



# Public Agenda Briefing Forum

Notes

13 September 2022



Public Agenda Briefing Forum 13 September 2022

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**1. Official Opening**

The Presiding Member opened the meeting at 6:35pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

**2. Attendance, Apologies and Leave of Absence****Councillors****South East Ward**

Janelle Sewell

Geoff Stallard

**South West Ward**

Mary Cannon

Kellie Miskiewicz

Brooke O'Donnell

**North West Ward**

Lisa Cooper

Dylan O'Connor

**North Ward**

Andrew Osenton

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

**Members of Staff****Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

**Management Team**

Chris Lodge - Manager Strategic Planning

Chris Thompson - Manager Assets & Waste Operations

Darren Jones - Manager Community Development

Mandy Skeates - Manager Economic & Cultural Services

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

**Members of the Public 32****Members of the Press Nil.**

**Apologies**

Cr John Giardina

Cr Sue Bilich

**Leave of Absence Previously Approved Nil.****3. Declarations of Interest****3.1. Disclosure of Financial and Proximity Interests**

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

**3.2. Disclosure of Interest Affecting Impartiality**

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

Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.4.2 State Government Grant Applications - Community Sporting and Recreation Facilities Fund and Club Night light Program. Cr Stallard is a member of the Forrestfield Bowls Club and the Pickering Brook Sportsman's Club. Both club are applicants.

Cr Brook O'Donnell declared an Interest Affecting Impartiality on Item 10.4.1 Facility Management 62 Hartfield Road, Forrestfield - Shared Seasonal Lease. Cr O'Donnell has a son who plays tball and she is a previous member of the executive committee of the club. She also participates in the club as a volunteer in various capacities.

Cr Brook O'Donnell declared an Interest Affecting Impartiality on Item 10.4.2 State Government Grant Applications - Community Sporting and Recreation Facilities Fund and club Night light Program. Cr O'Donnell has a son who plays tball and she is a previous member of the executive committee of the club. She also participates in the club as a volunteer in various capacities.

**4. Announcements by the Member Presiding Without Discussion**

The Presiding Member passed on the condolences of the City on the death of Her Majesty Queen Elizabeth II.

**5. Public Question Time**

Public questions will be allowed and received following the presentation of the report.

**6. Public Statement Time**

Public statements will be allowed and received following the presentation of the report.

**7. Public Submissions Received in Writing****8. Petitions Received****9. Confidential Items Announced But Not Discussed**

- 9.1 Award of eQuote 2022-01 Waste Services Management – Confidential Attachment - e Quote 2022-01 - DRAFT Tender Evaluation Report Rev 1

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

- 9.2 Land Acquisition - Portion of Lot 1499 (71) Stirling Crescent, High Wycombe

*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."*

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**10. Reports to Council****10.1. Development Services Reports****10.1.1. Review of Council Policy Service 11 - Trading on Thoroughfares or Public Places - Permit Conditions***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Development Services provided a presentation on this report.

Council sought clarification on permits and health inspection requirements placed on food vans. The Director Development Services provided clarification.

Previous Items	OCM16/2022
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	3.010739
Applicant	N/A
Owner	N/A

Attachments	1. Draft Trading on Thoroughfares or Public Places Permit Policy - Service 11 [ <b>10.1.1.1</b> - 9 pages]
	2. Community Engagement Report - Trading on Thoroughfares [ <b>10.1.1.2</b> - 22 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 (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
✓ Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 3: Kalamunda Develops**

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

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

**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.

**EXECUTIVE SUMMARY**

1. The purpose of this report is for council to consider the revised Trading on Thoroughfares and Public Places Policy (the Policy) (Attachment 1).
2. Council sought a review of the Policy following the appeal of a refused application for trading.
3. The main revisions to the Trading on Thoroughfares and Public Places Policy include providing direction on which forms of trading require permits, providing a position on competition among mobile trader's and revision of the trading locations.

**BACKGROUND**

4. The Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 (the Local Law) allows the City to regulate trading activities that occur within public places.
5. The Local Law states that when determining an application, that the City is to have due regard to any relevant policies.
6. Council resolution OCM16/2022 sought a review of the Policy.
7. The review was prompted by an appeal made under Section 9.5 of the *Local Government Act 1995* for an application that was refused.
8. The subject application was for a German food van to trade at the Kalamunda Library Carpark which is not a listed trading location within the existing Policy.

**DETAILS AND ANALYSIS**

9. The revised policy is contained within Attachment 1.
10. A detailed review of the City's current policy has been undertaken. Throughout this review comparison with other local governments policies, community consultation and staff assessment of both the Policy and trading locations have been undertaken.
11. Comparison with other local governments showed that many local governments follow a similar approach to regulating trading activities.
12. Following comparison to other local governments, additional policy measures and clarifications were included.
13. Busking, fundraising, personal training and other health and wellbeing activities and any trading activity not intended to serve the public will not require trading permits within the revised policy as they were deemed to be low impact activities.
14. Competition among traders selling similar goods at the same location has been considered within the revised Policy. The Policy makes it clear that the City will not consider competition when determining applications for trading. The City will however communicate with affected parties prior to issuing a permit for a potentially competing trader.
15. During the review, 24 locations were identified as being potentially suitable for trading activities. Further assessment which considered the availability of amenities, vehicle and pedestrian safety and land administration led to the number of suitable locations being reduced to 12 locations.
16. There are a total of 12 locations contained within the revised Policy with 6 of these locations being new. One location has been removed from the original policy.
17. The Zig Zag carpark location which was contained within the original policy has been removed as the land is managed by the Department of Biodiversity, Conservation & Attractions who have their own process for managing trading on their land.
18. The Kalamunda Library Car Park location which prompted this review has been added as a trading location following the successful trial period that has been undertaken. The City has not received any negative feedback in relation to trading at this location throughout the trial.



19. The Corner of Raymond & Godfrey Rd, Kalamunda Waterpark Carpark, Hartfield Park Carpark, Kalamunda Tennis Club Carpark and Mundaring Weir have been added as trading locations.

**APPLICABLE LAW**

20. Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008.
21. Local Government Act 1995

**APPLICABLE POLICY**

22. Council Service Policy 11 Trading on Thoroughfares or public Places Permit Conditions

**STAKEHOLDER ENGAGEMENT**

23. Community consultation was undertaken as a part of this review, the Community Engagement Report for this consultation is contained within Attachment 2.
24. Prevailing sentiment from the community showed support for mobile food vendors with 70.2% of respondents supporting or strongly supporting the idea of mobile food vendors.
25. The community feedback indicates that trading locations need to be convenient, safe, not compete with bricks and mortar businesses and not impact the amenity of nearby residents.
26. The community supported all the suggested trading locations within the consultation which were: Fleming Reserve, Lesmurdie Lions Lookout, Stirk Park (Elizabeth St), Zig Zag Car Park, Corner of Midland and Ridge Hill Rd Maida Vale, Jorgenson Park and Corner of Hawtin and Norwood Roads.

**FINANCIAL CONSIDERATIONS**

27. The Policy has provided additional trading locations which may lead to a greater number of mobile vendors operating and consequently greater revenue for the City.

**SUSTAINABILITY**

28. Mobile trading vendors provide activation opportunities which in turn bring benefit to the City through economic activity.

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**RISK MANAGEMENT**

29.	<b>Risk:</b> The City doesn't have an established policy position leading to an ad-hoc consideration of application without guidance.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Council adopts an appropriate policy to guide decision making for trading on thoroughfares and public places applications.		

**CONCLUSION**

30. The purpose of this report is for council to consider the revised Policy.
31. A review of the existing Policy was undertaken, and the Policy revised based upon the findings of this review.
32. Community feedback was clear in its support of mobile traders.

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

That Council ADOPT the revised Trading on Thoroughfares and Public Places Policy (Attachment 1).

**10.1.2. Local Planning Scheme No.3 - Scheme Amendment 110:  
Forrestfield/High Wycombe Light Industrial Area Stage 1  
Development Contribution Arrangement: Extension of Time**

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

The Manager Strategic Planning provided a presentation on this report.

Councillors sought clarification on aspects of the report.

Mr David Downing

Q1. Does the City intend to operate the scheme under State Planning Policy 3.6 2009 which is currently applicable?

A1. The Manager Strategic Planning advised the City will discuss this with the Department of Planning and the Planning Commission the relevant aspects of state planning policy which will be assessed and applied for the purposes of the amendment. It is understood the Minister and the Commission are required to give regard to the policy for the purposes of this amendment it will need to be applied.

Q2. Did the city contact any of the undeveloped landowners to ascertain their intentions?

A2. No, the City has not engaged directly with landowners who are yet to contribute.


Q3. Does the City intend to undertake the mandated 5-year review of the scheme?

A3. This question was taken on notice.

Previous Items	OCM 74/2022
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/110
Applicant	City of Kalamunda
Owner	Various

Attachments	1. Form 2A: Proposed Amendment 110 to LPS3 Document [ <b>10.1.2.1</b> - 2 pages]
	2. Local Planning Scheme No. 3 - Schedule 12 [ <b>10.1.2.2</b> - 2 pages]
	3. Local Structure Plan Map [ <b>10.1.2.3</b> - 1 page]

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**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 3: Kalamunda Develops**

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

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

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is for the Council to consider the adoption of the City of Kalamunda (City) Local Planning Scheme No. 3 (LPS3) Amendment 110 (A110) (refer Attachment 1) for the purpose of public advertising.
2. A110 applies to the Development Contribution Area 1 (DCA1) designated on the LPS3 map, and the Development Contribution Plan (DCP) incorporated in Schedule 12 of LPS 3 (refer Attachment 2), which operates over the Forrestfield / High Wycombe Industrial Area - Stage 1 (FFHWS1). A110 proposes to extend the existing 10 year operational period by a further five years (to a total operational period of 15 years). This will extend the expiry date of DCA1 from 10 May 2023 to 10 May 2028.

3. Since the DCP was introduced nine years ago, development contributions have been received from 29 development sites (approximately 60 per cent), or 67 per cent of the Net Contribution Area (NCA); with 20 development sites (approximately 40 per cent), or 33 per cent of the NCA yet to be developed. Based on the status and rate of development, remaining development contributions will not have been levied, nor all infrastructure delivered, by May 2023 (the end of the DCPs current 10-year operational period).
4. It is recommended that the Council adopt Amendment 110 for the purposes of public advertising.

### BACKGROUND

5. The DCP, and by extension A110, applies to an area marked on the LPS3 map as DCA1, which operates over the FFHWS1; an area bounded by Berkshire Road, Milner Road, Sultana Road West and Roe Highway, as highlighted in red on the Locality Plan below.

6. **Locality Plan:**



7. **Relevant History of the Area:**  
FFHWS1 was rezoned from 'Special Rural' to 'Industrial Development' under the LPS3 in accordance with Amendment 34 which was Gazetted in February 2012.

8. The FFHWS1 Local Structure Plan (the LSP) was adopted in November 2013 to facilitate industrial subdivision and development within the area. The current LSP map can be found at Attachment 3.
9. As the area was historically used for rural and rural lifestyle land uses, the future industrial development of FFHWS1 generated the need for the provision of new infrastructure and upgrades to existing infrastructure that cater to industrial land uses.
10. Due to the nature of fragmented landownership, and the need to achieve the coordinated delivery of infrastructure, a DCP was prepared to coordinate the provision of common infrastructure in an equitable manner. The DCP was introduced through Schedule 12 of LPS3 through Amendment 48 which was approved and published in the Government Gazette on 10 May 2013. This date represents the commencement of the 10 year operational period for the DCP.
11. A comprehensive DCP Report (DCPR) and Cost Apportionment Schedule informs Schedule 12 but does not form part of LPS3 (Clause 6.5.10.3 of LPS3). The DCPR is a dynamic document which maintains the currency of the costs and is reviewed annually pursuant to Clause 6.5.11.2 of LPS3 and the requirements of *State Planning Policy 3.6 Infrastructure Contributions*.
12. Annual reviews allow the City to review the administration of the DCP, status of infrastructure delivery, and have regard to infrastructure cost changes and rate of development.
13. Historical annual reviews of the DCPR were completed and adopted on the following dates:
  - a) December 2012
  - b) December 2013
  - c) June 2015
  - d) December 2016
  - e) December 2018
  - f) February 2020
  - g) July 2020
  - h) December 2021
  - i) June 2022
14. Consequential amendments to the DCPR resulting from A110, to align the additional operation period outlined in Schedule 12 of LPS3 and the DCPR, will occur subject to and following determination of A110 by the Minister for Planning.
15. The Council adopted the most recent annual review of the DCPR at its Ordinary Meeting in June 2022 (OCM 74/2022).

16. The next review of the DCPR will commence at the conclusion of the 2022/23 financial year.

#### **DETAILS AND ANALYSIS**

17. **Period of Operation of the DCP**  
The DCP is outlined in Schedule 12 of LPS3, with an operation period of 10 years.
18. Introduced into LPS3 on 10 May 2013 through Amendment 48, the current operational period concludes on 10 May 2023.
19. A110 seeks to amend the operation period of the DCP with no changes proposed to other provisions associated with DCA1 or the contents of the DCPR as previously adopted by the Council. Subject to the extension of the operation of the DCP, the City will continue undertake annual reviews of the DCPR.
20. **Common Infrastructure Items**  
The DCP facilitates the coordinated provision of various common infrastructure Items as outlined in Schedule 12 of LPS3, and further informed through part 2 of the DCPR. In summary, the DCP facilitates the coordination of the following:  
a) Land for roads and intersections;  
b) Road and intersection construction;  
c) Landscaping; and  
d) Administration costs.
21. **Status of Common Infrastructure Items**  
The following table summarises the status of the common infrastructure items the subject of the DCP:

Common Infrastructure Items	Status	Summary of Works
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a) Berkshire Road Upgrades	<p>Designs completed to 85%.</p> <p>Works yet to commence.</p>	<p>i. 2m footpath on northern verge.</p> <p>ii. Undergrounding of overhead consumer powerlines.</p>
b) Milner Road Upgrades	<p>Designs completed to 85%.</p> <p>Works yet to commence.</p>	<p>i. Road widening to 10m to facilitate RAV7 vehicles between Berkshire Road Nardine Close.</p> <p>ii. The designs incorporate a new shared path, footpath, and street lighting.</p>
c) Nardine Close Upgrades	Stage 1: Completed in 2019.	i. Approx 300 metre road extension to RAV4 standard.
	Stage 2: In progress.	<p>ii. Land acquisition and minor works (extension of footpath and services) to formalise the cul-de-sac to a permanent standard.</p> <p>iii. Emergency Access Way extending to Sultana Road West.</p>



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d) Sultana Road West Upgrades	<p>Designs completed to 85%.</p> <p>Works yet to commence.</p>	<p>i. Road widening to 9m to facilitate RAV4 vehicles (incl. drainage, footpaths, relocation of services).</p> <p>ii. 50% of costs borne by the DCP as per Schedule 12 of LPS3.</p>
e) Milner Road / Nardine Close Intersection Upgrades	Completed in November 2019	i. Intersection widening to accommodate RAV7 category vehicles.
f) Berkshire Road / Ashby Close Intersection Upgrades	<p>Intersection widening completed in October 2019.</p> <p>Seagull island yet to commence.</p>	<p>i. Intersection widening to accommodate RAV 7 category vehicles.</p> <p>ii. Seagull island to facilitate traffic management in left-in-left out configuration.</p>
g) Dundas Road / Berkshire Road / Milner Road Intersection Upgrades	Completed in December 2019.	<p>i. Intersection widening to accommodate as-of-right vehicles to Dundas/Berkshire.</p> <p>ii. Intersection widening to accommodate RAV 7 category vehicles to Berkshire/Milner.</p>
h) Bonser Road Upgrades	Stage 1: Completed in June 2020.	i. New 10 metre wide road connection between Berkshire Road and Nardine Close, inclusive of drainage, footpath and lighting.
	Stage 2: Yet to commence. Pending land acquisition.	ii. Completion of the southern truncations, sweeps and kerbs.

22. **Priority of Delivery for Outstanding Common Infrastructure Items**  
As noted in the above table, several common infrastructure items remain outstanding, with delivery contingent upon further development of land within DCA1 and subsequent collection of development contributions levied at the subdivision and/or development of land.
23. Subject to the availability of funding, the following items yet to be completed are considered current priority items. In order of priority, they are:
- a) Ongoing administration costs,
  - b) The following items have equal priority:
    - i. Land acquisition and construction requirements associated with establishing the Nardine Close temporary cul-de-sac to a permanent standard and constructing an emergency accessway between the Nardine Close cul-de-sac and Sultana Road West.
    - ii. Bonser Road – Prefunded by the landowner of Lot 547 Berkshire Road. The road was completed in June 2020 and the prefunding costs (land and construction) have been settled in June 2022. A second stage will be required once land is acquired for truncations from Lots 16 and 17 Berkshire Road, subject to retaining sufficient funds to complete this priority. Subsequent priorities, as stated below, may also be progressed in advance of completing the second stage for Bonser Road;
  - c) Milner Road construction;
  - d) Sultana Road West construction;
  - e) Berkshire Road footpath and adjustment to services; and
  - f) Berkshire Road / Ashby Close Intersection treatment (Seagull island).
24. For further information regarding the status and forecast costs of outstanding common infrastructure items can be found in the DCPR adopted by the Council in June 2022 (OCM 74/2022).
25. **Financial Status of the DCP**  
The forecast total cost of the DCP is approximately \$14.34 million. Of this, \$11.66 million has been spent on infrastructure and the administration of the DCP to date, or is the subject to agreements to prefund infrastructure and for land acquisition; with approximately \$2.68 million required to complete the outstanding common infrastructure Items.
26. **When can Cost Contributions be levied?**  
Pursuant to Clause 6.5.13.2 of LPS3, Development Contributions are to be levied at the earliest of the following circumstances/events:

- a) Prior to the lodgement of title for any subdivision of land within DCA1;
  - b) The substantial commencement of any development of land within DCA1 (with the exception of minor development as outlined in Clause 6.5.13.3 of LPS3); or
  - c) The approval of a change or extension of use land within DCA1.
- 27. The collection of outstanding development contributions is therefore directly correlated to the development of land within the area.
- 28. **Remaining Developable Land**  
DCA1 comprises of 49 development sites, with a NCA of 66.47 hectares.
- 29. Cost contributions are calculated based on the current per square metre rate relative to the development sites NCA.
- 30. To date, development contributions have been received from approximately 60 per cent (29) of the development sites, or 67 per cent of the NCA; with approximately 40 per cent (20 development sites) of the development sites, or 33 per cent of the NCA yet to be developed.
- 31. Development contributions collected from the remaining NCA will provide the funds necessary to account for all infrastructure items and associated administration costs noted in the DCPR. For further information regarding the calculation of the NCA refer to part 3 of the DCPR (OCM 74/2022).
- 32. Based on the status and rate of development, remaining development contributions will not have been levied, nor all infrastructure delivered, by 10 May 2023 (the end of the DCPs current 10-year operational period).
- 33. **Forecast Development of DCA1**  
To forecast anticipated development of remaining development sites within DCA1, a simple methodology has been applied, whereby the average annual NCA throughout the lifetime DCP is considered in context of the DCPs development area, forecasting a total operation period of 13 years and 11 months.
- 34. To date, the DCP has:
  - a) Been in operation for a period of approx. 112 months (May 2013 to September 2022);
  - b) Levied for approximately 44.6 hectares of the total NCA (66.47 hectares); and
  - c) Developed at a rate of approximately 4.79 hectares per year, or 0.4 hectares per month.
- 35. Applying the same projected average development rate, the DCP will:

- a) Receive approximately 72 per cent of contributions (based on NCA) by May 2023 (the end of the DCPs current operational period); and
  - b) Require a total operational period of 167 months (13 years and 11 months, May 2013 to April 2027) to collect the outstanding development contributions.
36. A110 will extend the period of operation applicable to the DCP by a further five (5) years; to May 2028.
37. Utilising the assumption of the rate of development to date in the DCA1, a five (5) year extension will provide an additional 13 months. This is considered an appropriate amount of additional time if development is slower than projected.
38. Consequential amendments to the operational period outlined in the DCPR will be made once a determination is made by the Minister for Planning in respect to A110.

**APPLICABLE LAW**

39. **Planning and Development (Local Planning Schemes) Regulations 2015**  
A110 is a complex amendment (Regulation 34(e) and 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
40. Regulation 35 of the Regulations requires a resolution of the local government to adopt or refuse to adopt A110. The resolution must specify and provide justification for the type of scheme amendment (basic, standard or complex).
41. Regulation 37 (1) of the Regulations requires the local government to resolve:  
a) To proceed to advertise A110 without modification; or  
b) To proceed to advertise A110 with modification; or  
c) Not to proceed to advertise A110.
42. Should the Council resolve to adopt A110, Regulation 37 (2) of the Regulations requires the referral of A110 to the Western Australian Planning Commission (WAPC) for consent to commence advertising.
43. Should the WAPC advise A110 is in a manner and form appropriate for advertising, Regulation 38 of the Regulations requires the local government to prepare a notice outlining:  
a) The purpose of A110;  
b) How A110 can be accessed;

- c) The manner and form in which submissions can be made; and
  - d) The submission period.
- 44. Pursuant to Regulation 38 (3) of the Regulations, the submission period for a complex amendment is 60 days.
  - 45. Regulation 40 of the Regulations outlines the manner and form in which submissions can be made.
  - 46. Regulation 71 (4) (f) of the Regulations requires the LPS3 (through Schedule 12) to outline the term for which the plan is to have effect.
  - 47. **Planning and Development Act 2005**  
Section 81 and 82 of the *Planning and Development Act 2005* (the Act) requires the local government to refer A110 to the Environmental Protection Authority (WA) prior to the commencement of the advertising period.
  - 48. **City of Kalamunda Local Planning Scheme No. 3**  
Clause 6.5 (Development Contribution Areas) of LPS3 outlines the establishment, implementation and operation of DCPs operable within the City.
  - 49. All operable DCPs are incorporated into Schedule 12 of LPS3. The associated DCPR and cost apportionment schedule does not form part of LPS3.

**APPLICABLE POLICY**

- 50. **State Planning Policy 3.6 (Infrastructure Contributions)**  
State Planning Policy 3.6 (SPP 3.6) sets out the principals and considerations that apply to development contributions, and the form, content and process to be followed throughout their administration.
- 51. While clause 3.3.4 (Establishing a lifespan) of SPP3.6 recommends DCPs have a lifespan of 10 years, it contemplates a longer operation period if justification can be demonstrated.

**STAKEHOLDER ENGAGEMENT**

- 52. Should the Council resolve to adopt A110 for the purposes of public advertising, it will be concurrently submitted to the Environmental Protection Authority to consider whether an environmental review is required; and referred to the WAPC for their consent prior to the commencement of advertising.

53. Where no environmental assessment is required, and consent to advertise has been granted by the WAPC, A110 will be advertised for a period of 60 days via the following methods:
- a) A publication on the City's website;
  - b) A copy of A110 available for inspection at the City's Administration Centre;
  - c) Letters to all landowners within DCA1; and
  - d) A newspaper advertisement.

#### **FINANCIAL CONSIDERATIONS**

54. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.
55. The remaining developable area is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage is critical for industrial precincts as most developments rely on these improvements for suitable access and servicing.
56. The LPS3 requires that the City refunds any excess funds when all Development Contributions have been made or accounted for. As of October 2022, 29 out of the 49 development sites (approx. 60%) in DCA1 have been developed, or have commenced development, and 20 development sites (approx. 40%) are yet to be developed.
57. Clause 6.5.17 of LPS3 provides the required actions where there is a shortfall or excess of funds when all Cost Contributions have been made or accounted for in the DCP, summarised as follows:
- a) Shortfall – the local government may make good the shortfall (municipal funds), enter into agreements with owners to fund the shortfall, and/or loan fund the shortfall.
  - b) Excess – the local government is required to identify owners and their entitled amount and refund excess funds to contributing owners. If it is not reasonably practical to identify owners and/or the entitled amount, funds should be applied to the provision of additional facilities or improvements in the DCA.
58. This process will not occur until "all cost contributions have been made or accounted for". It is imperative that the City have a clear understanding of the final costs, and how any outstanding contributions will be accounted for before commencing the reconciliation process. In this regard, an extension of the operational life of the DCP will also extend the conclusion of the DCP and therefore any actions to address excess or shortfalls.

- 59. If the operational life of the DCP is not extended, there will be no formal funding arrangement for the infrastructure necessary to complete the FFHWS1 area. This would result in a reliance on alternative funding sources such as municipal funds, loans funding or grants and would result in uncertainty and unacceptable delays to the completion of necessary infrastructure.
- 60. A110 seeks to extend the operation period of the DCP by an additional 5 years (May 2028) to minimise the risk of a shortfall in cost contributions at the end of the DCP.
- 61. The administration component of the DCP will be required to be extended which will result in additional yearly reviews and administration costs. These will be calculated and included in future DCP reports should A110 be approved. The estimated total additional administration cost over the 5-year period is approximately \$550,000.

## **SUSTAINABILITY**

- 62. **Social Implications**  
The provision of infrastructure in a timely, coordinated, and responsible manner can have a significant impact upon the quality of life and employment areas for both existing and future land users. There is a reasonable expectation that infrastructure will be funded and delivered to service the needs of developments and its occupants.
- 63. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits.
- 64. **Economic Implications**  
The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes. As such, a DCP does not offer any direct economic benefits to an area. DCPs can however, assist in the timely, efficient, and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.
- 65. **Environmental Implications**  
A110 will have no additional environmental implications to those which have already been considered through the introduction and annual review of the DCP.

**RISK MANAGEMENT**

66. **Risk:** A110 is not supported and the operational period of the DCP is not extended by an additional five years resulting in a shortfall of funds.
- | Consequence | Likelihood | Rating |
|-------------|------------|--------|
| Critical    | Rare       | Medium |
- Action/Strategy**  
Ensure the importance of extending the operational period by an additional five years is understood and A110 is approved by the Minister.
67. **Risk:** Land within the NCA remains undeveloped by the recommended operational period of 15 years (May 2028).
- | Consequence | Likelihood | Rating |
|-------------|------------|--------|
| Critical    | Unlikely   | High   |
- Action/Strategy**  
Ensure the rate of development is monitored annually and the duration of the DCP is reevaluated at that time with consideration of alternative options if required pursuant to Clause 6.5.17 of LPS3.
68. **Risk:** Land within the NCA develops earlier than the end of the recommended operational period of 15 years (May 2028).
- | Consequence   | Likelihood | Rating |
|---------------|------------|--------|
| Insignificant | Possible   | Low    |
- Action/Strategy**  
No action required. Should land within the NCA develop earlier than the end of the operational period, the DCP will simply be finalised at an earlier date.

**CONCLUSION**

69. Advertising A110 will provide affected landowners within DCA1 an opportunity to consider and provide a written submission regarding the extension to the operational period of the DCP.
70. A110 is consistent with the relevant planning framework and is consistent with orderly and proper planning.
71. Having regard to the above, it is recommended that Council adopt A110 for the purpose of public advertising.



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

That Council:

1. CONSIDER Amendment 110 to the City of Kalamunda Local Planning Scheme No. 3 a complex amendment, pursuant to Regulation 35 (2) and 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - a) The amendment relates to an amendment to a Development Contribution Plan.
  - b) The amendment is not a standard or basic amendment.
2. PROCEED to advertise Amendment 110 to the City of Kalamunda Local Planning Scheme No. 3 as at Attachment 1 without modification, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 37 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**10.2. Asset Services Reports****10.2.1. Award of eQuote 2022-01 Waste Services Management***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*


The Manager Asset & Waste Operations provided a presentation on this report.

Councillors sought clarification on aspects of the report.

Mr David Downing queried aspects of the tender specifications. Clarification on this was provided.

Previous Items	OCM 112/2016; OCM 87/2022
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality:</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>

**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 2.3** - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.**Strategy 2.3.1** – Implement the City's Waste Plan aligned to the State Waste Avoidance and Resource Recovery Strategy.**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the award of eQuote 2022-01 Waste Services Management.
2. It is recommended that the Council accepts the eQuote(s) from:
  - a) Cleanaway Pty Ltd, ACN 000 164 938 of Level 4, 441 St Kilda Road Melbourne VIC 3004 and
  - b) Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon WA 6154
 as per the schedule of rates set out in the Confidential Attachment 1 to this report.
3. The estimated expenditure within this contract is \$4m (excl. GST) per annum with an initial term of seven years and three further one-year extensions at the City of Kalamunda's (City) discretion. There will also be a one-off cost of \$2.2m to provide new bins and associated works when the City commits to the 3<sup>rd</sup> Bin (Food Organics and Garden Organics) system.

**BACKGROUND**

4. In a general sense, residential kerbside waste management involves two core services – the pickup and delivery of waste in bins or skips to a processing facility and the processing of the individual waste streams themselves.
5. It would be a significant risk for the City to consider any waste processing or large-scale residential collection undertakings by the City due to the intensive nature of the capital investment and operational costs required to start up such operations. As such, these services need to be managed by contract resources for the foreseeable future.
6. The following table illustrates the probable outcomes for kerbside waste processing over the coming years as the City progresses along its Waste

Plan in accordance with the State's Waste Avoidance and Resource Recovery Strategy:

<b>Bin</b>	<b>Current Processing</b>	<b>Introduction of Waste to Energy (W2E)</b>	<b>Introduction of Waste to Energy and Food Organics / Garden Organics (FOGO)</b>
240 litre dark green lid (current)	Landfill to EMRC Red Hill	W2E via EMRC	-
240 litre yellow lid (current)	Recycling by Contractor	Recycling by Contractor	Recycling by Contractor
240 litre lime green lid (new)	-	-	FOGO by Contractor or EMRC
140 litre red lid (new)	-	-	W2E via EMRC
General Waste Skip (current)	Recycling by Contractor	Recycling by Contractor	Recycling by Contractor
Green Waste Skip (current)	Mulching at Red Hill by EMRC	Mulching at Red Hill by EMRC	Mulching at Red Hill by EMRC

7. At present, Cleanaway provide all of the kerbside bin collection and skip bin delivery / removal services as well as processing of recycling. Along with processing currently provided by EMRC at Red Hill this covers the gamut of kerbside waste management.
8. Cleanaway's contract for these services is due to expire on 30 June 2023.
9. The City undertook eQuote 2022-01 for the provision of current services that are due to expire in 30 June 2023 as well as amendments for future services required over time as each of the Waste to Energy and FOGO processes come on line.

10. The scale of these services is such that they were split into five separable portions, to attract the maximum number of potential contractors who could make submissions for any/all of the following services listed.

- Separable Portion 1** - Collection Services  
**Separable Portion 2** - Recycling Material Processing  
**Separable Portion 3** - Bulk Bin Service (Mini Skips) for General and Green Waste  
**Separable Portion 4** - Bin Maintenance Services  
**Separable Portion 5** - Provision and delivery of bin infrastructure for FOGO rollout – which is an ‘one off’ cost

### DETAILS AND ANALYSIS

11. The request for eQuote 2022-01 Waste Services Management was issued through WALGA's Preferred Supplier panel on Wednesday 4 May 2022 with Receipt of eQuote submissions closed at 2:00pm AWST Thursday 23 June 2022.
12. Tender submissions were received from:
- a) Suez Recycling & Recover Pty Ltd (now Veolia)
  - b) JJ's Waste & Recycling
  - c) Solo Resource Recovery
  - d) Resource Recovery Group
  - e) Cleanaway Industrial Solutions Pty Ltd
13. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
14. 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.
15. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience & Safety	25%
Key Personnel & Sub Contractors Skills & Experience	20%
Tenderer's Resources	20%
Methodology – Understanding of the Operational Requirements and Plans to deliver the Services	30%
Local Benefits	5%

16. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria (for the respective separable portion(s) that they bided on).  
  
The eQuote Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.
17. Of the five tender submissions all five met the required QPM of 60% or above and progressed to the next stage.
18. A price assessment was then undertaken to determine the best value for money outcome for the City.
19. The eQuote Evaluation Report is provided as Confidential Attachment 1 to this report.
20. The recommended tenderers submissions best satisfied the City's requirements by:
  - a) meeting or exceeding the qualitative assessment benchmark;
  - b) proven capacity and capability to provide Waste Management Services throughout the City;
  - c) have the skills and experience to carry out any/all Waste Management Services requested in this contract;
  - d) Available 24/7 for emergency works; and
  - e) providing the best value for money outcome.
21. The City requested pricing for collection and delivery of waste against the likely delivery points (as well as distance-based pricing for as yet unknown delivery points) that would occur as the City progresses from landfill to waste to energy and from two bin to three bin systems.
22. In order to best determine the preferred outcome, the scenario most likely in place for most of the contract period was that of a 3 bin Waste to Energy and FOGO scenario with deliveries to Hazelmere Transfer Station (W2E), Red Hill (FOGO) and the most advantageous Recycling plant.
23. This scenario was then used as the benchmark for comparative pricing analysis between bids.
24. Of the five qualifying and compliant qualitative tender responses a combination, Cleanaway and Veolia provided the optimum value for the required services.
25. The preferred outcomes were then tested against other scenarios with no change in the relative ranking between offers.

26. One of the core risks in this contract is that the awarded Contractor can provide sufficient fleet at contract start date. The eQuote sought to ensure that the fleet at contract start would be all brand new. With current supply chain issues experienced Australia wide there is some risk that this would not be achievable, so the Tender Assessment Panel examined each bid for availability of 'on hand' fleet at contract start date and were satisfied as to the outcomes.
27. The Evaluation Panel recommends the City separate the Separable Portions for ensuring best value for money and best possible coverage through the City.
- Recommendation as follows:
28. That Council ACCEPT the eQuote 2022-01 Provision of Waste Management Services submitted by Cleanaway Industrial Solutions Pty Ltd, ACN 000 164 938 for:
- a) **Separable Portion 1** – Collection Services
  - b) **Separable Portion 3** – Bulk Bin Service (Mini Skips) for General and Green Waste
  - c) **Separable Portion 4** – Bin Services
  - d) **Separable Portion 5** – Provision and delivery of bin infrastructure for FOGO rollout
- And the submission submitted by Resource Recovery Group ABN 28 965 675 752 for:
- e) **Separable Portion 2** – Recycling Material Processing

**APPLICABLE LAW**

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

**APPLICABLE POLICY**

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

**FINANCIAL CONSIDERATIONS**

31. The anticipated annual spend on waste services over the life of this contract will vary from year to year dependent on:
- a) Annual changes in unit rates based on agreed cost escalation mechanisms set out in contract;
  - b) Annual changes in recycling costs based on changes in value of recovered materials;
  - c) Timing of conversion from 2 bin to 3 bin system;

- d) Timing of waste to energy processing;
  - e) Changes in government fees notably Landfill Levy
32. The use of Waste Services Management under this contract will form part of approved annual expenditure budgets in Waste Services and Income will be generated through the City's Waste Services Fee to.

### SUSTAINABILITY

33. The City of Kalamunda Waste Plan June 2020 has actions to meet the States Waste Avoidance Strategy Targets through measures to generate less waste, to recover more value and resources from waste and protect the environment by managing waste responsibly.

### RISK MANAGEMENT

- 34.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> The City accepts a Tender for Waste Management Services and the Contractor is unable to resource new plant and equipment or personnel to take over services on 1 July 2023.  |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Critical  | Possible          | High          |
| <b>Action/Strategy</b>  |                   |               |
| a) Be willing to accept old equipment to be used until new equipment can be procured.<br>b) Award Tender by 30 September 2022 giving the successful Tenderer the lead time to put in place the resources (Labour & Plant) to start the Contract on 1 July 2023. |                   |               |
- 35.
- |  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> That a delivery point for processing of one waste stream emerges which hadn't been forecast requiring negotiation of collection prices. |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Moderate   | Unlikely          | Low           |
| <b>Action/Strategy</b>   |                   |               |
| a) The range of delivery options in eQuote 2022-01 also include distance-based delivery cost options to guide future negotiations                    |                   |               |

### CONCLUSION

36. The delivery of eQuote 2022-01 Waste Services Management will allow the City to carry out its role in the provision of these essential services relating to waste collection and disposal for the health and safety of its residents throughout the City.



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37. The City is satisfied that the recommended tenderer/s have the demonstrated experience, the capability, capacity, along with experienced staff and resources available to provide the City with the required Waste Management Services.
38. The variety of pricing options contained within the eQuote offers provides the City with sufficient certainty to forecast annual budgets every year of the contract irrespective of the known changes to waste management processes.

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

That Council ACCEPT the eQuote 2022-01 Provision of Waste Services Management submitted by Cleanaway Pty Ltd, ACN 000 164 938 of Level 4, 441 St Kilda Road Melbourne VIC 3004 for:

- a) **Separable Portion 1** – Collection Services
- b) **Separable Portion 3** – Bulk Bin Service (Mini Skips) for General and Green Waste
- c) **Separable Portion 4** – Bin Services
- d) **Separable Portion 5** – Provision and delivery of bin infrastructure for FOGO rollout

And the submission submitted by Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon WA 6154 for:

- e) **Separable Portion 2** – Recycling Material Processing

as set out in Confidential Attachment 1, for the initial seven-year contract with three further one-year extensions at the sole discretion of the City of Kalamunda.


**10.3. Corporate Services Reports****10.3.1. Tonkin Highway Grade Separation - Dedication of Land as Road***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Economic & Cultural Services provided a presentation on this report.

Councillors sought clarification on various aspects of the report and presentation. Clarification of the queries were provided.

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	4.00009262; BR-40/012; WL-10/655; WL-10/665
Applicant	Main Roads Western Australia
Owner	Gwelup Holdings Pty Ltd Whitecliffe Securities Pty Ltd Bunthorne Holdings Pty Ltd Ciderberry (PHA) Pty Ltd
Attachments	1. Plans [ <b>10.3.1.1</b> - 3 pages] 2. Letter from Main Roads Western Australia [ <b>10.3.1.2</b> - 2 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 3.2** - To connect community to key centres of activity, employment and quality amenities.

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider the proposed dedication of portions of the following lots as road:
  - a) Lot 42 (12) Bruce Road, Wattle Grove (Lot 42);
  - b) Lot 36 (655) Welshpool Road East, Wattle Grove (Lot 36); and
  - c) Lot 341 (665) Welshpool Road East, Wattle Grove (Lot 341).
2. The proposed dedication of land as road is required to facilitate the Main Roads Western Australia (MRWA) Tonkin Highway Grade Separation Project.
3. It is recommended that Council support the proposed dedication of land as road, subject to conditions.

## BACKGROUND

4. MRWA requires portions of Lot 42, Lot 36 and Lot 341 (Road Land) to be dedicated as road to facilitate the Tonkin Highway Grade Separation Project. The Tonkin Highway Grade Separation Project is depicted below.



5. The Road Land is depicted in Drawing Numbers 2160-092-1; 2160-093-1 and 2160-094 (**Attachment 1**).
6. MRWA has approached all landowners and other affected parties and arrangements for the acquisition of the Road Land are being finalised.

#### **DETAILS AND ANALYSIS**

7. MRWA has requested, by letter, that Council resolve to dedicate the Road Land as road, pursuant to section 56 of the *Land Administration Act 1997* (WA) (**Attachment 2**).
8. The proposal has been assessed from an environmental perspective and there is no objection to the proposed road dedication.
- 9.
10. The City has no objection to the proposal from a planning perspective. The City notes some of the acquisition area appears to be slightly outside of the Metropolitan Region Scheme (MRS) Regional Road reservation.
11. MRWA has advised for any land required outside the MRS Primary Regional Road Reserve, MRWA is required to submit a development application to the impacted local government. All landowners impacted by the acquisition have been approached by MRWA and negotiations are underway.
12. On completion of works, the project closeout will identify all land that is not within the current MRS Primary Regional Road boundary but utilised for the Tonkin Highway upgrade. The MRWA Planning team will be notified of the identified land for the purposes of pursuing an MRS amendment and including the land in the MRS as Road Reserve if appropriate.
13. MRWA advises that every endeavour is made to remain within the MRS Primary Regional Road boundary, however as this can be 20+ years old, sometimes extension beyond is required to meet compliance and design standards that have evolved over time.
14. The City has no objection to the proposal from an Assets and Development Engineering perspective, but notes Lot 341 will lose access as a result of the proposed land acquisition.

15. MRWA has advised that negotiations are underway with the owners of Lot 36 and Lot 341 regarding the provision of alternative access to Lot 341. The City has been involved in discussions regarding access to Lot 341. The Department of Planning, Lands & Heritage has also been consulted. Regardless of the outcome, MRWA advises that with the current proposed access closure, Lot 341 is required to have an access allowance to be serviced.
16. The City does not object to the proposal from a health or community development perspective.
17. MRWA advises if the proposed dedication does not proceed, the project will fail to provide adequate service corridor widths in accordance with the Utility Providers Code of Practice (the basis on which all of the utility providers have confirmed no objection to this proposal). This in turn will result in insufficient width for services to be relocated in.
18. It will also potentially limit the width of verge on the north side of Welshpool Road East and path width, noting this is part of the Department of Transport Long Term Cycle Network Strategy and provides the East-West link to the new Principle Shared Path (PSP) connecting the community of Wattle Grove with the active transport network on the East side of Tonkin Highway.

**APPLICABLE LAW**

19. *Land Administration Act (WA) s. 56*

**APPLICABLE POLICY**

20. Service 4: Asset Management

**STAKEHOLDER ENGAGEMENT*****Public Advertising***

21. The proposal was advertised in the Echo Newspaper on 13 May 2022 and on the City's website. Comments closed on 20 June 2022.
22. No public submissions were received.

***Service Authorities***

23. The proposal was referred to the service authorities for comment, namely ATCO, Telstra, NBN, Water Corporation and Western Power.

24. ATCO has no objection to the proposed dedication. ATCO has infrastructure in the vicinity. ATCO requires its infrastructure to be relocated into the new road reserve, if necessary.
25. Telstra has no objection to the proposed dedication. Telstra has advised that its services will be impacted and will require a redesign to suit the proposed works. Telstra will work with the appropriate authorities to obtain a suitable outcome.
26. NBN does not have any objection the proposed dedication. NBN has network contained within the Telstra pit and pipe. NBN will need to relocate its assets into the new Telstra pit and pipe network.
27. Water Corporation has no objection to the proposed dedication as its assets are located within the road reserve and will not be affected.
28. Western Power has assets in the vicinity. Western Power has no objection to the proposed dedication, subject to MRWA funding the relocation of the identified assets.

#### **FINANCIAL CONSIDERATIONS**

29. MRWA has provided written advice that it will be responsible for all costs of the proposal (**Attachment 2**).
30. The anticipated costs of the proposal include the cost of service relocations, surveys, and document preparation and registration fees.
31. These costs will be determined by the relevant third parties, namely the utility providers, surveyor, Department of Planning, Lands & Heritage and Landgate. It is the responsibility of MRWA to obtain quotes / cost estimates for these costs direct from the relevant third parties.

#### **SUSTAINABILITY**

32. The proposal will facilitate the Tonkin Highway Grade Separation Project. This MRWA project seeks to improve safety and reduce delays along a heavily congested route.
33. MRWA advises that in addition to improved safety and reduced congestion, the project will provide improved freight access and support of the Maddington Kenwick Strategic Employment Area (MKSEA) Structure Plan to support growth of the local economy.

**RISK MANAGEMENT**

34.	<b>Risk:</b> MRWA does not acquire the Road Land from the current landowners, but the proposed dedication still proceeds.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Unlikely	Medium
	<b>Action/Strategy</b>		
	Council to make its support of the proposed dedication conditional on MRWA acquiring the Road Land.		

35.	<b>Risk:</b> MRWA is unable to provide adequate service corridor widths in accordance with the Utility Providers Code of Practice due to the proposed dedication not proceeding.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Unlikely	Medium
	<b>Action/Strategy</b>		
	Council to support the proposed dedication to ensure the Tonkin Highway Grade Separation Project can proceed as designed and that adequate service corridor widths are provided.		

**CONCLUSION**

36. The proposal will facilitate the Tonkin Highway Grade Separation Project. This MRWA project is of benefit to the community. It seeks to improve safety and reduce delays along a heavily congested route.
37. It is recommended that Council request the Minister for Lands to dedicate the Road Land as road, subject to the following conditions:
- a) MRWA to pay all costs of and incidental to the proposal;
  - b) The proposed dedication to only occur once MRWA becomes the registered proprietor of the Road Land; and
  - c) MRWA to indemnify the City and the Minister for Lands against any claims that may arise as a result of the proposed dedication.

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

That Council:

1. REQUEST the Minister for Lands to dedicate as road the portions of:
  - a) Lot 42 (12) Bruce Road, Wattle Grove;
  - b) Lot 36 (655) Welshpool Road East, Wattle Grove; and
  - c) Lot 341 (665) Welshpool Road East, Wattle Grove,

shown delineated and marked as “Land Required for Road Purposes” on Drawing Numbers 2160-092-1; 2160-093-1 and 2160-094 (Attachment 1), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the following conditions:

  - i. Main Roads Western Australia to pay all costs of and incidental to the proposal, including but not limited to the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - ii. The proposed dedication to only occur once Main Roads Western Australia becomes the registered proprietor of the portions of land proposed to be dedicated; and
  - iii. Main Roads Western Australia to indemnify the City of Kalamunda and the Minister for Lands against any claims that may arise as a result of the proposed dedication. Council notes that Main Roads Western Australia has stated it will be responsible for any costs and claims that may arise as a result of the dedication in Attachment 2.
2. REQUEST Main Roads Western Australia to:
  - a) pursue a Metropolitan Region Scheme amendment, so that all of the land dedicated as road for the purposes of the Tonkin Highway upgrade is included in the Metropolitan Region Scheme Regional Road reservation; and
  - b) provide Lot 341 (665) Welshpool Road East, Wattle Grove with alternative access, noting that the proposed land acquisition will remove the current access to Lot 341.
3. UNDERTAKE to comply with section 56(2) of the *Land Administration Act 1997* (WA).



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**10.3.2. Land Acquisition - Portion of Lot 1499 (71) Stirling Crescent, High Wycombe*****Declaration of financial / conflict of interests to be recorded prior to dealing with each item.***

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (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."

No public presentation was provided on this report.

Previous Items	OCM 89/2021
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	ST-12/071; 4.00010907
Applicant	City of Kalamunda
Owner	CILF H1 Pty Ltd
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

**Report provided under separate cover.**

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**10.4. Office of the CEO Reports****10.4.1. Facility Management 62 Hartfield Road, Forrestfield - Shared Seasonal Lease***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Community Development provided a presentation on this report.

Kimberley Hawtin, President Kalamunda Districts Hockey Club, and Belinda O'Reilly, Vice President Kalamunda Districts Hockey Club, provided a presentation. The Kalamunda Districts Hockey Club is not in support of the recommendation.


Council sought clarification from the Kalamunda Districts Hockey Club in relation to matters raised within the presentation.

Joshua Vandertogt, President Forrestfield Flyers Teeball, and Mark Baker, Vice President Forrestfield Flyers Teeball, provided a presentation. The Forrestfield Flyers Teeball is in support of the recommendation.

Council sought clarification from the Forrestfield Flyers Teeball in relation to matters raised within the presentation.

Previous Items	OCM 15/2017
Directorate	Office of the CEO
Business Unit	Community Development
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
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**

**Strategy 1.1.1** -- Ensure the entire community has access to information, facilities and services.

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

#### **Priority 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 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is to approve the preferred facility management model for the sporting facility located on Hartfield Park, which is currently utilised by the Kalamunda Districts Hockey Club (KDHC) and Forrestfield Tee Ball Soft Ball Association (FTBSBA).
2. The City of Kalamunda recommends Council approve a seasonal lease agreement for the sporting facility on Hartfield Park, with the primary winter tenant being KDHC and the primary summer tenant being the FTBSBA.
3. The term of the agreement is to be for a period of 12 months and is to stipulate the Management Model can be reviewed at such a time KDHC prove a synthetic hockey turf is needed, viable and sustainable.
4. If either KDHC and/or FTBSBA, determines not to enter into a seasonal lease agreement for the facility, by the 31 December 2022, then they will need to hire the facility in line with Council Policy.

**BACKGROUND**

5. Hartfield Park is a Class A Reserve, located in Forrestfield, on Crown Land vested with the City of Kalamunda, through a Management Order for the purposes of recreation, with the power to lease. The Reserve is the City's largest active sporting reserve, accommodating a variety of sporting and community groups.
6. At the 27 February 2017 Ordinary Council Meeting (OCM), Council resolved to endorse the demolition and redevelopment of the former Darling Range Pony Club facility at Hartfield Park for a new joint use / shared facility for KDHC and a yet to be determined summer user.
7. During the design phase of the redevelopment project, KDHC were extensively consulted to ensure that their needs were met as best practicable and were advised that a summer user were yet to be identified for the shared facility.
8. Throughout 2017, the City investigated the suitability of various summer users, with the FTBSBA emerging as a suitable summer user for the new facilities.
9. FTBSBA has compatible field configuration requirements, needed a permanent home and the location of the Club to 62 Hartfield Road would maximise usage of the facility over the full year.
10. In 2018, in accordance with the City's Community Group Lease Policy, the City proposed a six month seasonal lease agreement management model to KDHC and FTBSBA for the facility.
11. KDHC indicated they would be willing to share the facility, however sought to be the primary tenant on a 12 month lease. A key rationale for their request was to a 12 month lease would assist to facilitate the funding and support for a synthetic hockey turf.
12. At the same time, FTBSBA indicated a requirement for a 6 month seasonal lease agreement, to ensure that they had security of tenure and equal facility access and rights, similar to many other sporting clubs in the City.
13. As a result, during mid-2018, the City investigated various facility management models, which were discussed with both KDHC and FTBSBA, however, agreement could not be reached on the basis that KDHC maintained a preference, for a 12 month lease, whilst FTBSBA sought the security of a 6 month lease.

14. As an interim arrangement, until such time as an agreed management model was determined, FTBSBA agreed to entering into a written agreement known as a Memorandum of Understanding (MOU) with KDHC to access the facility in summer. KDHC then became a 12-month lease holder with the City from April 2019, when the new facilities were completed.
15. In March 2020, the City advised KDHC that the term of the current lease was due to end and the lease would enter into monthly holding over status, as per clause 19 of the lease. The City was, at that time, in the process of drafting a new community lease document.
16. A key rationale of the KDHC's request for a 12 month lease was its desire for a synthetic hockey turf. In order to validate the need for such a development KDHC, with financial assistance from the City, developed a business case into the need for synthetic hockey turf, as the outcomes of the study could have influenced facility management models.
17. The business case did not demonstrate a need for a synthetic hockey turf development for a minimum of 10 plus years.
18. As a result the interim management arrangements continued until April 2021, when KDHC terminated the MOU agreement with FTBSBA, citing unauthorised access of the facility outside of the agreed MOU, and disagreement over the apportionment of outgoings.
19. This highlighted that whilst an MOU agreement was suitable as an interim arrangement, it was not considered a viable long term solution, as FTBSBA did not have security of tenure, nor equal rights as KDHC.

#### **DETAILS AND ANALYSIS**

20. During 2021 the City facilitated discussions between KDHC and FTBSBA to resolve this matter, including hosting two workshops and several meetings, which the Mayor attended.
21. During the workshops, various facility management models for the facility were considered by all parties. The models considered included:
  - a) Hire Facility - Managed by the City;
  - b) Seasonal Lease Agreement between the City and KDHC / FTBSBA; and
  - c) 12 month lease between the City and KDHC and an MOU between KDHC and FTBSBA.

22. As an outcome of these workshops in late 2021 and early 2022, KDHC and FTBSBA separately progressed discussions on shared usage of the facility and playing fields, to inform an agreed facility management model.
23. In June 2022, in order to reach a mutual resolution on this matter, the City requested KDHC and FTBSBA submit their preferred facility management models to the City, so that a permanent model could be determined.
24. In response to the City's request KDHC and FTBSBA advised the following:
  - a) KDHC advised they preferred an alternative facility management model to those previously outlined. KDHC refer to this model as a "Heads of Agreement". This model involves KDHC being the primary tenant of the facility on a year-round lease agreement with the City. The FTBSBA's usage would be managed through a licence agreement with the primary tenant being KDHC.
  - b) FTBSBA advised that they did not support the "Heads of Agreement" model and subsequently requested a 6-month seasonal shared lease to ensure they have equal facility access and rights.
25. As no mutual resolution on this matter has been reached between KDHC and FTBSBA, Council must now consider and determine an appropriate facility management model for the facility, in line with the Council adopted Master Plans for the site and the Community Group Leases Policy.

**Hartfield Park Master Plan (HPMP) Stage 1 and 2 – Shared Usage Analysis**

26. The HPMP Stage 1 identified the need for the City to transition Hartfield Park sporting clubs from single use facilities to co-located shared facilities. The co-location and sharing of facilities is a key industry planning principal that formed the basis of the HPMP Stage 1.
27. This approach was reaffirmed through the HPMP Stage 2 – Facility Colocation Strategy, which was adopted by Council (OCM 259/2021) in August 2021. This will transition the majority of sporting users from single use sporting facilities to co-located / shared facilities, on seasonal lease agreements. This also aligns with the facility management models implemented for sporting clubs at the City's other sporting reserves.
28. The usage of sporting field space is managed by the City in line with the City's Sporting Reserve Usage Policy, which provides in season sporting codes with priority access, during their traditional sporting seasons.

29. In summary, the benefits of shared facility usage include:
- a) Prevents facility duplication and over provision.
  - b) Increased facility utilisation, year-round.
  - c) Cost sharing opportunities for users.
  - d) Provides opportunities to provide fit for purpose facilities, given increased funding opportunities.
  - e) Provides an affordable and sustainable development approach to achieve modern sporting facilities across the site.

#### **Community Group Leases Policy**

30. The City's Community Group Leases Policy is committed to providing long-term leased facilities to community groups within the City to support their activities for the benefit of the community.
31. The Policy states that Community Groups who are unwilling to sign a Lease Agreement, will be required to hire their facilities in accordance with the City's Casual Facility Hire Agreement at the rate applicable for that facility.
32. In 2022/23, the City is seeking to undertake a review of the current Community Group Lease Policy.

#### **Preferred Management Model**

33. In assessment of the various suitable facility management models, the City's Community Groups Leases Policy and Council's adoption of HPMP Stage 1 and Stage 2, the preferred management model for the facility is a Seasonal Lease Agreement for KDHC and FTBSBA.
34. A seasonal lease agreement will provide both KDHC and FTBSBA with equal access, security of tenure and equal rights to the facility, thus ensuring it is well utilised year round.
35. All out of season access to the facility is to be negotiated between all parties as part of the development of the lease schedules.
36. The preferred seasonal lease agreement model, could be trialled for a period of 12 months, allowing for a review with KDHC and FTBSBA to occur upon its conclusion, which will align with the City's scheduled review of all commercial and community leases.
37. In light of the KDHC's desire to develop a synthetic hockey turf, a clause could be included into the lease schedule, to enable a review of the management models at such a time that KDHC prove a synthetic hockey turf is needed, viable and sustainable.

38. Should the synthetic hockey turf eventuate, it would trigger the need for the City to review the sporting field layouts, usage and membership trends for FTBSBA and investigate available and suitable field space across Hartfield Park to accommodate any affected usage.
39. In the event either KDHC and/or FTBSBA determine not to enter into a seasonal lease agreement for the facility by the 31 December 2022, then they will need to hire the facility in line with Council Policy.

**APPLICABLE LAW**

40. Nil.

**APPLICABLE POLICY**

41. Service 9 – Community Group Leases
42. Service 12 – Sporting Reserve Usage

**STAKEHOLDER ENGAGEMENT**

43. During the design phase of the facility and playing fields, KDHC were regularly advised that a summer user was yet to be identified and extensively consulted to ensure that their needs were met as best practicable.
44. During 2017 and 2018, the City held five meetings involving KDHC and/or FTBSBA to workshop and negotiate key facility management arrangements.
45. In 2021, the City held a further two meetings involving KDHC and FTBSBA to resolve their sharing issues and again workshop facility management models. Further to this, KDHC and FTBSBA individually meet on several occasions.
46. Hockey WA were also consulted and advised the City's preferred facility management model is suitable and seasonal lease agreements are common for local grass based hockey facilities.



**FINANCIAL CONSIDERATIONS**

47. A key financial risk to the City in not co-locating / sharing community groups and sporting clubs together, is that it will lead to the continual development of single use facilities, which is not a financially sustainable model for all parties, due to facility duplication and underutilisation.
48. In the event the facility becomes a 'fee for hire' facility, then the City will need to assume responsibility for the management of this facility, similar to other hire facilities in the City. This will have a cost implications for the City being:
- a) increased maintenance costs associated to the facility over time.
  - b) the City meeting all utility charges, noting these would be recovered through a hire fee.
  - c) officer resources required to manage facility access in an equitable manner.

**SUSTAINABILITY**

49. Collocation of community and sporting groups is a sustainable approach to community facility development for the City and enables contemporary and modern community facilities to be provided for the whole community. Collocation ensures community facilities are utilised to their maximum capacity across sporting seasons.

**RISK MANAGEMENT**

50.	<b>Risk:</b> Failure to develop a seasonal lease agreement may set a precedence for other sporting clubs at Hartfield Park to abandon the HPMP Stage 2 – Facility Colocation Strategy resulting in requests for single use facilities		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Unlikely	Medium
	<b>Action/Strategy</b>		
	The City develop a suitable seasonal lease agreement for KDHC and FTBSBC.		

51.	<b>Risk:</b> KDHC and/or FTBSBA are unwilling to enter into a seasonal lease agreement resulting in not having access to a facility.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	As per the City's Community Group Lease Policy, in the event that a community group, does not accept the terms of a lease, then the facility shall be provided based on the City's Casual Hire Agreement.		

## CONCLUSION

52. The City has extensively workshopped facility management models with KDHC and FTBSBA across several years.
53. A mutual agreement between KDHC and FTBSBA has been unable to be reached.
54. The preferred management model for the facility is for a Seasonal Lease Agreement to be developed between KDHC and FTBSBA for a 12 month period, this is concluded from;
- a) an assessment of the facility management models;
  - b) alignment to the City's Community Groups Leases Policy;
  - c) Council's adoption of HPMP Stage 1 (2010) and Stage 2; and
  - d) To ensure equal equity and rights between parties.
55. In the event either KDHC and/or FTBSBA, determines not to enter into a seasonal lease agreement for the facility, by the 31 December 2022, then they will need to hire the facility in line with Council Policy.

Public Agenda Briefing Forum 13 September 2022

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

That Council:

1. APPROVE the City of Kalamunda entering into a seasonal lease agreement for the facility located at 62 Hartfield Road, Forrestfield, between the Kalamunda Districts Hockey Club (as the winter tenant) and the Forrestfield Tee Base Soft Ball Association (as the summer tenant).
2. APPROVE the lease agreement term being for a 12 month period, to align with the City of Kalamunda's scheduled review of all commercial and community leases.
3. APPROVE that in the event either Kalamunda Districts Hockey Club and/or Forrestfield Tee Base Soft Ball Association, determines not to enter into a seasonal lease agreement for the facility, by the 31 December 2022, then they will need to hire the facility in line with the Community Group Leases Policy.
4. NOTE that a clause will be included within the lease terms, stipulating that the Management Model can be reviewed at such a time that Kalamunda Districts Hockey Club prove that a synthetic hockey turf is needed, viable and sustainable.


**10.4.2. State Government Grant Applications - Community Sporting and Recreation Facilities Fund and Club Night Light Program***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Community Development provided a presentation on this report.

Councillors sought clarification on aspects of the presentation.

Previous Items	OCM 235/2020
Directorate	Office of the CEO
Business Unit	Leisure Planning
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
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 1.1** - To be a community that advocates, facilities and provides quality lifestyles choices.

**Strategy 1.1.1** -- Ensure the entire community has access to information, facilities and services.

**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.

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

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

**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.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to seek Council endorsement for three (3) grant funding applications to the Department of Local Government, Sport and Cultural Industries (DLGSC) for the following 2023/24 grant funding round programs being:
  - a) the Community Sporting and Recreation Facilities Fund (CSRFF); and
  - b) the Club Night Light Program (CNLP).
2. The City is seeking to submit to DLGSC the following grant applications in priority order being:
 

CSRFF Program (Part 1)

  1. Hartfield Park Master Plan (HPMP) Stage 2A – Co-location of Bowls and Tennis project.

CNLP Program (Part 2)

  1. Kalamunda and Districts Hockey Club (KDHC) – Sports floodlighting project; and
  2. Pickering Brook Sports Club (PBSC) – Sports floodlighting project.
3. **CSRFF Program (Part 1)**  
It is recommended that Council:
  1. ENDORSE an application from the City of Kalamunda to the Community Sporting and Recreation Facility Fund, Forward Planning Round for an external funding contribution of \$666,667 towards the implementation of Hartfield Park Master Plan Stage 2A – Co-location of Bowls and Tennis project.

2. NOTE that this project is ranked for the purposes of the Community Sporting and Recreation Facility Fund program as the first and only priority within the City for the 2023/24 CSRFF Forward Planning Round.

**CNLP Program (Part 2)**

It is recommended that Council:

1. ENDORSE the submission of two Club Night Light Program (CNLP) applications in the 2022/23 Annual Round and rank them in the priority order of:
  1. Kalamunda Districts Hockey Club – sports floodlighting project
  2. Pickering Brook Sports Club – sports floodlighting project
2. NOTE in the event of successful CNLP funding applications, amounts of up to \$126,666 and \$27,917 for the KDHC and PBSC respectively for their sports lighting projects will need to be considered as part of the City's 2023/24 annual budget deliberation process.

**BACKGROUND**

4. The State Government through the DLGSC provides financial assistance to community groups and local governments to develop basic infrastructure for sports and recreation, through two programs being the CSRFF and the CNLP.
5. In 2021, the State Government established the CNLP, which will invest \$10 million over four years and is specifically for the construction of sports floodlighting projects.
6. The CSRFF program currently has a funding allocation of \$12.5 million for the 2023/24 financial year, for all other basic sports related infrastructure developments, such as, new pavilions, new ovals or unisex changerooms.
7. The programs aim to increase participation in sports and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities.
8. The maximum grants available to the City of Kalamunda for the programs will be no greater than one third of the total estimated project cost.
9. Applications for the programs are to be submitted to DLGSC by 4pm on the 30 September 2022.

10. It is anticipated that successful applicants will be advised in January / February 2023, with funds to be expended by June 2024 for annual grants or across multiple financial years for forward planning grants.

**DETAILS AND ANALYSIS****CSRFF Application One – HPMP Stage 2A – Colocation of Bowls and Tennis**

11. At the November 2020, Ordinary Council Meeting (OCM), Council resolved (OCM 235/2020) to leverage the \$2 million Federal Government funding commitment at Hartfield Park through the CSRFF program for priority projects, identified through the HPMP Stage 2 – Facilities Colocation Strategy.
12. The City of Kalamunda was subsequently successful in leveraging the Federal Government funding by receiving a CSRFF grant of \$620,000 for the development of little athletics infrastructure and unisex changerooms for AFL / Little Athletics and Rugby League. The City was also encouraged to reapply for the remaining priority projects from HPMP Stage 2A being the colocation of Bowls and Tennis.
13. It is noted that during the 2022 Federal Election the City secured a further funding commitment of \$5.4m towards the HPMP Stage 2. A CSRFF application for the colocation of Bowls and Tennis, will further leverage the Federal Government funding commitments for the site, which will allow more projects to be achieved and more Clubs to benefit.
14. As identified through the HPMP Stage 2 – Facilities Colocation Strategy, the sharing of sporting facilities is a key requirement for funding bodies as it maximises facility utilisation and asset investment. Overall, this approach is the most affordable manner for the City to provide modern facilities for all users, particularly at Hartfield Park.
15. As a result, a key recommendation of the HPMP Stage 2 is the colocation of both Bowls and Tennis into a shared use facility. The project involves:
- a) the redevelopment and extension of the existing bowls facility to provide contemporary facilities for both Bowls and Tennis;
  - b) provision of two new tennis courts with LED sports lighting for training; and
  - c) minor car parking improvements.
16. The primary users of the site are the Forrestfield and Districts Bowling Club and the Forrestfield Tennis Club, who have a combined estimated membership of 287 persons.

17. The total estimated project cost is \$2.004 million. The CSRFF program allows the project to receive up to one third funding towards the total estimated project cost.
- CNLP Application One – KDHC – Sports Floodlighting**
18. The KDHC applied through the City's Capital Grants Program in 2021 for funding assistance for the installation of new sports lighting for training on one hockey field at Hartfield Park.
19. In February 2022, the Strategic Sport and Recreation Committee (SSRC) supported the need for the project, consideration of a future City funding contribution, and the submission of a CNLP application in September 2022.
20. The primary users of the site are the KDHC and the Forrestfield Tee Base Soft Ball Association (FTBSBA). The KDHC has an estimated membership of 387 persons.
21. The existing sports floodlighting on site includes two lighting towers and luminaires to 50 lux lighting, which only provides a limited area for training.
22. The aim of the project is to increase the amount of lit space available and provide lighting to Australian Standards for outdoor hockey training (250 lux).
23. As a result of the insufficient existing sports floodlighting available and the number of players, training is restricted for safety reasons to the limited area of the field that is lit. Users have managed this by spreading team training sessions over several nights to best utilise the lit area of the field. Operating in this manner has increased the burden on the KDHC volunteers and operations, which are not sustainable for them into the future.
24. The project involves the installation of four new sports lighting towers, LED luminaires, Halytech lighting control system and upgrade of the site main switch board.
25. FTBSBA have endorsed the project as the lighting towers are located on the periphery of the Reserve, thus not interfering with the clubs sports field layout.
26. Overall, the project will lead to an increase in physical activity, as it will enable the relevant KDHC to extend their hours of training and meet their future growth expectations.



27. The total estimated project cost is \$370,000. The CNLP program allows the project to receive up to one third of the total estimated project cost.

**CNLP Application Two – PBSC – Sports Floodlighting**

28. The PBSC applied through the City's Capital Grants Program in 2021 for funding assistance for the installation of new sports floodlighting on George Spriggs Reserve, Pickering Brook.
29. In February 2022, the SSRC supported the need for the project, consideration of a future City funding contribution (dependent on a successful external grant funding applications) and the submission of a CNLP application in September 2022.
30. The primary user of the existing sports floodlighting and Reserve is the Pickering Brook Football Club (PBFC), who are a member of the overarching PBSC that lease the site. The PBFC has an estimated membership of 68 persons, across two teams.
31. The existing sports floodlighting currently consists of six floodlighting towers of varying heights and quality across the site. An asset lighting audit that was completed in 2016 identified that the existing sports floodlighting does not meet the required Australian Standards for large ball sports training activities (50 lux), resulting in a need to upgrade the site.
32. As a result of the insufficient sports floodlighting available, training is restricted for safety reasons to the limited areas of the field that are lit. This restricts the PBFC's ability to safely utilise the entire Reserve for training. Due to this the PBFC train directly under the limited lighting available, resulting in the Reserve experiencing increased wear and tear issues.
33. The aim of the project is to increase the amount of lit space available by lighting the entire oval for training purposes and to provide the PBFC with the ability to host night matches (100 lux).
34. The demand for night matches is increasing in frequency as a strategy by State Sporting Associations to attract greater participation in sport. The hosting of night matches presents an opportunity to the PBSC to improve its own sustainability and enhance its social connection to the wider community.

- 35. The project involves the replacement of the existing lighting infrastructure and installation of four new sports lighting towers, LED luminaries, Halytech lighting control system and upgrade of the site main switch board.
- 36. Overall, the project will lead to an increase in physical activity, as it will enable the PBFC to extend their hours of training, host night matches and meet their future growth expectations.

#### **DLGSC Local Government Assessment**

- 37. The DLGSC requires the City to assess and rank each application in its locality in priority, relative to the funding program priorities. DLGSC then undertake their own assessment and approval process against the programs funding criteria.
- 38. The two CNLP projects have been ranked in the above order following the SSRC and City's assessment, which is based on the following criteria:
  - a. SSRC assessment and prioritisation process
  - b. Alignment to the CNLP's assessment criteria; and
  - c. Level of community benefit to the City for each project.
- 39. In summary, both projects strongly align to the CNLP criteria however the KDHC project is ranked higher. This is due to the higher number of participants who will benefit and that it will greatly reduce the burden on KDHC volunteers who are currently heavily modifying training sessions and team scheduling.

#### **APPLICABLE LAW**

- 40. *Section 5.56 of the Local Government Act 1995 (WA)* requires that the local government plan for the future of the district.

#### **APPLICABLE POLICY**

- 41. Capital Grants Clubs & Community Groups (Governance 11).
- 42. Sports Floodlighting Policy (Service 13).

#### **STAKEHOLDER ENGAGEMENT**

- 43. The HPMP Stage 2 was adopted by Council in August 2021 (OCM 259/2021), following a community engagement and internal review process. The colocation of Bowls and Tennis has been endorsed by FDBC and FTC.

- 44. The design for the installation of new sports lighting for the KDHC has been reviewed by the City's relevant Technical Officers. This project has been endorsed by the KDHC and FTBSBA.
- 45. The design for the installation of new sports lighting for the PBSC has been reviewed by the City's relevant Technical Officers. This project has been endorsed by the PBSC and PBFC.
- 46. The DLGSC has advised all projects are eligible for the respective CSRFF and CNLP's.
- 47. Should the funding applications be successful with DLGSC, further consultation will be undertaken with the relevant site stakeholders.

#### **FINANCIAL CONSIDERATIONS**

- 48. The funding implications for each grant program including the City of Kalamunda's funding contribution towards each project is outlined below:

- 49. **CSRFF - HPMP Stage 2A – Colocation of Bowls and Tennis**

An amount of \$1.795 million is included in the City's LTFP across the 2023/24 and 2024/25 financial years towards this project, as per the below funding split being:

<b>Organisation</b>	<b>Contributions ex GST</b>
CSRFF (State)	\$668,000
City	\$0
Federal Government (2019 - \$2m Commitment)	\$538,000
*Federal Government (2022 - \$5.4m Commitment)	\$798,000
<b>*Total Estimated Project Cost</b>	<b>\$2,004,000</b>

\*Note: The remaining \$5.4m Federal Government funding allocation will be determined separately.

- 50. The City's financial contribution towards the project would be subject to finalisation of the 2023/24 and 2024/25 financial year budgets and a successful outcome of the CSRFF application or attaining other significant external funding opportunities.
- 51. If the CSRFF application is successful, then funding will be listed for consideration as part of the City's 2023/24 annual budget deliberation

process. The CSRFF grant may be acquitted across multiple financial years, upon agreement with DLGSC.

52. If the CSRFF application is unsuccessful or the full amount is not attained then, Council would need to consider whether to:
- fund the full amount of the shortfall from municipal funding being up to \$666,667;
  - fund the full amount of the shortfall from the Federal Government being up to \$666,667;
  - jointly fund the full amount of the shortfalls between City and Federal Government being up to \$333,333 each;
  - not progress the project in the 2023/24 financial year and reapply for funding through the CSRFF program at the next available opportunity being September 2023 with funding then available in the 2024/25 financial year.

53. **CNLP - KDHC – Sports Floodlighting**

An amount of \$370,000 is currently included in the City's LTFP across the 2023/24 and 2024/25 financial years towards this project, as per the below proposed funding split being:

Organisation	Contributions ex GST
CNLP (State)	\$123,333
City	\$126,667
KDHC	\$120,000
<b>Total Estimated Project Cost</b>	<b>\$370,000</b>

54. The City's financial contribution towards the project would be subject to finalisation of the 2023/2024 annual budget and a successful outcome of the CNLP application or attainment of other significant external funding opportunities.
55. If the CNLP application is successful, then City funding will be listed for consideration as part of the City's 2023/24 annual budget deliberation process and must be acquitted by 15 June 2024.
56. If the CNLP application is unsuccessful or the full amount is not attained then, Council would need to consider whether to:
- fund the full amount of the shortfall from municipal funding being up to \$123,333;
  - require the KDHC to fund the full amount of the shortfall being up to \$123,333 (which is unlikely feasible);
  - jointly fund the full amount of the shortfalls between the City and KDHC being up to \$61,666 each; and
  - not progress the project in the 2023/24 financial year and reapply for funding through the CNLP program at the next available

opportunity being September 2023 with funding then available in the 2024/25 financial year.

57. **CNLP - PBSC – Sports Floodlighting**

An amount of \$335,000 is currently included in the City's LTFP for the 2023/24 financial year towards this project, as per the below proposed funding split being:

Organisation	Contributions ex GST
CNLP (State)	\$111,666
City	\$27,917
Building Better Regions Fund (BBRF) – (Federal) – Round 6	\$167,500
PBSC	\$27,917
<b>Total Estimated Project Cost</b>	<b>\$335,000</b>

58. The PBSC lodged a BBRF application, based on the above funding split in March 2022, with an outcome currently anticipated in late 2022. If the PBSC is advised that the BBRF Round 6 application is not successful, then the PBSC shall withdraw its CNLP application, thus allowing for a revised funding model to be considered, prior to a CNLP application being resubmitted in 2024/25 funding round.
59. The City's financial contribution towards the project would be subject to finalisation of the 2023/2024 financial year budget and a successful outcome of the CNLP application or other significant external funding opportunities (i.e. BBRF).
60. If the CNLP application is successful, then City funding will be listed for consideration as part of the City's 2023/24 annual budget deliberation process and must be acquitted by 15 June 2024.
61. If the CNLP application is unsuccessful or the full amount is not attained then, Council would need to consider whether to:
- fund the full amount of the shortfall from municipal funding being up to \$111,666;
  - require the PBSC to fund the full amount of the shortfall being up to \$111,666 (which is unlikely feasible);
  - jointly fund the full amount of the shortfalls between the City and PBSC being up to \$55,833 each; and
  - not progress the project in the 2023/24 financial year and reapply for funding through the CNLP program at the next available opportunity being September 2023 with funding then available in the 2024/25 financial year.

**SUSTAINABILITY****Social Implications**

62. The provision of high-quality community sport and recreation facilities is essential in developing a positive sense of community and health wellbeing.

**Economic Implications**

63. The implementation of the three applications will likely provide local job opportunities and provide increased economic activity to the local community during the construction phase.

**Environmental Implications**

64. The sports floodlighting projects will install LED sports floodlighting which provides environmental benefits and potential operational savings to the user groups.
65. During the detailed design phase of the new collocated Bowls and Tennis, facility environmental initiatives will be further considered within the project budget, such as solar panels and batteries.

**RISK MANAGEMENT**

66.	<b>Risk:</b> That the CSRFF applications are unsuccessful.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Detailed funding application aligned to the grant funding criteria will be submitted to DLGSC. If unsuccessful, Council and the relevant sporting clubs would need to reconsider the proposed funding strategies, including consideration of a further City and / or Club contribution and / or determination of reapplying in the next available CSRFF or CNLP funding rounds.		

**CONCLUSION**

67. The City is seeking to submit the following grant applications in priority order to the below DLGSC funding programs:  
CSRFF Program (Part 1)

1. Hartfield Park Master Plan (HPMP) Stage 2A – Co-location of Bowls and Tennis project.

CNLP Program (Part 2)

1. Kalamunda and Districts Hockey Club (KDHC) – Sports floodlighting project; and
2. Pickering Brook Sports Club (PBSC) – Sports floodlighting project.

68. The two projects have been ranked in the above order due to the:
  - a) SSRC assessment and prioritisation process;
  - b) The City's CSRFF aligned assessment matrix; and
  - c) Level of community benefit for the projects given the number users affected.
69. In summary, it is recommended that Council endorse the submission of one CSRFF grant application and two CNLP grant applications to DLGSC.

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

### **Community Sporting and Recreation Facility Fund Program (Part 1)**

It is recommended that Council:

1. ENDORSE an application from the City of Kalamunda to the Community Sporting and Recreation Facility Fund, Forward Planning Round for an external funding contribution of \$666,667 towards the implementation of Hartfield Park Master Plan Stage 2A – Co-location of Bowls and Tennis project.
- 2.
3. NOTE that this project is ranked for the purposes of the Community Sporting and Recreation Facility Fund program as the first and only priority within the City for the 2023/24 CSRFF Forward Planning Round.

### **Club Night Light Program Program (Part 2)**

It is recommended that Council:

1. ENDORSE the submission of two Club Night Light Program applications in the 2023/24 Annual Round and rank them in the priority order of:
  1. One - Kalamunda Districts Hockey Club – sports lighting project
  2. Two - Pickering Brook Sports Club – sports lighting project.
2. NOTE in the event of successful Club Night Light Program funding applications, City funding amounts of up to \$126,666 and \$27,917 for the respective projects will need to be considered as part of the City's 2023/24 annual budget deliberation process.

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**11. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:13pm.