



Public Agenda Briefing Forum

Notes

10 June 2025



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1. Official Opening

The Presiding Member opened the meeting at 6:30pm and welcomed Councillors, Staff, Members of the Public Gallery and those watching via live stream. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence**Mayor**

Margaret Thomas JP (left the meeting at 7pm)

Councillors**South East Ward**

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo (on line)

Kathy Ritchie (Presiding Member)

Members of Staff**Chief Executive Officer**

Anthony Vuleta - Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Luke Ellis - Director Community Services

Gary Ticehurst - Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Rhonda Bowman - Manager Governance

Regan Travers - Manager Approval Services

Rory Smith - Manager Asset Delivery

Stuart Murphy - Coordinator Asset Delivery

Administration Support

Donna McPherson - Executive Assistant to the CEO

Clare Kenward - Executive Assistant to the DCS

Members of the Public 1

Members of the Press Nil.

Apologies Nil.

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*.)

3.1.1 Nil.

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.

3.2.1 Nil.

4. Announcements by the Member Presiding Without Discussion

4.1 Nil.

5. Public Question Time

5.1 Nil.

6. Public Statement Time

6.1 Nil.

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1 Nil.

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9. Confidential Items Announced But Not Discussed

- 9.1 Item 10.2.3 RFT 2501 Provision of Parks Maintenance Services - Award of Tender – **Confidential Attachment** - RFT 2501 - Tender Evaluation Report – Unsigned

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

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10. Reports to Council**10.1. Development Services Reports****10.1.1. Amendment 118 to Local Planning Scheme 3***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

A presentation was provided by the Manager Approval Services.

Councillors sought clarification on various aspects of the proposed Amendment. Information was provided by the Manager Approval Services to the satisfaction of Councillors.

Previous Items	
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/118
Applicant	N/A
Owner	N/A

Attachments 1. Scheme Amendment Report [**10.1.1.1** - 15 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT*Kalamunda Advancing Strategic Community Plan to 2031***Priority 3: Kalamunda Develops****Objective 3.1** - To plan for sustainable population growth.**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.**Priority 3: Kalamunda Develops****Objective 3.3** - To develop and enhance the City's economy.**Strategy 3.3.1** - Facilitate and support the success and growth of businesses**Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider whether to adopt Amendment 118 (A118) to Local Planning Scheme 3 (LPS3) for the purpose of public advertising.
2. The scheme amendment proposes to amend LPS3 to update the scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for Short Term Rental Accommodation (STRA).
3. It is recommended that the Council resolve to adopt A118 to LPS3 for the purposes of public advertising.

BACKGROUND

4. On 9 November 2023, the State Government announced new regulations for Short-Term Rental Accommodation (STRA) in Western Australia.

The State government also progressed amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) to introduce 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' land uses and associated exemptions from the requirement to obtain development approval.

5. The State Government has advised all local governments will be expected to amend their local planning schemes to implement the changes, which will ensure determinations can be issued ahead of STRA Registration Scheme becoming mandatory.

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6. 'Hosted Short-Term Rental Accommodation' will be exempt from requiring any development approval.
7. 'Unhosted Short-Term Rental Accommodation' will be exempt from requiring any development approval if the property is not rented for more than 90 nights in a 12-month period.
8. The amendments to the Regulations have now been finalised which include:
 - a) New definitions to be introduced into all local planning schemes which deal with STRA;
 - b) Statewide exemptions from development approval for hosted STRA properties;
 - c) Exemptions for unhosted STRA within the Perth metropolitan area where the owner does not intend to rent their property out for more than 90 nights within a 12-month period;
 - d) Revised tourism land uses that can be adopted into local planning schemes.
9. Ultimately the proposed amendments to the Scheme will make it easier for landowners to pursue short term accommodation within the City of Kalamunda (City), which aligns with multiple strategic aspirations of the City, and broadly will result in good planning outcomes.
10. The City has prepared Amendment 118 to LPS3 to align with the Regulations.

DETAILS AND ANALYSIS

11. Amendment 118 to LPS3 is contained as Attachment 1, proposing to replace existing STRA land uses with new land uses to align with the Regulations.
12. In accordance with the Western Australian Planning Commission's Planning Bulletin 115/2024, the following amendments to LPS 7 are mandatory by 1 January 2026, although amendments are to be finalised preferably by mid-2025:
 - a) Introduce new 'hosted short-term rental accommodation' deemed use class, to replace 'bed and breakfast' where applicable. Assign as a 'P' use in all zones where any type of dwelling is capable of approval, to reflect state-wide exemption.
 - b) Introduce new 'unhosted short-term rental accommodation' deemed use class, to replace 'holiday house' and similar where applicable.

Assign as a 'D' or 'A' use in all zones where any type of dwelling is capable of approval, 'P' in Tourism zones and 'X' in remaining zones, to reflect direction in the WAPC's Position Statement (November 2023).

13. STRA is currently considered under LPS3 as follows:

Land Use	Definition
Bed and Breakfast	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a commercial basis and includes the provision of breakfast, but does not include a lodging house.
Chalets – short term accommodation	means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
Motel	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988
Tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;

The amendment seeks to delete all the above land uses from LPS3.

14. This amendment seeks to introduce the following land uses into the Zoning Table of LPS3 as outlined in the Amendment Report in Attachment 1:

Land Use	Definition
Hosted Short Term Rental Accommodation	means any of the following — (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement; (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier,

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	<p>or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;</p> <p>(c) (c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement</p>
Unhosted Short Term Rental Accommodation	<p>means short-term rental accommodation that —</p> <p>(a) is not hosted short-term rental accommodation; and</p> <p>(b) accommodates a maximum of 12 people per night</p>
Tourist and Visitor Accommodation	<p>(a) means a building, or a group of buildings forming a complex, that —</p> <p>(i) is wholly managed by a single person or body; and</p> <p>(ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and</p> <p>(iii) may include on-site services and facilities for use by guests; and</p> <p>(iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;</p> <p>and</p> <p>(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but</p> <p>(c) does not include any of the following —</p>

	<ul style="list-style-type: none"> (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1); (ii) a caravan park; (iii) hosted short-term rental accommodation; ((iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1); (v) a park home park; (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1); (vii) a road house; (viii) workforce accommodation
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These land uses in the table above will align with the definitions referenced within the Regulations.

15. This amendment also seeks to introduce two new definitions into Schedule 1(1) – General Definitions of LPS3:
- a) Cabin
 - b) Chalet

These general definitions will align with the Regulations. The definitions are also provided below:

General Definition	Definition
Cabin	<p>means a building that —</p> <ul style="list-style-type: none"> (a) is an individual unit other than a chalet; and (b) forms part of — <ul style="list-style-type: none"> i. tourist and visitor accommodation; or ii. a caravan park; and (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period
Chalet	means a building that —

	<div>(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</div> <div>(b) forms part of —<div><div>i. tourist and visitor accommodation; or a caravan park; and</div><div>(a) (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period</div></div></div>
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Therefore, ‘Cabin’ and ‘Chalet’ are ‘general definition’ and no longer a land use. They will either fall into the land use definition of a ‘Caravan Park’ or a ‘Tourist and Visitor Accommodation.’

APPLICABLE LAW

16. *Planning and Development Act 2005* (PD Act)

The PD Act is legislation that establishes Western Australia’s land use planning system, including the making and amending of local planning schemes.

Pursuant to Regulation 47, and in accordance with s81 and s82 of the PD Act, following adoption, scheme amendments are generally referred to the Environmental Protection Authority (EPA) for their comments.

However, in accordance section 81(2) of the *Planning and Development Act 2005* and section 48AAA of the *Environmental Protection Act 1986*, Amendment 118 to LPS3 is not required to be referred to the EPA. This because it is an amendment to include or alter a definition of a land use category that would not materially impact the operation of the planning scheme. The proposed amendments would replace existing STRA land use definitions and would not influence the substantive nature or operation of LPS3. The Policy would provide a comprehensive framework for the assessment of development applications proposing STRA throughout the City.

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

Regulation 35 of the Regulations requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard, or complex).

Pursuant to Regulation 35, the proposal is considered to be a 'standard amendment' for the following reasons:

- a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- c) The amendment is not considered a complex or basic amendment.
- d) The amendment would be consistent with Planning Bulletin 115/2024, which states that if a scheme amendment introduces or changes permissibility for new short-term rental and traditional accommodation uses, it will be generally progressed as a standard amendment.

APPLICABLE POLICY

18. Planning Bulletin 115/2024 provides guidance for Local Government in implementing the changes through the planning framework for STRA.

This amendment has been conducted in accordance with the guidance provided in Planning Bulletin 115/2024.

19. The City's Local Planning Policy 29 – Unhosted Holiday Houses was adopted by Council at its Ordinary Council Meeting on 22 September 2020.

The policy seeks to provide direction on the assessment of development applications for unhosted holiday houses within the City of Kalamunda without adversely affecting the amenity of neighbouring properties and to support tourism.

The City forecasts reviewing this Policy to reflect the updated planning framework, and further explore ways to achieve good planning outcomes as they relate to short term accommodation within the City.

STAKEHOLDER ENGAGEMENT

20. In accordance with the Regulations, public notice of a scheme amendment must be published on the City's website.
21. Consultation will be conducted in accordance with the City's Public Notification of Planning Proposals Local Planning Policy 11 for a standard scheme amendment.
- The amendment will be advertised for a minimum period of 42 days.
22. The *Planning and Development Act 2005* requires that once Council has resolved to prepare a scheme amendment, approval of the Minister for Planning is required before community consultation can commence.
- Should Council support the preparation of Amendment 118 to LPS3, the amendment will be forward to the Western Australian Planning Commission (WAPC) for consideration.
23. The outcomes of community consultation, including any submissions received, will be presented at a future Council meeting for consideration of a recommendation to the WAPC on Amendment 118.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

25. Social Implications
The scheme amendment will simplify the planning process as it will align with the State Government's exemptions for STRA, simplifying the development approval processes and once operating, accommodation may contribute to achieving the social and cultural objectives of Kalamunda Advancing and associated strategic documents.
26. Economic Implications
The scheme amendment by simplifying the planning process is expected to allow some proposals to proceed without the need to provide expensive technical reports for bushfire assessment. Short stay accommodation within the City facilitates retention of visitors to the City's tourism attractions, aligning with broad tourism goals.

27. Environmental Implications

The Scheme Amendment does not propose any direct environmental impact. Development Applications are required to deal with relevant environmental matters through the planning assessment and approval processes.

RISK MANAGEMENT

28. **Risk:** The Amendment is not progressed to the required standard or within the required timeframes, resulting in non-compliance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- | Consequence | Likelihood | Rating |
|-------------|------------|--------|
| Moderate | Unlikely | Low |
- Action/Strategy**
Action the Officer Recommendation.
29. **Risk:** The Western Australian Planning Commission and Minister for Planning direct the City to advertise the amendment as complex.
- | Consequence | Likelihood | Rating |
|-------------|------------|--------|
| Moderate | Unlikely | Low |
- Action/Strategy**
The time frame for this amendment allows for an advertising process to be completed.
- Furthermore, Planning Bulletin 115/2024 states that if a scheme amendment introduces or changes permissibility for new STRA and traditional accommodation uses, it will be generally progressed as a standard amendment.
30. **Risk:** Council resolves not to proceed with Amendment 118 for the purpose of advertising.
- | Consequence | Likelihood | Rating |
|-------------|------------|--------|
| Moderate | Unlikely | Low |
- Action/Strategy**
The Minister for Planning may direct Amendment 118 to LPS3 to be completed without Council involvement in accordance with section 76 of the *Planning and Development Act 2005*.

CONCLUSION

31. The proposed changes of Amendment 118 to LPS3 would ensure consistency with the recent updates to the Regulations.
32. It is recommended that the Council resolve to adopt A118 to LPS3 as outlined in Attachment 1 for the purposes of public advertising.

Voting Requirements: Simple Majority**RECOMMENDATION**

That Council:

1. RESOLVE to prepare Amendment 118 to Local Planning Scheme No.3 as included in Attachment 1 for the purpose of community consultation, pursuant to Section 75 of the *Planning and Development Act 2005*.
2. CONSIDER Amendment 118 to Local Planning Scheme No. 3 as a standard amendment pursuant to Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - c) The amendment is not considered a complex or basic amendment;
 - d) The amendment would be consistent with Planning Bulletin 115/2024, which states that if a scheme amendment introduces or changes permissibility for new short-term rental and traditional accommodation uses, it will be generally progressed as a standard amendment.
3. FORWARD Amendment 118 to Local Planning Scheme No. 3 to the Western Australian Planning Commission for a recommendation to the Minister for Planning to approve the proposed amendment for advertising pursuant to Clause 46B of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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4. Subject to receiving approval from the Minister for Planning, ADVERTISE Amendment 118 to Local Planning Scheme No. 3 pursuant to Clause 47(1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
5. NOTE that in accordance with Section 81(2) of the Planning and Development Act 2005, Amendment 118 to Local Planning Scheme No. 3 is not required to be referred to the Environmental Protection Authority. This is because it is an amendment to include or alter a definition of a land use category that would not materially impact the operation of the planning scheme. The proposed amendments would replace existing short-term rental accommodation land use definitions and would not have effect on the substantive nature or operation of the City's Local Planning Scheme No. 3.
6. DIRECT the Chief Executive Officer to review Local Planning Policy 29 – Unhosted Holiday Houses, which relates to the subject matter of the proposed amendment.

10.2. Asset Services Reports**10.2.1. Main Roads WA Black Spot Submission 2026-2027***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Manager Asset Delivery provided a presentation on this report.

Councillors sought clarification in relation to advocacy for this project. The Director Asset Services advise the City would be advocating with State and Federal Governments for support for this project.

Clarification was also sought in relation to the crash data presented within the report. The Manager Asset Delivery provided clarification.

Previous Items	OCM 238/2021; OCM 115/2022
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	4.00011768
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. WRE Lewis Concept Design R 20.22 Rev A 48 [10.2.1.1 - 1 page] 2. Letter request Tonkin highway Corridor combined [10.2.1.2 - 6 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 1: Kalamunda Cares and Interacts****Objective 1.2** - To provide a safe and healthy environment for community to enjoy.**Strategy - 1.2.1** Facilitate a safe community environment.**Priority 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 seek Council's endorsement to submit a 2026/27 application for the Black Spot Program and to confirm in-principle support for the allocation of municipal funding in 2026/27 to progress the design and service relocation phase. This phase is required to make the project shovel-ready and eligible for external construction funding.
2. The City of Kalamunda (City) also proposes to submit the project to the Metropolitan Regional Road Group (MRRG) Improvement Program as a contingency, given the high overall project cost and the funding cap under the Black Spot Funding program.
3. The proposed project is a two-lane roundabout at the intersection of Welshpool Road East and Lewis Road, where 51 crashes were recorded between 2020 and 2024, including multiple injury crashes.
4. While the project achieves a high Benefit-Cost Ratio (BCR) of 5.96 and therefore qualifies for 100% Federal funding, the total cost estimate of \$3.8 million exceeds the \$3 million cap, requiring the City to fund the preliminary design and service relocation phase in advance.
5. This report seeks Council's endorsement to proceed with both submissions and to confirm in-principle support for allocating municipal funds in 2026/27 for the preliminary works required to unlock external funding opportunities.
6. This report seeks Council's endorsement to proceed with the Black Spot submission and to confirm support for allocating municipal funding in 2026/27 for design and relocation. Should the MRRG application be approved instead, the City would progress the project under that model.

BACKGROUND

7. Each year, Main Roads Western Australia (MRWA), through the MRRG, invite submissions for funding under the Black Spot program. Submissions are due in July to be considered for funding in the following financial year, commencing one year later.
8. A key requirement of the Black Spot Program is the calculation of a BCR, which measures the expected road safety benefits of a project compared to its cost. The BCR is used to prioritise funding based on value for money and crash reduction outcomes.
9. The funding model is determined by the BCR:
 - If the BCR is greater than 1.0 the project is eligible for MRRG Black Spot Program (State) funding, with costs shared on a $\frac{2}{3}$ State and $\frac{1}{3}$ Local Government basis.
 - If the BCR is 2.0 or greater, the project may qualify for the Australian Government Black Spot Program (AGBS) (Federal) funding, which can provide 100% funding (fully funded).
10. However, both Black Spot Programs have total project funding caps of \$3,000,000, and based on advice to date, projects exceeding this threshold is deemed ineligible for AGBS funding, even with a high BCR.
11. The City is currently working closely with both MRRG and MRWA to seek direction regarding the possibility of an early submission, which would help provide clearer guidance on where the City should be focusing its strategic efforts,
12. Crash data released by the state demonstrates the Welshpool Road East/ Lewis Road should be assessed for treatment.
13. **Crash Summary**
Between 2020 – 2024, there have been a total of 51 accidents reported on Welshpool Road East to Lewis Road intersection.
 - 5 required hospital treatment
 - 13 required medical treatment
 - 28 PDO major
 - 4 PDO minor

**PDO (Property Damage Only): Major indicates significant damage (e.g. requiring towing); Minor involves only minor vehicle damage with no injuries.*

14. These crash statistics support the need for a long-term upgrade. A concept design for a two-lane roundabout has been prepared (Attachment 1) and forms the basis for funding applications.
15. The proposed solution is to reduce right-angle crashes and improve traffic flow through a high-speed RAV route.

DETAILS AND ANALYSIS

16. The volume and severity of crashes at this intersection clearly demonstrate a need for intervention. The high BCR of 5.96 further reinforces the value-for-money and expected reduction in crash costs. This qualifies the project for AGBS funding but introduces a challenge due to the \$3 million funding cap.
17. As the AGBS Program only funds up to \$3 million, the City must fund Stage 1 using municipal resources. This would allow the project to be for construction in 2027/28 if the application is successful.
18. The proposed solution has been staged to align with the external AGBS Program funding limits and timeline as follows:

Stage	Year	Description	City Municipal Cost	AGBS Cost
1	2026/27	Service Relocation	\$863,063	
2	2027/28	Construction		\$2,953,718
Total Estimated Cost				\$3,816,781

19. **MRRG Improvement Program Submission (Contingency Pathway)**
Given the project's scale and the AGBS program's funding cap, the City has also submitted the project to the MRRG Improvement Program. This program:
 - Funds both design and construction in consecutive years
 - Requires a $\frac{1}{3}$ municipal and $\frac{2}{3}$ State contribution
 - Follows similar delivery timelines to the Black Spot Program

20. However, this funding strategy will cost the City \$409,198 more than the Black Spot method.

Stage	Year	Description	City Municipal Cost (¹ / ₃)	MRRG Cost (² / ₃)	Cost
1	2026/27	Service Relocation	\$287,688	\$575,375	\$863,063
2	2027/28	Construction	\$984,573	\$1,969,145	\$2,953,718
Total Estimated Cost			\$1,272,261	\$2,544,520	\$3,816,781

21. The City would proceed under whichever funding program is successful. Both options require the design and relocation phase to be completed in 2026/27 to meet construction timelines in 2027/28.

APPLICABLE LAW

22. *Local Government Act 1995*

APPLICABLE POLICY

23. Nil.

STAKEHOLDER ENGAGEMENT

24. Residents affected by the project will be consulted during the detailed design and construction phases of the project. A community engagement plan will be developed to guide this process and ensure transparent, timely, and meaningful engagement.
25. The City has advocated for the inclusion of this intersection upgrade as part of the broader MRWA Tonkin Highway and Hale Road infrastructure project. This included a letter from the City's Chief Executive Officer to key decision-makers, including the Deputy Premier (Minister for Transport), the Minister for Planning, the Member for Forrestfield, and the Federal Member for Swan, requesting that the intersection be incorporated into the overall project scope.
26. While the intersection was ultimately not included in the MRWA scope, the City continues to pursue improvements independently through the Black Spot Program, to address the ongoing safety and traffic concerns at this location.

27. The City remains actively engaged in working group meetings with MRWA for the Tonkin Highway–Hale Road grade separation project to ensure that future construction activities do not conflict with the City's proposed works at Welshpool Road East and Lewis Road.
28. The City has been working closely with MRWA and MRRG to confirm funding eligibility and refine the project staging. Advice received has guided the current strategy and reinforced the need to be shovel-ready to strengthen the Black Spot submission.

FINANCIAL CONSIDERATIONS

29. **Black Spot Pathway (Preferred):**
 - **Municipal:** \$863,063 (23%)
To complete service relocations in 2026/27
 - **AGBS Grant:** \$2,953,718 (77%)
AGBS funding (applied to construction in 2027/28)
 - **Total Project Cost:** \$3,816,781
30. **MRRG Improvement Pathway (Contingency):**
 - **Municipal:** \$1,272,260 (33.33%)
 - **MRRG Grant:** \$2,544,521 (66.67%)
 - **Total Project Cost:** \$3,816,781
31. Municipal funding of \$863,062 in 2026/27 is essential to initiate service relocations. This early investment secures the project's shovel-ready status and ensures eligibility under both the AGBS Program (preferred pathway) and the MRRG Improvement Program (contingency pathway). The MRRG pathway results in an additional cost of \$409,198 for the City.

SUSTAINABILITY

32. Crashes have been identified as a road user cost which impacts individuals and the general community through insurance premiums, cost of services and injuries, lost productivity for businesses, and loss in efficiency from the road network.
33. While the project involves some tree clearing, an environmental assessment will be undertaken to ensure impacts are minimised and managed appropriately.

RISK MANAGEMENT

- 34.
- | | | |
|---|-------------------|---------------|
| Risk: The Submission is not approved for funding through the Black Spot Program. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| Provide adequate and detailed information to support the project submissions. Seek information on submission requirements. Ensure there are alternatives available and resubmit when needed.
Seek other grant funds through MRRG Road Improvement Program. | | |
- 35.
- | | | |
|--|-------------------|---------------|
| Risk: The Submission does not achieve the crash reductions that are intended or otherwise creates unintended consequences. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| The treatment selection methodology has been thoroughly tested, and the process includes significant oversight and is supported by BCR modelling. Post-implementation review will assess treatment outcomes. | | |

CONCLUSION

36. The Welshpool Road East / Lewis Road intersection requires permanent safety treatment due to its high crash history and strategic location. The City has developed a concept for a two-lane roundabout and intends to submit the project to both the AGBS and MRRG Improvement programs to maximise funding opportunities.
37. To remain eligible and meet external funding timelines, the City must commit to the design and relocation phase in 2026/27 using municipal funds.

Voting Requirements: Simple Majority**RECOMMENDATION**

1. ENDORSE the submission of a funding application for the Welshpool Road East / Lewis Road intersection upgrade to the Australian Government Black Spot Program, with a view to securing construction funding in 2027/28.

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2. AUTHORISE the Chief Executive Officer to include a municipal funding contribution towards service relocation costs for Council's consideration as part of the 2026/27 annual budget process.
3. NOTE that the City of Kalamunda has also submitted the project for funding under the MRRG Improvement Program as an alternative funding pathway and will proceed under this model if Black Spot application is unsuccessful.

10.2.2. Capital Work EOI/Tenders CEO Delegation 2025/26

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

The Coordinator Asset Delivery provided a presentation on this report.

Previous Items	
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

	Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
✓	Executive	When Council is undertaking its substantive role of direction setting and oversight (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 3.2 - To connect community to key centres of activity, employment and quality amenities.

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

Strategy 3.2.2 - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

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 Expression of Interest (EOI) and subsequent Request for Tender (RFT) process to award:
 - EOI 2025-01 & RFT 2507 - 2025/26 Capital Work EOI and Tender - Roads, Drainage & Footpaths.
 - EOI 2025-02 & RFT 2508 for the 2025/26 Capital Work EOI and Tender – Builders Works.

The above is contingent on the program value being within the 2025/26 adopted budget (including contingency).
2. These two procurement packages will enable the timely delivery of the City of Kalamunda (the City) Capital Works Program, which includes vital infrastructure upgrades across the City. Delegating authority to the Chief Executive Officer (CEO) streamlines project delivery and ensures efficient contract management.

BACKGROUND

3. The City delivers an annual Capital Works Program which includes a combination of new infrastructure projects and renewal of existing assets. These works are essential for maintaining and enhancing the level of service provided to the community across roads, footpaths, drainage, and built infrastructure.
4. The Capital Works Program is developed in alignment with strategic planning documents and asset management plans. It addresses both community growth and the need to replace ageing infrastructure nearing or at the end of its useful life.
5. A key challenge in delivering the program is the limited 12-month window available each financial year to complete planning, procurement, construction, and close-out activities.

DETAILS AND ANALYSIS

6. To support the efficient procurement and delivery of works for the 2025/26 financial year, the City is seeking to commence an EOI process. This pre-qualification process is intended to identify suitably qualified contractors for two specific construction packages:

7. **EOI 2025-01 & RFT 2507 - Roads, Drainage & Footpaths**
This tender will cover civil infrastructure works, including roads, drainage improvements and footpath construction identified within the 2025/26 Capital Works Program.
8. **EOI 2025-02 & RFT 2508 - Builders Works**
This tender includes works that require a registered Builder, such as shelters, storage sheds, public toilets and building refurbishments.
9. This approach of combining an EOI and tender into a single process facilitates early engagement with contractors and enables faster contract award and mobilisation once the annual budget is adopted.
10. To avoid delays and maximise the construction window, it is recommended that Council delegate authority to the CEO to award both tenders, provided they fall within the approved 2025/26 budget (including contingency).

APPLICABLE LAW

11. *Local Government Act 1995*

APPLICABLE POLICY

12. CEOD-CS51 – Purchasing

STAKEHOLDER ENGAGEMENT

13. Relevant internal stakeholders, including Asset Management, Community Development and Finance have been involved in preparing the 2025/26 Capital Works Program.

FINANCIAL CONSIDERATIONS

14. Tenders RFT 2507 and RFT 2508 will form part of approved annual budgets in 2025/26 Capital Works Program.

SUSTAINABILITY

15. Not Applicable

RISK MANAGEMENT

16.	Risk: Construction tenders exceed budget allowance necessitating additional funding or reduction in project scope.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	Combined tender(s) allow for quick identification of Contract Price. Price could be elevated due to individual items. These individual items could be removed from the Contract and Tendered separately.		

CONCLUSION

17. The combined EOI and RFT process will support timely delivery of the 2025/26 Capital Works Program. Delegating contract award authority to the CEO will improve responsiveness, allow early commencement, and help ensure the City delivers its approved program within the required timeframe.

Voting Requirements: Absolute Majority**RECOMMENDATION**

That Council:

- NOTE the Expression of Interest process for Roads, Drainage and Footpaths (EOI 2025-01) and Builders Works (EOI 2025-02).
- DELEGATE, in accordance with s5.42(1) of the *Local Government Act 1995*, to the Chief Executive Officer the authority to award the construction contract for Roads, Drains and Footpaths Expression Of Interest (EOI 2025-01) and Request for Tender (RFT 2507), not to exceed the amount included in the adopted 2025/26 Capital Works Budget SUBJECT to Council being briefed on the outcomes of the construction tender prior to award.
- DELEGATE, in accordance with s5.42(1) of the *Local Government Act 1995*, to the Chief Executive Officer the authority to award the construction contract for Builders Works Expression Of Interest (EOI 2025-02) and Request for Tender (RFT 2508), not to exceed the amount included in the adopted 2025/26 Capital Works Budget SUBJECT to Council being briefed on the outcomes of the construction tender prior to award.

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10.2.3. RFT 2501 Provision of Parks Maintenance Services - Award of Tender***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.***

The Director Asset Services provided a presentation on this report.

Clarification on aspects on the confidential attachment were provided behind closed doors.

Previous Items	OCM 183/2012; OCM 86/2020
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality:</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 2.1** - To protect and enhance the environmental values of the City**Priority 3: Kalamunda Develops****Objective 3.2** - To connect community to key centres of activity, employment and quality amenities.**Strategy 3.2.1** - Ensure existing assets are maintained to meet community expectations.**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the acceptance of a tender for the provision of parks maintenance services for the City of Kalamunda (City).
2. Services of the City's parks and verges is an integral part of the City's services and conducted on a programmed basis throughout the City to ensure a high degree of playability and presentation of City assets.
3. It is recommended that Council accept the Schedule of Rates tender from Prestige Property Maintenance PTY LTD for a three-year period, with two single year options for extension. The award of extensions is based on the contractors' performance against a monitored set of measurable Key Performance Indicators (KPIs).

BACKGROUND

4. The City of Kalamunda is seeking the services of a dedicated Public Open Space (POS) Maintenance Contractor, to provide parks maintenance services to selected Public Open Space (POS) locations within the City. Generally, the POS is in the Wattle Grove, High Wycombe, and Forrestfield areas. The contract also requires different mowing services to suit active, passive, un-irrigated POS and verge locations. The garden maintenance is of a routine nature.
5. The contract covers the provision of services as listed below:
 - a) Mowing of sports ovals, civic lawns, drainage reserves and public open spaces
 - b) Garden maintenance, including herbicide applications, removal of dead vegetation and pruning
 - c) Litter and green waste collection and disposal on Public Open Spaces

- d) Pedestrian and basic traffic management for works on parks and road verges
- e) Brush cutting
- f) Chemical and mechanical edging
- g) Weed control in car parks, paved, gravelled, mulched areas and gardens
- h) Maintenance and hazard reporting
- i) Slashing of unkempt residential verges
- j) Roundabout and selected median maintenance.

DETAILS AND ANALYSIS

6. The City issued RFT 2501, through its E-Tendering Portal and an advertisement in the West Australian Newspaper on Wednesday 12 March 2025, seeking to engage a contractor to complete the parks maintenance program. Tenders closed 14:00 AWST Wednesday, 2 April 2025 with eight tender submissions being received.

7. An Evaluation Panel was convened from suitably qualified City officers to assess the tender submission.

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

Qualitative Criteria	Weighting
Relevant Experience	35%
Tenderer's Resources	25%
Work Health and Safety	35%
Local Benefits	5%

9. The three tenderers who exceeded the Qualitative Pass Mark (QPM) were then assessed on price.
10. Of the three tenderers considered, Prestige Property Maintenance PTY LTD offered the best value for money for the City.
11. This contract has a Schedule of Rates to provide a scope works as required currently by the City. The Schedule of Rates includes additional services should they be required by the City.
12. The tender evaluation report is provided as Confidential Attachment 1 to this report.

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

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

19. The rates presented show an increase in costs to provide the same level of service, equivalent to an additional \$225,000 per annum. The difference in cost can be attributed to traffic management and increasing labour costs.

SUSTAINABILITY

20. Nil

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RISK MANAGEMENT

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

CONCLUSION

22. The delivery of Tender RFT 2501 Parks Maintenance Services will mitigate the City's exposure to reputational risk associated with the presentation of active and passive parks and buildings throughout the City, in the absence of additional staff.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender for Parks Maintenance Services (RFT 2501) from Prestige Property Maintenance PTY LTD ACN 160 322 369 as per the schedule of rates set out in Confidential Attachment 1 for a three-year period from the date of formal agreement with two optional extensions of one year each at the City of Kalamunda's discretion.

10.3. Corporate Services Reports

No reports presented.

10.4. Community Services Reports

10.4.1. Community Bushfire Preparedness Plan - Season Overview 2024/2025

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

The Director Community Services provided a presentation on this report.

Previous Items	
Directorate	Community Services
Business Unit	Community Health & Safety
File Reference	
Applicant	
Owner	Freya Ayliffe – Manager Community Health & Safety
Attachments	<div><div>1.</div><div>Attachment 1 - Fire Hazard Reduction Notice 25-26 [10.4.1.1 - 2 pages]</div></div> <div><div>2.</div><div>Attachment 2 - Bushfire Assessment Season Summary Report 2024 2025 [10.4.1.2 - 19 pages]</div></div>

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT*Kalamunda Advancing Strategic Community Plan to 2031***Priority 1: Kalamunda Cares and Interacts**

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

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

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.3.1 - Support local communities to connect, grow and shape the future of Kalamunda.

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.5 - Community engagement and education in environmental management.

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.

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. The purpose of this report is to provide Council with a summary of the outcomes from the 2024/25 Fire Hazard Assessment period and request Council to:
 - Note the end-of-season outcomes for the 2024/25 Fire Hazard Assessment period (Attachment 2); and
 - Endorse the City of Kalamunda 2025/26 Fire Hazard Reduction Notice (Attachment 1);

BACKGROUND

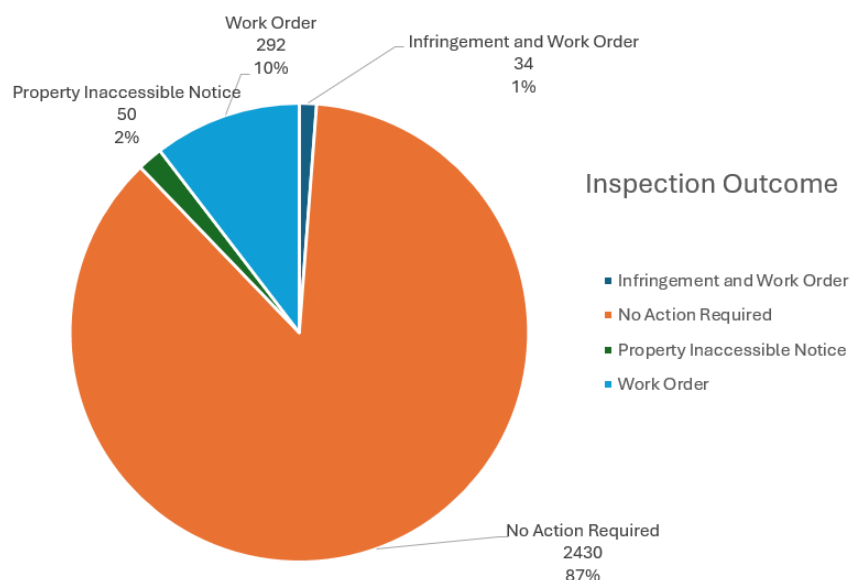
2. Effective bushfire prevention and preparedness planning is vital to supporting the City's strategic objective of providing a safe and healthy environment for the community to enjoy.
3. Pursuant to section 33 of the *Bush Fires Act 1954*, the City issues an annual Fire Hazard Reduction Notice to implement measures aimed at preventing the outbreak, spread or escalation of bushfire.

The proposed 2025/26 Fire Notice can be found in attachment 1. The Notice has been approved by both the City of Kalamunda's Chief Bush Fire Control Officer and the City's Bushfire Advisory Committee.
4. To support the Notice, the City developed a five year Fire Hazard Assessment Plan 2023 - 2028 (The Plan), which outlines the City's approach to education, and enforcement of the annual Notice.
5. The Plan was prepared in consultation with the community working group which was established following a resolution of Council in December 2022. The purpose of the working group was to provide advice on potential strategies regarding preparedness on private properties to inform the Plan. The working was a short-term reference group only.
6. The Plan has been endorsed by the City's Bushfire Advisory Committee (BFAC).

DETAILS AND ANALYSIS

7. The Plan utilises findings from previous seasons, including non-compliance, complaints and comprehensive risk assessments to determine the priority of assessments throughout the City.
8. Key outcomes and/or observations from the 2024/25 season covering the period from 1 November 2024 to 31 March 2025 include:
 - o 2,806 assessments were carried out
 - o 2,430 properties were compliant
 - o 292 workorders were issued
 - o 34 infringement notices were issued

9. It is encouraging to note that a significant majority of properties inspected were compliant with the Notice on the initial assessment, with less than 11% of assessments resulting in a workorder being issued.



APPLICABLE LAW

10. *Bush Fires Act 1954*

APPLICABLE POLICY

11. Nil

STAKEHOLDER ENGAGEMENT

12. The 2025/26 Fire Hazard Reduction Notice has been prepared in consultation with the Department of Fire and Emergency Services (DFES)
13. It has also been approved by the City's Chief Bush Fire Control Officer and the City's Bushfire Advisory Committee.

FINANCIAL CONSIDERATIONS

14. Provisions for the implementation of the Plan and Notice have been allocated in the draft 2025/26 operational budget. No increase in budget from 2024/25 is proposed as part of this process.

SUSTAINABILITY

15. The City's implementation of the Fire Hazard Assessment Plan and Notice is a key initiative in ensuring the City and its residents are prepared for the risk and dangers associated with a changing climate and the threat of catastrophic bushfire events.

RISK MANAGEMENT

16.

Risk: Fire Hazard Assessment Plan is not implemented resulting in a significant increase in fuel loads and an increase of non-compliance on private properties		
Consequence	Likelihood	Rating
Critical	Almost Certain	Extreme
Action/Strategy		
Fire Hazard Notice issued annually, including implementing the Fire Hazard Assessment Plan		
17.

Risk: a catastrophic fire event occurs resulting in loss of property and or life		
Consequence	Likelihood	Rating
Critical	Possible	High
Action/Strategy		
The process outlined in the assessment plan, if followed correctly, will reduce the impact of incidents, and further assist with responding to enquiries by external sources, should that be required.		

CONCLUSION

18. The implementation of the City's Fire Hazard Assessment Plan is one of the City's largest face-to-face interactions with the community and allows Officers the opportunity to engage with the community to educate residents on how to prepare and protect their properties, building overall community resilience.
- The Plan has been guided by a comprehensive community engagement process and advice sought from DFES and BFAC
19. Attachment 2 provides a summary of outcomes from the 2024/25 fire season the last seasons outcomes.

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20. It is recommended that Council note the outcomes of the 2024/25 fire season which will inform assessments and engagement activities for the following season and further ENDORSE the Fire Hazard Reduction Notice 2025/26 (Notice).

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the outcomes for the 2024/25 Fire Hazard Assessment period.
2. ENDORSE the City of Kalamunda Fire Hazard Reduction Notice 2025/26.

10.5. Office of the CEO Reports

10.5.1. Audit and Risk Committee Review

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

The Manager Governance provided a presentation on this report.

Council sought clarification and further information on the recommendations as presented.

Previous Items	
Directorate	CEO's Office
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	<div><div>1.</div><div>Audit and Risk Committee Terms of Reference - Draft - marked up [10.5.1.1 - 5 pages]</div></div> <div><div>2.</div><div>Audit and Risk Committee Terms of Reference - Draft [10.5.1.2 - 3 pages]</div></div>

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 consider and implement changes to the Council Committees arising from recent amendments to the *Local Government Act 1995* (the Act) and specifically the Audit and Risk Committee.
2. The legislative changes to the committee provisions involve:
 - a) Council now appoints Presiding and Deputy Presiding Members of committees (s5.12 of the Act)
 - b) the Audit and Risk Committee is to be retitled "Audit Risk and Improvement Committee" (ARIC) (Sch9.3, Division 7, cl.69 of the Act).
 - c) the Presiding and Deputy Presiding Members of the ARIC are to be Independent Members.
3. Council is now required to appoint a Presiding Member and Deputy Presiding Member to the ARIC for the period 25 June 2025 to 18 October 2025 and adopt amended Terms of Reference (ToR) for this Committee.
4. It is recommended that Council approve the changes to the Audit and Risk Committee and adopt revised ToR for an ARIC, appoint the Presiding and Deputy Presiding Members to this committee and authorise the CEO to advertise for two independent external members.

BACKGROUND

5. Amendments to the Act have been introduced to enhance governance, transparency and accountability in local government operations. Various changes have come into effect already and it is anticipated that more will be announced in the coming months.
6. On the 7 December 2024, some key provisions of the *Local Government Amendment Act 2024* came into effect. These have made some significant changes to the Act around local government committees.

7. One of the provisions in the Act now in effect is new section 5.12. This new section states that a local government must appoint, by absolute majority, a member of a committee of Council to be the Presiding Member of that committee. In addition, this section states that a local government may appoint by absolute majority a member of a committee of Council to be the Deputy Presiding Member of that committee. The appointment by Council must be by 1 July 2025 to be compliant.
8. Presiding and Deputy Presiding Members were previously appointed through a vote of the Committee at its first meeting after each local government ordinary election.

DETAILS AND ANALYSIS

9. Whilst not yet in effect, future amendments to the Act will change the current Audit and Risk Committee to an Audit, Risk and Improvement Committee (ARIC). It will also be a requirement that neither the Presiding or appointed Deputy Presiding Member of the ARIC can be a Council Member of the City of Kalamunda (the City) or any other local government. It is also appropriate to appoint a deputy of the deputy presiding member who also cannot be a Council Member.
10. In preparation for these future amendments, it is proposed that the existing Audit and Risk Committee be renamed to the Audit, Risk and Improvement Committee. It is also proposed to amend the ToR in line with this change and provide for the inclusion of three independent external members.
11. With amendments proposed to the ToR, it was considered an opportune time to review the whole document with a summary of the proposed changes listed below:

Change	Reason
Simplified purpose	The purpose has been simplified for ease of reading
Removal of reference to the Audit Committee having a role to play in the appointment of the external auditor.	The Auditor General is responsible for the appointment of the City's external auditor.
Membership to include three external members.	External independent members will be required to fulfill the roles of Presiding and Deputy Presiding Members after further legislative changes come into effect. There is also the ability to include a deputy to the Deputy Presiding Member. Including independent external members now will provide time for

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	them to be onboarded to the committee prior to taking on these roles.
Membership changed to include the Mayor and at least one representative from each ward.	Not all members of the Council will be required to be a member of this committee.
Reference to the requirement of all Committee members to adhere to the City of Kalamunda Code of Conduct for Elected Members, Committee Members and Candidates.	Although the Code of Conduct refers to Committee Members, including it in the Terms of Reference provides clarity that it is for all Committee Members and not just members who are on Council.
Information contained under Objectives and Duties and Responsibilities has been combined	This information has been combined for ease of reading. There was repetition in the information under these headings.
Administrative changes have been made.	These changes reflect changes in legislation that have occurred and have created a contemporary document without duplication of information. The changes also reflect position title changes and reviewed documents such as the Strategic Community Plan.

12. The Act indicates a requirement for a minimum of three Elected Members on the ARIC, implying that the whole Council does not need to be included. A reduction in the numbers of Elected Members provides for effective oversight of the aspects of the City's operations the ARIC will review.
13. Whilst included in the amended ToR, it is recommended that clause 5 does not come into effect until the 19 October 2025 following the 2025 Local Government Ordinary Election. This clause provides for a reduction in the number of Elected Members included in the ARIC. There is normally a reappointment of Elected Members to committees and advisory groups following an election and the reduction in Elected Members will be easily accommodated at this time. It will also provide the opportunity for the external independent committee members to be appointed by Council at the same time.
14. Attachment 1 provides a marked up copy of the amended ToR. Attachment 2 provides a 'clean' copy of the proposed ToR.

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15. At the first Audit and Risk Committee meeting held after the 2023 Local Government Ordinary Election, Cr Brooke O'Donnell was elected as the Presiding Member and Cr Lisa Cooper was elected Deputy Presiding Member. The next Local Government Ordinary Election is scheduled for 18 October 2025. With a relatively short amount of time left in the term, it is recommended that Council reappoint both Elected Members to these roles.
16. It is recommended that to fulfil the membership of the ARIC in line with the proposed ToR that Council authorise the Chief Executive Officer to advertise for three suitably qualified independent external members. Once further legislative amendments come into effect relating to the ARIC, external independent members will be required to fulfill the roles of Presiding and Deputy Presiding Members and there is also the option to appoint a Deputy to the Deputy Presiding Member. Commencing the process of including them now will provide time for onboarding to the ARIC prior to taking on these roles once the requirement is enacted.
17. In accordance with section 5.100(2) of the Act, committee members are entitled to be paid a fee. It is recommended that to support attraction of suitable applicants for the roles of independent committee members that a suitable meeting allowance be paid.
18. The Salaries and Allowances Tribunal set a range of fees that can be applied where a local government decides to pay an independent committee member. The range set for 2025/2026 is \$0 - \$450. It is recommended that the maximum amount of this range is paid for each independent committee member to further support the attraction of suitable applicants.

APPLICABLE LAW

19. *Local Government Act 1995*
Section 5.12 Presiding members and deputies

APPLICABLE POLICY

20. Nil

STAKEHOLDER ENGAGEMENT

21. No consultation or stakeholder engagement has been carried out in the preparation of this report. The Department of Local Government has done extensive consultation on the Act amendments.

FINANCIAL CONSIDERATIONS

22. The current maximum amount determined by the Salaries and Allowances Tribunal is \$450, reviewed annually in time for inclusion in the budget process.
23. With up to four committee meetings likely to occur in the next financial year, this will result in a total cost of up to \$5,400 per year.

SUSTAINABILITY**Social Implications**

24. Nil

Economic Implications

25. Nil

Environmental Implications

26. Nil

RISK MANAGEMENT

- 27.
- | | | |
|--|-------------------|---------------|
| Risk: Non-compliance with the <i>Local Government Act 1995</i> . | | |
| Consequence | Likelihood | Rating |
| Compliance | | |
| Action/Strategy | | |
| The Council appointment of a Presiding and Deputy Presiding Member will mitigate the risk of non-compliance and establishing an Audit, Risk and Improvement Committee also mitigates the risk of non-compliance. | | |

CONCLUSION

28. The recommendations to this report ensure compliance with the Act relating to the appointment of Presiding and Deputy Presiding Members.
- The proposed amendments to the ToR for a newly titled ARIC provide clarity and update the function of the committee following amendments to the Act and the structure of the organisation.

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By incorporating independent external members ahead of the changes coming into effect, will ensure appropriate onboarding can occur. Setting a meeting allowance for these independent members will help attract suitably qualified candidates, reinforcing the committee's integrity and expertise.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. APPROVE the change of title of the Audit and Risk Committee to the Audit, Risk and Improvement Committee.
2. ADOPT the Terms of Reference of the Audit, Risk and Improvement Committee contained at Attachment 2 except for clause 5 which will come into effect on 19 October 2025.
3. Pursuant to section 5.12 of the *Local Government Act 1995* APPOINT:
 - a) Cr Brooke O'Donnell as the Presiding Member of the Audit, Risk and Improvement Committee.
 - b) Cr Lisa Cooper as the Deputy Presiding Member of the Audit, Risk and Improvement Committee.
4. APPROVE the payment of the maximum allowable amount to independent committee members, as determined by the Salaries and Allowances Tribunal.
5. AUTHORISE the Chief Executive Officer to commence advertising for two independent external members for consideration and appointment by Council to the Audit, Risk and Improvement Committee.

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11. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:19pm.