



Ordinary Council Meeting

UNCONFIRMED MINUTES
Tuesday 22 February 2022

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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 on 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 Previously Approved

Councillors

South East Ward

John Giardina
Janelle Sewell
Geoff Stallard

South West Ward

Mary Cannon
Kellie Miskiewicz
Brooke O'Donnell

North West Ward

Sue Bilich
Lisa Cooper
Dylan O'Connor

North Ward

Andrew Osenton
Kathy Ritchie
Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services
Brett Jackson - Director Asset Services
Peter Varelis - Director Development Services

Management Team

Nicole O'Neill - Manager Customer & Public Relations
James Wickens - Manager Environmental Health & Community Safety

Administration Support

Darrell Forrest - Governance Advisor
Sarah Griffiths - Council Support Officer

Members of the Public: 7

Members of the Press: Morgan de Smidt - Echo

Apologies: Nil

Leave of Absence Previously Approved: Nil

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1 Nil.

3.2. Public Question Time

3.2.1 Dick Lovegrove – Wattle Grove

Q. Why doesn't the City list preferred firebreak contractors on the website like they used to and other Councils do.

A. Director Development Services took the Question on Notice

4. Petitions/Deputations

4.1 A deputation was given by Mr Camilo Blanco on behalf of the applicant, Marlis Huelsmann against the recommendation regarding 10.5.7 - Lot 431 (50) Railway Road, Kalamunda - Objection to Food Van Traders Permit Refusal. Questions were asked and responses provided.

5. Applications for Leave of Absence

5.1 Nil

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 04/2022

That the Minutes of the Ordinary Council Meeting held on 21 December 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (12/0)**

6.2 Withdrawn

7. Announcements by the Member Presiding Without Discussion

7.1 The Mayor introduced Mr Thomas Hogg, and thanked him for his generous donation of his painting to the City. Mr Hogg gave a short speech on the meanings behind the painting.

8. Matters for Which the Meeting may be Closed

- 8.1 10.2.2 Award of RFT 2115 – Provision of General Cleaning Services – Confidential Attachment RFT 2115 - Tender Evaluation Report
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*
- 8.2 10.5.7 Lot 431 (50) Railway Road, Kalamunda – Objection to Food Van Traders and Permit Refusal - Confidential Attachment - Supporting documents to the objection
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"*
- 8.3 10.5.8 New Forrestfield Police Station: Negotiations with State Government
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.1.1 Nil

9.2. Disclosure of Interest Affecting Impartiality

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

9.2.2 Nil

10. Reports to Council

10.1. Development Services Reports

10.1.1. City of Kalamunda - Dog Local Law 2022

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

Previous Items	OCM 50/2010, OCM 92/2020, OCM 260/2020
Directorate	Development Services
Business Unit	Community Safety
File Reference	3.009297
Applicant	N/A
Owner	City of Kalamunda

Attachments	1. City of Kalamunda Dog Local Law 2022 [10.1.1.1 - 21 pages]
	2. City of Kalamunda Changes to Dog Local Law 2022 [10.1.1.2 - 10 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 2027

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 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 for Council to re-consider the proposed City of Kalamunda (City) Dogs Local Laws 2022 (Local Law) in Attachment 1.
2. The provisions of the *Local Government Act 1995 (the Act)* require local governments to review local laws every eight (8) years. The current laws were gazetted in 2010 and are due for review.
3. Council commenced the statutory process on the 23 June 2020 for the Local Law at the Ordinary Council Meeting (OCM) when Council resolved to give public notice of its intention to make the new Local Law and seek submissions on the proposal. Following submissions, Council resolved to make the Local Law at the 15 December 2020 OCM.
4. The Joint Standing Committee on Delegated Legislation (JSCDL), however, recommended in September 2021 that the Local Law be disallowed due to it being considered invalid due to non-compliance with sections 3.12(4) and 3.13 of the *Local Government Act 1995 (Act)* concerning changes made post-public advertising.
5. In accordance with the Act, the process to make the Local Law must recommence from the start and therefore, it is recommended the draft City of Kalamunda Dogs Local Law 2022 be adopted for the purposes of seeking public comment.

BACKGROUND

6. The City of Kalamunda Dog Local Law 2021 was Gazetted on 16 April 2021, and copies of the Local Law supplied to the JSCDL shortly after.
7. The role of the JSCDL is to scrutinise subsidiary legislation in accordance with its terms of reference.
8. The JSCDL found that the City did not comply with the Act due to there being, what they consider, a significant difference between the advertised law and the adopted law, specifically in relation to the number of dogs permitted at a residence. The advertised Local Law permitted a maximum of four (4) dogs whereas the adopted Local Law only had a maximum of two (2) dogs.
9. Changes can be made to a draft law during the drafting process, however, in doing so, the City in accordance with section 3.13 of the Act, should have restarted the local lawmaking process rather than adopting the local law

with changes. In essence, the local law should have been re-advertised with the proposed change.

10. The JSCDL also noted two typographical errors being in clause 3.4(a) which referred to clause 3.5 where it should have referred to clause 3.3. The other error being in clause 4.12(1) which opened with the word 'An written application' whereas it should have stated 'A written application'. Please note both errors have been corrected in the draft local law.

DETAILS AND ANALYSIS

11. This draft local law is identical to the local law that was adopted by Council on the 15 December 2020 subject to the two grammatical errors which have been updated and the title of the local law being the Dogs Local Law 2022.
12. Key changes between the proposed 2022 local law and current 2010 local law are.
- a) Additional definitions and all definitions consolidated into clause 1.5.
 - b) Added five additional clauses to Part 3 to provide clarity with respect to applications for keeping of additional dogs.
 - c) Amended clauses 5.1 and 5.2 to reflect changes to the Dog Act 1976 that now provides local government can designate Dog Exercise Areas and Prohibited Areas by resolution of the Council.
 - d) Updated Prescribed Offences and Modified Penalties to reflect current practice.
 - e) General wording changes to update and modernise the local law.
13. A complete summary of the changes is detailed in Attachment 2.

APPLICABLE LAW

14. *Dog Act 1976 and Local Government Act 1995*

APPLICABLE POLICY

15. Nil

STAKEHOLDER ENGAGEMENT

16. The local law has been subject to previous advertising and will be undertake further advertising for a period of six weeks.

FINANCIAL CONSIDERATIONS

17. Administrative costs associated with the creation of the local law are met through the annual budget.

SUSTAINABILITY

Social Implications

18. Dogs are companion animals and can have positive impacts on people's health and wellbeing. However, regulation is required to ensure dog behaviours can be controlled so as not to create a nuisance.

Economic Implications

19. Nil

Environmental Implications

20. Nil

RISK MANAGEMENT

21.

Risk: The proposed new local law is not approved resulting in outdated local laws for the regulation of dog ownership.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Medium
Action/Strategy		
Ensure Council is aware that the legislation requires a review of Local Laws every eight (8) years.		

CONCLUSION

22. The proposed *City of Kalamunda Dog Local Laws 2022* provides for the orderly and effective management of dogs within the City.

Voting Requirements: Simple Majority

RESOLVED OCM 05/2022

RECOMMENDATION

That Council:

1. GIVE local public notification that Council proposes to make a new local law, the City of Kalamunda Dog Local Law 2022. (Attachment 1).
2. NOTE:
 - a) The purpose of the proposed local law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises, the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas; and
 - b) The effect of the proposed local law is to extend controls over dogs which exist under the Dog Act 1976.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.2. Asset Services Reports

10.2.1. Submissions for the 2023 - 2024 Metropolitan Regional Roads Group Road Rehabilitation Projects Program

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

Previous Items	OCM 39/2021
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00010195
Applicant	N/A
Owner	N/A

Attachments	1. Metropolitan Regional Roads Group Program 2023 2024 Summary of Projects [10.2.1.1 - 1 page]
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TYPE OF REPORT

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of submissions for funding as part of the 2023/2024 Metropolitan Regional Roads Group (MRRG) Road Rehabilitation Projects Program.
2. The MRRG program provides the opportunity for local governments to seek a grant from the state government of two thirds of the cost of projects for road rehabilitation projects. Funding is capped at \$750,000 per local government authority. The City has undertaken technical assessments across the road network and identified suitable projects that meet the grant criteria.
3. Council endorsement is requested for the seven projects being parts of Kalamunda Road, Mundaring Weir Road, Abernethy Road (3 sections), Berkshire Road, and Daddow Road.

BACKGROUND

4. Each year, Main Roads WA (Main Roads) invites project submissions for funding consideration as part of the MRRG Road Rehabilitation Projects Program. This report is to consider projects for the 2023/2024 financial year.

DETAILS AND ANALYSIS

5. Road Rehabilitation Projects are those proposed for existing roads where a failed road section is to be brought back to pre-existing physical condition. This can be through milling, resealing, reconstruction and resurfacing.
6. The City prepares grant submissions using the MRRG scoring system that includes the technical assessment of road condition (roughness, cracking, deformation, and other road defects).
7. When received by the MRRG, the submissions are reviewed, and a priority listing of all metropolitan local government authority projects are prepared. The list of projects is then reviewed by a sub-group of the MRRG and final list returned to Main Roads. Main Roads then makes recommendations to the State Road Funds to the Local Government Advisory Committee. The Cities of Kalamunda, Swan and Bayswater, Shire of Mundaring and Town of Bassendean form the eastern sub-group.
8. It is practice to submit bids for projects which exceed the cap allowable on the basis that during assessment each local government ultimately is usually funded for projects within the cap allowed, and those that don't receive funding are held in reserve if further funding becomes available during the relevant year.

9. The Minister for Transport and Planning ultimately approves the funding for the projects.
10. State supporting funding is currently capped at \$750,000 per local government authority. Funding for projects is on the basis of 2/3rds from the State and 1/3rd from the City. The City therefore would be required to fund \$375,000 to match the \$750,000 State funding.
11. The project costs allowable under the MRRG Scheme are based on 'core' design and construction costs only within the relevant funding year. It excludes City allocation of overheads beyond a fixed proportion of project costs and any design or preparatory works undertaken on projects before funding announcements made. Therefore the \$375,000 requirement for City funding for the approved projects also needs to be increased by an amount (determined at budget time) for the 'over and above' costs.
12. The following seven road rehabilitation projects have been prepared for submission to Main Roads, with further details in Attachment 1:
 - a) Kalamunda Road, Boonooloo Road to Faye Crescent;
 - b) Mundaring Weir Road, Railway Road to Crescent Road;
 - c) Abernethy Road, South Bound lanes just north of the Tonkin Highway On-Ramp;
 - d) Abernethy Road, North Bound slow lane just South of Hudswell Road;
 - e) Abernethy Road, North Bound median lane, just North of Grogan Road;
 - f) Berkshire Road, 100m North of Bonser Road to Ashby Close; and
 - g) Daddow Road, from City Boundary to Dundas Road.
13. The proposed treatments are all "mill and fill". This is where the existing surface and some pavement material is milled out using a type of grinding machine, and then new asphalt layers placed. In Attachment 1, the abbreviations used are:
 - a) PMB - polymer modified bitumen, a type of bitumen with elastic properties;
 - b) DGA - dense graded asphalt, an asphalt designed for high and heavy traffic loads;
 - c) SMA - stone mastic asphalt, an asphalt with a higher bitumen content for flexibility; and
 - d) SLK - straight line kilometre, a distance measure for roads.
14. Council's endorsement of these proposed projects is required to support the submissions for funding consideration. Submissions are due 22 April 2022. A submission does not bind the City to undertaking the works unless a budget is subsequently approved.

15. Advice on the successful projects for the 2023/2024 financial year is normally issued early in the calendar year, in this case early 2023. The City will then list the projects in the capital works program for consideration with the 2023/2024 budget.

APPLICABLE LAW

16. There is no relevant legislation.

APPLICABLE POLICY

17. The assessment and renewal of infrastructure assets is undertaken in accordance with Policy Service 4 – Asset Management.

STAKEHOLDER ENGAGEMENT

18. Being a technical assessment of road rehabilitation needs, no public consultation is normally undertaken. Owners, residents and businesses directly affected by each project will have community engagement during each relevant project planning and execution.

FINANCIAL CONSIDERATIONS

19. The list of Road Rehabilitation Projects for 2023/2024 outlined in Attachment 1 indicates a total estimated MRRG contribution of \$1,057,090 to undertake all projects. This exceeds the \$750,000 cap. This allows further consideration and prioritisation by MRWA to finalise an approved list of projects within the funding cap.
20. Should the City be successful in achieving grant funding totalling in the order of \$750,000 as part of the 2023/2024 program, then it will need to contribute in the order of \$375,000 plus 'over and above' overheads from municipal funding.
21. The 2023/2024 and future years of the City's Capital Works Program include the maximum grant of \$750,000 and the City's contribution of \$375,000.
22. This level of investment is consistent with the average annual capital spend on Roads Renewals set out in the Roads Asset Management Plan adopted by Council in October 2018.

SUSTAINABILITY

23. There are no direct sustainability implications arising from the projects, however, milled old asphalt is commonly reused as pavement materials in other projects.

RISK MANAGEMENT

24.

Risk: The City fails to secure grant funding leading to additional rates funding needs.		
Consequence	Likelihood	Rating
Major	Unlikely	Medium
Action/Strategy		
The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program.		

25.

Risk: The City fails to receive grant funding and is unable to rehabilitate the roads. The projects identified for the grants are reaching the end of their life and are expected to fail within a few years. This would have a significant economic impact on the community and reputational impact on the City.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program.		

CONCLUSION

26. As part of an ongoing, annual process, the City has assessed seven projects for consideration with the MRRG Road Rehabilitation Project Program. The projects required specialist technical assessments of road condition such as rutting and deformation.
27. The resulting projects all meet the criteria for funding and will be shortlisted by the MRRG Eastern Sub-group with formal advice ultimately received from the Minister for Transport and Planning. Council endorsement is required for the submissions, with the final list of projects to be considered as part of the 2023/2024 capital works program budget.

Voting Requirements: Simple Majority

RESOLVED OCM 06/2022

RECOMMENDATION

That Council ENDORSE the City of Kalamunda submission of projects for the 2023/2024 Metropolitan Regional Roads Group Road Rehabilitation Projects Program, as set out in Attachment 1.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.2.2. Award of RFT 2115- Provision of General Cleaning Services

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

Previous Items	OCM 139/2016
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-001
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> <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 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of RFT 2115- Provision of General Cleaning Services.
2. It is recommended that that the Council accepts the tender(s) from:
 - a) CSCH Pty Ltd trading as Charles Service Company, ACN 619 947 429 for the cleaning of the South Zone; and
 - b) Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning, ACN 082 965 964, for cleaning of the Central Zone including the BBQ's throughout the City as per the schedule of rates set out in the Confidential Attachment 1 to this report.
3. The estimated expenditure within this contract is \$650 000 (excl. GST) per annum with an initial term of three years and two further one year extensions at the City of Kalamunda's (City) discretion.

BACKGROUND

4. The City sought to engage a suitable Contractor or Contractors for the Provision of General Cleaning Services throughout City owned and operated facilities and assets.
5. The services proposed primarily consists of general day to day cleaning to Community Facilities and City occupied facilities as well as all the BBQ's in City parks and reserves.
6. The scale of these services are such that they are split into 2 separate contracts South & Central, in order to facilitate a broad as possible range of potential contractors.

DETAILS AND ANALYSIS

7. The Request for Tender (RFT 2115) was issued through the City's E-Tendering website: www.tenderlink.com/kalamunda and by way of an advertisement in the West Australian newspaper on Saturday 16 October 2021. Receipt of Tender submissions closed at 2.00pm AWST Friday 26 November 2021.

8. Tender submissions were received from:
- a) CSCH Pty Ltd trading as Charles Service Company
 - b) GJ & K Cleaning Services Pty Ltd
 - c) Iconic Property Services Pty Ltd
 - d) Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning
 - e) Spick & Span Commercial Property Maintenance Pty Ltd
 - f) DMC Cleaning Corporation Pty Ltd
9. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
10. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again, these were set out in the tender invitation).
11. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	20%
Key Personnel Skills & Experience	25%
Tenderer's Resources	20%
Demonstrated Understanding	30%
Local Benefits	5%

12. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria.
- The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.
13. Of the six tender submissions only four met the required QPM of 60% or above and progressed to the next stage. These tenderers were, CSCH Pty Ltd trading as Charles Service Company, Office Cleaning Experts trading as OCE Corporate Cleaning, Spick and Span Commercial Property Maintenance Pty Ltd and Iconic Property Services Pty Ltd.
14. A price assessment was then undertaken to determine the best value for money outcome for the City.
15. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report.
16. The recommended tenderers submissions best satisfied the City's requirements by:
- a) meeting or exceeding the qualitative assessment benchmark;

- b) proven capacity and capability to provide general cleaning services throughout the City;
 - c) have the skills and experience to carry out all general cleaning services requested in this contract;
 - d) Available 24/7 for emergency works; and
 - e) providing the best value for money outcome.
17. Of the four qualifying and compliant qualitative tender responses, CSCH Pty Ltd trading as Charles Service Company and Office Cleaning Experts trading as OCE Corporate Cleaning provided the lowest total value for the required services.
18. The Evaluation Panel recommends the City separate the Central and South Zone for ensuring best value for money and best possible coverage through the City, especially in the current environment.
- Recommendation as follows:
- a) that the contract for RFT 2115- Provision of General Cleaning Services be awarded to CSCH Pty Ltd trading as Charles Service Company for the cleaning to all facilities within the South Zone; and
 - b) Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning for the cleaning of all facilities and BBQ's within the Central area as set out in Confidential Attachment 1.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

21. The use of cleaning services under this contract will form part of approved annual budgets in Building Maintenance.

SUSTAINABILITY

22. Clause 2.20 of the tender request states all consumables must be environmentally friendly, child safe and economical cleaning products for the cleaning of premises so that activities are managed in a way to avoid or minimise the potential for air, water, and soil pollution.
23. Clause 4.4 (4.4.1 to 4.4.4), of the tender request states that the awarded contractor(s) will comply with all statutes, regulations and by-laws relating to the protection of the environment.

RISK MANAGEMENT

24.

Risk: The Contractor(s) fails to provide skilled and experienced personnel to complete scope of works as set out in this request (in terms of time and quality) leading an increased safety risk to the public, City staff and pest infestations through public and staffed facilities.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
<ul style="list-style-type: none"> a) Ensure that City’s expectations and the scope of works are clearly communicated at the start up meeting. b) Ensure regular inspections are done to ensure Contractor(s) KPI’s are met. c) Address any issues immediately. 		

25.

Risk: The City fails to implement a cleaning contract will lead to unsanitary facilities and working conditions. Can also damage the City’s reputation as our facilities will not comply or present in an appropriate or acceptable standard. Failing to provide a clean and safe working space for staff will also lead OHS issues, especially in the current (COVID) environment.		
Consequence	Likelihood	Rating
Significant	Likely	Extreme
Action/Strategy		
<ul style="list-style-type: none"> a) The recommendation is that the City engages suitable contractors to provide this service. b) It is not recommended that the City undertakes these works in house as it would not be cost efficient. 		

CONCLUSION

26. The delivery of Tender RFT 2115 - Provision of General Cleaning Services will allow the City to carry out regular/ day to day cleaning, any additional or specials cleaning the City may require as well as periodical cleaning that may be required by various departments throughout the City. The City is satisfied that the recommended tenderers have the capability, capacity, along with experienced staff and resources available to provide the City with the required general cleaning services.

Voting Requirements: Simple Majority

RESOLVED OCM 07/2022

RECOMMENDATION

That Council ACCEPT the tender RFT 2115 - Provision of General Cleaning Services to provide general cleaning services, periodical cleaning and any other cleaning requirements as directed by the City of Kalamunda from CSCH Pty Ltd trading as Charles Services Company ACN 619 947 429 for cleaning of the South Zone, and Office Cleaning Experts Pty Ltd trading as OCE Corporate Cleaning ACN 082 965 964 for the cleaning of the Central zone including all the BBQ's throughout the City as set out in Confidential Attachment 1, for the initial three-year contract with two further one-year extensions at the sole discretion of the City of Kalamunda.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.3. Corporate Services Reports

Nil

10.4. Office of the CEO Reports

10.4.1. Request for Naming of Park - Mr Noel Morich

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

Previous
Items

Directorate Office of the CEO

Business Unit Customer and PR

File Reference

Applicant City of Kalamunda
Owner

- Attachments
1. Letter of Support - Hon Ken Wyatt AM MP [**10.4.1.1** - 1 page]
 2. bush tucker [**10.4.1.2** - 1 page]
 3. bush tucker 2 [**10.4.1.3** - 1 page]
 4. Further detail on the Life of Noel Morich [**10.4.1.4** - 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 (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 1.3 - 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 4.1 - 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 for council to consider a request for the naming of a Park after a well-respected member of the City of Kalamunda (City) community.
2. The family of the late Noel Morich who was a respected Aboriginal Elder has submitted the request for a portion of land in the Hales Estate, Forrestfield to be named after him.
3. The report recommends endorsement of the naming for the purpose of public advertising.

BACKGROUND

4. Council recently adopted a Policy – Governance 19 Naming of Parks, Reserves, Streets and Infrastructure, to assist in considering such requests.
5. The City received the request from the family of the Late Mr Noel Morich to name a Park after Noel.

DETAILS AND ANALYSIS

6. Mr Bernard (Noel) Morich was born on 30 January 1944 and moved to Forrestfield in 1979. He passed away in 2016 at the age of 72. His wife still resides at the family home.

7. Noel was employed at the Education Department, he worked as the sole Aboriginal Liaison Officer in the Perth Metropolitan Area, including schools in the district.
8. In this work he played a vital role in teaching culture and supporting Aboriginal Students attending schools throughout Perth.
9. In his later years he was involved in many Welcome to Country's, Heritage work and was a part of the Whadjuk Working Party from the early 2000's. This group undertook significant work with the City as a part of the development undertaken at the Hartfield Park Maamba site
10. The family has requested the site bordered by Koda Mews and Crimson Boulevard in Forrestfield be named Noel Morich Reserve.
11. The Reserve (53723) is officially unnamed with Landgate having been newly created as a part of the Hales Estate.
12. It is currently referred to, based on the road it is on, as 'Koda Mews reserve' however this is not an official name.
13. The name must adhere to the requirements of Policies and Standards for Geographical Standards for Geographical Naming in Western Australia.

14.



15. Mr Morich is considered a figure of local historical note and the City supports the naming of the site in recognition of the significant work he has undertaken in teaching Aboriginal history, heritage and culture in the district for close to 40 years. Additional information is provided in Attachments 2 – 4.
16. The request has been assessed in accordance with Council Policy Governance 19: Naming of Parks, Reserves, Streets and Infrastructure.

APPLICABLE LAW

- 17. *Local Government Act 1995.*
- 18. Section 26 and 26A of the *Land Administration Act 1997.*

APPLICABLE POLICY

- 19. Governance 19 - Naming of Parks, Reserves, Streets and Infrastructure.
- 20. City of Kalamunda Reconciliation Action Plan

STAKEHOLDER ENGAGEMENT

- 21. The family of Mr Morich are supportive of the naming request.
- 22. The City has also received a letter of support (Attachment 1) from the Hon Ken Wyatt MP who worked with Mr Morich in his career at the Department of Education.
- 23. The City would be required to engage with the community by undertaking public consultation, supported by advertising across a range of mediums.
- 24. Community support for the name would be required for Landgate to give consideration to the proposal.

FINANCIAL CONSIDERATIONS

- 25. Public advertising will cost \$300.

SUSTAINABILITY

- 26. Nil.

RISK MANAGEMENT

27.	Risk: Community may not agree with the name.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Undertake broader community consultation.		

CONCLUSION

28. Mr Morich dedicated close to 40 years to the district, teaching culture and history and has made a significant contribution to the region.
29. There is substantial evidence of works undertaken by Mr Morich for the benefit of the community.

Voting Requirements: Simple Majority

RESOLVED OCM 08/2022

That Council ENDORSE the naming of “Noel Morich Park”, at Reserve 53723, the site bounded by Koda Mews and Crimson Boulevard in Forrestfield for the purposes of public advertising and report to Council on the outcome.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.4.2. Kalamunda Agricultural Society Memorandum of Understanding

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer and PR
File Reference	
Applicant Owner	Kalamunda & District Agricultural Society
Attachments	1. Kalamunda Show Memorandum of Understanding 2022 [10.4.2.1 - 18 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 1.1 - 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 - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City 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.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a draft Memorandum of Understanding (MOU) with the Kalamunda and Districts Agricultural Society (KDAS).
2. The City of Kalamunda (City) has been a long-time supporter of the KDAS in its delivery of the annual Kalamunda Agricultural Show at Kostera Oval.
3. The recommendation is to approve the Memorandum of Understanding.

BACKGROUND

4. Originally the Agricultural Society owned the Agricultural Hall and the Grounds (now Kostera Oval).
5. In 1922 the Agricultural Society found they could not finance the upkeep of the Hall and grounds and the decision was made to hand the Hall and grounds to the Darling Range Road Board.
6. In 1961 the current name 'Kalamunda and Districts Agricultural Society' became the permanent name of the KAS, who operate both the Kalamunda Show and the Spring Flower Show.
7. The Show is now entirely organised by the KDAS. In recent years, the Show has shown a resurgence amongst the community with strong attendances and attracts many visitors from outside the district.
8. In 2022 the 122nd Kalamunda Show will be held. The Show has operated since 1898, with only a couple of years missed in continuous operation, most recently as a result of COVID-19.

DETAILS AND ANALYSIS

9. The Memorandum of Understanding is designed to ensure there is clear guidance on the responsibilities of the KDAS and the City in respect to the grounds, agreements to utilise Kostera Oval and the Kalamunda Performing Arts Centre, storage of equipment, and associated items.

APPLICABLE LAW

10. *Local Government Act 1995.*

APPLICABLE POLICY

11. Service 06 - Events Sponsorship and Donations

STAKEHOLDER ENGAGEMENT

12. The City has worked with the KDAS in the development of the MOU.
13. The KDAS are supportive of the MOU.

FINANCIAL CONSIDERATIONS

14. Any financial support is subject to the Annual Budget process.

SUSTAINABILITY

15. The KDAS work each year to ensure they have a strong base of support, volunteers, other funding sources (sponsorships and donations) to ensure it is sustainable.

RISK MANAGEMENT

16.

Risk: The City does not enter into a Memorandum of Understanding with the Kalamunda & Districts Agricultural Society and therefore parties responsibilities are not clear.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure a MOU is developed, approved and executed in a timely manner.		

CONCLUSION

17. Officers recommend approval of the MOU, which clearly outlines roles and responsibilities in regard to the operations of the KDAS and any support received from the City.

Voting Requirements: Simple Majority

RESOLVED OCM 09/2022

That Council:

1. APPROVE the Memorandum of Understanding between the City of Kalamunda and the Kalamunda & District Agricultural Society.
2. REQUEST the Chief Executive Officer to arrange execution of the Memorandum of Understanding.

Moved: **Cr Sue Bilich**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED (11/1)**

FOR

Cr Margaret Thomas
Cr Janelle Sewell
Cr Brooke O'Donnell
Cr John Giardina
Cr Geoff Stallard
Cr Mary Cannon
Cr Kellie Miskiewicz
Cr Sue Bilich
Cr Dylan O'Connor
Cr Lisa Cooper
Cr Kathy Ritchie

AGAINST

Cr Andrew Osenton

10.5. Chief Executive Officer Reports

10.5.1. Draft Monthly Financial Statements to January 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachments	1. Statement of Financial Activity for the period ended 31 January 2022 [10.5.1.1 - 2 pages]
	2. Statement of Net Current Funding Posiiton as at 31 January 2022 [10.5.1.2 - 1 page]
	3. Statement of Financial Activity for the period ended 31 December 2021 [10.5.1.3 - 2 pages]
	4. Statement of Net Current Funding Posiiton as at 31 December 2021 [10.5.1.4 - 1 page]

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
^P Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When the 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 licenses, other permits or licenses 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. The purpose of this report is to provide Council with the Statutory Draft Financial Statements for the period ended 31 January 2022.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the first term budget review adopted by the Council on 23 November 2021 for the 2021/2022 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 January 2022, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 January 2022;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 January 2022;
 - c) Net Current Funding Position, note to financial report as of 31 January 2022;
 - d) Statement of Financial Activity (Nature and Type) for the period ended 31 December 2021;
 - e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 December 2021 and
 - f) Net Current Funding Position, note to financial report as of 31 December 2021

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

DETAILS AND ANALYSIS

5. The Act requires the Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2020/2021.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 31 January 2022

7. This Statement reveals a net result surplus of \$23,099,799 compared to the budget for the same period of \$17,759,143.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$2,434,651. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$1,777,102. The variance is mainly attributable to \$1,939,879 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by \$506,394 Which mainly rates to building applications and pool inspection fees.
 - c) Interest earnings are over budget by \$6,066. The variance is considered to be a timing issue.
 - c) Other Revenue is over budget by \$97,792. The variance is mainly due to the payments received from prosecution of un-authorised developments.

Operating Expenditure

9. Total expenditure is under budget by \$1,342,075. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$821,539, which is primarily due to delays in filling vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$17,876. The variance is within the reporting threshold.
 - c) Utilities are under budget by \$83,790, the variance is mainly due the aggregate result of minor variances in several business units.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$1,057,735.
 - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
 - f) Other expenditure is over budget by \$31,946. The variance is due to the timing difference of planned donations and contributions to various community groups.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are over budget by \$1,463,705. The variance is mainly due to the timing of receiving grant funding related to various roads capital projects.

Capital Expenditure

11. The total Capital Expenditure on Property, Plant, and Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$843,061. This is considered to be a timing issue.
12. Capital works-in-progress expenditure of \$1,687,151 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities show a variance of \$415,315 which is mainly due to the developer contributions and reserve transfers.

Rates Revenues

14. Rates generation is over budget with a variance of \$707,857. The variance is mainly due to the interim rates.

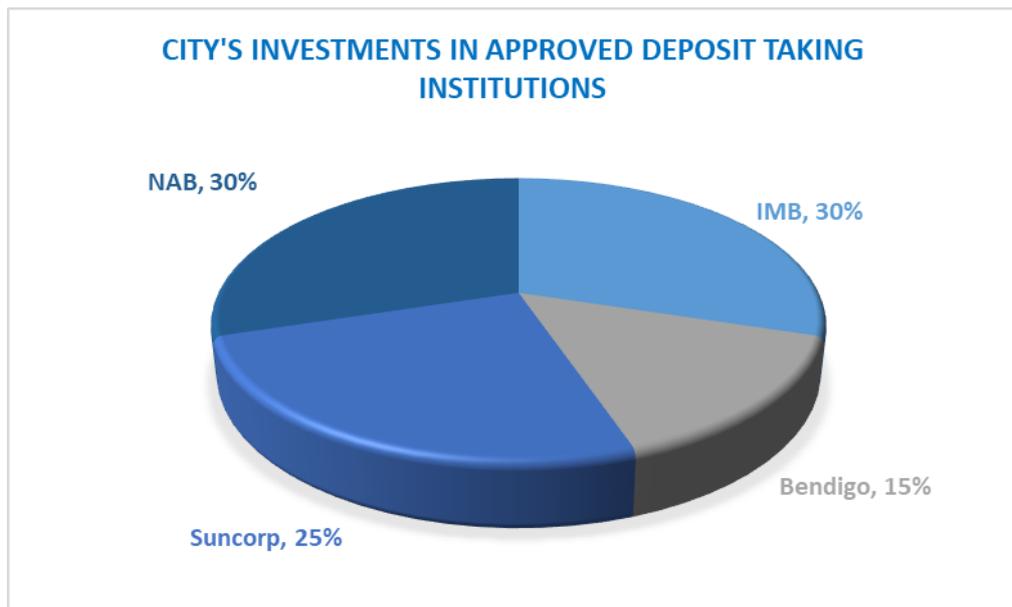
Statement of Financial Activity by Program for the period ended 31 January 2022

15. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture, and 'Other Property Services'. Major variances have been reported by Nature and Type under points 7 to 14 above.

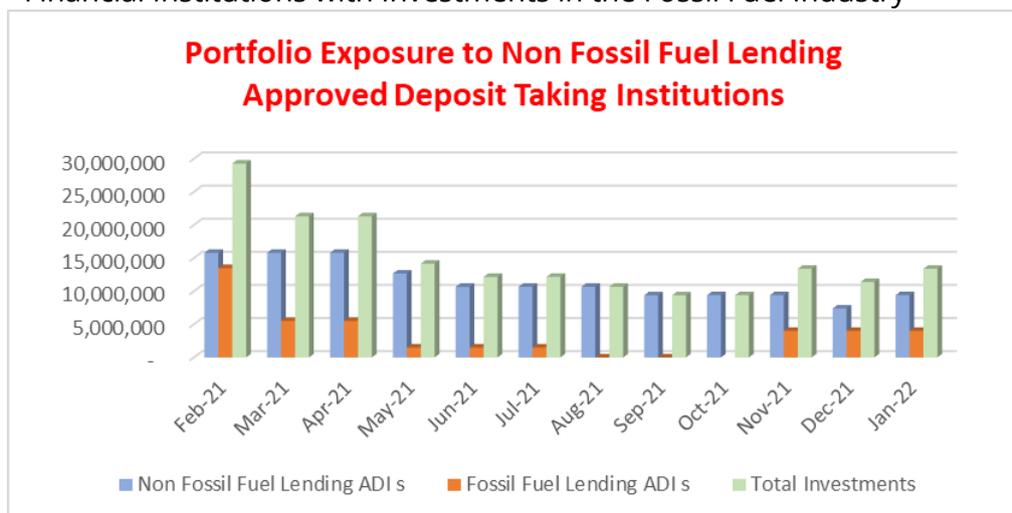
Statement of Net Current Funding Position as of 31 January 2022

16. The commentary on the net current funding position is based on a comparison of January 2022 to the January 2021 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$43 million. The restricted cash position is \$24.5 million which is higher than the previous year's balance of \$17.1 million. The variance is mainly due to the increased reserve balances in unexpended capital works, and specific purpose grants reserve and waste management reserve.

18. The following graph indicates the financial institutions where the City has investments as of 31 January 2022;
- 19.



*Financial Institutions with Investments in the Fossil Fuel Industry



20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$8 million.
21. Sundry debtors have decreased from \$318,366 to \$308,174, of which \$30,165 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
22. Receivables Other represents \$2.7 million including:
 a) Emergency Service Levy receivables \$1.1 million;
 b) Receivables sanitation \$0.9 million
23. Provisions for annual and long service leave have increased by \$0.2 million to \$4.3 million when compared to the previous year.

APPLICABLE LAW

24. *The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.*

APPLICABLE POLICY

25. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

26. The City's executive and management monitor and review the underlying business unit reports which form the consolidated results presented in this report.

External Referrals

27. As noted in point 24 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

28. The City's financial position continues to be closely monitored to ensure it is operating sustainably and to allow for future capacity.

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT

32.

Risk: Over-spending the budget.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium

Action/Strategy
Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department.

33.

Risk: Non-compliance with Financial Regulations		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action / Strategy		
The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations. External Audit confirms compliance.		

CONCLUSION

34. The City’s Financial Statements as at 31 January 2022 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 10/2022

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 January 2022 which comprises:

- a) Statement of Financial Activity (Nature or Type) for the period ended 31 January 2022;
- b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 January 2022;
- c) Net Current Funding Position, note to financial report as of 31 January 2022;
- d) Statement of Financial Activity (Nature and Type) for the period ended 31 December 2021;
- e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 December 2021 and
- f) Net Current Funding Position, note to financial report as of 31 December 2021

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.2. Debtors and Creditors Report for the period ended 31 December 2021

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended December 2021 [10.5.2.1 - 37 pages] 2. Summary of Debtors for the month of December 2021 [10.5.2.2 - 3 pages] 3. Summary of Creditors for month of December 2021 [10.5.2.3 - 1 page]

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
P 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 licenses, other permits or licenses 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 list of payments made from Municipal and Trust Fund Accounts in December 2021, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of December 2021.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in December 2021 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of December 2021.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 December 2021 were \$627,183. This includes \$269,620 of current debts and \$2,149 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$77,748 debts of significance:
 - a) City of Armadale, \$27,500, Website Design – reimbursement;
 - b) Department of Education, \$16,545, Lease Fees;
 - c) Hartfield Country Club, \$8,649, Annual Lease Fee;
 - d) Kalamunda & District Junior Football Club, \$7,389, Extension Project Contribution, Utility;
 - e) Zig Zag Gymnastics, \$6,396, Lease Fees; and
 - f) Forrestfield United Soccer Club, \$5,890, Loan 214.
8. Invoices over 60 days total \$21,175 debts of significance:
 - a) Forrestfield United Soccer Club, \$3,236, Utilities;
 - b) Zig Zag Gymnastics, \$3,197, Lease Fees;
 - c) Kalamunda & Districts Junior Football Club, \$2,421, Utilities;
 - d) Anoint the World Ministries, \$2,254, Hall Hire;
 - e) Private Citizen, \$2,164, Reimbursement;
 - f) High Wycombe Amateur Football Club, \$1,143, Utilities; and
 - g) Carmel Adventist College, \$1,067, Hall Hire.

9. Invoices over 90 days total \$260,789, debts of significance:
- a) El Dujmovic Pty Ltd, \$209,700, Development Contribution;
 - b) Dept of Infrastructure, \$16,440, Road Safety Awareness and Enablers Fund Grant;
 - c) Zig Zag Gymnastics, \$9,083, Lease Fees
 - d) Private Citizen, \$4,950, Fire Break – Reimbursement;
 - e) N-Com, \$3,671, Lease Fees;
 - f) Dome Coffee Australia, \$1,558, Lease Fees; and
 - g) Hills Karate Club, \$1,550, Hall Hire.

Creditors

10. Payments totalling \$6,654,404 were made during the month of December 2021.
Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Department of Fire Emergency Services	Emergency Services Levy – 2 quarter payment	2,032,946.56
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	410,532.66
Australian Tax Office	PAYG payments	376,381.86
Cleanaway	Waste, recycling & bulk disposal services fees	374,529.97
Major Motors Pty Ltd	Purchase of two Isuzu trucks - plant replacement program	297,345.64
Data #3 Limited	Annual subscription – Microsoft licenses	215,497.42
Western Australian Electoral Commission	Local Government ordinary election 2021	147,295.42
Synergy	Power charges – various locations	142,327.65
Beaver Tree Services	General tree services / under powerline pruning for various locations	136,015.68
Dowsing Group Pty Ltd	Supply and lay concrete pathways, maintenance at various locations	112,616.93
AWARE Super Pty Ltd	Superannuation contributions	93,964.45
ASV Sales & Services (WA) Pty Ltd	Purchase of new 2021 – POSI track loader	84,624.10

Contraflow	Traffic management at various locations	78,690.49
HAS Earthmoving	Progress claims for works in Maida Vale Road/ ROE Highway off-ramp roundabout	74,792.25
West Tip Waste Control Pty Ltd	Tip fees – removal and processing of various waste	70,075.53
Kalamunda Electrics	Electrical maintenance and repairs various locations	65,458.11
Building Commission – Department of Mines, Industry Regulation & Safety	Building Levy – November 2021	65,175.94
Mckay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	57,465.99
ATCO Gas Australia Pty Ltd	Minor asset works at Hale Road, Wattle Grove*	55,989.84
Western Australian Treasury Corporation	Loan instalment repayment – loan number 243	53,862.00
A Proud Landmark Pty Ltd	Tree planting program – pruning and general maintenance	52,345.26

These payments total \$4,997,933.75 and represent 75% of all payments for the month.

* The amounts paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during December 2021.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,211,029 was paid in net salaries for the month of December 2021.
13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) Public Open Space funds;
 - c) NBN Tower Pickering Brook Trust

15. The following payments (GST exclusive) were made from the Trust Accounts in December 2021.

CELL 9		Amount (\$)
Date	Description	
24/12/2021	ATCO Gas Australia Pty Ltd - Minor asset works at Hale Road, Wattle Grove	50,899.58
24/12/2021	Contraflow - Hale Road - Tree planting into median strips	1,717.54
24/12/2021	Talis Consultants Pty Ltd- Detailed design & consult services for the delivery of Woodlupine Living Stream	1,770.86
24/12/2021	Kalamunda Electrics – Installation of Western Power head works – Woodlupine Living Stream project	11,793.00
24/12/2021	Quality Press – LSP amendment sign	145.08

APPLICABLE LAW

16. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996*.
17. Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

APPLICABLE POLICY

18. Debt Collection Policy S-FIN02.
19. Register of Delegations from Council to CEO.

STAKEHOLDER ENGAGEMENT

Internal Referrals

20. Various business units are engaged to resolve outstanding debtors and creditors as required.

External Referrals

21. Debt collection matters are referred to the City's appointed debt collection agency when required.

FINANCIAL CONSIDERATIONS

22. The City will continue to closely manage debtors and creditors to ensure optimal cash flow management.

SUSTAINABILITY

23. Nil.

RISK MANAGEMENT

Debtors

24.	<p>Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Possible	Insignificant	Low
Consequence	Likelihood	Rating					
Possible	Insignificant	Low					
	<p>Action/Strategy</p> <p>Ensure debt collections are rigorously managed.</p>						

Creditors

25.	<p>Risk: Adverse credit ratings due to the City defaulting on the creditor.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Possible	Insignificant	Low
Consequence	Likelihood	Rating					
Possible	Insignificant	Low					
	<p>Action/Strategy</p> <p>Ensure all disputes are resolved in a timely manner.</p>						

CONCLUSION

26. Creditor payments are above the normal trend due to the emergency service levy payment.

Voting Requirements: Simple Majority

RESOLVED OCM 11/2022

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in December 2021 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachment 2 & 3) for the month of December 2021.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.3. Debtors and Creditors Report for the period ended 31 January 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended January 2022 [10.5.3.1 - 30 pages] 2. Summary of Debtors for the month of January 2022 [10.5.3.2 - 3 pages] 3. Summary of Creditors for month of January 2022 [10.5.3.3 - 1 page]

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
P 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 licenses, other permits or licenses 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 list of payments made from Municipal and Trust Fund Accounts in January 2022, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of January 2022.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in January 2022 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of January 2022.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 January 2022 were \$308,174. This includes \$30,165 of current debts and \$21,617 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$13,828 debts of significance:
 - a) N-Com, \$3,671, Lease Fees;
 - b) Zig Zag Gymnastics, \$3,198, Lease Fees;
 - c) Hills District Callisthenics, \$2,166, Hall Hire; and
 - d) Forrestfield United Soccer Club, \$1,069, Utilities.
8. Invoices over 60 days total \$23,166 debts of significance:
 - a) Forrestfield United Soccer Club, \$8,695, Players Fees and Utilities;
 - b) Zig Zag Gymnastics, \$6,396, Lease Fees; and
 - c) Kalamunda & Districts Junior Football Club, \$7,250, Contribution to Extension Project.
9. Invoices over 90 days total \$262,632 debts of significance:
 - a) El Dujmovic Pty Ltd, \$209,700, Development Contribution;
 - b) Dept of Infrastructure, Transport, Regional Development and Communication, \$16,440, Road Safety Awareness and Enablers Fund Grant;
 - c) Zig Zag Gymnastics, \$9,981.28, Lease Fees
 - d) Private Citizen, \$4,950, Fire Break – Reimbursement;
 - e) Private Citizen, \$2,164, Reimbursement;

- f) Forrestfield United Soccer Club, \$2,140.38, Utilities;
- g) Dome Coffee Australia, \$1,558, Lease Fees;
- h) Hills Karate Club, \$1,550, Hall Hire;
- i) Private Citizen, \$1,186.75, Hall Hire; and
- j) Carmel Adventist College, \$1,067, Hall Hire.

Creditors

10. Payments totalling \$4,358,064 were made during the month of January 2022.
Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Fulton Hogan Industries Pty Ltd	Supply of road materials for various locations	920,880.38
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	402,995.17
Australian Tax Office	PAYG payments	378,940.83
Cleanaway	Waste, recycling & bulk disposal services fees	359,031.84
LGIS Workcare Scheme	LGIS Workcare performance-based claims – adjustment November 2021	236,959.70
AWARE Super Pty Ltd	Superannuation contributions	186,622.31
Synergy	Power charges – various locations	143,192.15
Kalamunda Electrics	Electrical maintenance and repairs various locations	121,308.25
Western Australian Treasury Corporation	Loan instalment repayment – loan number 221	96,590.44
Beaver Tree Services	General tree services / under powerline pruning for various locations	79,083.99
West Tip Waste Control Pty Ltd	Tip fees – removal and processing of various waste	77,331.71

These payments total \$3,002,936.77 and represent 69% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,210,765.07 was paid in net salaries for the month of January 2022.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
- a) CELL 9 Trust;
 - b) Public Open Space funds;
 - c) NBN Tower Pickering Brook Trust
15. The following payments (GST exclusive) were made from the Trust Accounts in November 2021.

CELL 9		Amount (\$)
Date	Description	
31/01/2022	Tree Watering Services – tree watering along Hale Road – December 2021	1,496.00
31/01/2022	New ground Water Services Pty Ltd – Woodlupine Brook stage 3 irrigation works	4,180.00

APPLICABLE LAW

16. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996*.
17. Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

APPLICABLE POLICY

18. Debt Collection Policy S-FIN02.
19. Register of Delegations from Council to CEO.

STAKEHOLDER ENGAGEMENT

Internal Referrals

20. Various business units are engaged to resolve outstanding debtors and creditors as required.

External Referrals

21. Debt collection matters are referred to the City’s appointed debt collection agency when required.

FINANCIAL CONSIDERATIONS

22. The City will continue to closely manage debtors and creditors to ensure optimal cash flow management.

SUSTAINABILITY

23. Nil.

RISK MANAGEMENT

Debtors

24.

Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
Consequence	Likelihood	Rating
Possible	Insignificant	Low
Action/Strategy		
Ensure debt collections are rigorously managed.		

Creditors

25.

Risk: Adverse credit ratings due to the City defaulting on the creditor.		
Consequence	Likelihood	Rating
Possible	Insignificant	Low
Action/Strategy		
Ensure all disputes are resolved in a timely manner.		

CONCLUSION

26. Creditor payments are above the normal trend due to the emergency service levy payment.

Voting Requirements: Simple Majority

RESOLVED OCM 12/2022

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in January 2022 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachment 2 & 3) for the month of January 2022.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.4. Rates Debtors Report for the Period Ended December 2021

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachments 1. Rates Report December 2021 [**10.5.4.1** - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
P 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 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 information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for 2021/2022 on 1 July 2021 totalling \$38,954,466. As of 31 December 2021, \$33,228,911 has been collected for current and outstanding rates for the 31 December 2021 period.

3. It is recommended that Council receive the Rates Debtors Report for the month of December 2021 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 22 July 2021 with the following payment options available:

Options	Payment Dates			
Full payment	26 August 2021			
Two instalments	26 August 2021	29 December 2021		
Four instalments	26 August 2021	27 October 2021	29 December 2021	2 March 2022

DETAILS AND ANALYSIS

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,228,000.
6. As of 31 December 2021, a total of \$33,228,911 has been collected since Rates Notices were released, representing a collection rate of 80.41%.
7. A total of 7,934 ratepayers have taken up the instalment option. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,559
Option 3 on Rate Notice	Four instalments	6,335
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	43
Direct Debit	Payment to be received by April 2021	113
Total	Ratepayers on payment options	7,732

8. Interim rating has now commenced for 2021/2022. To 31 December 2021, \$221,785 has been raised for interim rating revenue.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 December 2021 to 31 December 2021, there was a total of 231 incoming calls and 77 outgoing calls, equating to 12.92 hours call time.

APPLICABLE LAW

10. The City collects its rates debts in accordance with the *Local Government Act 1995* Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.

APPLICABLE POLICY

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.
12. The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

13. The City's Governance Unit has been briefed on the debt collection process.

External Referrals

14. The higher-level debt collection actions have been undertaken by Kott Gunning.

FINANCIAL CONSIDERATIONS

15. The early raising of rates in July allows the City's operations to commence without delays improving cashflow, in addition to earning additional interest income.

SUSTAINABILITY

Social Implications

16. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
17. The City has introduced "a smarter way to pay" to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A "Smarter Way to Pay" allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce their financial burden.

Economic Implications

18. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the City.

Environmental Implications

19. The increase in the take up of eRates and BPay View, as a system of Rate Notice delivery, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT

20.

Risk: Failure to collect outstanding rates and charges leading to cashflow issues within the current year.		
Likelihood	Consequence	Rating
Likely	Moderate	Medium
Action/Strategy		
Ensure debt collections are rigorously maintained.		

CONCLUSION

21. With a current collection rate for the financial year of 80.41% (compared to 79.72% last year), the City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 13/2022

That Council RECEIVE the Rates Debtors Report for the Period ended 31 December 2021 (Attachment 1).

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.5. Rates Debtors Report for the Period Ended January 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachments 1. Rates Report January 2022 [**10.5.5.1** - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
P 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 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 information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for 2021/2022 on 1 July 2021 totalling \$38,954,466. As of 31 January 2022, \$34,646,979 has been collected for current and outstanding rates for the 31 January 2022 period.

3. It is recommended that Council receive the Rates Debtors Report for the month of January 2022 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 22 July 2021 with the following payment options available:

Options	Payment Dates			
Full payment	26 August 2021			
Two instalments	26 August 2021	29 December 2021		
Four instalments	26 August 2021	27 October 2021	29 December 2021	2 March 2022

DETAILS AND ANALYSIS

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,894,194.
6. As of 31 January 2022, a total of \$34,646,979 has been collected since Rates Notices were released, representing a collection rate of 82.52%.
7. A total of 7,934 ratepayers have taken up the instalment option. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,559
Option 3 on Rate Notice	Four instalments	6,335
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	43
Direct Debit	Payment to be received by April 2021	113
Total	Ratepayers on payment options	7,732

8. Interim rating has now commenced for 2021/2022. To 31 January 2022, \$693,563 has been raised for interim rating revenue.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 January 2022 to 31 January 2022, there was a total of 216 incoming calls and 108 outgoing calls, equating to 13.97 hours call time.

APPLICABLE LAW

10. The City collects its rates debts in accordance with the *Local Government Act 1995* Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.

APPLICABLE POLICY

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.
12. The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

13. The City's Governance Unit has been briefed on the debt collection process.

External Referrals

14. The higher-level debt collection actions will be undertaken by AMPAC.

FINANCIAL CONSIDERATIONS

15. The early raising of rates in July allows the City's operations to commence without delays improving cashflow, in addition to earning additional interest income.

SUSTAINABILITY

Social Implications

16. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
17. The City has introduced "a smarter way to pay" to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A "Smarter Way to Pay" allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce their financial burden.

Economic Implications

- 18. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the City.

Environmental Implications

- 19. The increase in the take up of eRates and BPay View, as a system of Rate Notice delivery, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT

- 20.

Risk: Failure to collect outstanding rates and charges leading to cashflow issues within the current year.		
Likelihood	Consequence	Rating
Likely	Moderate	Medium
Action/Strategy		
Ensure debt collections are rigorously maintained.		

CONCLUSION

- 21. With a current collection rate for the financial year of 82.52% (compared to 82.17% last year), the City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 14/2022

That Council RECEIVE the Rates Debtors Report for the Period ended 31 January 2022 (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.6. City of Kalamunda - Submission on Proposed Amendments to the Local Government Act

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

Previous
Items

Directorate Office of the CEO
Business Unit Governance and Legal

File Reference

Applicant
Owner

Attachments 1. CITY OF KALAMUNDA REFORM SUBMISSION 2022
[10.5.6.1 - 29 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
P 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 endorse a submission from the City of Kalamunda (City) with respect to proposed changes to the *Local Government Act 1995* (Act).
2. On 10 November 2021, the Minister for Local Government released a package of proposed amendments to the Act aimed at introducing some

significant reforms to local government, calling for submissions by 25 February 2022.

3. It is recommended that Council endorse the proposed submission by the City (Attachment 1).

BACKGROUND

4. Since 2017 the State Government has embarked on a program to implement reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring local government works for the benefit of local communities.
5. This has culminated in the current proposed reforms released on 10 November 2021 with submissions invited by 4 February 2022. The proposed reforms are based on extensive consultation undertaken over the past five years, and have been developed considering:
 - The Local Government Review Panel Final Report (mid 2020)
 - The City of Perth Inquiry Report (mid 2020)
 - Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
 - The Victorian Local Government Act 2020 and other State Acts
 - The Parliament's Select Committee Report into Local Government (late 2020)
 - Western Australian Local Government Association (WALGA) Submissions
 - Direct engagement with local governments
 - Correspondence and complaints
 - Miscellaneous past reports

DETAILS AND ANALYSIS

6. Based on the significant volume of research and consultation undertaken over the past five years, the proposed amendments to the Act represent probably the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago.
7. The package is based on six major themes:
 1. Earlier intervention, effective regulation and stronger penalties
 2. Reducing red tape, increasing consistency and simplicity
 3. Greater transparency and accountability
 4. Stronger local democracy and community engagement
 5. Clear roles and responsibilities
 6. Improved financial management and reporting.
8. Councillors were provided with a briefing on the proposed amendments with feedback sought by the end of November 2021 to enable a

submission to be endorsed at the December 2021 Ordinary Council Meeting.

9. Councillor's feedback has been assimilated into the City's submission shown as Attachment 1.
10. WALGA have also made a submission on behalf of the local government sector and the City's submission aligns with many of the views held by the sector.
11. The key areas of departure from the proposed amendments where the City has not supported or supported subject to amendments include:
 - 1.5 Rapid Red Card Resolutions
 - 3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published
 - 4.3 Introduction of Preferential Voting
 - 4.4 Public Vote to Elect the Mayor and President
 - 4.5 Tiered Limits on the Number of Councillors
 - 5.8 CEO Recruitment
 - 6.6 Audit Committees
 - 6.7 Building Upgrade Finance

Full details are outlined in Attachment 1.

APPLICABLE LAW

12. *Local Government Act 1995*

APPLICABLE POLICY

13. N/A

STAKEHOLDER ENGAGEMENT

14. This being an external submission did not require any engagement with other parties. Individual and groups are able to lodge their own submissions.

FINANCIAL CONSIDERATIONS

15. None from this report.
However, if the reforms being proposed are legislated there will be added cost to the City to implement many of the reforms. The City's submission highlights where those cost may be incurred.

SUSTAINABILITY

16. Nil.

RISK MANAGEMENT

17.

Risk: The City of Kalamunda will not be able to influence outcomes if a submission is not made.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure the City lodges its submission before the due date.		

18.

Risk: The proposed reforms will result in additional costs to the City.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure the City lodged a submission before the due date. Confirm the additional costs associated with the reform and provision in future year budgets.		

CONCLUSION

19. The City is of the view the proposed reforms lack necessary detail in terms of how they will be operationalised, and the associated implications to local government.
20. The main area for concern in relation to the proposed reforms is the implementation cost and resourcing. Local government finances are already strained from excessive reporting requirements, unrealistic financial ratios and has limited means to increase revenues other than through rate rises. At some point there needs to be pragmatism applied between overregulation for transparency and risk aversion's sake and the ability of local government to do its job which is to provide community infrastructure.
21. The City believes additional information is required and it should be part of future consultation with the sector. The City recommends the Minister for Local Government provide assurance that the detail of each proposed reform be the subject of further consultation with the sector and that Local Government representatives are appointed to participate or review the legislative drafting process to provide an operational perspective necessary to the development of a workable Local Government Act Amendment Bill.

The Presiding Member moved consideration of this item to the end of the Reports to Council.

Voting Requirements: Simple Majority

RESOLVED OCM 17/2022

That Standing Orders be suspended.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Standing Orders were suspended at 8.05pm.

RESOLVED OCM 18/2022

That Standing Orders be resumed.

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Standing Orders were resumed at 8.18pm.

RECOMMENDATION

That Council:

1. ENDORSE the City of Kalamunda Submission (Attachment 1) on the Local Government Act Reform Consultation Paper.
2. REQUEST the Chief Executive Officer lodge the submission before 25th February 2021.
3. REQUEST the Minister for Local Government provide assurance that the detail of each proposed reform be the subject of further consultation with the sector and that Local Government representatives are appointed to participate or review the legislative drafting process to provide an operational perspective necessary to the development of a workable Local Government Act Amendment Bill.

Moved:

Seconded:

Vote: **LAPSED**

RESOLVED OCM 19/2022

That Council:

1. ENDORSE the City of Kalamunda Submission (Attachment 1) on the Local Government Act Reform Consultation Paper, subject to the inclusion of the following replacement amendments to the submission:-

Part 1.1 Early Intervention Powers

Inspectors:

- *We request the Minister explore alternate mechanisms for resolving local level complaints.*
- *Request the Minister to not establish the Chief Inspector for Local Government and support adequately resourcing the Local Government Standards Panel*
- *that the LSP be expanded to manage the minor and serious wide range of complaints in relation to disputes, breach of the LGA and local level complaints that are currently dealt with by the Code of Conduct complaints.*
- *City of Kalamunda would also request that parties involved in the management of the complaints process be entirely independent of the Council and of anyone who has connections with Local Government.*

The City of Kalamunda are also concerned about the additional costs of the initial recommendation onto ratepayers and the city in general for providing an Inspector service and do not support cost impositions into the Local Government. There will also be additional cost given the request for employee FTE to accommodate the needs of the Inspector to support the City staff and Council.

The City of Kalamunda have a positive track record of behaviour with Councillors and do not believe this service would be of benefit to our Council or ratepayers.

Part 1.2 Local Government Monitors

Monitors

- *Does not support the proposed reform position on external oversight and support using Local Government Monitors.*
- *There is pre-existing funding for professional development, mediation, and mentoring programs through a wide range of agencies affiliated with the Local Government that can and does provide this service already.*
- *We request the Minister to explore alternatives to the establishment of LGM and would support increased resources towards the Local Government Standards Panel in managing of disputes, complaints for local level issues and breaches of the LGA, provided there is no cost-shifting to ratepayers.*

The City of Kalamunda does not support the use of local government monitors as the definition is very broad and needs better role definition. Council does not endorse the use of local government monitors to resolve issues and investigate Councillors when anyone with a prior or existing connection to Local Government is utilised due to potential bias and concerns over fairness.

The appointment of a LG monitor panel for conduct panels, problem resolution and grievances must be persons who are totally independent of the LG sector to ensure that the complaints, grievances, and dispute resolution processes follows procedural fairness.

Council must and do already approve utilising services (governance, External and Internal Audits, HR, Procurement etc) given there is a need for tending processes outside of this scope and would not support use of monitors for this purpose. Council already has highly skilled staff competent and capable of fulfilling the financial management needs of the City.

Any requests for monitors for any relevant purpose must be endorsed by Council and cannot be requested by the City alone.

Part 1.3 Conduct Panel

Conduct Panel

Does not support the proposed reform position on the new establishment for the conduct panel.

- *Request the Minister to adequately resource the Standards Panel and to ensure that any person has the right to address the standards panel before the panel decides.*
- *Ensure all parties are afforded access to support services to ensure mental health and wellbeing are protected*
- *Complaints must be evidence based and be able to be tested with the relevant facts, i.e., can not just be made up, hearsay or vexatious.*
- *Council endorse that the standards panel have the capability of ruling complainants as vexatious.*
- *Does not support suspending councillors from their role whilst an investigation occurs.*

Appointment of conduct panels, problem resolution and grievances must be persons who are totally independent of the LG sector to ensure that the complaints, grievances, and dispute resolution processes to ensure that procedural fairness is supported.

1.4 Review of Penalties

Review of Penalties

- *Council does not support standing down members whilst being investigated.*
- *Council should have similar protections as State or Federal Members of Parliament*
- *Councillors should be supported with appropriate Governance and Training on appropriate behaviours and conduct and interpersonal skills*
- *Council does not consider procedural fairness applies in this proposed amendment.*

Council recognise that many elected members rely on their allowances as a large source towards their income and forms an essential part of their family household income, contributing towards mortgages, credit cards and everyday bills. Whilst the allowances are limited, the utmost protection of allowances for elected members should be given. There is no workplace in Government or otherwise who would remove an income source and stand down a staff member for the breaches or misconduct that a Councillor could be investigated for.

Council recognises that penalties for breaching the act should be strengthened to ensure councillors behaviours are positive and productive, and that further policy work must be completed to ensure consistency.

Part 1.5 Rapid Red Card Resolutions

Red Card:

- *Council do not support use of a red card for councillors or any attendees.*
- *Any councillor attending a meeting must be entitled to voice concerns, debate, and vote in an ordinary manner.*

If a Councillor attends a meeting they are entitled to vote and speak on the matter. The presiding member must revisit good governance about agreed code of conduct and behaviours needs to be demonstrated at the commencement of every meeting.

Often emotional or "upset/angry" councillors can have strong views on a matter, and they should be afforded all opportunities to ensure good decision making occurs as part of good governance for the community.

If any Attendees at meetings who have a pattern of unreasonable behaviour or communications there is an already existing framework to ban people from meetings, refuse requests for deputations or to cease and desist requests from vexatious and repeated requests for information.

Part 1.6 Vexatious Complaint Referrals

Vexatious Complaints

- *Council agree there needs to be a process developed for vexatious complaints to the City and as part of any complaints process related to Councillors and their code of conduct panel/ LG Complaints committee.*

Part 3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published

CEO KPIS published

Support reporting of KPIS

Common basic KPIS must be defined by Dept for benchmarking across councils and we can add to them

Support reviews being published.

Part 4.3 Introduction of Preferential Voting

Preferential Voting

- *Council does not support preferential voting.*
- *Council would support compulsory voting for ratepayers.*
- *Council prefers first past the post as a method for determining election members.*

Option to hold elections via combination of online, postal and in person voting.

Part 4.5 Tiered Limits on the Number of Councillors

Tiered limits on councillors

- *Council does not support limitations on the number of elected members being determined by a tiered system.*
- *Supports self-determining the needs of Councillors for their communities on their own*
- *Support Councillors in doing a good job, being able to remain an elected member, balance work and life balance.*

Part 5.2 Greater Role Clarity

Greater Role Clarity

- *Council welcomes the invitation to further consult and engage on roles and responsibilities of EM and senior staff to continue to develop effective understandings and engagement.*

Part 5.2.2 Council Role

Council role.

- *Council questions the meaning of significant decisions and would welcome this discussion as part of the further consultation and engagement process.*
- *Council takes this to mean significant as being the current decisions made now, therefore no decisions being removed from them except by way of delegated authority.*
- *Council welcome providing a safe working environment for all Councillors and the CEO.*

Part 5.2.3 Elected Member (Councillor) Role

Councillor Role

- *Council welcomes the invitation to further consult and engage on specifying the roles and responsibilities of the Councillors.*
- *Council must be able to use their title (Councillors/Mayor/President) as we are always seen to be a Cr regardless and it should be for Council to determine appropriate use. What is the reason we are being removed from the ability to self-determine using our role in our daily interactions with community? As this has never been an issue.*

Part 5.2.4 CEO Role

CEO Role

- *Council welcomes the invitation to further consult and engage on specifying the roles and responsibilities of the CEO particularly to ensure KPIS are correctly reflected.*

Part 5.5 Local Governments May Establish Education Allowances

Education allowance

Council supports this reform if the funding is supported for any RTO agency that may be outside Local Government Pro/ WALGA. This can be determined under our already existing training budget.

5.6 Standardised Election Caretaker Period

Council supports the Caretaker period on the proviso that consistent election complaints process with WA Electoral Commission/ etc is maintained via an appropriate process.

Part 5.7 Remove WALGA from the Act

Remove WALGA

- *The City of Kalamunda would welcome the opportunity to advocate for the needs of our community independently of WALGA and the Sector,*
- *The City Supports removal of WALGA from the ACT and favours independent consultation and engagement on issues affecting our Local Government or the Sector in general.*

2. REQUEST the Chief Executive Officer lodge the submission before 25th February 2021.

3. REQUEST the Minister for Local Government provide assurance that the detail of each proposed reform be the subject of further consultation with the sector and that Local Government representatives are appointed to participate or review the legislative drafting process to provide an operational perspective necessary to the development of a workable Local Government Act Amendment Bill.

MOVED: **Cr Brooke O'Donnell**

SECONDED: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.7. Lot 431 (50) Railway Road, Kalamunda - Objection to Food Van Traders Permit Refusal

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Environmental Health
File Reference	5.00000033
Applicant	Marlis Huelsmann
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. Form 4 Objection under Section 9.5 of the Local Government Act 1995 [10.5.7.1 - 1 page] 2. Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 [10.5.7.2 - 11 pages] 3. Council Service Policy 11 - Trading on Thoroughfares or Public places, permit conditions [10.5.7.3 - 6 pages]
Confidential Attachment	<p>Supporting Documents to the Objection</p> <p><i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"</i></p>

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
P Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

Priority 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 an objection (Attachment 1) under Section 9.5 of the *Local Government Act 1995*.
2. The objection is regarding the City' of Kalamunda's (City) refusal to grant a traders permit to the applicant for a mobile food business called Oma & Opa at 50 Railway Road, Kalamunda.
3. The applicant has the right to lodge an objection against a decision to refuse a permit under Clause 4.6 of the *Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008 (Local Law)* (Attachment 2).

BACKGROUND

4. The applicant applied for an initial trading in public places permit dated the 25 August 2021, to trade from the Kalamunda Library carpark from Thursday to Monday, 4pm to 10am. She later submitted an updated application with additional information on the 2 December 2021.
5. The permit request was subsequently referred to Statutory Planning for comment as to whether the proposal to operate a food van from the Kalamunda Library would trigger a requirement for planning approval. Following consideration, it was determined that the proposed land use was not exempt from the requirements of development approval.
6. On 11 October 2021, the development application for the mobile food van was received by the City. The development application was further considered by the City.
7. The proposal was assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies.
8. In the context of the City having refused the trading permit, the development application was not progressed to approval.

9. The food van sells a variety of takeaway German cuisine, such as schnitzel, goulash, sauerkraut, chips, curry sausage etc.

DETAILS AND ANALYSIS

10. In accordance with Clause 3.3 of the Local Law, in determining an application for a permit, the local government is to have regard to:
- a) Any relevant policies of the local government.
 - b) The desirability of the proposed activity.
 - c) The location of the proposed activity.
 - d) The principles set out in the competition principles agreement; and
 - e) Such other matters as the local government may consider to be relevant in the circumstances of the case.
11. This application was considered in accordance with Clause 3.3 of the Local Law and with reference to Council Service Policy 11 Trading on Thoroughfares or Public Places – Permit Conditions (Policy) (Attachment 3).
12. The purpose of the Policy is to ensure a consistent approach is taken to the assessment of trading permits under the Local Law and to provide an efficient application process for approvals by limiting trading to locations prescribed within Schedule 1 of the Policy, unless otherwise approved by the Director Development Services.
13. In consideration of the above, the application was assessed and determined to be in a location unsuitable for the proposed activity. The applicant was advised of the refusal in correspondence from the City dated 6 January 2022, with reasons for the refusal being:
- a) The proposed location is within the Kalamunda town centre, near other established food premises and is not an approved listed location within the Policy.
 - b) The proposal has the potential to receive negative feedback from surrounding landowners and businesses.
 - c) The proposal would result in a reduction of parking at the subject site, which is generally in high demand for existing land uses.
14. In the correspondence dated the 6 January 2022, the City encouraged the applicant to reapply to operate at the one of the locations listed in the Policy and furthermore consider trading at one or all of the four approved markets that operate within the City.
15. After this, the City provided the applicant an approval to operate a temporary Market food stall dated the 13 January 2022. The approval allows the food van to trade at the Kalamunda Night Markets, Kalamunda Artisan Markets, Kalamunda Farmers Market, and the Forrestfield Night Markets.

16. Furthermore, the City has also provided a Temporary Development Approval, with conditions for a use not listed (Food Van) to operate from Lot 7 (1) Haynes Street, Kalamunda.
17. In support of the objection, the applicant has submitted the following supporting documents (Confidential Attachment 1):
 - a) Trader's permit refusal
 - b) Various emails between the applicant and City officers
 - c) Receipt for the Traders Application being \$147.68
 - d) Food Business registration certificate
 - e) Letter of support from Mason and Bird.
 - f) Photos of the car park at various times
 - g) Facebook posts of Kalamunda Farmers market operating from the Kalamunda Library carpark
18. On review of the objection and supporting documents, the position of the City is that the reasons for refusal are still valid, notwithstanding, the letter of support from Mason & Bird which is noted.
19. The objection and supporting documents do not justify why the City should approve this food van at this location when the location is not an approved location in accordance with Schedule 1 of the Policy.
20. Notwithstanding the letter of support from Mason & Bird, there are still a significant number of food businesses with the Kalamunda town centre that may be impacted who pay rent and associated costs with having permanent premises for those businesses.
21. It is also demonstrated in the photos provided that the food van will occupy existing carparking which has been provided for library and other existing uses in the area.
22. It is recommended that Council dismiss this objection and uphold the refusal as it is not considered appropriate for the City to provide a single patron approval to use City managed land for a private enterprise at this location with the town centre.
23. While the City has approved markets to use this space, this is associated with a broader event and as a temporary re-location while the City undertakes revitalisation works of Central Mall.
24. The City is required to provide a written decision to the applicant within 35 days from the date the objection was lodged. If the applicant is still aggrieved, they may apply to the State Administrative Tribunal for a review of the decision on the objection.

APPLICABLE LAW

25. *Shire of Kalamunda Trading on Thoroughfares and Public Places Local Law 2008.*
26. The applicant has the right to lodge an objection to the refusal under Clause 4.6 of the Local Law.
27. The objection needs to be considered by Council and may be dealt with by;
 - a) Dismissing the objection and upholding the decision.
 - b) Varying the decision objected to.
28. *Local Government Act 1995*

APPLICABLE POLICY

29. Council Service Policy 11 Trading on Thoroughfares or public Places Permit Conditions
30. In response to this particular case, further policy review and development around food van businesses is being considered to guide future assessments.
31. Matters that the review process is considering includes but is not limited to:
 - a) Stakeholder and community engagement requirements for locations other than those currently prescribed in the existing policy.
 - b) Description of matters to be considered in the assessment of proposals in locations other than those currently prescribed in the existing policy.
 - c) Development application and planning requirements.

STAKEHOLDER ENGAGEMENT

32. No stakeholder engagement has been undertaken in the consideration of this objection.

FINANCIAL CONSIDERATIONS

33. If the objection is dismissed, the applicant can lodge an appeal with the State Administrative Tribunal which may incur additional cost to the City.

SUSTAINABILITY

34. Nil.

RISK MANAGEMENT

35.	Risk: The application is approved setting a precedent for further trading permit applications at this location putting pressure on existing established businesses.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Dismiss the objection and continue to encourage trading at the approved locations in accordance with the Policy.		

36.	Risk: The City receives further requests for food van businesses in locations other than those prescribed in the existing policy.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Undertake further policy review and development around food van businesses and ensure the review has regard for matters including but not limited to:		
	a) Stakeholder and community engagement requirements for locations other than those currently prescribed in the existing policy.		
	b) Description of matters to be considered in the assessment of proposals in locations other than those currently prescribed in the existing policy.		
	c) Development application and planning requirements.		

CONCLUSION

- 37. The City assessed the application in accordance with the City’s Local Laws and Service Policy and subsequently determined to refuse the application for the reasons stated.
- 38. Notwithstanding the objection lodged by Ms Huelsman, the City’s position is that it is not considered appropriate to provide a single patron approval to use City managed land for a private enterprise at this location within the town centre.
- 39. While the City has approved markets to use this space, this is associated with a broader event and as a temporary measure while the City undertakes revitalisation works on Central Mall.
- 40. Council is recommended to uphold the refusal and dismiss the objection.

Voting Requirements: Simple Majority

RESOLVED OCM 15/2022

That Council:

1. DISMISS the objection of the City of Kalamunda's refusal to grant a Traders Permit to operate a food van from the Kalamunda Library carpark located at Lot 431 (50) Railway Road, Kalamunda for the following reasons:
 - a) The proposed location is within the Kalamunda town centre, near other established permanent food premises.
 - b) The proposal has the protentional to affect surrounding landowners and businesses.
 - c) The location is not an approved listed location within Council Service Policy 11 Trading on Thoroughfares or Public Places – Permit Conditions.
 - d) The proposal would result in a reduction of parking at the subject site, which is generally in high demand for existing land uses.

2. NOTE that the City of Kalamunda are currently undertaking a policy review including community engagement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

Vote: **LOST (4/8)**

FOR

Cr John Giardina
Cr Sue Bilich
Cr Dylan O'Connor
Cr Lisa Cooper

AGAINST

Cr Margaret Thomas
Cr Janelle Sewell
Cr Brooke O'Donnell
Cr Geoff Stallard
Cr Mary Cannon
Cr Kellie Miskiewicz
Cr Andrew Osenton
Cr Kathy Ritchie

The Presiding Member called for a 5 minute break to allow the drafting of the Alternative Recommendation.

The meeting was adjourned at 7.35pm

The meeting resumed at 7.46pm with all Councillors, staff and members of the public returning to the meeting

RESOLVED OCM 16/2022

That Council:

1. UPHOLD the objection.
2. VARY the decision to refuse to grant a Traders Permit to operate a food van from the Kalamunda Library carpark located at Lot 431 (50) Railway Road, Kalamunda and provide an approval with conditions until such time as a review of Service Policy 11 – Trading on Thoroughfares or Public Places Permit Conditions is finalised.
3. NOTE that the City of Kalamunda are currently undertaking a policy review including community engagement.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED (8/4)**

FOR

Cr Margaret Thomas
Cr Janelle Sewell
Cr Brooke O'Donnell
Cr Geoff Stallard
Cr Mary Cannon
Cr Kellie Miskiewicz
Cr Andrew Osenton
Cr Kathy Ritchie

AGAINST

Cr John Giardina
Cr Sue Bilich
Cr Dylan O'Connor
Cr Lisa Cooper

10.5.8. New Forrestfield Police Station: Negotiations with State Government

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

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

Previous Items

Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	SL-01/003
Applicant	N/A
Owner	N/A

Provided under separate Confidential cover

RESOLVED OCM 21/2022

That Council ADOPT the Recommendations outlined in Confidential Attachment 2 to this Report.

Moved: **Cr John Giardina**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (12/0)**

11. Motions of Which Previous Notice has been Given

12. Questions by Members Without Notice

- 12.1 Cr Dylan O'Connor asked a question regarding linemarking on Maida Vale Road. The Director of Asset Services responded, it will be carried out Late February to Mid March.
- 12.2 Cr Geoff Stallard followed up regarding Mr Lovegroves Query. The Director Development Services confirmed it was taken on notice and he would respond
- 12.3 Cr Janelle Sewell queried regarding the speed limits varying in two locations waiting linemarking. The Director Asset Services would follow this up
- 12.4 Cr Brooke O'Donnell queried the school crossing on Hale Road Wattle Grove and if we had a response from Main Road. The Director Asset Services advised not as yet.
- 12.5 Cr Janelle Sewell asked if it is possible for a subsidy to be investigated for a nappy subsidy for those who use cloth over disposable. The Director Asset Services said he would look at something with the sustainability committee

13. Questions by Members of Which Due Notice has been Given

- 13.1 Nil

14. Urgent Business Approved by the Presiding Member or by Decision

- 14.1 Nil

15. Meeting Closed to the Public

- 15.1 RESOLVED OCM 20/2022

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr Sue Bilich**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Meeting closed to the public at 8.26pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 22/2022

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Meeting reopened to the public at 8.28pm. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

City of Kalamunda Annual General Meeting of Electors Minutes - 1 February 2022

Ray Owen Sports Centre Management Committee - Minutes – 03022022

Kalamunda Environmental and Sustainability Advisory Committee Draft Minutes - 10 February 2022

PABF Notes - 8 February 2022

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8.29pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2022.