



# Ordinary Council Meeting

Agenda

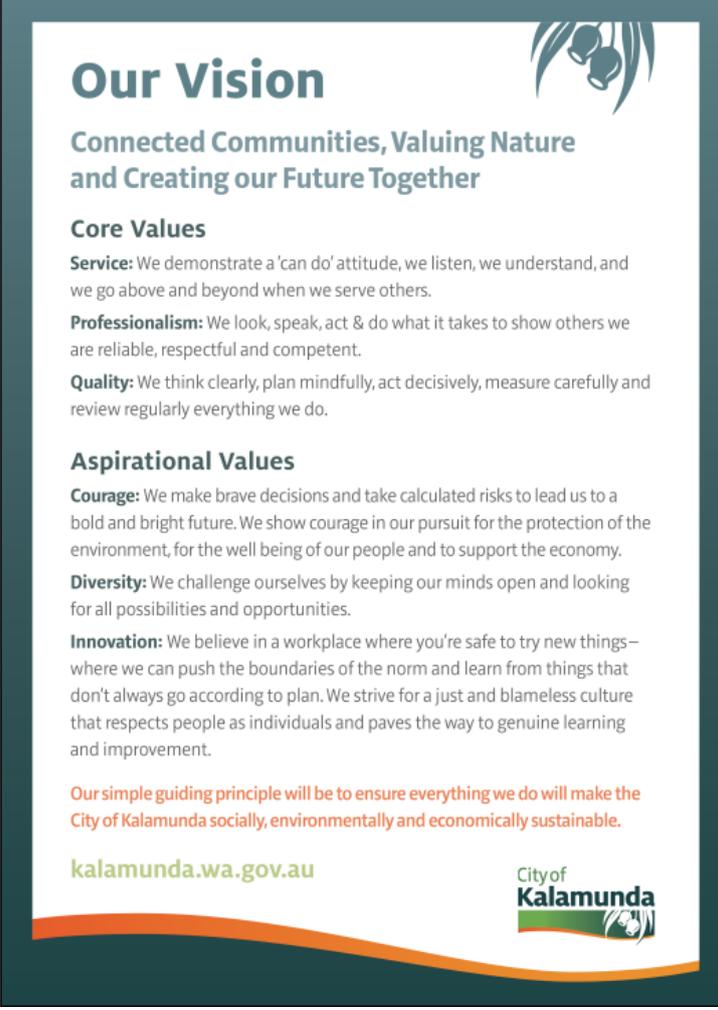
Tuesday 17 October 2023

## NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 17 October 2023 at 6.30pm.**

Gary Ticehurst  
**A/Chief Executive Officer**  
12 October 2023



**Our Vision**

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

**Core Values**

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

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

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

**Aspirational Values**

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

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

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

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

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

City of  
**Kalamunda**

## **Information for the Public Attending**

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### **Ordinary Council Meetings – Procedures**

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times, except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

### **Acknowledgement of Traditional Owners**

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

## **Emergency Procedures**

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

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

**We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.**

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

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- 1. Official Opening**
- 2. Attendance, Apologies and Leave of Absence Previously Approved**
- 3. Public Question Time**
- 3.1. Questions Taken on Notice at Previous Meeting**
- 3.1.1 Michael Ryan , High Wycombe (taken on Notice 26 September 2023)
  - Q1. The new parallel runway will be adjacent to Abernethy Road. Some two (2) kilometres closer than now. The proposed new residential precinct, High Wycombe South, will need multiple forms of protection from the big increase in aircraft noise. The Commonwealth has rights under the Airports Act 1996 and COAG 1997 to manage aviation airspace at Perth Airport. This extends to overturning the planning decision that changed Stage 3 light industry to residential. Does the City agree?
  - A1. The City of Kalamunda actively engaged with Perth Airport Pty Ltd in developing the planning framework for the High Wycombe South project area. Perth Airport Pty Ltd provided submissions in late 2018 and later 2021 regarding the original Local Structure Plan (LSP) and amended LSP, with the comments noted by the City in supporting the LSP proposals, and the WAPC in approving the LSP proposals.

Clause 1.3.3.9 of the High Wycombe South Residential Precinct Local Structure Plan (LSP) Amendment No. 1 – Volume 1 report confirms that the LSP area is located three kilometres from the Perth Airport and outside of the ANEF 20 contour, and therefore no restrictions on zoning or development.

Section 2.7.9 notes the Transportation Noise Assessment (see Technical Appendix C in Volume Two) was prepared to inform the LSP, with Clause 2.7.9.1 confirming the Transportation Noise Assessment considered noise impacts from the future parallel runway. Clause 2.7.9.2 (and supporting Figure 43) also confirms that no parts of the proposed LSP area results in development occurring in areas defined by ‘AS2021 – 2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction’ as being unacceptable.

Table 3 Conditions of Subdivision in the approved LSP include required notifications on title referring potential noise mitigation glazing for some residential development in the north-western portion of the precinct.

The City is satisfied that the planning framework for the High Wycombe South Residential Precinct Local Structure Plan area has been established with due consideration given to relevant factors including operations of the Perth Airport.

3.1.2 David Downing, High Wycombe (reference 3.2 Q2 & Q3 taken on notice 26 September 2023).

Q3. How does this tie in with the request for 5-year extension to complete stage 1 that was gazetted in July just two months ago?

A3. The City understands that the Water Corporation has been allocated funding for the sewer trunk main along Milner Road to Sultana Road West for High Wycombe South, however the timing of the infrastructure delivery has yet to be confirmed by the Water Corporation. Notwithstanding, the time extension for the Development Contribution Plan (DCP) is a response to all outstanding infrastructure items and undeveloped sites with the Forrestfield/High Wycombe Stage 1 Industrial Area. The Ordinary Council Meeting (OCM) Minutes dated 26 September 2023 acknowledges the status and opportunities for effective delivery of Milner Road upgrades, and potential elevated priority for sewerage infrastructure as a priority for both the Residential Precinct and TOD Precinct. The City of Kalamunda will continue to work with the Department of Planning, Lands and Heritage, DevelopmentWA and the Water Corporation regarding infrastructure delivery.

3.1.3 John Curtis, Forrestfield

Q. What is the City's plan of action in relation to the flooding which has occurred at the intersection of Berkshire Road and Ilex Way?

A. The City's drainage maintenance team undertakes proactive inspections of the City's pit and pipe infrastructure on an annual basis. Where a blockage is identified, the system is then jetted to ensure the blockage is removed. We can confirm this program is due to be completed in Forrestfield by early 2024, before next winter.

Before rainfall events, the City also undertakes proactive targeted inspections of the drainage network in large catchment areas. We can confirm this was undertaken before the June 2023 rain event in this area and the City will continue to undertake these inspections before next winter.

Outside of these planned maintenance programs, our teams have responded to multiple out of hours drainage requests for Ilex/Berkshire Way. This are usually generated by local residents and the City seeks to respond and prioritise attendance to these requests as quickly as possible.

In order to better address the drainage issues in this vicinity, the City is planning to undertake further modelling of the flood levels to inform a drainage infrastructure solution.

We can confirm a drainage project will be submitted for Council's consideration next financial year. The budget allocation will be subject to Council determination in July 2024.

**3.2. Public Question Time**

*A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.*

**4. Petitions/Deputations**

**5. Applications for Leave of Absence**

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

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

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

*"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 26 September"*

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

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

- 8.1 Item 10.6.3 RFT 2308 Provision of Playground Softfall Maintenance Services - Award of Tender – Confidential Attachment - RFT 2308 Tender Evaluation Report

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

8.2 Item 10.6.4 High Wycombe Community Hub - Funding Update

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

8.3 Item 10.6.5 Hartfield Park Masterplan Stage 2 - Funding Update

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

**9. Disclosure of Interest**

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

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

**9.2. 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.



## TYPE OF REPORT

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

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 4.1.1** - Provide good governance.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to approve minor amendments to Council Authorisation CA2 – Administration of Caravan Parks and Camping Grounds.
2. Council Authorisation CA 2 was initially adopted in 2018 and provides for City of Kalamunda (City) staff to undertake routine administrative functions.
3. It is recommended Council adopts the revised Council Authorisation CA 2 – Administration of Caravan Parks and Camping Grounds (Attachment 1).

## BACKGROUND

4. Council Authorisation CA 2 was initially adopted in 2018 and provides for City staff to undertake routine administrative functions, providing for administration efficiencies and improved customer service.

5. The authorisation provides for staff to undertake the routine functions with respect to granting, renewing and transferring licences for caravan parks and camping grounds.

#### **DETAILS AND ANALYSIS**

6. The changes to the authorisation are minor in nature, involving amendments to staff titles as a consequence of the establishment of the Community Engagement Directorate and transfer of responsibility of this function from Development Services to the new directorate.
7. There are no changes proposed to the level of authorisation provided to staff.
8. The principle change is the deletion of the Director of Development Services and inclusion of Director of Community Engagement. Additionally the Manager's title was incorrectly stated previously and this has now been corrected.

#### **APPLICABLE LAW**

9. *Caravan Parks and Camping Act 1995 & Caravan Parks and Camping Regulations 1997.*

#### **APPLICABLE POLICY**

10. N/A

#### **STAKEHOLDER ENGAGEMENT**

11. Community consultation is not required for this item.

#### **FINANCIAL CONSIDERATIONS**

12. There is no financial impact from this item.

#### **SUSTAINABILITY**

13. N/A

**RISK MANAGEMENT**

14.	<b>Risk:</b> Delays in performing functions with respect to the approval of licenses for caravan parks and camping grounds.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Recommendation contained in this report to authorise staff positions to perform the functions reduces risk.		

**CONCLUSION**

15. The changes are minor in nature and recommended for approval.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council ADOPT the revised Council Authorisation CA 2 – Administration of Caravan Parks and Camping Grounds (Attachment 1).

## 10.6.2. Application for Leave – Acting Chief Executive Officer - November 2023

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

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Office of CEO
File Reference	
Applicant	
Owner	
Attachments	Nil

### TYPE OF REPORT

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### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 4.1.1** - Provide good governance.

**Strategy 4.1.2** - Build an effective and efficient service based organisation.

### **EXECUTIVE SUMMARY**

1. To seek approval of Council for leave arrangements for the Acting Chief Executive Officer.
2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Acting Chief Executive Officer for the period Monday 6 November to Friday 17 November 2023.

### **BACKGROUND**

4. Nil.

### **DETAILS AND ANALYSIS**

5. The Acting Chief Executive Officer, Gary Ticehurst, wishes to be absent from the position on annual leave from Monday 6 November to Friday 17 November 2023.
6. The Acting Chief Executive Officer has accrued sufficient leave and this approval will enable leave accrued to be acquitted.
7. For leave between 21 days and 12 months policy Governance 18 provides that Council will appoint an Acting CEO.
8. As this period of leave is not greater than 21 days it will not be necessary for Council to appoint an interim Acting CEO.

### **APPLICABLE LAW**

9. *Local Government Act 1995 Section 5.36.*

### **APPLICABLE POLICY**

10. Governance 18 – Appointment of Acting CEO

### **STAKEHOLDER ENGAGEMENT**

11. Nil.

### **FINANCIAL CONSIDERATIONS**

12. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

**SUSTAINABILITY**

13. N/A

**RISK MANAGEMENT**

14.	<b>Risk:</b> Annual leave liabilities accrue and become a significant financial risk which will be identified by auditors.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Minor	Unlikely	Low
	<b>Action/Strategy</b>		
	Ensure leave liabilities are managed and all staff utilize their leave entitlements regularly.		

15.	<b>Risk:</b> Health and wellbeing of an employee is detrimental.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Unlikely	Medium
	<b>Action/Strategy</b>		
	Ensure the Chief Executive Officer’s leave entitlements are supported.		

**CONCLUSION**

16. N/A

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. APPROVE the Acting Chief Executive Officer, Gary Ticehurst, to have annual leave for the period Monday 6 November to Friday 17 November 2023.
2. NOTE the Director Community Engagement will be Acting Chief Executive Officer for the period Monday 6 November to Friday 17 November 2023.

### 10.6.3. RFT 2308 Provision of Playground Softfall Maintenance Services - Award of Tender

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<i>Reason for Confidentiality: Local Government Act 1995 s5.23 (c) "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

#### **TYPE OF REPORT**

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Information	For Council to note
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#### **STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 3.2.1** - Ensure existing assets are maintained to meet community expectations.

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the award of tender RFT 2308 Provision of Playground Softfall Maintenance Services.
2. It is recommended that Council accept the tender from Chellew Hawley Pty Ltd T/A Sifting Sands, ACN 648541708, as per the Schedule of Rates set out in the Confidential Attachment 1. The estimated expenditure within this contract is \$250,000 per annum in total. Total maximum estimated value of the contract over three years is \$750,000 with two optional years for a total value of \$1,250,000, dependent on current maintenance works and reactive works.

## **BACKGROUND**

3. The City of Kalamunda (City) sought to engage a suitably experienced Contractor for the provision of Playground Softfall Maintenance services.

## **DETAILS AND ANALYSIS**

4. The City is responsible for maintaining a large number of park assets. Some of the City's parks contain play spaces, which have softfall material installed under the equipment to reduce injury to users. The softfall material is generally made up of washed white sand.
5. The softfall material needs to be cleaned on a regular basis to remove general contaminants such as leaves and twigs, through to glass, faeces and syringes.
6. Works for this contract includes fortnightly raking, twice annual deep cleaning using specialised machinery, play equipment inspection and delivery of an assessment report indicating hazards associated with the softfall and play equipment that will require further assessment and possible treatment by the City.
7. Playground maintenance is not included within this scope and is provided through a separately managed City contract.
8. The City issued RFT 2308 through the E-tendering Portal and an advertisement in the West Australian newspaper on Wednesday 21 June 2023.

- 9. Tender submissions were received from:
  - a) Chellew Hawley Pty Ltd T/A Sifting Sands
  - b) Intelife Group Limited
- 10. An evaluation panel was convened of suitably qualified City Officers to assess the tenders received.
- 11. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria.

12. The qualitative criteria and weighting were determined as follows:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Relevant Experience	15%
Key Personnel & Subcontractors skills & experience	15%
Tenderers Resources	25%
Demonstrated Understanding	40%
Local Benefits	5%

- 13. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria.
- 14. The two tender submissions were ranked against the qualitative criteria with a qualitative pass mark (QPM) of 60.
- 15. Of the two tender submissions only one met the required QPM of 60%. This tenderer was Chellew Hawley Pty Ltd T/A Sifting Sands.
- 16. A price assessment was then undertaken to confirm reasonable value for the City.
- 17. The tender evaluation report is provided as Confidential Attachment 1 to this report.
- 18. The recommended tenderers submission satisfied the City’s requirements by exceeding the qualitative assessment benchmark and submitting a competitive price that represented value to the City.
- 19. The tender assessment panel recommends the contract for RFT 2308 Provision of Playground Softfall Maintenance Services, be awarded to Chellew Hawley Pty Ltd T/A Sifting Sands.

**APPLICABLE LAW**

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

**APPLICABLE POLICY**

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

**FINANCIAL CONSIDERATIONS**

22. These works will be costed to the City's Park's existing operational budget.

**RISK MANAGEMENT**

23.

<b>Risk:</b> Illness or injury to public caused by deficient maintenance standards of softfall and playground equipment.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
a) Engage suitably qualified, competent and reputable Contractor.		
b) Closely manage and review Contractor performance throughout the contract.		
c) Complete on-site inspections.		

**CONCLUSION**

24. The delivery of Tender RFT 2308 The Provision of Playground Softfall Maintenance Services will allow the City to provide safe and clean playground facilities for use by the residents.
25. The City is satisfied that the recommended tenderer has the capacity and capability to provide the City with the required service.

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

That Council AWARD tender RFT 2308 Provision of Playground Softfall Maintenance Services to Chellew Hawley Pty Ltd T/A Sifting Sands, for a three year period with the option of two x twelve month extensions.

#### 10.6.4. High Wycombe Community Hub - Funding Update

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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Previous Items  
Directorate Office of the CEO  
Business Unit Special Projects  
File Reference  
Applicant  
Owner  
  
Attachments Nil

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**Provided under separate cover.**

### 10.6.5. Hartfield Park Masterplan Stage 2 - Funding Update

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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Previous Items	
Directorate	Office of the CEO
Business Unit	Special Projects
File Reference	
Applicant	
Owner	
Attachments	Nil

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