



Public Agenda Briefing Forum

Notes

10 February 2026

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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

Mayor Margaret Thomas JP

Councillors

South East Ward

John Giardina

David Modolo (Presiding Member)

North West Ward

Sue Bilich

North Ward

Kathy Ritchie

Josh Clark

Members of Staff

Chief Executive Officer

Nathan Ritchie – A/Chief Executive Officer

Executive Team

Sinead McGuire – Director Infrastructure

Liah Ale – A/Director Infrastructure

Rajesh Malde – A/Director Corporate

Darren Jones – A/Director Community

Regan Travers – A/Director Development

Administration Team

Chris Lodge - Manager Strategic Planning and Property

Freya Ayliffe – Manager Place and Community Experience

Karl Kjaerheim – A/Manager of Engineering & Parks Maintenance

Rhonda Bowman – Manager Governance

Ruth Chodorowski – Place Lead (Seniors)

David Baker – Senior Governance Officer

Molly Rogers-Thomson - Executive Officer

Members of the Public 32

Members of the Press Nil.

Apologies Cr Brooke O'Donnell, Cr Mary Cannon, and Cr Lisa Cooper.

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 The Presiding Member noted this was Sinead McGuire's last council meeting before going on Parental Leave. He thanked Sinead for her contributions and wished her the best for the future.

5. Public Question Time

Public questions were received following the presentation of the relevant report.

5.1 Julie Sully, High Wycombe

- Q1. Who will pay for the cost of the Hatch Court road being proposed in item 10.1.1?

A1. The decision would go to the Council for consideration.

- Q2. Has the City committed to funding part of this development of the road or the Structure Plan?

A2. These items have been budgeted for to date. There is no further decision to Council on this front.

- Q3. Is Main Roads supportive of the RAV 4 network?

A3. No answer on that thus far. Main Roads haven't yet put forward recommendations for this road network.

Further questions were taken after the presentation of item 10.1.1.

6. Public Statement Time

Public statements were received following the presentation of the relevant 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 10.2.1. RFT 2512 Provision of Supply and Delivery of Plant and Equipment Hire - Award of Tender – **Confidential Attachment** - RFT 2512 Tender Evaluation Report – signed

Reason for Confidentiality: Information contained in a tender received by the local government for a contract to the extent that (i) the information is a tendered price; or (ii) a tendered methodology for calculating a price [Act s. 5.23(4)(c)]

- 9.2 Item 10.2.1. RFT 2512 Provision of Supply and Delivery of Plant and Equipment Hire - Award of Tender – **Confidential Attachment** - Confidential Attachment 2

Reason for Confidentiality: Information contained in a tender received by the local government for a contract to the extent that (i) the information is a tendered price; or (ii) a tendered methodology for calculating a price [Act s. 5.23(4)(c)]

10. Reports to Council

10.1. Development Reports

10.1.1. Local Planning Policy 35 - Hatch Court Light Industrial Area

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

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

Clarification was sought as to the status of the traffic analysis for the Local Structure Plan (LSP), including how a copy could be obtained. It was advised that the traffic analysis has not yet been completed but would be made available once finalised. Questions were also raised regarding why the traffic analysis is now referenced in the report; this was taken on notice.

Enquiries were made about how to access a list of development applications (DAs) already approved within Hatch Court. It was advised that applications are available via the Department of Planning website and that the City can also provide copies upon request.

Several statements and concerns were raised regarding the proposed road alignment and its potential impact on residents of Hillview Village, including concerns about the width of the road given the proximity to Abernethy Road, increased traffic near the Village entry, and implications for an over-45s community with mobility considerations. These matters were noted. In response to a query regarding public transport, it was advised that public transport forms an important component of the broader transport study informing the final decision.

Clarification was sought as to whether future transport link plans align with the 2022 concept plan identifying a connection through Lot 13 and Lot 9000. It was confirmed that this remains the intended alignment, noting that while there are no approvals on Lot 13, a roadway has been approved for Lot 9000.

Further questions were raised regarding the appropriateness of a potential future cul-de-sac in an industrial area, the City's ability to demonstrate need and nexus for the LSP given existing approved DAs, how and by whom the LSP infrastructure would be delivered, alternative funding sources, anticipated rate impacts, whether the City would fund acquisition of proposed land, and the RAV4 alignment. These matters were taken on notice.

A request was made for Council to consider amendments outlined in an LPP35 submission. A property owner in Hatch Court also requested that the matter be definitively resolved. A representative of Enviropipes addressed Council and endorsed adoption of the recommendations provided.

The following members of the public have asked questions on this matter; Graeme Owens, Mary Vice, Lynn Halliwell, Rachell Curnow, and Elizabeth Houghton. With Rodney Sully, Louie Eric Carricelli, and Sam Bowers, making Deputations.

Previous Items OCM 2025/128
 Directorate Development Services
 Business Unit Approval Services
 File Reference 3.009297
 Applicant Nil
 Owner Nil

- Attachments
1. Draft Local Planning Policy 35 – Hatch Court Light Industrial Area as Advertised
 2. Draft Local Planning Policy 35 – Hatch Court Light Industrial Area with Modifications
 3. Submission Table

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
X	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 3.3.2 – 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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of Draft Local Planning Policy 35 (LPP35) with modifications following public advertising.
2. LPP35 is intended to guide subdivision and development within the Hatch Court Light Industrial Area (HCLIA) in a manner that does not prejudice or prevent coordinated planning and infrastructure delivery in future through a Local Structure Plan (LSP), Development Contribution Plan (DCP) or alternative funding mechanism, and Design Guidelines
3. During the advertising period a total of 45 submissions to LPP35 were received comprising 40 objections, including one petition containing 200 signatures, four comments and one non objection (Attachment 3).
4. The principal concerns raised to LPP35 related to the inclusion of an *“approximate future road alignment”* in Figure 1 and a perception that the introduction of a DCP will disproportionately impact certain landowners in the HCLIA.
5. Council is recommended to note the submissions and modifications and adopt the modified version of LPP35 (Attachment 2) for final approval.

BACKGROUND

6. Council at its meeting on 26 July 2022 (OCM 94/2022) adopted for public advertising a previous version of LPP35.
7. The previous version of LPP35 divided the HCLIA into two precincts – A and B. Development was not supported in Precinct A prior to Local Structure Planning, but was permitted in Precinct B. Precinct B comprised only one property fronting Adelaide Street, while all other land covered by the Policy was included in Precinct A.
8. Affected landowners objected to the previous Policy, resulting in Council (on 22 October 2024, OCM 137/2024) deciding to abandon that Policy and to instead progress a LSP, DCP and Design Guidelines for the HCLIA. The

City has appointed a consultant team for this work, and the project is now underway.

9. Development and subdivision applications continue to be received for land within the HCLIA, despite the need for more coordinated planning and infrastructure provision through a LSP, DCP or alternative infrastructure funding model and Design Guidelines.
10. In recognition of the mounting development interest in the Area, Mayor Thomas presented a Notice of Motion to Council on 26 August 2025 to prepare a new Draft Local Planning Policy for the HCLIA, to introduce appropriate planning controls pending finalisation of the City's proposed planning framework for the HCLIA.
11. The Mayor's Motion was unanimously adopted by Council and is reproduced below (OCM 2025/128):

That Council:

"1. REQUESTS the Chief Executive Officer to prepare a Draft Local Planning Policy for Council's consideration relating to the Hatch Court Light Industrial Area, to introduce appropriate planning controls ensuring that subdivision and development which precedes adoption of the City's proposed Local Structure Plan, Development Contribution Plan and Design Guidelines for the area:

a) Does not prejudice or preclude the orderly and proper planning of the area via the Structure Plan;

b) Does not prejudice or preclude the timely and coordinated delivery of common infrastructure that is reasonably required for and generated by development in the area; and

c) Is accompanied by relevant details and technical information to address these requirements.

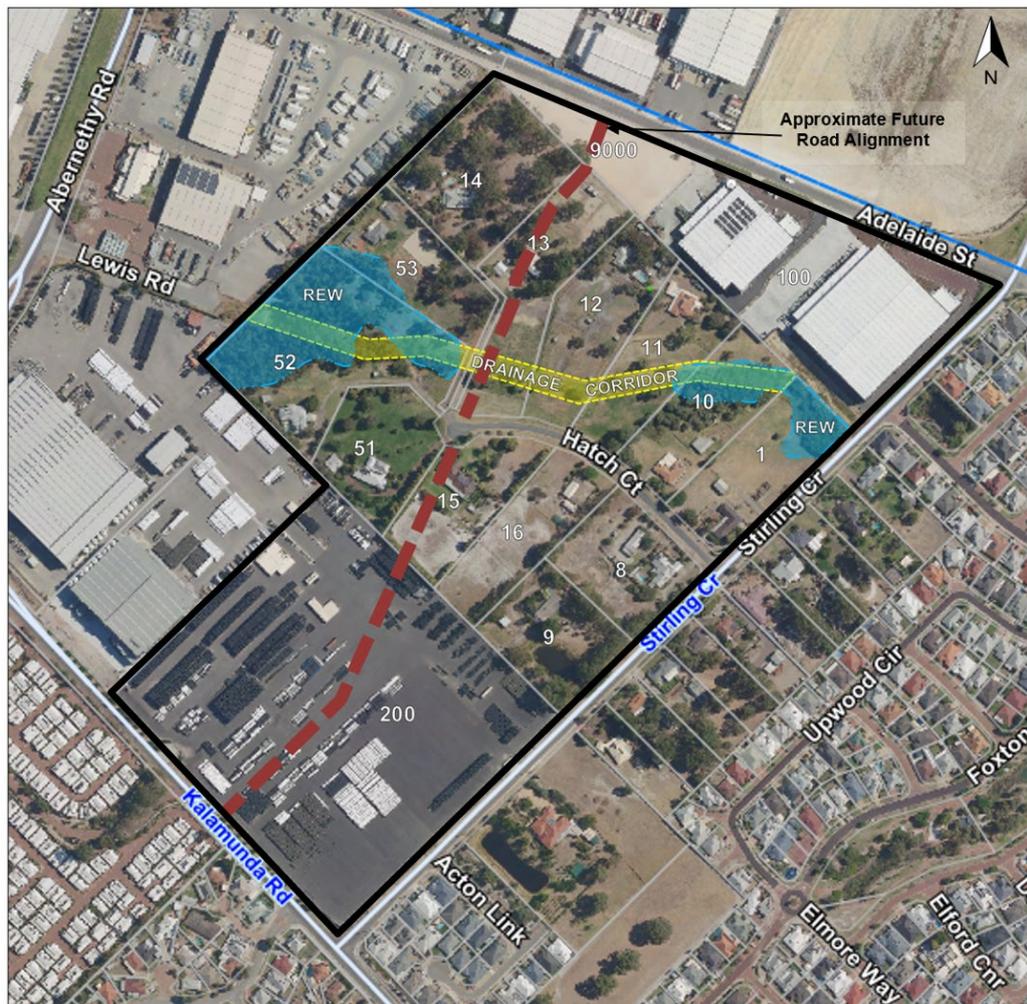
2. NOTES the City will notify the Department of Planning, Lands and Heritage, and landowners within the Hatch Court Light Industrial Area of Council's resolution."

12. In November 2025, the Council resolved (OCM 2025/158) to adopt LPP35 for the purpose of public advertising.

DETAILS AND ANALYSIS

13. The purpose of this report is to seek the Council's adoption of LPP35 following public advertising.
14. The HCLIA comprises approximately 30 hectares of land and is in the north-western corner of High Wycombe generally bounded by Kalamunda Road, Stirling Crescent and Adelaide Street. The area is zoned Light Industry under the City's Local Planning Scheme No. 3 (LPS3).
15. The City owns Lot 13 Hatch Court, which is within the area covered by LPP35.
16. LPP35 will introduce planning controls for the area so that any subdivision and development occurring prior to adoption of a LSP, DCP or alternative infrastructure funding mechanism and Design Guidelines for the HCLIA:
 - a) Does not prejudice or preclude the orderly and proper planning of the area via a Structure Plan;
 - b) Does not prejudice or preclude the timely and coordinated delivery of common infrastructure that is reasonably required for and generated by development in the area;
 - c) Is accompanied by relevant details and technical information to address these requirements; and
 - d) If approved, is subject to a condition requiring satisfactory arrangements to be made with the City for payment of the landowner's Infrastructure contribution in accordance with the adopted infrastructure funding model for the HCLIA in the future.
17. There are four key components to Draft LPP35 – Application, Advertising, Assessment, and Conditions. These components are summarised in the paragraphs below.
18. Application – Based on specific planning considerations for the HCLIA, the Policy prescribes (in clauses 6.1 and 6.2) a minimum level of information that must be submitted for an application to be accepted. This minimum level of information includes matters, such as, for example, the Resource Enhancement Wetlands (REW) in the area; drainage; the width and alignment of Hatch Court; and the need for a future road alignment through the HCLIA. Clause 6.5 extends these information requirements to the subdivision process.
19. Advertising – Clause 6.3 of the Policy prescribes that every application for development within the HCLIA will be advertised for public comment, unless the City waives that requirement in accordance with clause 6.4.

20. Assessment – The Policy introduces the concept of “Sacrificial Development” which can occur in the meantime, in areas that may be needed for wetland management, drainage, Hatch Court road widening, or a new road alignment in future. This is supplemented by clauses 7.1, 7.2 and 7.3 setting out how the City will assess and respond to applications.
21. Conditions – Clause 7.2 of the Policy lists some of the conditions which the City may impose or recommend for subdivision and development applications in the HCLIA. These conditions include – imposing time-limited approvals, ceding land free of cost for road widening, applying easements on land for drainage and future road alignment purposes, and requiring proponents to enter into binding agreements with the City to fulfil their infrastructure contribution obligations in future once the HCLIA DCP or alternative future infrastructure funding model is adopted.
22. LPP35 has been informed by the precedent of information required and conditions imposed on subdivision and development applications within the HCLIA in recent years.
23. Figure 1 (Policy Area) from LPP35 is shown below.



24. The Approximate Future Road Alignment shown in Figure 1 highlights one of the vehicle access and movement scenarios being explored by the City and its consultant team. It should not be construed however as the preferred or recommended road alignment.

25. Importantly, LPP35 does not require subdivision or development on those lots to give up land free of cost for the future indicative road alignment shown in red on figure 1 as the need for and cost of that road is yet to be determined through the current Structure Planning project. Rather, the Policy:
 - a) Requires any such application to depict the owner's preferred alignment of that road;
 - b) Requires development to make provision for and be suitably setback from that future road, unless the development is "Sacrificial Development"; and
 - c) Enables the City to impose or recommend a condition through the subdivision or development application process requiring an easement to protect the future alignment of the road.

26. Whilst the future road alignment has yet to be determined, it is evident that the alignment will impact Lot 13 Hatch Court and Lot 9000 Adelaide Street due to the following:
- a) The City acquired Lot 13 in late 2024 for the express purpose of facilitating the road connection between Hatch Court and Adelaide Street; and
 - b) In December 2025, the Western Australian Planning Commission approved the subdivision of Lot 9000 (WAPC Ref 210974) to create two lots and a road reserve through the lot. The approval included a condition requiring the applicant to cede and construct the land for the new road connection to Adelaide Street which has now been constructed.
27. In accordance with Schedule 2 Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) and the City's Local Planning Policy 11 – Public Notification of Planning Proposals, LPP35 was advertised for a period of 35 days.
28. At the conclusion of the advertising period, a total of 45 submissions were received to the proposed LPP35. Of this total 40 did not support the proposal, four provided comments only and one non objection was received. Included in the 45 submissions was a petition from National Lifestyle villages comprising 200 signatures objecting to the proposal. Refer Attachment 3 for a summary of the submissions received and the City responses.
29. The principal reasons raised by residents who did not support the proposed LPP35 are summarised below:
- LPP35 identifying a new road alignment on Figure 1 – Hatch Court Light Industrial Policy Area**
- The inclusion of the indicative future road alignment on Figure 1 of LPP35 has caused some confusion around the purpose of LPP35 and created a perception amongst affected residents that the location of the road has been established through LPP35. It is of particular concern for landowners of Lot 15 Hatch Court and Lot 200 Kalamunda Road where the road is identified as running through their properties and the residents of the National Lifestyle Village which shows the road entering Kalamunda Road opposite their village.
30. In order to clarify the purpose of LPP35, the Policy is intended as an interim measure to guide subdivision and development within the Hatch Court Light Industrial Area (HCLIA) in a manner that does not prejudice or

prevent coordinated planning and infrastructure delivery in future through a Local Structure Plan (LSP), Development Contribution Plan (DCP) or alternative infrastructure funding mechanism, and Design Guidelines (Planning Framework). Moreover, the Policy does not determine final development outcomes or infrastructure locations. Instead, it is intended to ensure that any development that may occur in the short term does not prevent or limit future planning once the LSP is completed.

31. To avoid further confusion on the matter, and to ensure the intent of LPP35 is understood, it is recommended that reference to the “Approximate Future Road Alignment” in Figure 1 of LPP35 be removed, refer (Attachment 2).
32. As part of the more detailed LSP process, the City and its consultant team are exploring scenarios for access and movement. The access scenario shown on Figure 1 of LPP35 involving a potential connection to Kalamunda Road has been investigated, including consideration of the need for significant intersection upgrades such as traffic signals or a roundabout. Based on preliminary assessment from the consultant traffic engineer, the costs of delivering this concept and the required intersection infrastructure upgrades required makes it too cost prohibitive to be pursued further.
33. However, and very importantly, no final decisions about road locations have been made. The final approach to access and movement will be determined through the LSP, informed by detailed technical studies and community feedback.
34. Understanding the role of LPP35 versus the broader planning framework the City is undertaking to deliver the planning framework LSP, DCP and DG is important in understanding the need for a new road and its preferred location. To this end, the City is currently undertaking a range of technical investigations to support preparation of the LSP. These include traffic analysis, environmental and wetland assessments, and infrastructure planning. This work will help identify the most appropriate long-term planning outcomes for the area, including how development is managed, how the precinct interfaces with nearby residential areas, and how environmental values are protected.
35. Once this technical work is complete, a draft LSP will be prepared mid-2026 and advertised for public comment. This will provide the community with a further opportunity to review a proposed more detailed planning approach, understand the supporting studies, ask questions, and provide feedback

36. **Reference to the Developer Contribution Plan in LPP35 and concerns expressed that a future DCP will the disproportionately impact certain landowners in the HCLIA**

The intent of LPP35 is to ensure development does not prejudice or prevent coordinated planning and infrastructure delivery in the future through a DCP.

37. Under s7 of LPP35, the Policy seeks a commitment from developers to paying a developer contribution costs once the Scheme has been adopted. However given the level of development that has occurred in the HCLIA to date, the City through its consultant team is currently reevaluating the feasibility of pursuing a DCP model.

38. The analysis will therefore identify the DCP and rating options that the City can deploy to equitably fund the infrastructure necessary to facilitate the coordinated development of the land within the HCLIA. The analysis will determine the preferred infrastructure funding model to support the LSP. Accordingly, It is recommended that all text in LPP35 referring to the DCP be modified to reflect the above.

APPLICABLE LAW

39. *Planning and Development (Local Planning Schemes) Regulations 2015*

Schedule 2, Part 2, cl.4 (2) *"The period for making submissions ... must not be less than the period of 21 days after the day on which the notice is first published ..."*

Schedule 2, Part 2, cl.4 (3) *"After the expiry of the period within which submissions may be made the local government must -*

- (a) review the proposed policy in light of any submissions made: and*
- (b) resolve to -*
 - (i) proceed with the policy without modification; or*
 - (ii) proceed with the policy with modifications; or*
 - (iii) not to proceed with the policy."*

Schedule 2, Part 2, cl.4 (3A) *"The local government must not resolve under subclause (3) to proceed with the policy if -*

- (a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
- (b) under the R-Codes, the Commission's approval is required for the policy; and*

(c) the Commission has not approved the policy.”

Schedule 2, Part 2, cl.5 (4) *“If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.”*

40. In accordance with clause 27(2) of the Regulations, the City may approve a development application in an area where a Structure Plan is required but has not yet been prepared (as is the case for the Hatch Court Light Industrial Area) if the City is satisfied that the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and would not prejudice the overall development potential of the area.

APPLICABLE POLICY

41. Local Planning Policy 11 Public Notification of Planning Proposals Identifies a minimum advertising period of 21 days for a local planning policy, with LPP35 advertised for an extended 35 day period.
42. LPP35 is to be given due regard by the City when considering strategic level planning, subdivision and development proposals, including the following:
- State Planning Policy 4.1 – Industrial Interface (SPP 4.1)
 - State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6)
 - Local Planning Policy 24 – Developer Contribution Arrangements (LPP24)
 - Local Planning Policy 24 – Interim Developer Contribution Arrangements (LPP25)
43. SPP 4.1 applies to existing and new industrial areas and industrial uses. Its purpose is to protect industry from encroachment of sensitive land uses and, conversely, to protect sensitive land uses from potentially hazardous industrial activity.
44. SPP 4.1 will apply in addition to LPP35, ensuring that development within the Hatch Court Light Industrial Area considers and responds to the residential land uses on the opposite side of Stirling Crescent.
45. In regard to SSP 3.6, the provisions of LPP35 require satisfactory arrangements to be made with the City for all owners to fulfil their development contribution obligations once the preferred model to fund the necessary infrastructure is understood and the model is adopted. Consideration will be given to a proposed model that promotes the following, so far as is reasonable and practical:

- A fair and equitable cost-sharing arrangement is implemented for the coordinated development of the Hatch Court Light Industrial Area; and
- The City and future developing landowners are not unduly burdened by common infrastructure and administrative costs that ought to be shared by all landowners in the precinct.

46. This arrangement is supported by:

- Clause 6.10.2 of SPP 3.6, which states –

“Interim arrangements, such as Deed of Agreements, should be agreed and implemented via conditions of subdivision or development to contribute to the cost of providing community and/or development infrastructure.”

- Local Planning Policy 25 which states –

“In the interests of progressing development in the area, a condition of approval can be included on a subdivision and/or development approval, which requires a legal agreement between the parties to address the matter of the contribution requirement (Refer Part 2.2.1.3 of this Policy). The legal agreement referred to as an Interim Development Contribution Arrangement (IDCA), provides a means by which subdivision and development conditions relating to interim contributions can be cleared and cost contributions made, allowing development to progress prior to formal gazettal of the DCP. Through this Policy, the City provides guidance to landowners as to what it deems to be a satisfactory arrangement.

47. In the event that a DCP model is adopted then In accordance with SPP 3.6, clause 6.5 of the Scheme and LPP24 , a Scheme Amendment will also be presented to Council in the near future, to formally establish the Hatch Court Light Industrial Area as a Development Contribution Area (DCA) with corresponding provisions introduced into Local Planning Scheme No. 3.

STAKEHOLDER ENGAGEMENT

48. Pursuant to the Regulations and the City's Local Planning Policy 11 – Public Notification of Planning Proposals, LPP35 was advertised for extended 35 day period from 12 December 2025 to 16 January 2026.

49. The advertising of LPP35 comprised the following:

- Letters sent to all residents within the HCLIA and to the National Lifestyle Village which included a link to an online submission form

- Letters sent to relevant government agencies and the Western Australian Planning Commission
- Public notice in the local newspaper
- Details exhibited at the City's administrative offices and libraries
- Opportunity for written submissions to be received via web/portal, post and email

FINANCIAL CONSIDERATIONS

50. LPP35 has been prepared in collaboration with the City by LK Advisory (a member of the consultant team appointed to prepare the Hatch Court LSP, DCP and Design Guidelines), as a minor variation to the approved scope of work.

SUSTAINABILITY

51. **Environment**
LPP35 requires subdivision and development applications within the Hatch Court Light Industrial Area to be accompanied by technical information from suitably qualified consultants to address local environmental considerations – namely wetlands and drainage.
52. LPP35 also requires public advertising and referral of development applications to the Department of Water and Environmental Regulation (DWER), and Department of Biodiversity, Conservation and Attractions (DBCAs) to ensure that due consideration is given to all relevant environmental features within the area.
53. **Economic**
Facilitating development of the Hatch Court Industrial Area prior to adoption of the planning framework will generate additional employment and broaden the City's economic base.
54. **Social**
LPP35 neither promotes nor prevents the reasonable subdivision and development of land in the HCLIA ahead of the City finalising its planning framework for the HCLIA. Rather, the Policy provides a mechanism for landowners wishing to subdivide or develop to ensure their activities do not prejudice or preclude the orderly and proper planning and overall development potential of the area.
55. Potential impacts of development within the HCLIA on the residential land opposite Stirling Crescent will be considered through public advertising of development applications and application of SPP 4.1.

RISK MANAGEMENT

56. Risk: Council does not adopt LPP35 and development and infrastructure delivery occurs in an uncoordinated manner.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
The concerns raised in the submissions to LPP35 have been addressed through recommended changes to LPP35. Importantly LPP35 will introduce a vital interim planning mechanism to guide the appropriate subdivision and development of land ahead of the City’s delivery of the broader planning framework for HCLIA.		

CONCLUSION

- 57. LPP35 responds to Council’s resolution from 26 August 2025 (OCM2025/128) and will provide essential and valuable guidance and planning controls for subdivision and development within the Hatch Court Light Industrial Area prior to adoption of the planning framework for the HCLIA.
- 58. As an interim planning measure, LPP35 will guide subdivision and development in the HCLIA while the City prepares a more detailed and coordinated planning framework, including an LSP, Design Guidelines and DCP or alternative rating funding option.
- 59. Importantly, LPP35 does not determine final development outcomes or infrastructure locations, i.e. the preferred road alignment, instead it is intended to ensure the development that may occur in the short term does not prevent of limit future planning once the LSP process is completed.
- 60. The City notes the concerns raised in the submissions, principally the identification of the road alignment as shown in Figure 1 of LPP35 and the disproportionate impact of a DCP on the remaining landowners in the HCLIA.
- 61. Acknowledging the perception the identification of the future road alignment in Figure 1 of LPP35 has created, and the understanding that the intent of LPP35 is not to determine the preferred road alignment it is recommended that the reference to the road alignment be removed from Figure 1.

62. In regard to the implementation of a DCP for the HCLIA, the City through its consultant team is preparing an options paper to identify the DCP and rating options, e.g., promote/facilitate equitable funding necessary to facilitate the coordinated development of the land within the HCLIA. The analysis will have regard to the timing constraints and the change in circumstances, i.e. development that has occurred to date, which has led the City to reevaluate the feasibility of pursuing a DCP model for the HCLIA.
63. Given the above, it is recommended that LPP35 with modifications be adopted by Council.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during the public advertising of draft Local planning Policy 35 – Hatch Court Light Industrial Area and the staff responses to the submissions contained in the Schedule of Submissions (Attachment 3).
2. ADOPT Local Planning Policy 35 – Hatch Court Light Industrial Area with modifications (Attachment 2), in accordance with Schedule 2, Part 2, Clause 4(3)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.2. Infrastructure Reports

10.2.1. RFT 2512 Provision of Supply and Delivery of Plant and Equipment Hire - Award of Tender

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

A presentation was provided by Karl Kjaerheim, A/Manager of Engineering & Parks Maintenance.

Clarification was sought as to whether the City had previously engaged the service provider and what deliverables were included within the quoted amount. Questions were also raised regarding which budget allocation would fund the expenditure and how the provider determined the quoted figure. These matters were addressed during discussion.

Previous Items	OCM 13/2021
Directorate	Infrastructure
Business Unit	Engineering and Parks Maintenance
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality:</u> <i>Information contained in a tender received by the local government for a contract to the extent that (i) the information is a tendered price; or (ii) a tendered methodology for calculating a price [Act s. 5.23(4)(c)]</i>

TYPE OF REPORT

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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 acceptance of a tender for the Supply and Delivery of Plant and Equipment (Dry Hire) for the City of Kalamunda (City).
2. The City received offers from five companies, two met the qualitative threshold of 60%.
3. Coates Hire Operations Pty Ltd ACN 074126971 is the recommended Tenderer based on having satisfied all criteria in the Evaluation Process and having submitted a competitive schedule of rates offer of \$1,144,060.57 excluding GST.

BACKGROUND

4. The City is seeking to engage a suitable, experienced and qualified company for the Supply and Delivery of Plant and Equipment (Dry Hire) to ensure availability of equipment required to meet the requirements of the City.
5. The contract is to be in force for a period of three years from the date of award with two optional one-year extensions at the sole discretion of the City.
6. Staff across the City shall use multiple budgets to pay for hiring of equipment, ranging from Parks and Engineering, Waste, Facilities and Events budgets for this contract.

DETAILS AND ANALYSIS

7. The City issued RFT 2501, through its E-Tendering Portal and an advertisement in the West Australian Newspaper on 30 July 2025, seeking to engage a contractor to complete the parks maintenance program.

Tenders closed 14:00 AWST Wednesday, 20 August 2025 with five tender submissions being received.

- 8. An Evaluation Panel was convened from suitably qualified City officers to assess the tender submission.
- 9. The qualitative scores received by each Tenderer represents the Panel's total consensus score against each of the Qualitative Criteria. The qualitative assessment requirements were such that a thorough understanding and relevant experience were to be demonstrated specific to the Project requirements. The qualitative assessment for each Tender submission was completed by Panel members on 22 October 2025.

Qualitative Criteria	Weight
Relevant Staff Experience of Key Personnel	20%
Tenderer's Resources and Company Experience	25%
Methodology	25%
WHS – Management Plan Manual	30%

- 10. The assessment demonstrated that two of the five tenderers exceeded the required QPM of 60%, with three Tenderers being eliminated from further assessment. No further clarifications were sought by the Panel in relation to the qualitative assessment undertaken.
- 11. Coates Hire provided the lowest conforming Schedule of Rates Tender offer of \$1,144,060.57 for five-year period including CPI.
- 12. The Tender submission presented by Coates Hire proved to be the best value for money (i.e. lowest price and ranked first in relation to the Qualitative Assessment undertaken) and their tendered price is within the available budget.
- 13. Reference checking was advanced accordingly. Reference checking indicated the company has provided the necessary standard of equipment and service.
- 14. The Evaluation Panel recommends Coates Hire Operations Pty Ltd ACN 074126971, 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 tendered pricing represents good value for money and aligns with the City’s current budgets for plant and equipment hire. The establishment of this contract supports multiple service areas across the organisation, with costs funded through a range of existing operational budgets, including Parks and Environment, Engineering, Waste Services, Facilities, and Events, depending on operational demand. From a financial sustainability perspective, utilising a standing dry hire arrangement avoids the need for the City to purchase, maintain, and replace specialised plant and equipment that is only required intermittently. This approach reduces capital expenditure, ongoing maintenance and storage costs, and long-term asset lifecycle liabilities, while retaining operational flexibility to meet peak demand and unplanned requirements in a cost-effective manner.

SUSTAINABILITY

- 20. Nil

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 2512 – Provision of the Supply and Delivery of Plant and Equipment support the City's operational and financial sustainability by providing flexible, cost-effective access to plant and equipment without the need for capital investment in assets that are only utilised intermittently. By relying on a standing dry hire arrangement, the City mitigates long-term asset ownership risks, including maintenance, storage, depreciation, and replacement costs, while enabling multiple service areas to efficiently meet operational and peak demand requirements within existing budgets.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender RFT 2512 Provision of the Supply and Delivery of Plant and Equipment Hire from Coates Hire Operations Pty Ltd ACN 074126971, as per the schedule of rates set out in Confidential Attachments 1 and 2 to this report for an initial three-year term with two further one-year extensions at the City of Kalamunda's discretion.

10.3. Corporate Reports

10.3.1. Corporate Business Plan - Quarterly Update - October to December 2025

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

No presentation was provided for this report.

Previous Items
 Directorate Corporate Services
 Business Unit Director Corporate Services
 File Reference 3.009509
 Applicant City of Kalamunda
 Owner City of Kalamunda

Attachments 1. Quarterly Progress Report October- December 2025
 [10.3.1.1 - 83 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 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against "Kalamunda Achieving: Corporate Business Plan 2024-2028" for the period October to December 2025.
2. On average, actions from the Corporate Business Plan are 49.6% complete at the end of the second quarter, 31 December 2025.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period October to December 2025.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2024-2028 (CBP) was endorsed by Council at the Ordinary Council Meeting on 27 May 2025.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The Chief Executive Officer's KPIs for 2025-2026 have also been added to the document, to provide Council with information on progress towards achieving these goals.
7. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 Strategic Priority areas, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 141 individual actions set out within the CBP. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 31 December 2025.
11. The CBP actions are on average 49.6% complete. The average target at the end of the first quarter is 50%, indicating that progress, on average, is largely on schedule.

APPLICABLE LAW

- 12. All local governments are required, by legislation, to develop a Corporate Business Plan to fulfil the statutory obligations of section 5.56 of the *Local Government Act 1995*, which is effectively the City's 'plan for the future'.
- 13. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

APPLICABLE POLICY

- 14. Nil.

STAKEHOLDER ENGAGEMENT

- 15. This report reflects input from Directors and Managers throughout the City.
- 16. Various external stakeholders and community members have been involved in the achievement of the CBP.

FINANCIAL CONSIDERATIONS

- 17. This plan is delivered within the City's approved Annual Budget and Long Term Financial Plan.

SUSTAINABILITY

- 18. Nil.

RISK MANAGEMENT

19.	Risk: The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan leading to reputational impacts		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Quarterly reports are provided to Council of progress against the CBP and are publicly available		

CONCLUSION

20. The City is working to carry out the actions listed in the Corporate Business Plan. On average, actions from the Corporate Business Plan are 49.6% complete at the end of the second quarter of 2025/2026.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2024-2028 for the period October to December 2025.

10.4. Community Reports

10.4.1. Disability and Carers Advisory Group - Members and Terms of Reference - November 2025 to October 2027

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

A presentation was provided by Ruth Chodorowski, Place Lead (Seniors).

Previous Items	
Directorate	Community
Business Unit	Place and Community Experience
File Reference	
Applicant	
Owner	Freya Ayliffe – Manager Place and Community Experience
Attachments	1. Final DACAG Terms of Reference 25 to 27 [10.4.1.1 - 8 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 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 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.

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 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 the report is to consider community member nominations for the Disability and Carers Advisory Group for the term of 2025-2027.
2. The City has developed a very clear and relevant vision 'Connected Communities, valuing nature and creating our future together.' The Disability and Carers Advisory Groups assists the City in achieving this vision.
3. This report recommends that Council adopt the revised Terms of Reference and endorse membership for the Disability and Carers Advisory Group for the period of February 2026 to October 2027 as set out in Attachment 1.

BACKGROUND

4. Advisory groups and management committees provide an effective collaborative forum between the City and the community. Each advisory group and management committee has a specific purpose and have representatives from the Administration who support them in the preparation of agendas and the documenting and actioning of the minutes.
5. The City of Kalamunda currently has the following Advisory and Management Groups:
 - a) Disability and Carers Advisory Group
 - b) Ray Owen Management Committee
 - c) Lesmurdie Library Management Committee
 - d) Hockey, Tee Ball and Men's Shed Advisory Committee
 - e) Bush Fire Control and Advisory Committee

6. The purpose of each City of Kalamunda Advisory group and Management committee is outlined in their respective Terms of Reference.

DETAILS AND ANALYSIS

7. A total of eight nominations were received: seven from community representatives living with a disability, or with experience and interest in access and inclusion for people living with disability, and one from an organisation providing services to people living with a disability.
8. The previous Terms of Reference allowed for a total membership of eight.

It is proposed that the Terms of Reference be amended to increase membership to ten, thereby strengthening community representation and ensuring a broader, more inclusive range of perspectives. The proposed composition would be:
 - i. One Councillor.
 - ii. Up to seven community representatives living with a disability or who have experience and interest in access and inclusion of people living with disability.
 - iii. Up to two organisations providing services to people with disability.

APPLICABLE LAW

9. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*

Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.

Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

APPLICABLE POLICY

10. Council Policy – Appointment of Community Members to Advisory Committees and Reference Groups.

STAKEHOLDER ENGAGEMENT

11. The City of Kalamunda called for nominations for the Disability and Carers Advisory Group from 7 November 2025 to 28 November 2025.

- 12. A dedicated Advisory Group nominations page on the City's EngageHQ website outlined the process, provided all relevant documents, and enabled online submissions.
- 13. Hard copy nomination forms were made available at the front counter, and the nomination process was promoted via a social media post and a sponsored Facebook ad on the City's page.

FINANCIAL CONSIDERATIONS

- 14. The Disability and Carers Advisory Group will be operating in line with current budget and resourcing allocation.

SUSTAINABILITY

- 15. The City calls for nominations every 2 years to ensure opportunity for new representatives and to ensure the Group structure is sustainable.

RISK MANAGEMENT

16.	Risk: Reputational risk where an Advisory group's goals do not align with the City's objective and strategies.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Provide guidance to all the members at the first meeting to communicate the City's strategic plan and objectives to ensure the Group understands its role and works within its Terms of Reference.		

CONCLUSION

- 17. The City recommends endorsement of the revised Terms of Reference and the Disability and Carers Advisory Group nominations (in accordance with Attachment 1)

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ENDORSE revised Terms of Reference as per Attachment 1.
- 2. ENDORSE successful Disability and Carers Advisory Group nominations as per Attachment 1.

2. NOTE the City will write to all nominees and advise of the outcome for Disability and Carers Advisory Group.

10.5. Office of the CEO Reports

10.5.1. Policy Reviews

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

A presentation was provided by David Baker, Senior Governance Officer.

Council discussed the proposed rescission of the Neighbour Mediation Policy. Clarification was sought as to how frequently the policy had been utilised. It was advised that, to the best of staff knowledge, it had been successfully used on one occasion, with limited other expressions of interest that did not proceed. Questions were raised regarding the origin of the policy, the rationale for its introduction, and the associated budget allocation; however, it was noted that historical records were limited and further background detail was not readily available.

It was discussed that the policy presents legal risks, particularly where the City's regulatory obligations under planning and building legislation may conflict with a mediation role. It was noted that relevant High Court decisions show that maintaining such a policy could expose the City to risk.

Councillors acknowledged that neighbour disputes form a regular component of enquiries received and discussed the importance of clear communication to the community regarding the City's regulatory role versus civil matters. Specific discussion occurred regarding overhanging or potentially dangerous trees. It was advised that while such matters are generally civil in nature, the *Local Government Act 1995* provides a limited power for the City to issue a notice in relation to dangerous trees, typically as a mechanism of last resort where other attempts at resolution have failed.

Discussion also canvassed whether alternative procedural guidance or internal work instructions may assist in managing future enquiries if the policy is rescinded.

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none">1. Governance 3: Elected Members - Entitlements Travel and Professional Development [CURRENT] [10.5.1.1 - 8 pages]2. [DRAFT] Policy - Elected Member Entitlements [10.5.1.2 - 4 pages]3. [DRAFT] Policy - Elected Member Professional Development [10.5.1.3 - 5 pages]

4. Governance 18: Appointment of Acting Chief Executive Officer [CURRENT] [10.5.1.4 - 2 pages]
5. [DRAFT] Policy - Appointment of Acting CEO [10.5.1.5 - 2 pages]
6. Governance 7: Elected Member Commitment to Occupational Health and Safety [CURRENT] [10.5.1.6 - 2 pages]
7. Service 2: Neighbour Mediation [CURRENT] [10.5.1.7 - 2 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
X Executive	When Council is undertaking its substantive role of direct 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 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. Periodic policy reviews are a requisite feature of good governance to ensure the guidelines around the use of statutory powers are up-to-date, lawful and suit the needs of the local government.
2. Changes to the *Local Government Act 1995* as part of overarching local government reforms by the State Government require local governments to

review policies relating to elected member entitlements and professional development. Officers have reviewed the policies detailed below and present the outcome of that review:

- **Governance 3: Elected Members – Entitlements, Travel and Professional Development**
 - **Governance 18: Appointment of Acting Chief Executive Officer**
3. Officers have identified two additional policies that should be rescinded as they are considered problematic from a legal perspective, which are:
 - **Governance 7: Elected Member Commitment to Occupational Health and Safety**
 - **Service 2: Neighbour Mediation**
 4. Policy 'Governance 18: Appointment of Acting Chief Executive Officer' is presented with minor amendments for Council consideration.
 5. It is recommended that Council support the outcomes of the policy reviews provided in this report.

DETAILS AND ANALYSIS

6. Officers have reviewed these policies in detail and where relevant, present attached drafts to replace them. Areas of the drafts highlighted in yellow demonstrate content that has been transferred from the existing policy.

Governance 3: Elected Members – Entitlements, Travel and Professional Development

Currently, this policy does not comply with the requirements of regulation 37 of the *Local Government (Administration) Regulations 1996* as it relates to professional development for Elected Members. The regulations require specific items to be excluded from policies of this nature (and stated to that effect), particularly for Elected Members within 3 months of the expiry of their term or seeking reimbursement for professional development not relevant to the role of a member of Council.

As the *Local Government Act 1995* deals with Elected Member professional development and Elected Member entitlements distinctly and separately from one another, the policy functions have been split into two new policies. This will make it easier for all stakeholders to follow. Accordingly, the following draft policies are presented:

- Elected Member Entitlements
- Elected Member Professional Development

Governance 7: Elected Member Commitment to Occupational Health and Safety

This policy refers to repealed legislation. The *Work Health and Safety Act 2020* is in effect that provides a far more holistic framework for the obligations of employers.

The City has a WHS Statement which aligns with the legislation. The existing policy appears to provide no utility over and above what is already required by legislation. Council is further committed by section 2.7(5) of the *Local Government Act 1995* in that *"...The council must have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees."*

Accordingly, it is recommended this policy is rescinded without replacement.

Governance 18: Appointment of Acting Chief Executive Officer

This policy has been updated to reflect the current requirements of the *Local Government Act 1995*, retaining the City of Kalamunda-specific features.

Service 2: Neighbour Mediation

This policy appears to create a form of dispute resolution role for the City between neighbours. The purpose of the policy, as stated is -

".... to establish a neighbourhood mediation service which is fair, user friendly and neutral from the council's perspective and which supports strategies to resolve differences between neighbours related to matters relevant to council."

The origins of the policy are unclear. It is understood it has existed since at least 2019 in its current form.

Whilst the policy appears to have altruistic means, it is problematic for several reasons. In the first instance, the policy purpose states that it is *"...neutral from the council's perspective"*.

However the effect of the policy is that it creates an issue where it potentially fetters the discretion of Council (or officers if they possess delegated authority) to undertake regulatory action at a later date. Whilst the policy attempts to cover the field in this respect, the existence of the policy instrument in the first place seems to limit the City's regulatory flexibility - on an up-front basis - which is not appropriate for an entity that has broad ranging regulatory powers, and required to exercise those powers without fear or favour. The policy has a notable internal conflict in this sense.

The second issue that arises is that it exposes the City to the prospect of having to defend itself in a civil proceeding if an aggrieved party seeks to make the City a party to a proceeding, on the basis of the City making use of the policy. Such a proceeding may play out in the Supreme Court and expose the City to considerable legal costs and reputational risk - this would be especially relevant if an aggrieved party was successful in arguing the City retains a degree of liability on the basis of attempting a mediation or negotiation with conflicting neighbours, and the courts decide in a manner contrary to the City's position.

It is recommended the policy is rescinded. It is not advisable for the City to engage in the space of mediation between conflicting neighbours, especially when one party may be compromised by way of the planning or building controls regulated by the City.

APPLICABLE LAW

- 7. *Local Government Act 1995* – s. 2.7(2)(b), s. 5.126, s. 5.129
Local Government (Administration) Regulations 1996 – Part 8, r. 37
Salaries and Allowances Act 1975

APPLICABLE POLICY

- 8. Governance 3: Elected Members – Entitlements, Travel and Professional Development
 Governance 7: Elected Member Commitment to Occupational Health and Safety
 Governance 18: Appointment of Acting Chief Executive Officer
 Service 2: Neighbour Mediation

STAKEHOLDER ENGAGEMENT

- 9. Kalamunda Leadership Team

FINANCIAL CONSIDERATIONS

- 10. Nil.

RISK MANAGEMENT

11.	Risk: Policies are not compliant with the <i>Local Government Act 1995</i> , resulting in unlawful decisions or actions		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		

Ensure policies are amended to account for the current requirements of the legislation.

CONCLUSION

12. The policy reviews presented will allow Council to update its policy settings to account for changes to the *Local Government Act 1995* and Regulations, as well as modernise the policies with terms that are more contemporary, and are able to be more easily understood.

In addition, removal of policies that no longer have utility for the City will allow the overall policy cohort to be streamlined. Officers will continue to review the City's policies and present small groups to Council for review as the year progresses.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- (1) Rescind the following policies, adopted by Council on 27 August 2019 (OCM 204/2019):
 - a) Governance 3: Elected Members - Entitlements, Travel and Professional Development
 - b) Governance 7: Elected Member Commitment to Occupational Health and Safety
 - c) Service 2: Neighbour Mediation

- (2) Make, in accordance with the *Local Government Act 1995*, the following policies as detailed in Attachment 2 and Attachment 3 of this report:
 - a) Elected Member Entitlements
 - b) Elected Member Professional Development

- (3) Amend policy 'Governance 18: Appointment of Acting Chief Executive Officer' as detailed in Attachment 5 of this report.

10.5.2. Review of Elected Member, Committee Member and Candidate Code of Conduct

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

A presentation was provided by David Baker, Senior Governance Officer.

Council received a briefing on recent local government reforms and the consequential amendments required to the City's Code of Conduct. It was noted that the Local Government (Model Code of Conduct) Regulations 2021 introduced a standardised framework for codes of conduct, addressing previous inconsistency and insufficient procedural mechanisms for managing minor misconduct matters. Council was advised that further amendments to the Local Government Act 1995 commenced on 1 January 2026, including establishment of the Local Government Inspectorate, abolition of the Local Government Standards Panel, and changes to the complaints process and enforcement framework.

During discussion, concerns were raised by councillors regarding the potential for unintended impacts on legitimate advocacy, scrutiny, and public disagreement, as well as the extension of provisions to candidates and possible deterrence of participation during election periods. Officers advised there is limited discretion for local governments to amend the prescribed behavioural standards and rules of conduct, as these are largely mandated by the. It was further advised that precedents from previous Standards Panel decisions and higher court outcomes provide guidance on where the line sits between advocacy and improper conduct, and City officers can provide further information on notice.

Clarification was provided that the Inspector and appointed adjudicators determine conduct breach matters, with review mechanisms continuing through established avenues like the State Administrative Tribunal. In relation to candidates, it was advised that while findings may be made, penalties cannot take effect unless the person is elected, noting that historically some matters have lapsed where a candidate was not elected.

Council also discussed why the former Standards Panel system was considered ineffective, with officers noting resourcing constraints, administrative burden, high complaint volumes, and lengthy timeframes. It was advised that adjudicators must meet prescribed eligibility criteria, including being practising lawyers, and are appointed under the new statutory framework.

Previous Items	OCM 83/2021
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A

- Attachments
1. DRAFT - City of Kalamunda Council Member Committee Member and Candidate Code of Conduct [10.5.2.1 - 12 pages]
 2. DRAFT - City of Kalamunda Council Member Committee Member and Candidate Code of Conduct - Marked Up [10.5.2.2 - 12 pages]
 3. DRAFT - Code of Conduct Complaints Management Policy - Marked Up [10.5.2.3 - 8 pages]
 4. DRAFT - Code of Conduct Complaints Management Policy - Final [10.5.2.4 - 11 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
X 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
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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.

EXECUTIVE SUMMARY

1. The City’s Code of Conduct for Elected Members, Committee Members and Candidates (Code of Conduct) was adopted by Council on 25 May 2021 (OCM 83/2021).

2. The revised Code of Conduct was adopted as a consequence of the State Government introducing the *Local Government (Model Code of Conduct) Regulations 2021* (Regulations).
3. As part of overarching reforms brought by the *Local Government Amendment Act 2024*, the State Government has amended the Regulations, with the changes coming into effect on 1 January 2026. This report recommends Council amend the Code of Conduct to account for these new changes.
4. Minor amendments will also be required to policy 'Governance 20: Code of Conduct Complaints Management' to ensure the policy is compliant with the changes.

DETAILS AND ANALYSIS

5. In 2019 the State Government embarked on a wide-ranging review of the *Local Government Act 1995* and some regulations, resulting in significant reforms to the local government sector.
6. One component of the reforms was creating a new code of conduct system where local governments were no longer free to make their own codes of conduct. The *Local Government (Model Code of Conduct) Regulations 2021* were made, which required local governments to adopt a 'model' Code of Conduct, with limited scope for adding items that were not part of the model.
7. The regulations also repealed the *Local Government (Rules of Conduct) Regulations 2007*, with the former rules of conduct incorporated into the new Regulations.
8. This created a two-tier system, where local governments were required to deal with Code of Conduct 'behavioural complaints' themselves giving local governments a degree of independence to deal with conduct related matters in-house. The second tier required complaints against the rules of conduct still being dealt with by the Local Government Standards Panel.
9. There were a range of issues with this approach. The Local Government Standards Panel was often criticised for taking too long to deal with minor breach complaints. There were also perceptions in the sector that the 'behavioural complaints' mechanism did not provide the level of escalation needed to adequately address repeat inappropriate behaviour that was not a minor breach complaint. The amendments are designed to deal with these deficiencies.

10. The *Local Government Amendment Act 2024* (Amendment Act) received Royal Assent on 6 December 2024, with some parts coming into effect the following day.
11. One aspect of the Amendment Act was the creation of necessary heads of power for commissioning the Local Government Inspector (Inspector), and creating the various powers and functions the Inspector will now have in terms of dealing with complaints against council members, amongst other things. For the purposes of the Amendment Act, the Inspector commenced on 1 January 2026, in association with the parts of the Amendment Act that give effect to the powers and functions of the Inspector (new Part 8A of the *Local Government Act 1995*).
12. In addition to other functions, the Inspector takes on the role of the Local Government Standards Panel, which was abolished upon the commencement of the Inspector on 1 January 2026.
13. Amendments to the Regulations and Model Code of Conduct were required with the abolition of the Local Government Standards Panel and new powers and functions of the Inspector contained within Part 8A of the *Local Government Act 1995*. Local governments have until 1 April 2026 to amend their codes of conduct for council members. If amendments are not made, the Model Code of Conduct will be applied.
14. Officers have reviewed the City's Code of Conduct and updated it to be consistent with the Regulations. It is presented to Council in draft form (Attachment 1).
15. The proposed amendments are summarised below:
 - A requirement to refer specific complaints to the Inspector (clause 11);
 - A requirement to deal with a complaint referred from the Inspector to the local government (clause 11);
 - A clause referencing the ability of the Inspector to appoint a monitor to assist the local government (clause 14A);
 - A clause specifying that dealing with and determining a complaint must be done by the Council, unless Council expressly authorises (by absolute majority) the complaint to be dealt with by a committee or a specific person outside of the local government (clause 14B);
 - Consequential amendments relating to the numbering of clauses and definitions; and
 - Transitional amendments specifying that the amendments cannot apply to a complaint made prior to 1 January 2026.
16. A marked-up version of the Code of Conduct showing all proposed amendments is attached to this report (Attachment 2).

17. Changes to the Code of Conduct require minor amendments to the associated policy 'Governance 20: Code of Conduct Complaints Management'. Administration has reviewed the policy and recommend minor amendments as provided in mark up in Attachment 3. These amendments reflect the changed sections of the legislation (as they relate to complaints management) and ensuring correct and contemporary terms are used. The draft amended policy is contained in Attachment 4.

APPLICABLE LAW

18. The *Local Government Act 1995* provides the head of power (s. 5.103(1)) for the *Local Government (Model Code of Conduct) Regulations 2021* to be made, as well as the requirement for local governments to adopt a code of conduct based on the Model Code of Conduct, and various penalties applicable to breaches.
19. The *Local Government (Model Code of Conduct) Regulations 2021* contains the Model Code of Conduct, in Schedule 1.

APPLICABLE POLICY

20. Council policy 'Governance 20: Code of Conduct Complaints Management' requires minor amendments to reflect the changes to the Code of Conduct and the legislation.

STAKEHOLDER ENGAGEMENT

21. Nil.

FINANCIAL CONSIDERATIONS

22. Nil. Expenditure of funds to amend the Code of Conduct is not required.

RISK MANAGEMENT

23.	Risk: The Code of Conduct is not amended as required by the legislation, by the due date		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	Ensure the Code of Conduct is amended to account for recent legislative changes, prior to the due date.		

CONCLUSION

24. Recent amendments to the *Local Government Act 1995* and Regulations that have come into effect require the City's Code of Conduct for Elected Members, Committee Members and Candidates to be amended. Subsequent amendments are required for the policy 'Governance 20: Code of Conduct Complaints Management'

It is recommended Council adopt the amendments to the Code of Conduct as attached as well as the amended policy.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

- (1) In accordance with section 5.104(2) of the *Local Government Act 1995*, amend the City of Kalamunda Code of Conduct for Elected Members, Committee Members and Candidates as provided at Attachment 1 to this report; and
- (2) Adopt reviewed policy 'Governance 20: Code of Conduct Complaints Management' as provided at Attachment 4 to this report.

11. Closure

There being for further business, the Presiding Member declared the meeting closed at 8.36pm.