative assessment benchmark;
  - b) Proven capacity and capability to undertake the work;
  - c) Satisfy reference checks from previous clients;
  - d) Satisfy independent financial Corporate Scorecard check; and
  - e) Providing best value for money outcome.
16. The evaluation Panel recommend Cosmag Pty Ltd as the preferred tender for RFT 2417 based on their tender schedule of rates.

**APPLICABLE LAW**

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

**APPLICABLE POLICY**

18. CEOD-CS51 – Purchasing, has been followed and complied with.

**FINANCIAL CONSIDERATIONS**

19. Services provided under this Tender will be charged against City's approved operational and capital works budgets. Tendered rates were generally within expectations, other than for tree removals over 15 metres where the increases were over 50% higher than expected.

**SUSTAINABILITY**

20. Large tree log wood and all wood chips may be re-used for fauna habitat, playgrounds and landscaping.

**RISK MANAGEMENT**

21.	<b>Risk:</b> The Contractor fails to fulfil the requirements of the contract, leading to increased cost to the City through re-tendering.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Insignificant	Unlikely	Low
	<b>Action/Strategy</b>		
	<ul style="list-style-type: none"> <li>a) Corporate scorecard confirms financial viability of the contractor.</li> <li>b) Formal and detailed Qualitative criteria within Tender minimize risk.</li> </ul>		

## CONCLUSION

22. After evaluating all submissions from the various tenderers and taking all the risks into consideration, it is believed that Cosmag Pty Ltd, proved to be the best value for money to the City for the provision of General tree services for the City of Kalamunda.

<b>Voting Requirements: Simple Majority</b>
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## RECOMMENDATION

That Council ACCEPT the tender RFT 2417, General Tree Services from Cosmag Pty Ltd, as per the schedule of rates set out in Confidential Attachment 1 to this report for an initial three-year term with two further one-year extensions at the City of Kalamunda's discretion.

### 10.2.3. RFT 2423 Weed Control and Natural Area Maintenance Services - Award of Tender

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

Previous Items	OCM 292/2019
Directorate	Asset Services
Business Unit	Parks & Environmental Services
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 2: Kalamunda Clean and Green**

**Objective 2.1** - To protect and enhance the environmental values of the City.

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of tender RFT 2423 for the provision of weed control and natural area maintenance services.
2. It is recommended that Council accepts the submission from Martins Environmental Services PTY LTD, ABN 40 103 915 644 as per Confidential Attachment 1 to this report.
3. The estimated expenditure within this contract is \$250,000 (ex GST) per annum with an initial term of three years and two annual extensions at the City of Kalamunda's (City) discretion.

## BACKGROUND

4. The City sought to engage a specialist and experienced contractor for the provision of weed control and maintenance services in the City's Local Natural Areas.
5. The primary service required from the contractor is the control and removal of weeds from bushland reserves. Supplementary services include the planting of tubestock to service the City's natural area revegetation program and installation of street and parkland trees.
6. Due to the large scale, intensive seasonal nature and sensitivity of the works, a specialist contractor with extensive resources is essential to undertake work that is beyond the capacity of internal staff and resources.

## DETAILS AND ANALYSIS

7. The City's Parks and Environment Services Business Unit undertakes maintenance in Local Natural Areas vested in the City with direction provided by the City's Local Biodiversity Strategy.
8. The City issued RFT 2423 through its e-Tendering Portal and an advertisement in the West Australian newspaper on Wednesday 18 September 2024. Receipt of Tender submissions closed at 2.00pm AWST Wednesday 16 October 2024.
9. Five submissions were received, and an Evaluation Panel of suitably qualified City officers was convened to assess the tender submissions.
10. The Tender submissions were assessed to ensure compliance as set out in the tender invitation. All submissions were then assessed against the qualitative criteria as set out in the tender invitation.

11. The Qualitative Criteria and weighting were as follows:

Qualitative Criteria	Weighting
Relevant Experience	35%
Key Personnel Skills & Experience	35%
Tenderer's Resources	25%
Local Benefits	5%

12. The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.

Two of the five tenderers achieved a standard less than 60% required and were eliminated from further assessment. The three conforming Tender submissions met the required QPM and were advanced to the price assessment stage of the evaluation process.

**APPLICABLE LAW**

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

**APPLICABLE POLICY**

14. CEOD – CS51 – Purchasing, has been followed and complied with.

**FINANCIAL CONSIDERATIONS**

15. The use of the successful tenderer under this contract will form part of approved annual Parks and Environmental Services annual operational budgets.

**SUSTAINABILITY**

16. The successful tenderer offers the City best economic, social and environmental outcomes as the recommended tenderer scored highest in the qualitative assessment as well ranking highest in the price assessment.



**RISK MANAGEMENT**

17.	<b>Risk:</b> Contractor unable to provide specialist services required for Local Natural Areas Maintenance.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Possible	High
	<b>Action/Strategy</b>		
	Skills and experience of individual employees to be assigned to the contract to be assessed as part of the qualitative assessment. Demonstration of service delivery in similar environments to be assessed as part of the qualitative assessment.		

18.	<b>Risk:</b> Contractor unable to provide adequate resourcing in response to acute, seasonal requirements.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Possible	High
	<b>Action/Strategy</b>		
	Resource capacity of the tenderers to be assessed as part of the qualitative assessment.		

**CONCLUSION**

19. The delivery of Tender RFT 2423, Provision of Weed Control and Natural Area Maintenance Services will enable the City to undertake Natural Area Management and Maintenance activities. The recommended tenderer will provide the City with confidence that associated activities will be carried out by specialists in their field. The City is satisfied that the recommended tenderer has the resource capacity and staff with the skills, experience and the capability to provide the outcomes the City expects.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council ACCEPT the tender RFT 2423, Provision of Weed Control and Natural Area Maintenance Services, from Martins Environmental Services PTY LTD, ABN 40 103 915 644 as reported in Confidential Attachment 1 for an initial term of three years with two annual extensions at the City of Kalamunda’s discretion.

## 10.2.4. Maida Vale (Norm Sadler) and Scott Reserve Sport Pavilions - Tender Assessment

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

Previous Items	OCM 251/2018; OCM 100/2020; OCM 122/2022; OCM 181/2023; OCM 182/2023
Directorate	Asset Services
Business Unit	Asset Planning & Delivery
File Reference	3.010346; AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Attachement 1 - Adoption of Final Design for Scott Reserve Pavilion [10.2.4.1 - 8 pages]</li> <li>2. Attachment 2 - Adoption of Final Design for Maida Vale Norm sadler Pavilion [10.2.4.2 - 7 pages]</li> </ol>
Confidential Attachment	<p><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></p>

### 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 1: Kalamunda Cares and Interacts

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

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

### Priority 3: Kalamunda Develops

**Objective 3.2** - To connect community to 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 acceptance of the award of RFT 2408 - Scott Reserve Pavilion Redevelopment and RFT 2414 – Redevelopment of Norm Sadler Pavilion.
2. The City of Kalamunda (City) issued two separate Requests for Tender seeking to engage commercial building contractors to undertake construction works for Scott Reserve Pavilion and Maida Vale Norm Sadler Pavilion.
3. It is recommended that Council accept one of the two options below:
  - i) Accept and award both tenders, RFT 2408 - Scott Reserve Pavilion Redevelopment and RFT2414 - Redevelopment of Norm Sadler Pavilion.
  - ii) Accept and award the tender of RFT 2408 - Scott Reserve Pavilion Redevelopment and reject the tender of RFT2414 - Redevelopment of Norm Sadler Pavilion and develop a staging approach in consultation with key stakeholders.

## BACKGROUND

### 4. Scott Reserve Pavilion

Council endorsed the Scott Reserve Master Plan (SRMP) at the Ordinary Council Meeting (OCM) held in June 2020 (OCM 100/2020). The Master Plan provides a strategy to guide development in a sustainable manner to maximise opportunities for active and passive recreation. The new Scott Reserve Pavilion was a key project

identified within the SRMP.

5. Through the 2021 State Election, the City was successful in securing a \$2m grant through DLGSCI towards the new Scott Reserve Pavilion. At the August 2023 OCM (122/2022), Council approved a co-contribution through a \$2m loan. During this time the City also secured a \$50,000 grant from the Western Australian Football Commission (WAFC), \$40,000 from Cricket Australia and a further \$1.3m from the Community Sporting and Recreation Fund (CSRFF) towards the project. The total grant funding amounts to \$3,390,000. The total project funding, inclusive of the loan, amounts to \$5,529,575.
6. At the Ordinary Council Meeting held in December 2023 (OCM 182/2023), Council endorsed the design for the new Scott Reserve Pavilion (Attachment 1) and to proceed to final design and call for construction tenders for this project. At this time, Council also adopted an update to the SRMP.
7. **Maida Vale Reserve Pavilion**  
Council endorsed the Maida Vale Reserve Master Plan (MVRMP) at the 18 December 2018 OCM (251/2018). The MVRMP aims to establish a strategy for sustainable development that enhances opportunities for both active and passive recreation within the community.
8. A key project within the MVRMP is the redevelopment of the Maida Vale Norm Sadler Pavilion. The project involves a major redevelopment and refurbishment of the existing facilities to provide a contemporary facility for the community including new unisex changerooms, internal toilets, storage, office, first aid room and creating modern social spaces and kitchen amenities for the user groups.
9. Through the 2021 State Election, the City was successful in securing a \$2.4m grant through DLGSCI towards the redevelopment of Maida Vale Norm Sadler Pavilion.
10. At the Ordinary Council Meeting held in December 2023 (OCM 182/2023), Council endorsed the design for the new Maida Vale Norm Sadler Pavilion (Attachment 2) and to proceed to final design and call for construction tenders for this project.

**DETAILS AND ANALYSIS**

11. The City issued RFT 2408- Scott Reserve Pavilion Redevelopment and RFT2414 - Redevelopment of Norm Sadler Pavilion via Tenderlink on 17 July 2024 and 3 August 2024 respectively. The tender submission period for both tenders closed at 2:00pm AWST on 11 September 2024.
  
12. By the closing date, tender submissions for RFT 2408 - Scott Reserve Pavilion Redevelopment were received by the following five contractors:
  - a) BE Projects
  - b) Castle Projects
  - c) Schlager Group Pty Ltd
  - d) Shelford Constructions Pty Ltd
  - e) Topend Living Pty Ltd T/A Buildon Construction
  
13. For RFT2414 - Redevelopment of Norm Sadler Pavilion, tender submissions were received from the following six contractors:
  - a) AE Hoskins Building Services
  - b) Classic Contractors PTY Ltd
  - c) Construct360 Pty Ltd
  - d) LKS Constructions (WA) Pty Ltd
  - e) Schlager Group Pty Ltd
  - f) Solution 4 Building Pty Ltd
  
14. A separate Tender Evaluation Panel made up of suitably qualified City Officers was formed for each project to assess the tenders.
  
15. Tenders were evaluated in a staged process, starting with a compliance check against the requirement outlined in the tender invitation. Compliant tenders were then assessed based on the qualitative criteria below:

Criteria for Scott Reserve Pavilion	
Qualitative Criteria	Weighting
Relevant Experience	30%
Key Personnel & Subcontractors Skill and Experience	15%
Tenderer’s Resources	15%
Demonstrated Understanding	35%
Local Benefits	5%

Criteria for Maida Vale Norm Sadler Pavilion	
Qualitative Criteria	Weighting
Relevant Experience	30%

Key Personnel & Subcontractors Skill and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	40%
Local Benefits	5%

16. The qualitative assessment for each Tender submission was completed by Panel members on 9 October 2024.

17. A summary of RFT 2408 - Redevelopment of Scott Pavilion qualitative assessment is seen below:

18.

RFT 2408 - Redevelopment of Scott Pavilion		
Company Name	Qualitative Total Score	Rank
Schlager Group Pty Ltd	71.00%	1
Shelford Construction Pty Ltd	67.00%	2
BE Projects	59.00%	3
CASL Construction t/a Castle Projects	46.00%	4
Buildon Construction	27.50%	5

19. For Scott Pavilion, the assessment demonstrated that two (2) of the five (5) Tenderers exceeded the required QPM of 60%, with three (3) Tenderers being eliminated from further assessment.

20. A price assessment was subsequently conducted for the tenders that exceed the QPM pass mark to ensure compliance and achieve the best value for money for the City. This can be seen below:

21.

RFT 2408 - Redevelopment of Scott Pavilion	
Company Name	Rank
Schlager Group Pty Ltd	1
Shelford Construction Pty Ltd	2

22. A summary of RFT2414 - Redevelopment of Norm Sadler Pavilion qualitative assessment is seen below:

23.

<b>RFT2414 - Redevelopment of Norm Sadler Pavilion</b>		
Company Name	Qualitative Total Score	Rank
AE Hoskins Building Services	62.50%	1
Solution 4 building Pty Ltd	61.50%	2
LKS Construction (WA) Pty Ltd	61.00%	3
Schlager Group Pty Ltd	59.00%	4
Construct360 Pty Ltd	55.50%	5
Classic Contractors Pty Ltd	50.00%	6

24. For Maida Vale Norm Sadler Pavilion, the assessment demonstrated that three (3) of the six (6) tenderers did not meet the required QPM of 60% and their tenders were not included in further assessment.

25. A price assessment was subsequently conducted for the tenders that exceed the QPM pass mark to ensure compliance and achieve the best value for money for the City. This can be seen below:

26.

<b>RFT2414 - Redevelopment of Norm Sadler Pavilion</b>	
Company Name	Rank
Solution 4 Building Pty Ltd	1
AE Hoskins Building Services	2
LKS Constructions (WA) Pty Ltd	3

27. The Tender Evaluation Reports (TER) for each tender are provided as Confidential Attachment 3 and 4 to this report.

#### **APPLICABLE LAW**

28. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local government (Function and General) Regulations 1996*.

#### **APPLICABLE POLICY**

29. CEOD – CS51 – Purchasing, has been followed and complied with.

## FINANCIAL CONSIDERATIONS

### 30. Scott Reserve Pavilion

The Budget provided for the Scott Reserve pavilion in the current financial year is \$5,529,575. The total anticipated project cost inclusive of professional fees and project contingency is \$10,285,085, resulting in a budget deficit of \$4,755,510.

The current funding for the Scott Reserve Pavilion and grant deadline is shown in the table below:

Funding	Value	Grant Deadline
Municipal	\$179,575	-
Loan	\$2,000,000	-
DLGSCI	\$2,000,000	February 2025
CSRFF	\$1,300,000	May 2026
WA Football Commission	\$50,000	December 2026
<b>Total</b>	<b>\$5,529,575</b>	

### 31. Maida Vale Reserve Pavilion

The Budget provided for the Maida Vale Norm Sadler Pavilion in the current financial year is \$3,678,245. The total anticipated project cost inclusive of professional fees and project contingency is \$5,853,106, resulting in a budget deficit of \$2,174,864.

The current funding for the Maida Vale Norm Sadler Pavilion and grant deadline is shown in the table below:

Funding	Value	Grant Deadline
Municipal	\$1,278,245	-
DLGSCI	\$2,400,000	February 2025
<b>Total</b>	<b>\$3,678,245</b>	

32. Given the significant financial implications, Officers have proposed the following two options for council consideration:

**Option 1: Award tenders for both projects.** An additional \$6.93 million in funding would be required across the 2025/26 and 2026/27 financial years to complete both projects. This funding would need to be sourced either from reserves, borrowing or by withdrawing other projects.

**Option 2: Stage delivery of the projects.** Proceed with awarding the contract for Scott Reserve Pavilion by reallocating municipal funding from the Maida Vale Norm Sadler Pavilion project. An additional \$3.48 million in



funding would be required across the 2025/26 and 2026/27 financial years. The Maida Vale Norm Sadler Pavilion tender will not be awarded at this time; instead, a staged delivery approach will be investigated, and the project will be re-tendered based on this phased plan.

**SUSTAINABILITY**

- 33. **Social Implications**  
The redevelopment of these facilities will enhance the City's assets, benefit the local community, and improve the experience for users and players during training and competitions.
- 34. **Economic Implications**  
The implementation of these projects will benefit local businesses and potentially create employment opportunities. It could also boost economic activity in the community during the construction phase.
- 35. **Environmental Implications**  
All existing trees will be retained and protected where possible. Each of the pavilions will be connected separately to an ATU wastewater system.

**RISK MANAGEMENT**

36. **OPTION 1: Proceed with both projects**

<b>Risk:</b> Additional \$6.93M funding required. Limited budget could reduce ability to fund unforeseen works and other priority projects.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Almost Certain	Extreme
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ Explore advocacy funding options to make up the funding difference.</li> <li>▪ Balance additional funding from the Asset Enhancement Reserve (\$3,552,399), other new contributions (\$40,000) and additional borrowings (\$3,337,975) to be utilised to meet shortfall in the development of the 2025/26 Budget.</li> </ul>		

37.

<b>Risk:</b> Delays result in not meeting Grant body deadlines		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Almost Certain	Extreme
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ The current grant funding deadline for the 2021 State Election commitments is 28 February 2025 for the \$2.4 million (Maida Vale Norm Sadler) and \$2 million (Scott Reserve). The City has requested a further extension to the grant funding deadline to June 2026 for Maida Vale and December 2026 for Scott Reserve.</li> <li>▪ The \$1.3 million CSRFF grant deadline for Scott Reserve is May 2026.</li> </ul>		

38.

**OPTION 2: Stage delivery of projects**

<b>Risk:</b> Additional \$3.48M funding required. Limited budget could reduce ability to fund unforeseen works and other priority projects.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Likely	Extreme
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ Explore advocacy funding options to make up the funding difference.</li> <li>▪ Proposed transfer of \$1,278,245 municipal funds from Maida Vale Norm Sadler Pavilion to Scott Reserve Pavilion.</li> <li>▪ Proposed additional funding from the Asset Enhancement Reserve (\$2,099,230), other new contributions (\$40,000) and additional borrowings (\$1,338,035) to be utilised to meet shortfall in the development of the 2025/26 Budget.</li> </ul>		

39.

<b>Risk:</b> Extended timeframe for project completion and possible delays between stages.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Likely	Extreme
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ Maintain consistent communication and reporting to all stakeholders, including the grant funding body, to ensure expectations are properly managed.</li> <li>▪ Continuously assess the critical path and monitor the project timeline to identify and address any potential delays.</li> </ul>		

40.

<b>Risk: Delays result in not meeting Grant body deadlines</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Almost Certain	Extreme
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ The current grant funding deadline for the 2021 State Election commitments is 28 February 2025 for the \$2.4 million (Maida Vale Norm Sadler) and \$2 million (Scott Reserve). The City has requested a further extension to the grant funding deadline to June 2026 for Maida Vale Norm Sadler and December 2026 for Scott Reserve.</li> <li>▪ The \$1.3 million CSRFF grant deadline for Scott Reserve is May 2026.</li> <li>▪ The City will liaise with DLGSCI to understand implications of reducing the agreed project scope.</li> </ul>		

41.

<b>Risk: Poor reputation with grant bodies. Grant body may not agree to a staged approach and/or reduce funding according to scope.</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Likely	Extreme
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ Coordinate with the grant funding body by providing an updated project plan.</li> <li>▪ Provide regular updates on progress of projects.</li> </ul>		

42.

<b>Risk: Ongoing disruption to user groups.</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ Provide regular updates and transparent communication to the user groups about any changes or delays in construction.</li> <li>▪ Set realistic expectations at the start of the construction phase, ensuring that all user groups understand the potential for delays and agree on mitigating actions.</li> </ul>		

43.	<b>Risk:</b> Cost escalation of Maida Vale Norm Sadler Pavilion due to staging and increasing construction costs.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Possible	High
	<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>▪ Explore value engineering options with contractor and user groups as a variation to the contract.</li> <li>▪ Investigate staged delivery with consultants and user groups.</li> <li>▪ Re-tender Maida Vale Norm Sadler Pavilion at a later date for staged delivery.</li> <li>▪ Explore advocacy funding options to make up the funding difference if required.</li> </ul>			

**CONCLUSION**

44. It is recommended that Council endorse one of the following two options:
- Accept and award both tenders, RFT 2408 - Scott Reserve Pavilion Redevelopment and RFT 2414 – Redevelopment of Norm Sadler Pavilion.
  - Accept and award the tender of RFT 2408 - Scott Reserve Pavilion Redevelopment and reject the tender of RFT 2414 – Redevelopment of Norm Sadler Pavilion and develop a staging approach in consultation with key stakeholders.
  -

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. ACCEPT the amended total project budget for:
  - a. Scott Reserve Pavilion Redevelopment of \$10,285,085 and,
  - b. Redevelopment of Norm Sadler Pavilion of \$5,853,106.
  
2. AUTHORISE to budget an additional \$4,755,510 for Scott Reserve Pavilion Redevelopment to be source from:
  - a. the Asset Enhancement Reserve (\$2,377,535),
  - b. loan additional borrowings (\$2,337,975) and,
  - c. other contributions from Cricket Australia (\$40,000).
  
3. AUTHORISE to budget an additional \$2,174,864 for Redevelopment of Norm Sadler Pavilion to be source from:
  - a. the Asset Enhancement Reserve (\$1,174,864) and,
  - b. additional loan borrowings (\$1,000,000).

4. NOTE the additional funds will be listed for the 2025/26 budget.
5. ACCEPT the tender for RFT 2408 - Scott Reserve Pavilion Redevelopment from Shelford Constructions Pty Ltd, as per the lump sum price set out in Confidential Attachment 3.
6. ACCEPT the tender for RFT 2414 – Redevelopment of Norm Sadler Pavilion from Solution 4 Building Pty Ltd, as per the lump sum price set out in Confidential Attachment 4.
7. REQUESTS the Chief Executive Officer undertakes advocacy to seek external funding support for Scott Reserve Pavilion and Maida Vale Norm Sadler Pavilion.

10.3. Corporate Services Reports

10.4. Community Services Reports

10.4.1. The Perth Observatory Sculpture Park and Biennale Sculpture Event

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

Previous Items

Directorate	Community Services
Business Unit	Economic & Cultural Services
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments 1. Sculptures available for purchase [10.4.1.1 - 13 pages]

Confidential Attachments 1. Appendix Sculpture Park – City of Kalamunda Presentation  
2. Final Sculpture Park City of Kalamunda Presentation Oct 24

*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."*

**TYPE OF REPORT**

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

## STRATEGIC PLANNING ALIGNMENT

### *Kalamunda Advancing Strategic Community Plan to 2031*

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

#### **Priority 3: Kalamunda Develops**

**Objective 3.4** - To be recognised as a preferred tourism destination.

**Strategy 3.4.1** - Facilitate, support and promote, activities and places to visit.

#### **Priority 4: Kalamunda Leads**

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider options to support development of a sculptural event within the City of Kalamunda (City), a key focus of the Arts Advisory Committee that has been contemplated since 2017.
2. In the development of the current Arts & Cultural Strategy (the Strategy) a sculptural event was a key initiative in discussions, however, it was noted that the City did not have the capacity or funding for such a large initiative.
3. Since the development of the Strategy, a new collaborative partnership has been formed – the Perth Observatory Sculpture Park and Biennale Sculpture Group (The Group). The Group have approached the City with an innovative solution to facilitate a sculptural event within the City, delivered by the community for the community and acting as a major visitor attractor to the region.
4. The Group is requesting initial seed funding of \$62,480 through 2024-25 to continue to develop the project across two project milestones.

5. This report identifies four options for consideration and recommends option 4 to support continued development of the project.

## BACKGROUND

6. In 2019 the City adopted the *Creative Communities: An Arts Strategy*. Which identified the establishment of a unique sculpture event, featuring renowned national and international artists as a key focus area of the strategy.
7. In June 2019 the City adopted the [City of Kalamunda Tourism Development Strategy 2019-2025 \(page 45\)](#) which advocates for a dedicated "Sculpture in the Trees" event similar to "Sculptures by the Sea" as well as public education events at the Perth Observatory.
8. The City's Draft Public Art Masterplan, adopted in 2021, called for an annual or biannual sculpture event to encourage tourism to the area. It identified that an event of this scale would require an investment of at least \$500,000 of which the City would need to contribute at least one third (minimum \$170,000).
9. While there was enthusiasm for hosting a large-scale event, concerns about the City's capacity to deliver a project of this scale, led to its removal from the adopted [City of Kalamunda Public Art Masterplan 2023](#). Though removed from the masterplan, the vision remained that public art would support business and tourism by providing unique experiences, including a sculpture series.
10. The concept of a Kalamunda sculpture event continued to be a priority for the Kalamunda Arts Advisory group and in early 2024 they formed a subgroup dedicated to developing the concept.
11. The Group conducted a site analysis considering access, ambience and security on potential locations, including the Kalamunda Railway Heritage Trail, Jorgensen Park, and the Perth Observatory.
12. The analysis determined that the Perth Observatory was the preferred site, and following site selection, the group partnered with the Perth Observatory to advance the project.
13. An independent group, the Perth Observatory Sculpture Park Project Group (the Group) was formed to guide this process with members of the Perth Observatory and a sub-group from the Arts Advisory Group, creating a standalone entity comprised of a business professionals/artists, tourism



and marketing specialist, community arts practitioner, educational artist and the Chair of the Perth Observatory.

14. At the September meeting of the Kalamunda Arts Advisory Group, the Perth Observatory Sculpture Park Project Group shared an update on the project's progress including recent planning, stakeholder engagement and potential grant funding opportunities.
15. With interest building around the projects potential to create cross-pollination benefits, the Sculpture Park Project was presented to the Economic and Tourism Development Advisory Group. The Group expressed their support, acknowledging the project's alignment with the [City of Kalamunda's Tourism Development Strategy 2019-2024](#) and the potential synergies in reaching shared tourism and economic objectives.
16. On 15 of October 2024, three core members from the Perth Observatory Sculpture Park project presented the concept for the Perth Observatory Sculpture Park and Biennale Awards Exhibition to Elected members.
17. At this presentation, the Group requested the City provide total funding of \$361,953 to support the development and delivery of the Perth Observatory Sculpture Park and the First Biennale Awards Exhibition planned for 2026 comprised of;
  - a) Seed funding of \$211,935.00 between now and 2026-27, the subject of this report
  - b) Acquisitional prizes of \$150,000 which will be considered in future via a separate report and decision in 2026-27.
18. As part of their presentation, the Group highlighted all work completed to date, including securing two donated sculptures worth a combined value of \$120,000, demonstrating strong interest in the project.

## DETAILS AND ANALYSIS

19. The Perth Observatory Sculpture Park and Biennale Sculpture Event aims to create a unique tourist destination in the Perth Hills, blending art, environment, and science, as well as boosting tourism in the City of Kalamunda by supporting local businesses and attracting diverse audiences.
20. The event will engage the community, especially in outer metropolitan areas, through educational programs and by showcasing international and local Western Australian artists. It will promote innovation and science technology, engineering, arts and mathematics integration, offering accessible educational and engaging experiences for all.

21. The proposed Perth Observatory Sculpture Park and Biennale Sculpture Event forecast an estimated 10,000 visitors for the Biennale award event and exhibition, with an ongoing 15,000 visitors each year to attend the park.
22. These visitors are anticipated to provide substantial economic benefit to the City with modelling showing direct impact of \$200,000 per annum and an extra \$140,000 in the years in which the biennale event is held.
23. The project aligns with deliverables from a number of City of Kalamunda Strategies including –
  - [Arts And Culture Strategy 2023 - 2028](#)
  - [Public Art Masterplan 2023](#)
  - [Tourism Development Strategy 2019 - 2025](#)
  - [City of Kalamunda Youth Plan 2023 - 2028.](#)
24. Most notably aligning directly to a key objective of the [Tourism Development Strategy 2019 - 2025](#), which specifically identifies the objective of delivering a large-scale sculptural event and expanding the Special Events Program to offer diverse, stimulating, and internationally recognised programs.
25. Additionally partnering with the Perth Observatory aligns with a key strategy from the [Arts and Culture Strategy 2023- 2028](#) of brokering relationships to encourage creative investment and pride in our region. Utilising a 'seed funding' approach to new partnerships and ideas for local events that strengthen the key Calander festivals.
26. The Group has provided the City with a comprehensive business proposal detailing the project's scope, budget, and timeline. The proposal includes a breakdown of costs, at each of the five milestones set out in the project proposal performance indicators, and milestones (confidential attachment 1). It also provides projections of expected visitor numbers and the potential community and economic impact to the region.
27. The proposal outlines the in-kind support offered by the Group, including volunteer hours for website development, copywriting, project planning, and management. It also specifies how funds requested from the City will be utilised throughout the project, from the initial development phase to the inaugural Perth Observatory Sculpture Park and Biennale Sculpture Event scheduled for July 2026.
28. The proposal offers the City an opportunity to fulfill a long-standing community objective which could not be resourced financially or operationally by the City. Now, with this proposal, the City is positioned to

achieve these objectives, aligning with the community's vision and dedication to bringing this initiative to life.

29. If Council is supportive of the Perth Observatory Sculpture Park and Biennale Sculpture Event a funding agreement will be established identifying clear timelines, project milestones and progress reporting around the delivery of the Event(s).
30. The Perth Observatory Sculpture Park Group is requesting an initial investment of \$62,480 for the current 2024-25 financial year, to support the foundational stages of the project.
31. This funding will help planning and development to allow the project to advance to a stage suitable for presentation and submission to gain appropriate approvals and permits from the relevant parties and stakeholders.
32. As part of their proposal the Perth Observatory Sculpture Park Group, is then seeking ongoing seed funding through the development of the project as detailed in confidential attachment 2. The group's proposal includes five milestones to be achieved by July 2026.  
Should grant funding and sponsorship become available, the amount at each milestone would reduce as what is being proposed comprises full funding for the project.
  1. **(Milestone 1) Complete:** Volunteer investment including initial concept research and planning, establishment of a working group, followed by a collaborative partnership with the Perth Observatory. Grant application research and submission. Total estimated volunteer contribution to date stands at \$120,000.
  2. **(Milestone 2) December 2024** – seeding funding requested \$24,600 to initiate development of overall strategy for the project, promotional videography and photography, graphic design, improvement of Perth Observatory grounds, operational plan and programme.
  3. **(Milestone 3) January 2025 / Mid-Year Review:** \$37,880 to assist with developing the naming and branding for the event/project, and to begin creating philanthropic and sponsorship packages to attract corporate sponsorship and private donations.
  4. **(Milestone 4) July 2025:** \$68,750 as part of the 2025/26 budget to further support the project's development.

5. **(Milestone 5) July 2026:** \$79,705 The final milestone investment to coincide with the opening of the Perth Observatory Sculpture Park and the first Biennale Sculpture Event.
  
33. Following the presentation discussion between the Group and Elected Members it was proposed the City could consider purchasing one or both of the sculptures (identified in attachment 1) to provide the group with seed funding needed to begin working on the project.
  
34. The two sculptures potentially available for purchase are *Tusk* by John Clement worth \$35,000 and *Queen* by Peter Lunderberg worth \$85,000.
  
35. Purchasing sculptures from the Group offers a low-risk, high-reward opportunity for the City of Kalamunda. By providing initial funding, the City empowers the group to launch their project, positioning them to secure additional grants and sponsorships. This strategic investment minimizes risk, as even if the full project does not eventuate, the City will ensure value for the Community through ownership of two significant artworks.
  
36. Remaining milestones and funds will be considered via the annual budget processes in 2025-26 and 2026-27 supported by an agreement between the Group and the City. Should the Group secure alternative funding, the City's financial contribution will be reduced and renegotiated.

#### APPLICABLE LAW

37. *Local Government Act 1995*

#### APPLICABLE POLICY

38. [LPP26 – Local Planning Policy Public Art Contribution.](#)

#### STAKEHOLDER ENGAGEMENT

39. The group has carried out significant stakeholder engagement in the development of this project. They have actively involved the Arts Advisory Group and aligned with many of the City of Kalamunda's strategic documents, including the;
  - a) [Public Art Master Plan 2023](#),
  - b) [Arts and Culture Strategy 2023-2028](#),
  - c) [Economic Development Strategy](#),
  - d) [Tourism Development Strategy 2019-2025](#),
  - e) [Strategic Community Plan](#), and
  - f) [Youth Plan 2023 -2028](#).

40. On the 30 September 2024, Perth Observatory Sculpture Park and Biennale Sculpture project was presented to the Economic and Tourism Development Advisory Group. The Group expressed their support, acknowledging the project's alignment with the [City of Kalamunda's Tourism Development Strategy 2019-2024](#) and the potential synergies in reaching shared tourism and economic objectives.

**FINANCIAL CONSIDERATIONS**

41. Perth Observatory Sculpture Park Group is seeking an investment of
1. Seed \$211,935.00 between now and 2026-27 the subject of this report
  2. Acquisitional prize \$150,000 which will be considered in future via separate report and decision in 2026-27.

However, the Group are in the process of also seeking other funding through grants and sponsorship, potentially resulting in less investment from the City.

42. Should the City wish to commit funding to this project utilising municipal funding as outlined in *The Perth Observatory Sculpture Park - Appendix: City of Kalamunda Presentation, 15 October 2024*, the Council will need to consider committing funding through the 2024-25 budget review process totalling \$62,480.00.
43. The budget requests for July 2025 (\$69,750) and July 2026 (\$79,705) as captured in Appendix 10.4.1.1, as part of the City's long-term financial planning and included in the City's annual budget for 2025-26 FY and 2026-27 FY.

Table 1

Financial Year	2024/25		2025/26	2026/27
Payment Date	Oct-24	Jan-25	Jul-25	Jul-26
Rational	Seed Funding	Branding and Website Development	Continued Project Development	Biennale Event
Amount	\$24,600	\$37,880	\$69,750	\$79,705

44. Alternatively, should the City wish to support this project, it can look to purchase two Sculptures from the Group using funds from the Public Art Reserve (\$120,000).

- 45. At the time of this report, there was \$632,700.00 sitting in the City of Kalamunda Public Art Reserve.
- 46. The City will then need to consider the additional milestone payments. The budget requests for the July 2025 (\$11,230) and July 2026 (\$79,705), as part of the City's long-term financial planning and consideration for the 2025-26 and 2026-27 annual budgets.

Table 2

Financial Year	2024/25	2025/26	2026/25
Payment Date	Dec-24	Jul-25	Jul-26
Rational	Purchase of the sculptures	Continued Project Development	Biennale Event
Amount	\$120,000	\$11,230	\$79,705

- 47. The Group business case does request the support from the City for acquisitive prizes, which would be the subject of a subsequent report.

**SUSTAINABILITY**

- 48. **Economic**  
Seed funding is being sought from the City to assist with the initial development and project management of the Perth Observatory Sculpture Park and Biennale Sculpture Event. This support will provide the necessary foundation for success, ensuring the financial sustainability and longevity of both the Sculpture Park and the Biennale Sculpture Event, reducing the project's reliance on City funds in the future.
- 49. The group has already applied for Creative Australia funding and has identified future grant opportunities to pursue in the new year. The Perth Observatory has a dedicated grant officer who works to identify and apply for grants. During this planning phase, the group will also be developing their corporate philanthropy strategy, diversifying their revenue sources to avoid reliance on a single funding source, such as the City of Kalamunda.
- 50. **Social**  
The Perth Observatory Sculpture Park and Biennale Sculpture Event project is committed to fostering social sustainability by creating inclusive and engaging community spaces.

- 51. Platform for local artists, educators, and community members to collaborate, the project will enhance cultural diversity and encourage community participation.
- 52. The project will also prioritise accessibility, ensuring that people of all ages, abilities, and backgrounds can participate and enjoy the events. By creating spaces that are welcoming and inclusive, the Sculpture Park will become a hub for social interaction and community engagement.
- 53. **Environmental**  
The Perth Observatory Sculpture Park and Biennale Sculpture Event project is dedicated to promoting environmental sustainability through its strong focus on STEAM (Science, Technology, Engineering, Arts, and Mathematics) education. This initiative aims to foster a deeper understanding and appreciation of the natural environment among participants and visitors.
- 54. By integrating educational programs that highlight the unique flora and fauna of the Perth Hills and the surrounding natural forest, the project will encourage sustainable practices and environmental stewardship. The sculptures and installations will be designed to reflect and respect the natural landscape, using eco-friendly materials and methods.
- 55. Additionally, the event will serve as a platform to raise awareness about the importance of preserving our natural heritage. Through interactive workshops, guided tours, and educational displays, visitors will gain insights into the ecological significance of the Perth Hills and the broader environmental challenges we face.

**RISK MANAGEMENT**

- 56. **City does not invest in the project -**

<b>Risk:</b> If the City does not invest in this initiative and assist the group in the foundational stages of planning, it could result in a failed event that poses a reputational risk to the City.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
The City of Kalamunda provides support to the Perth Observatory Sculpture Park and Biennale Sculpture Event group now and throughout the development of their project to ensure that the end project is successful.		

- 57.

<b>Risk:</b> The City fails to meet objectives set out in the City’s strategic plans and documents.
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<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
The City partners with stakeholders in delivering actions set out in strategic plans and documents.		

58. **The City invests into the project by purchasing the sculptures**

<b>Risk:</b> The City purchases the two works for their collection, however the Perth Observatory Sculpture Park and the Biennale Sculpture project does not continue to develop beyond the initial scoping phase.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Insignificant	Possible	Low
<b>Action/Strategy</b>		
The City will have procured two internationally renowned sculptural pieces for the community, even if the larger event does not come to fruition.		

**CONCLUSION**

59. The Perth Observatory Sculpture Park Group is seeking support for a Sculpture Park and Biennale Sculpture Event. Should the City wish to support the group, there are different avenues through which the City can provide this support and funding.

60. The following options are available to the Council to provide the support requested:

**Option 1**

Provide the initial investment of \$24,600 via the Councillor Voted Works fund. With the group re-approaching the City at each milestone to request additional funds.

61. **Option 2**

Noting the time delay between the original request and a formal decision of Council, provide the initial investment of \$24,600 via the Councillor Voted Works fund, and commit to providing the January milestone payment of \$37,880 at mid-term budget review.



62. **Option 3**  
Committing to the full amount of funding of \$211,935.00 via a financial agreement which sets out requirements and milestone payments will be made between now and 2026-27. Ensuring that City accounts for and plans this in the mid-year budget review and considered as part of annual budget processes through until 2026 -27.
63. **Option 4**  
Purchases the two sculptures “Tusk” by John Clement worth \$35,000 and “Queen” by Peter Lundberg worth \$85,000, to provide the initial cash investment into the group’s project.
- Leaving an outstanding project balance of \$90,935 to be considered as part of the annual budget processes through until 2026 – 27.
64. Purchasing sculptures from the Group offers a low-risk, high-reward opportunity for the City of Kalamunda. By providing initial funding, the City empowers the group to launch their project, positioning them to secure additional grants and sponsorships. This strategic investment minimizes risk, as even if the full project does not come to fruition, the City ensure value for the Community through ownership of two significant artworks.
65. This proposal aligns with the City of Kalamunda strategies –
- a) [Public Art Master Plan 2023](#),
  - b) [Arts and Culture Strategy 2023-2028](#),
  - c) [Economic Development Strategy](#),
  - d) [Tourism Development Strategy 2019-2025](#),
  - e) [Strategic Community Plan](#), and
  - f) [Youth Plan 2023 -2028](#).
- and provides a pathway toward development of an outstanding event garnering international status, driven by the community for the community. Utilising option 4 as the preferred way forward - the purchase of sculptures from the Group, offers a low-risk, high reward opportunity for the City of Kalamunda.

<b>Voting Requirements: Absolute Majority</b>
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## RECOMMENDATION

That Council;

1. SUPPORT the Sculpture Park and Biennale Sculpture Event proposed by the Perth Observatory Sculpture Park Group to a total cost of \$210,935
2. Pursuant to section 6.8 (1) (b) of the *Local Government Act 1995*, AUTHORISE an amendment to the 2024/25 Budget of up to \$120,000 to enable the CEO to negotiate purchase of the following sculptures:

- a) "Tusk" by John Clement
- b) "Queen" by Peter Lundberg
3. AUTHORISE the transfer of up to \$120,000 from the Public Art Reserve
4. NOTE that the balance of the balance of the project cost will be listed for consideration in the 2025/26 and 2026/27 Budgets.

## 10.4.2. Amendment to Council Delegations to the CEO (Bush Fire Matters)

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

Previous Items	
Directorate	Community Services
Business Unit	Fire and Emergency Management
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. BUSH FIRES ACT 1954 section 48 delegation of all functions to the CEO [10.4.2.1 - 1 page]

### TYPE OF REPORT

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

### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

#### Priority 1: Kalamunda Cares and Interacts

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

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

#### Priority 1: Kalamunda Cares and Interacts

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

**Strategy - 1.2.1** Facilitate a safe community environment.

## Priority 2: Kalamunda Clean and Green

**Objective 2.2** - To achieve environmental sustainability through effective natural resource management.

**Strategy 2.2.1** - Manage the forecast impacts of a changed climate upon the environment.

### EXECUTIVE SUMMARY

1. The purpose of this report is for council to consider proposed amendments to current delegations to the Chief Executive Officer (CEO) for bush fire matters.
2. The amendments will improve the efficiency of operations.
3. It is recommended Council adopt the amendments detailed in attachment 1 of this report.

### BACKGROUND

4. A local government may by absolute majority, delegate authority to exercise any of its statutory functions to the CEO.
5. The CEO can delegate the exercise of any of their powers or duties to employees.
6. By delegating its powers and duties, the Council enhances the efficiency of operations
7. Bushfire prevention and preparedness is critical to the development of the City's strategic objectives for community safety and emergency management.
8. *The Bush Fires Act 1954* (the BF Act) details provisions for diminishing the dangers resulting from bush fires and allows for a local government to delegate the performance of any of its functions to the CEO.
9. Council currently only delegates the functions of
  - section 17 to the Mayor and Chief Bush Fire Control Officer;
  - section 38 to the CEO and;
  - section 59 to the Chief Bush Fire Control Officer
10. Section 48(1) of the *BF Act* allows for the local government to delegate to its CEO the performance of any of its functions under the Bush Fires Act 1954.
11. Therefore, to ensure efficiency it is proposed that all functions of the local government under the *BF Act* be delegated to the CEO, as per section 48(1).

## DETAILS AND ANALYSIS

12. Bush fires in Western Australia are a common occurrence, with the majority of the City being bushfire prone. Additionally, significant bush fires can have a long-term impact on people and the social fabric of our communities.
13. The *BF Act* provides for local governments to appropriately regulate bush fire control measures to protect life and property from bush fires, and support emergency services in bushfire prevention, preparedness, response and recovery.
14. Following a preseason workshop, the Department of Fire and Emergency Services (DFES) legal team recommended that all local governments ensure they have a section 48 delegation to the CEO in place.
15. Section 48 of the BF Act provides;

**48. *Delegation by local governments***

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.*
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —*
  - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and*
  - (b) is to be treated as performance by the local government.*
- (3) A delegation under this section does not include the power to subdelegate.*
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.*

16. DFES has requested this delegation to local government CEO's to facilitate the transfer of control of bush fires to them in an efficient and timely manner.

Without such a delegation, urgent Council Meetings would need to be called to facilitate the transfer of control.

Such a situation is untenable in times of catastrophic bush fire emergencies'

17. This report is requesting Council include an overarching delegation of all functions of the *BF Act* to the CEO by expanding current delegations to include section 48(1) as requested by DFES

**APPLICABLE LAW**

18. *Local Government Act 1995*  
19. *Bush Fires Act 1954*  
*Emergency Management Act 2005*

**APPLICABLE POLICY**

20. State Hazard Plan (Fire)  
Fire Hazard Assessment Plan 2023-2028  
Bushfire Risk Management Plan

**STAKEHOLDER ENGAGEMENT**

21. DFES  
22. Public consultation is not considered necessary with respect to the proposed amendments

**FINANCIAL CONSIDERATIONS**

23. Nil

**SUSTAINABILITY**

24. Nil

**RISK MANAGEMENT**

25.

<b>Risk:</b> Delegated authority is not provided to the CEO		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
Introduce processes that would assist Council with the additional decision		

## CONCLUSION

26. The proposed amendment to the current delegations will provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated to Council.

**Voting Requirements: Absolute Majority**

## RECOMMENDATION

That Council ADOPTS the amendments to the current delegations detailed in attachment 1 of this report.

10.5. Office of the CEO Reports

10.5.1. Recruitment Process for Chief Executive Officer - Certification

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

Previous Items	
Directorate	Chief Executives Officer
Business Unit	Governance and People Services
File Reference	
Applicant Owner	
Attachments	Nil

**TYPE OF REPORT**

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**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 enable Council to finalise the recent Chief Executive Officer (CEO) recruitment process.
2. Regulation 18FB of the *Local Government (Administration) Regulations 1996*, requires that as soon as practicable after a person is employed in the position of CEO, the local government must by absolute Majority resolution, certify that the person was employed in accordance with the adopted standards in relation to the recruitment of CEO's.
3. It is recommended that Council certify that it complied with the adopted standards in relation to the recruitment of CEO's.

## BACKGROUND

4. The *Local Government Act 1995* (Act) was amended in 2019 to include a requirement for local governments to adopt standards for the Recruitment, Termination and Performance and Salary Review of its CEO (Standards).
5. Council Policy Governance 12 Recruitment & Selection, Performance Review, Salary Review and Termination of the Chief Executive Officer to comply with the Act requirements was adopted by Council on the 12 October 2021.
6. Additionally, the *Local Government (Administration) Regulations 1996* were amended to include a requirement for local governments to certify that a recruitment or termination process was in accordance with the Standards.

## DETAILS AND ANALYSIS

7. The key requirements in the Standards with respect to the recruitment process for the CEO are-
  - a) Approval of Position Description, including qualification requirements, selection criteria and responsibilities off the position.
  - b) Appointment of a Selection Panel, including an independent person as a member.
  - c) Appointment of a HR Consultant to assist with the recruitment,
  - d) Advertising methods and documentation availability and details of where/how to submit an application.
  - e) Contract duration and remuneration and benefits.

- f) The knowledge, experience, qualifications and skills of all applicants assessed against the selection criteria.
- g) Relevant checks of applicant's details
- h) Appointment was impartial, merit based and free from nepotism.
- i) Council approved final appointment and contract by Absolute Majority.

8. The Council complied with the above requirements at the following Council Meetings-
- a) Special Council Meeting (SCM) 31 October 2023 – appointed Selection Panel and HR Consultant (points b) and c) above).
  - b) SCM 14 November 2023 – appointment of Independent Person to the Selection Panel (point a) above)
  - c) Ordinary Council Meeting (OCM) 28 November 2023 – approval of recruitment process, Position Description (points d) to f) above).
  - d) SCM 9 April 2024 – appointment of CEO and approval of Contract (points h) and i) above).
9. On the basis of the above, Council should now certify in accordance with Regulation 18FC of the *Local Government (Administration) Regulations 1996* that it has complied with the Recruitment Standards.

#### **APPLICABLE LAW**

10. *Local Government Act 1995*  
*Local Government (Administration) Regulations 1996*

#### **APPLICABLE POLICY**

11. Governance 12 Recruitment & Selection, Performance Review, Salary Review and Termination of the Chief Executive Officer.

#### **STAKEHOLDER ENGAGEMENT**

12. N/A

#### **FINANCIAL CONSIDERATIONS**

13. There are no financial impacts arising from this report.

#### **SUSTAINABILITY**

14. N/A

**RISK MANAGEMENT**

15.	<b>Risk:</b> Council does not comply with the legislative requirements to certify it complied with the Standards in undertaking the recruitment process for the CEO						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Low</td> <td>Unlikely</td> <td>Medium</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Low	Unlikely	Medium
Consequence	Likelihood	Rating					
Low	Unlikely	Medium					
	<b>Action/Strategy</b>						
	Ensure Council is aware of its responsibility to comply with the legislative requirements.						

**CONCLUSION**

16. Certification of compliance with the Standards in undertaking the Recruitment of the CEO should now be ratified by Council.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council pursuant to Regulation 18FC of the *Local Government (Administration) Regulations 1996* CERTIFIES the employment of Anthony Vuleta as Chief Executive Officer was in accordance with the Recruitment Standards adopted by the City of Kalamunda.

**11. Closure**