

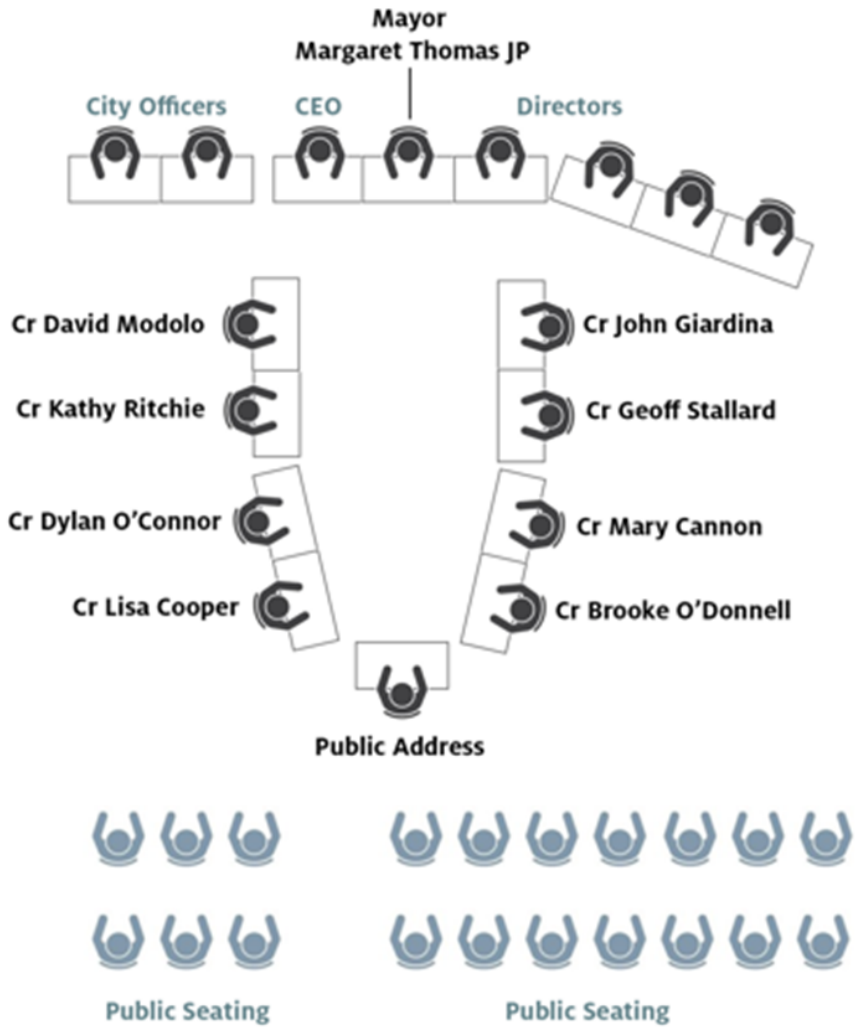


Ordinary Council Meeting

MINUTES

Tuesday 10 December 2024

Council Chambers Seating Plan



INDEX

1. Official Opening	5
2. Attendance, Apologies and Leave of Absence Previously Approved	5
3. Public Question Time	6
4. Petitions/Deputations	8
5. Applications for Leave of Absence	8
6. Confirmation of Minutes from Previous Meeting	8
7. Announcements by the Member Presiding Without Discussion	9
8. Matters for Which the Meeting may be Closed	10
9. Disclosure of Interest	12
10. Reports to Council	13
10.1. Development Services Reports	13
10.1.1. City Transformation - Strategic Projects Update	13
10.1.2. Proposed Permanent Road Closure - Portion of Nardine Close High Wycombe	24
10.1.3. Structure Plan and Local Development Plan Rationalisation.....	33
10.1.4. Use Not Listed – ‘Liquor Store – Large’ - Lot 16 (12) & Lot 15 (10) Canning Rd, Kalamunda	40
10.2. Asset Services Reports	60
10.2.1. RFT 2422 Powerline Vegetation Management - Award of Tender.....	60
10.2.2. RFT 2417 General Tree Services - Award of Tender	65
10.2.3. RFT 2423 Weed Control and Natural Area Maintenance Services - Award of Tender	70
10.2.4. Maida Vale (Norm Sadler) and Scott Reserve Sport Pavilions - Tender Assessment	75
10.3. Corporate Services Reports	88
10.4. Community Services Reports	88
10.4.1. The Perth Observatory Sculpture Park and Biennale Sculpture Event.....	88
10.4.2. Amendment to Council Delegations to the CEO (Bush Fire Matters)	102
10.5. Office of the CEO Reports	107
10.5.1. Recruitment Process for Chief Executive Officer - Certification	107
10.6. Chief Executive Officer Reports	112
10.6.1. Annual Report 2023-2024.....	112
10.7. Audit & Risk Committee	116
10.7.2. A & R 9.3.1 Information Systems Audit Results for the year ended 30 June 2024 ..	116
11. Motions of Which Previous Notice has been Given	118
12. Questions by Members Without Notice	118
13. Questions by Members of Which Due Notice has been Given	118
14. Urgent Business Approved by the Presiding Member or by Decision	118
15. Meeting Closed to the Public	118
16. Tabled Documents	118

17. Closure119

1. Official Opening

The Presiding Member opened the meeting at 6:32pm and welcomed Councillors, Staff, Members of the Public Gallery and those watching via live stream. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Mayor

Margaret Thomas JP (Presiding Member)

Councillors

South East Ward

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell (online)

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo

Kathy Ritchie

Members of Staff

Chief Executive Officer

Anthony Vuleta - Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Luke Ellis - Director Community Services

Gary Ticehurst - Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Chris Lodge - Manager Strategic Planning

Reagan Travers - Manager Approval Services

Mandy Skeates - Manager Economic & Cultural Services

Luke Hocking - Manager Project Delivery

Brett Jackson - Strategic Projects Director

Amber Evans - Coordinator Arts & Culture

Amberley Bradley - A/Manager Community Development

Sam Cranwick - Youth & Community Development Officer

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 38

Members of the Press Nil.

Apologies Nil.

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 David Downing, High Wycombe (taken on notice 26 November 2024)

Q1. Further to the answer to 3.1.2 Q3 why did the City issue a certificate of occupancy to the landowner when the development encroached on the road reserve.

A1. *An occupancy permit has been issued for the industrial development at Lot 500 (100) Nardine Close, High Wycombe, however this does not extend to the road reserve. The City is currently investigating the encroachment of incidental structures and will undertake the necessary corrective actions to address this matter in liaison with the landowner / operator."*

Q2. Were developer contributions paid on the 90sq metres of road reserve within the development

A2. No, a Cost Contribution has not been received for the approximately 90sqm of road reserve.

Q3. Have council rates been paid on this area of road reserve for the last two years

A3. Rates on Lot 500 (No. 100) Nardine Close are applied to the current legal lot area. Should the road reserve area be amalgamated into Lot 500 in the future, the application of rates will be revised and updated accordingly.

3.1.3 Aaron Savery – Scott Reserve Clubs representative (taken on notice 3 December 2024)

Q1. The asbestos found is it Maida Vale only i.e. none in Scott Reserve?

A1. Yes, only in Maida Vale – No asbestos found in the Scott Reserve Pavilion.

Q2. Were the Tenders compliant with the requirements and the documentation that was put forward.?

A2. Yes, they were compliant.

Q3. Are the clubs aware of, or were there other considerations in the Tender Documents that were not part of Original Design or part of the original scope of works \$10M clubs previously provided with i.e. We are unaware at this stage if the \$10M covers everything that was in the Original scope of works?

A3. Everything in the Original Scope of works were included and in the \$10M.

3.2. Public Question Time

3.2.1 Michael Ryan, High Wcyombe

Q1. Can englobo land valuation please be defined.

A1 Englobo land refers to undeveloped or minimally developed parcels of land, usually zoned for future urban purposes. The value of this land is determined by its development potential. As a result of the rezoning process, the land use of the property changes which allows the property to be developed into subdivided lots.

Q2. Who decided to use this method of valuation in High Wycombe South?

A2. The City developed a report requesting Amendment 113 and provided a DCP report. In that report, consistent with state planning policy provisions, it was a necessity to secure valuations on the land. This report also defined the land valuation methodology. This report has been sent to the Department of Planning and WAPC for review.

3.2 David Downing, High Wycombe

Q. The public art contribution scheme was introduced to compensate for or to offset perceived ugly industrial and commercial developments. As a result, section 5.3 of the Public Art Contribution Policy states in part *cash contributions to the public art fund is to be held to fund a public art installation in the locality of the contributing development*. The Perth Observatory Sculpture Park is in the locality of Bickley and is more than 10kms from Haynes Street in central Kalamunda. The Public Art Contribution Reserve contains over \$632,000 and it is proposed to be used \$120,000 of these funds to purchase art for display at Perth Observatory Sculpture Park. How much of the Reserves funds were raised in the locality of Bickley?

A. Taken on notice.

4. Petitions/Deputations

- 4.1. A deputation was provided by Hamish Eaton and Oskar Pickering. Hamish and Oskar presented a petition requesting the City consider the installation of permanent lighting at the Stirk Park Skate Park. The Presiding Member accepted the petition.
- 4.2. Annaliese Arndt, representing Kalamunda Rangers, provided a deputation in relation to item 10.2.4 Maida Vale (Norm Sadler) Tender Assessment. Ms Arndt spoke in support of the recommendation.
- 4.3. Robert Walker, representing Planning Solutions in relation to, provided a deputation in relation to item 10.1.2 – Permanent Road Closure – Portion of Nardine Close, High Wycombe. Mr Walker spoke in support of the recommendation.
- 4.4. Phil Cockman, Director, Canford Hospitality Planners & Liquor License Specialists, representing the applicant, provided a deputation in relation to item Item 10.1.4 Application DA24/0314 - Lot 15 (10) & Lot 16 (12) Canning Rd, Kalamunda WA 6076 - Use not listed - Liquor Store – Large. Mr Cockman spoke in support of the recommendation.
- 4.5. Michael Ryan, High Wycombe, provided a deputation in relation to the Buffer along the interface Sultana Road West, High Wycombe.
- 4.5. Sandra Tinari, provided a deputation in relation to item Item 10.4.1 The Perth Observatory Sculpture Park and Biennale Sculpture Event. Ms Tinari spoke in support of the recommendation.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

RESOLVED OCM 156/2024

6.1 That the Minutes of the Ordinary Council Meeting held on 26 November 2024, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

7. Announcements by the Member Presiding Without Discussion

It's wonderful to see everyone here this evening as we reflect on the incredible achievements and events that have brought our community together over the past few weeks

Earlier this month, we had the privilege of launching the 2025 Perth Hills Gran Fondo

This event promises to showcase the beauty of our region while promoting healthy, active lifestyles and putting Kalamunda firmly on the map as a destination for cycling enthusiasts

It's exciting to see the groundwork being laid for what will undoubtedly be a highlight on the calendar

We also celebrated the dedication and generosity of our volunteers with a Thank a Volunteer Day lunch at Lesmurdie Hall

Among the many incredible individuals recognised, Wayne Garwood and Pam Edwards stood out for their extraordinary commitment to the Kalamunda Show

For nearly 40 years, they have worked tirelessly to keep this much-loved event alive and thriving. Their efforts, along with those of all our volunteers, are what make Kalamunda such a special place to live

Tonight, we had the pleasure of hosting our Freeman and their families for an end-of-year celebration, which included the unveiling of a new Honour Board in the Chambers

This board serves as a lasting tribute to their outstanding contributions to our City and reminds us of the incredible leadership and dedication they have shown over the years

This month also brought fantastic recognition for the City at the Most Accessible Communities WA Awards

Our work at Stirk Park and the All-Abilities Playground at Magnolia Way Reserve was recognised in the Public Open Space category, and we were named the overall runner-up for Most Accessible Community in WA

These awards are a testament to our commitment to creating spaces that welcome and include everyone, and I want to thank the teams whose hard work and creativity brought these projects to life

I had the pleasure of attending end-of-year awards and assemblies at Pickering Brook Primary School, Gooseberry Hill Primary School, High Wycombe Primary School, and Darling Range College

It was inspiring to see our young leaders being recognised for their contributions to their schools and communities. These students are a reflection of the bright future we have here in Kalamunda, and I was truly moved by their enthusiasm and accomplishments

Another highlight was presenting the Local Hero Award to Jai Zappacosta at Maida Vale Primary School's Book Awards Assembly

Jai demonstrated remarkable leadership and community spirit by organising a fundraiser to repair vandalised football posts at his school. His selflessness and determination are inspiring, and it was a privilege to recognise his efforts.

On Sunday, we came together at Stirk Park for the annual Carols by Candlelight event, a magical evening that filled the air with festive cheer and brought families and friends together to celebrate the season.

These moments of connection remind us of the joy and unity that define our community.

Finally, I'm proud to share the launch of the BoorYul-Bah-Bilya program later this week.

This important initiative, supported by Lotterywest funding, will deliver Cultural Mapping and environmental assessments as the first step in creating a community catchment plan.

This project not only strengthens our connection to the natural and cultural heritage of our region but also demonstrates our commitment to fostering wellbeing and prosperity for future generations.

As we close out the year, I want to express my gratitude to everyone who has contributed to these achievements and events.

Your dedication and support are what drive our City forward.

Wishing you all a safe and joyous holiday season, and I look forward to what we can achieve together in the new year.

8. Matters for Which the Meeting may be Closed

8.1 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"*

- 8.2 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."*

- 8.3 Item 10.2.1 RFT 2422 Powerline Vegetation Management - Award of Tender – **Confidential Attachments** - RFT 2422 Powerline Vegetation Management Evaluation Report

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

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

- 8.5 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."*

- 8.6 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."*

- 8.7 Item 10.7.2 A & R 9.3.1 Information System Audit Results for the year ended 30 June 2024 – **Confidential Attachments**

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"*

- 8.8 Item 10.7.3 A & R 9.6.1 Adoption of the Annual Financial Report 2023/2024 - **Confidential Attachments**

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"*

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

- 9.1.1 Nil.

9.2. Disclosure of Interest Affecting Impartiality

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

- 9.2.1 Mr Anthony Vuleta declared an Interest Affecting Impartiality on Item 10.5.1 Recruitment Process of Chief Executive Officer - Certification. Mr Vuleta declared an interest as this relates to his employment at the City of Kalamunda.

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 Oven 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.

Voting Requirements: Simple Majority

RESOLVED OCM 159/2024

That Council NOTE the progress of City Transformational Projects.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

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">1. Nardine Close Road Closure Drawing [10.1.2.1 - 1 page]2. Nardine Close Road Closure Aerial [10.1.2.2 - 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 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 436m² 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 436m² 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.	Risk: The City is expected to contribute to the costs of the road closure proposal.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	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.	Risk: The City is expected to maintain the drainage infrastructure on the Road Closure Land, once the site becomes private land.		
	Consequence	Likelihood	Rating
	Significant	Likely	High
	Action/Strategy		
	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.

Voting Requirements: Simple Majority

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.

Cr O'Connor foreshadowed an amendment to the recommendation. The recommendation did not receive a mover. The amendment recommendation received a seconder and was put to the vote.

RESOLVED OCM 160/2024

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). The purchase price will be determined by the Valuer Generals Office in consultation with the Department of Planning, Lands and Heritage.
 - 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.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

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

34.

Risk: The Western Australian Planning Commission and Minister for Planning do not support the recommended Based Scheme		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
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.

Voting Requirements: Simple Majority

RESOLVED OCM 161/2024

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

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.

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

TYPE OF REPORT

<p>Advocacy</p>	<p>When Council is advocating on behalf of the community to another level of government/body/agency</p>
<p>Executive</p>	<p>When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)</p>
<p>Information</p>	<p>For Council to note</p>
<p>√ Legislative</p>	<p>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</p>

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.	<p>Land Description:</p> <p>The subject lots are Lot 16 (No. 12) & 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 & 16 (No. 10 & 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.

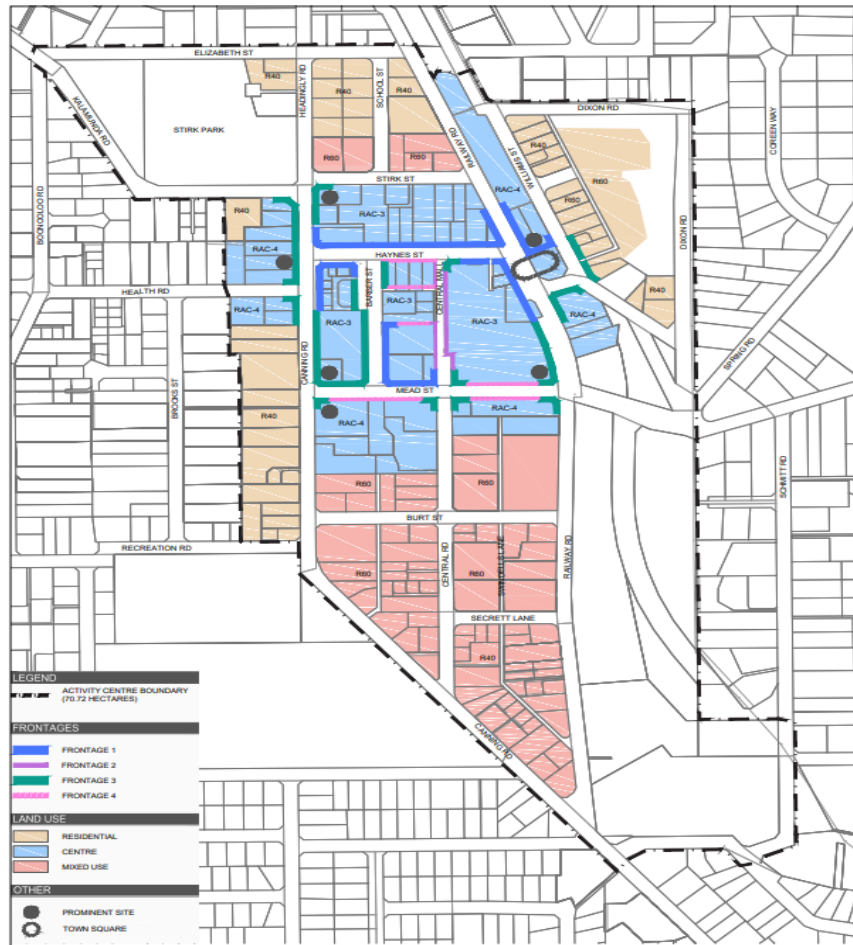


Figure 5 BUILT FORM CONTROLS MAP

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

Risk: The proposed land use will lead to increased noise and traffic which will be an unacceptable outcome for adjoining residents.		
Consequence	Likelihood	Rating
Moderate	Almost Certain	High
Action/Strategy		
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.

Voting Requirements: Simple Majority

RESOLVED OCM 162/2024

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) 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.

Moved: **Cr John Giardina**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

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
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 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.

Risk: The Contractor fails to fulfil the requirements of the contract, resulting in increased costs to the City or delays in completing the works.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
a) Corporate scorecard confirms financial viability of the contractor. b) A formal and detailed qualitative criteria process carried out to minimise risk.		

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.

Voting Requirements: Simple Majority

RESOLVED OCM 163/202

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.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

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.	Risk: The Contractor fails to fulfil the requirements of the contract, leading to increased cost to the City through re-tendering.		
	Consequence	Likelihood	Rating
	Insignificant	Unlikely	Low
	Action/Strategy		
	a) Corporate scorecard confirms financial viability of the contractor. b) Formal and detailed Qualitative criteria within Tender minimize risk.		

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.

Voting Requirements: Simple Majority

RESOLVED OCM 164/2024

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.

Moved: **Cr Dylan O’Connor**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O’Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O’Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

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.	Risk: Contractor unable to provide specialist services required for Local Natural Areas Maintenance.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	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.	Risk: Contractor unable to provide adequate resourcing in response to acute, seasonal requirements.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	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.

Voting Requirements: Simple Majority

RESOLVED OCM 165/2024

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.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

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"> 1. Attachement 1 - Adoption of Final Design for Scott Reserve Pavilion [10.2.4.1 - 8 pages] 2. Attachment 2 - Adoption of Final Design for Maida Vale Norm sadler Pavilion [10.2.4.2 - 7 pages]
Confidential Attachment	<p><u>Reason for Confidentiality:</u> <i>Local Government Act 1995 s5.23 (c)</i> <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:

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

18. 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.
19. 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:

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

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

RFT2414 - Redevelopment of Norm Sadler Pavilion		
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

21. 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.
22. 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:

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

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

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

26. **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
Total	\$5,529,575	

27. **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
Total	\$3,678,245	

28. 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

- 29. **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.
- 30. **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.
- 31. **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

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

Risk: Additional \$6.93M funding required. Limited budget could reduce ability to fund unforeseen works and other priority projects.		
Consequence	Likelihood	Rating
Critical	Almost Certain	Extreme
Action/Strategy		
<ul style="list-style-type: none"> ▪ Explore advocacy funding options to make up the funding difference. ▪ 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. 		

33.

Risk: Delays result in not meeting Grant body deadlines		
Consequence	Likelihood	Rating
Critical	Almost Certain	Extreme
Action/Strategy		
<ul style="list-style-type: none"> ▪ 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. ▪ The \$1.3 million CSRFF grant deadline for Scott Reserve is May 2026. 		

34.

OPTION 2: Stage delivery of projects

Risk: Additional \$3.48M funding required. Limited budget could reduce ability to fund unforeseen works and other priority projects.		
Consequence	Likelihood	Rating
Critical	Likely	Extreme
Action/Strategy		
<ul style="list-style-type: none"> ▪ Explore advocacy funding options to make up the funding difference. ▪ Proposed transfer of \$1,278,245 municipal funds from Maida Vale Norm Sadler Pavilion to Scott Reserve Pavilion. ▪ 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. 		

35.

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

36.

Risk: Delays result in not meeting Grant body deadlines		
Consequence	Likelihood	Rating
Critical	Almost Certain	Extreme
Action/Strategy		
<ul style="list-style-type: none"> ▪ 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. ▪ The \$1.3 million CSRFF grant deadline for Scott Reserve is May 2026. ▪ The City will liaise with DLGSCI to understand implications of reducing the agreed project scope. 		

37.

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

38.

Risk: Ongoing disruption to user groups.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
<ul style="list-style-type: none"> ▪ Provide regular updates and transparent communication to the user groups about any changes or delays in construction. ▪ 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. 		

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

CONCLUSION

40. 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.

Cr O'Connor foreshadowed an alternative motion. The recommendation did not receive a mover. The alternative motion received a seconder and was put to the vote.

RESOLVED OCM 158/2024

That COUNCIL:

1. CANCEL the tender for RFT 2408 - Scott Reserve Pavilion Redevelopment.
2. ESTABLISH a Scott Reserve Facility Improvement Working Group
3. ACCEPT the amended total project budget for redevelopment of Norm Sadler Pavilion of \$6,020,681.
4. AUTHORISE to budget an additional \$2,342,436 for Redevelopment of Norm Sadler Pavilion to be sourced from;
 - a. the Asset Enhancement Reserve (\$1,342,436) and
 - b. additional loan borrowings (\$1,000,000).
5. NOTE the additional funds will be listed for the 2025/26 budget.
6. ACCEPT the tender for RFT 2414 – Redevelopment of Norm Sadler Pavilion from AE Hoskins Building Services, subject to satisfactory independent financial evaluation and reference checks, as per the lump sum price set out in Confidential Attachment 4.

7. AUTHORISE the Chief Executive Officer to approve variations up to the approved budget
8. REQUEST the Chief Executive Officer undertake advocacy to seek external funding for the Maida Vale Norm Sadler Pavilion.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.3. Corporate Services Reports

No reports presented.

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 <i>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."</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 (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 1.3 - 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 -**

Risk: 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.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		

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.

Risk: The City fails to meet objectives set out in the City's strategic plans and documents.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
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

Risk: 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.		
Consequence	Likelihood	Rating
Insignificant	Possible	Low
Action/Strategy		
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.

Voting Requirements: Absolute Majority

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 Chief Executive Officer 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 project cost will be listed for consideration in the 2025/26 and 2026/27 Budgets.

Cr Ritchie foreshadowed an amendment to the recommendation. The recommendation did not receive a mover. The amendment recommendation received a seconder and was put to the vote.

RESOLVED OCM 157/2024

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 the balance of the project cost will be listed for consideration in the 2025/26 and 2026/27 Budgets.

5. REQUEST the Chief Executive Officer to set aside an amount of \$150,000 from the Public Art Reserve in contemplation of an acquisitive prize for the 2026 Biennial Event, with funding subject to a satisfactory event progress evaluation by 31 March 2025.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Cr Mary Cannon**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (8/1)

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

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

CONCLUSION

25. 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

RESOLVED OCM 166/2024

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

Moved: **Cr Kathy Ritchie**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)

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.

Mr Anthony Vuleta declared an Interest Affecting Impartiality on Item 10.5.1 Recruitment Process of Chief Executive Officer - Certification. Mr Vuleta declared an interest as this relates to his employment at the City of Kalamunda.

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

Risk: Council does not comply with the legislative requirements to certify it complied with the Standards in undertaking the recruitment process for the CEO		
Consequence	Likelihood	Rating
Low	Unlikely	Medium
Action/Strategy		
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

RESOLVED OCM 167/2024

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.

Moved: **Cr David Modolo**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)

10.6. Chief Executive Officer Reports

10.6.1. Annual Report 2023-2024

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Customer and PR
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments

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 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 accept the City of Kalamunda (City) 2023/2024 Annual Report and set the date for the Annual General Meeting of Electors.
2. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It also contains the audited Annual Financial Report.
3. It is recommended Council accepts the 2023/2024 Annual Report and sets Tuesday 4 February 2025 as the date for the Annual General Meeting of Electors.

BACKGROUND

4. Section 5.53 of the Local Government Act 1995 (Act) requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
5. Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.
6. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.
7. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

DETAILS AND ANALYSIS

8. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It reports on the annual outcomes achieved by the organisation against the strategic priorities, objectives and strategies set out in the Strategic Community Plan – Kalamunda Advancing.
9. The Annual Report contains the audited Annual Financial Report and Audit Report.

10. The 2023/2024 Annual report includes all information as required in accordance with changes in the Regulations, including demographic information provided related to elected members.

APPLICABLE LAW

11. *Local Government Act 1995.*

APPLICABLE POLICY

12. There are no policy considerations with respect to the Annual Report.

STAKEHOLDER ENGAGEMENT

13. All Directorates within the City of Kalamunda have been involved in the preparation of the 2023/2024 Annual Report.
14. Section 5.55 of the Act requires that the Chief Executive Officer give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.

FINANCIAL CONSIDERATIONS

15. The costs of preparing and printing the Annual Report are funded within the existing budget.

SUSTAINABILITY

16. N/A

RISK MANAGEMENT

17.

Risk: The Annual Report is not accepted as required by the Act		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure the Annual Report is prepared in time to meet the legislative Requirements.		

CONCLUSION

18. The Annual Report demonstrates that the City is meeting its strategic priorities, objectives and strategies as set out in the Strategic Community Plan.

Voting Requirements: Absolute Majority

RESOLVED OCM 168/2024

That Council:

1. ACCEPT the 2023/24 City of Kalamunda Annual Report (Attachment 1) in accordance with Section 5.54 of the *Local Government Act 1995*.
2. AGREE the Annual General Meeting of Electors be held on 4 February 2025.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)

10.7. Audit & Risk Committee

10.7.1 Audit & Risk Committee Recommendations

RESOLVED OCM 169/2024

That Council adopt the Committee Recommendations of the Audit & Risk Committee held on 3 December 2024 en bloc.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

10.7.2. A & R 9.3.1 Information Systems Audit Results for the year ended 30 June 2024

EN BLOC RESOLUTION OCM 169/2024

That Council ACCEPT the Information Systems Audit findings Report for the financial year ending 30 June 2024 (Confidential Attachment 1).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

10.7.3. A & R 9.6.1 Annual Financial Report 2023/2024 - Annual Audit Findings

EN BLOC RESOLUTION OCM 169/2024

That Council:

1. ACCEPT the 2023/2024 Annual Financial Report (Attachment 1) prepared in accordance with Section 6.4 of the *Local Government Act 1995*.
2. NOTE the content of the Management Letter issued by the Office of the Auditor General (Confidential Attachment 1).
3. NOTE the content of the Annual Financial Audit Exit Brief (Confidential Attachment 2).
4. NOTE that a copy of this Report will be submitted to the Minister for Local Government and published on the City's Website.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

11. Motions of Which Previous Notice has been Given

12. Questions by Members Without Notice

12.1 Milner and Maida Vale Roads Intersection (Cr Cooper)

Q. Has the City reviewed the intersection?

A. A site visit will be conducted this week, and an update will be provided to Councillors.

12.2 Scott Reserve Improvement Working Group (Cr O'Connor)

Q. How does the City suggest we move forward with the Scott Reserve Improvement Working Group?

A. It is proposed some information be provided to the clubs in preparation for establishing the working group in February.

12.3 Stirk Park Skate Park Petition (Cr Stallard)

Q. What is the process following the tabling of the petition on the Stirk Park Skate Park lighting?

A. A report will be provided to council in February or March.

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

13.0 Nil.

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

14.0 Nil.

15. Meeting Closed to the Public

15.0 Nil.

16. Tabled Documents

Ray Owen Sports Centre Management Committee - Minutes – 141124
Public Agenda Briefing Forum Notes 3 December 2024

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:31pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2024.