



Public Agenda Briefing Forum

Notes

2 December 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

Councillors

South East Ward

John Giardina

David Modolo

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper (Presiding Member)

Sue Bilich

North Ward

Kathy Ritchie

Josh Clark

Members of Staff

Chief Executive Officer

Anthony Vuleta - Chief Executive Officer

Executive Team

Luke Ellis - Director Community

Gary Ticehurst - Director Corporate

Regan Travers - A/Director Development

Management Team

Chris Lodge - Manager Strategic Planning and Property

Mitchell Brooks - Project Manager City Transformation

Rhonda Bowman - Manager Governance

Administration Support

Molly Rogers-Thomson - Executive Officer

Members of the Public 0

Members of the Press 0

Apologies Mayor Margaret Thomas

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

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

6. Public Statement Time

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

7. Public Submissions Received in Writing

7.1 Nil

8. Petitions Received

8.1 Nil

9. Confidential Items Announced But Not Discussed

9.1 Item 10.1.2 High Wycombe Community Hub Funding Update

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

10. Reports to Council**10.1. Development Services Reports****10.1.1. Market Led Proposals Policy**

A presentation was provided by Chris Lodge, Manager Strategic Planning & Property.

The Deputy Mayor sought an example of what kinds of proposals might be expected from a policy such as this. The Manager Strategic Planning & Property discussed the Hatch Court Precinct as an example.

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

Previous Items	OCM/2025/134
Directorate	Development Services
Business Unit	Strategic Planning and Property
File Reference	
Applicant	Not applicable
Owner	City of Kalamunda
Attachments	1. DRAFT Market Led Proposals Policy - New Policy template - Dec25 [9.1.1.1 - 5 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

4. At its meeting on 23 September 2025, Council considered a report outlining the increasing frequency of unsolicited or proponent-initiated approaches to purchase, lease, or develop City-managed land outside of a competitive process. These proposals are commonly referred to as Market-Led Proposals (MLPs).
5. Council noted the City did not have an existing policy position to guide consistent evaluation, governance, and determination of such proposals. In response, Council resolved to request the CEO prepare a Market-Led Proposal Policy for Council's consideration by 9 December 2025, for the purposes of initiating public advertising.

6. It was originally proposed that the Draft MLP Policy be presented to Council for endorsement prior to public consultation. It has since been confirmed there is no statutory requirement to advertise a policy of this nature. Accordingly, it is now proposed that—subject to any amendments requested by Elected Members—the Draft MLP Policy presented to Council will be formally adopted, trialled over a 12-month period before being reviewed.
7. Following adoption, the Policy will be published on the City's website with a notification inviting general feedback, which will be recorded and monitored. The Policy will be reviewed 12 months after adoption and thereafter every 2 years, or earlier as the framework is applied in practice and feedback is received from proponents and/or the community.

DETAILS AND ANALYSIS

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

- **Governance and probity safeguards** – The policy embeds strong governance measures, including conflict-of-interest declarations, probity principles, confidentiality requirements, prohibitions on canvassing elected members, and provision for independent probity oversight where warranted. Decision-making authority is clearly defined, with Council retaining final determination rights for all proposals involving disposals or binding commitments.
 - **Transparency and accountability mechanisms** – All MLPs will be recorded in a Register of Market-Led Proposals accessible to Council. A public version may also be published, and periodic reporting to Council will support continuous improvement and oversight.
9. Once adopted, the Market-Led Proposal Policy will provide the City with a consistent and defensible mechanism for managing unsolicited proposals. It will ensure that opportunities are assessed in a transparent and timely manner, that financial and governance risks are appropriately managed, and that any proposal advanced through the process delivers clear strategic and community benefit. The policy framework promotes innovation while maintaining strong safeguards to protect public land, community value, and compliance with statutory obligations.

APPLICABLE LAWS

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

12. Should Council resolve to adopt the Draft Policy - even though there is no statutory requirement for public advertising - community engagement will be undertaken in accordance with the City's Policy Service 5: Communication and Engagement, and the IAP2 "Inform" level, which seeks *"to provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions."*

13. It is proposed that, when the Policy is published on the City's website under "Council Policies", it is also promoted on the "Notices and Announcements" page, enabling feedback from the community over the course of its implementation. Any feedback received will be considered as part of the review of the Policy 12 months following adoption. Should any feedback from the community warrant an earlier review, this can commence sooner.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

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

RISK MANAGEMENT

- 18.
- | | | |
|---|-------------------|---------------|
| Risk: Transparency and Probity concerns resulting in reputational impacts. Direct negotiation with a single proponent can raise perceptions of favouritism or lack of competition | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Publish clear criteria to ensure decisions are consistent and defensible. Independent probity oversight for significant proposals. Report MLP decision-making and key justifications to Council and, where appropriate, to the community. | | |

Risk: Potential missed financial opportunities and demonstrating value for money principle. Without competitive tendering, it's harder to benchmark costs and benefits.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Independent valuation/benchmarking of costs and benefits. Apply a public value test (community, social, financial outcomes). Ensure full cost recovery from proponents. Use transparent evaluation criteria to guide decisions. Obtain probity/independent review for significant proposals.		

Risk: Resource Burden impacting on other project or operational priorities. Managing proposals can be resource-intensive, requiring specialist expertise in procurement, finance, planning, and risk management.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
Staged MLP process to filter out low-value or unviable proposals early. Leverage external expertise (consultants, probity advisors) when needed with cost recovery from proponents. Use clear internal roles and workflows to streamline assessments. Prioritise proposals that align strongly with strategic objectives to focus resources.		

Risk: Missed opportunities to capture value and benefit from market driven initiatives.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
Promote the framework to industry and community to encourage quality submissions. Benchmark and monitor trends to identify emerging opportunities. Align evaluation criteria with strategic priorities to capture long-term community and economic value.		

CONCLUSION

19. The Draft MLP Policy responds directly to Council's September 2025 resolution and establishes a robust, merit-based process for managing unsolicited proposals involving City land.

20. The framework provides clarity for proponents and the City, embedding strong governance, probity safeguards, evaluation criteria, and cost-recovery mechanisms.
21. Endorsing and publishing the Policy will provide clarity to proponents and the community, ensuring a consistent approach to Market-Led Proposals moving forward.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.1.2. High Wycombe Community Hub Funding Update

Note: Item listed on Confidential Agenda at 10.1.2

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

10.5. Office of the CEO Reports

No reports presented.

11. Closure

There being no further business, the Presiding Member declared the meeting closed at 6.42pm.