



Public Agenda Briefing Forum

2 December 2025

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



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 commencing at 6.30pm.**

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 displayed 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 tonight's meeting, other than the confidential sessions, are being recorded and live streamed.

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).

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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 10.1.2 High Wycombe Community Hub Funding Update

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"*

10. Reports to Council

10.1. Development Services Reports

10.1.1. Market Led Proposals Policy

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

Previous Items	OCM/2025/134
Directorate	Development Services
Business Unit	Strategic Planning and Property
File Reference	
Applicant	Not applicable
Owner	City of Kalamunda
Attachments	1. DRAFT Market Led Proposals Policy - New Policy template - Dec25 [9.1.1.1 - 5 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 3.3 - To develop and enhance the City's economy.

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 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to present the Draft Market-Led Proposal (MLP) Policy to Council in response to the resolution made at the Ordinary Council Meeting on 23 September 2025, where Council requested the Chief Executive Officer (CEO) prepare a MLP Policy for Council's consideration by 9 December 2025.
2. The Draft Policy has been informed by benchmarking against State Government and peer local government frameworks, internal governance requirements, and insights gained from recent enquiries relating to unsolicited proposals.
3. The recommendation is that Council adopts the Draft Market-Led Proposal Policy (Draft MLP Policy) and authorises the publication of the policy on the City's website.

BACKGROUND

4. At its meeting on 23 September 2025, Council considered a report outlining the increasing frequency of unsolicited or proponent-initiated approaches to purchase, lease, or develop City-managed land outside of a competitive process. These proposals are commonly referred to as Market-Led Proposals (MLPs).
5. Council noted the City did not have an existing policy position to guide consistent evaluation, governance, and determination of such proposals. In response, Council resolved to request the CEO prepare a Market-Led Proposal Policy for Council's consideration by 9 December 2025, for the purposes of initiating public advertising.
6. It was originally proposed that the Draft MLP Policy be presented to Council for endorsement prior to public consultation. It has since been confirmed there is no statutory requirement to advertise a policy of this nature. Accordingly, it is now proposed that—subject to any amendments

requested by Elected Members—the Draft MLP Policy presented to Council will be formally adopted, trialled over a 12-month period before being reviewed.

7. Following adoption, the Policy will be published on the City's website with a notification inviting general feedback, which will be recorded and monitored. The Policy will be reviewed 12 months after adoption and thereafter every 2 years, or earlier as the framework is applied in practice and feedback is received from proponents and/or the community.

DETAILS AND ANALYSIS

8. The Draft Market-Led Proposal Policy establishes a structured, transparent and defensible framework for evaluating MLPs. The framework has been developed based on common elements of established State and local government models, and incorporates the following key components:
 - **Guiding principles** – The policy requires all proposals to demonstrate alignment with the City's Strategic Community Plan, community benefit, financial sustainability, effective risk management, probity, and transparency, consistent with the *Local Government Act 1995* and other applicable legislation.
 - **Assessment criteria** – Proposals are to be evaluated across five categories:
 - – Strategic and Land Use Alignment
 - – Community and Public Benefit
 - – Financial Considerations
 - – Governance and Risk Management
 - – Proponent Capability and Uniqueness
 - These criteria ensure that MLPs advance the City's strategic priorities, provide tangible benefits, appropriately manage risk, and justify direct negotiation over a competitive process.
 - **Cost-recovery framework** – The policy implements a tiered cost-recovery model, including a non-refundable application fee at initial submission and full reimbursement of external costs (valuations, legal, probity, technical assessments) for proposals progressing beyond preliminary assessment. This ensures that MLP evaluations remain cost-neutral to the City.
 - **Governance and probity safeguards** – The policy embeds strong governance measures, including conflict-of-interest declarations, probity principles, confidentiality requirements, prohibitions on canvassing elected members, and provision for independent probity oversight where warranted. Decision-making authority is

clearly defined, with Council retaining final determination rights for all proposals involving disposals or binding commitments.

- **Transparency and accountability mechanisms** – All MLPs will be recorded in a Register of Market-Led Proposals accessible to Council. A public version may also be published, and periodic reporting to Council will support continuous improvement and oversight.

9. Once adopted, the Market-Led Proposal Policy will provide the City with a consistent and defensible mechanism for managing unsolicited proposals. It will ensure that opportunities are assessed in a transparent and timely manner, that financial and governance risks are appropriately managed, and that any proposal advanced through the process delivers clear strategic and community benefit. The policy framework promotes innovation while maintaining strong safeguards to protect public land, community value, and compliance with statutory obligations.

APPLICABLE LAWS

10. *Local Government Act 1995*
Local Government (Functions and General) Regulations 1996
Land Administration Act 1997
Freedom of Information Act 1992
Property Law Act 1969

APPLICABLE POLICY

11. The City does not currently have a dedicated policy framework to guide the assessment and decision-making for MLPs.

STAKEHOLDER ENGAGEMENT

12. Should Council resolve to adopt the Draft Policy - even though there is no statutory requirement for public advertising - community engagement will be undertaken in accordance with the City's Policy Service 5: Communication and Engagement, and the IAP2 "Inform" level, which seeks *"to provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions."*
13. It is proposed that, when the Policy is published on the City's website under "Council Policies", it is also promoted on the "Notices and Announcements" page, enabling feedback from the community over the course of its implementation. Any feedback received will be considered as part of the review of the Policy 12 months following adoption. Should any feedback from the community warrant an earlier review, this can commence sooner.

FINANCIAL CONSIDERATIONS

14. MLPs can support the City's long term financial position and a wide range of re-investment opportunities to satisfy the City's Strategic Community Plan priorities, and the principles may be extended beyond land and property opportunities in the future.
15. It is proposed that a non-refundable application fee be incorporated into the City's Annual Fees and Charges Schedule in 2026/27. Any future MLPs will generate a fee payable upon lodgement of a proposal. In addition, a cost-recovery approach will apply, under which the proponent will be required to reimburse the City for any reasonable external costs incurred in evaluating the proposal. These may include specialist financial, legal, technical, or probity advice.

SUSTAINABILITY

16. MLPs can contribute to investment in community assets or services to benefit a growing and changing population, and additional development opportunities consistent with the City's growth aspirations.
17. The Draft Policy requires that proposals should demonstrate positive economic outcomes alongside strong environmental sustainability measures, delivering long-term value to the community.

RISK MANAGEMENT

18.

Risk: Transparency and Probity concerns resulting in reputational impacts. Direct negotiation with a single proponent can raise perceptions of favouritism or lack of competition		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Publish clear criteria to ensure decisions are consistent and defensible. Independent probity oversight for significant proposals. Report MLP decision-making and key justifications to Council and, where appropriate, to the community.		

Risk: Potential missed financial opportunities and demonstrating value for money principle. Without competitive tendering, it's harder to benchmark costs and benefits.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		

Independent valuation/benchmarking of costs and benefits.
 Apply a public value test (community, social, financial outcomes).
 Ensure full cost recovery from proponents.
 Use transparent evaluation criteria to guide decisions.
 Obtain probity/independent review for significant proposals.

Risk: Resource Burden impacting on other project or operational priorities. Managing proposals can be resource-intensive, requiring specialist expertise in procurement, finance, planning, and risk management.

Consequence	Likelihood	Rating
Moderate	Likely	Medium

Action/Strategy

Staged MLP process to filter out low-value or unviable proposals early.
 Leverage external expertise (consultants, probity advisors) when needed with cost recovery from proponents.
 Use clear internal roles and workflows to streamline assessments.
 Prioritise proposals that align strongly with strategic objectives to focus resources.

Risk: Missed opportunities to capture value and benefit from market driven initiatives.

Consequence	Likelihood	Rating
Moderate	Likely	Medium

Action/Strategy

Promote the framework to industry and community to encourage quality submissions.
 Benchmark and monitor trends to identify emerging opportunities.
 Align evaluation criteria with strategic priorities to capture long-term community and economic value.

CONCLUSION

19. The Draft MLP Policy responds directly to Council's September 2025 resolution and establishes a robust, merit-based process for managing unsolicited proposals involving City land.
20. The framework provides clarity for proponents and the City, embedding strong governance, probity safeguards, evaluation criteria, and cost-recovery mechanisms.

21. Endorsing and publishing the Policy will provide clarity to proponents and the community, ensuring a consistent approach to Market-Led Proposals moving forward.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPTS the Draft Market-Led Proposal Policy, forming Attachment 1; and
2. NOTES that the policy will be reviewed in 12-months, or sooner if community feedback warrants an earlier review.

10.1.2. High Wycombe Community Hub Funding Update

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

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"

Previous Items	OCM 157/2022, OCM 40/2024, SCM 87/2024, OCM 159/2024, OCM 2025/7
Directorate	Development Services
Business Unit	City Transformation
File Reference	3.010520
Applicant	N/A
Owner	
Attachments	Nil

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Provided under a separate cover.

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

10.5. Office of the CEO Reports

No reports presented.

11. Meeting Closed to the Public

12. Closure