



Public Agenda Briefing Forum

Notes

13 June 2023



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1. Official Opening

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

2. Attendance, Apologies and Leave of Absence

Councillors

South East Ward

John Giardina

Janelle Sewell

South West Ward

Mary Cannon (Presiding Member)

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

Kathy Ritchie

Margaret Thomas JP (Mayor)

Members of Staff

Chief Executive Officer

Gary Ticehurst - Acting Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Kath Parkinson A/Director Community Engagement

Jamie Patterson - A/Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Amber Evans - Arts & Cultural Coordinator

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 1

Members of the Press Nil.

Apologies

Cr Geoff Stallard

Cr Brooke O'Donnell

Cr Sue Bilich

Leave of Absence Previously Approved Nil.

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3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

3.1.1 Nil.

3.2. Disclosure of Interest Affecting Impartiality

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

3.2.1 Nil.

4. Announcements by the Member Presiding Without Discussion

4.1 Nil.

5. Public Question Time

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

6. Public Statement Time

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

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1 Nil.

9. Confidential Items Announced But Not Discussed

9.1 Nil.

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10. Reports to Council

10.1. Development Services Reports

No reports presented.

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

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10.4. Community Engagement Reports

10.4.1. Arts and Culture Strategy 2023-2028

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

The Arts & Culture Coordinator provided a presentation on this report.

Cr O'Connor sought information in relation to the public consultation and community engagement undertaken. A request to identify how many responses were received during the public consultation period was taken on notice.

Cr Sewell requested a breakdown of the submissions received.

Peter Forrest asked a question in relation to the comments made in the Environmental Impact at paragraph 23. This question was taken on notice.

Previous Items	OCM102/2021 OCM100/2022
Directorate	Community Engagement
Business Unit	Economic and Cultural Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. Arts and Culture Strategy 2023 Engagement Report [10.4.1.1 - 18 pages] 2. Arts Strategy Review - Community Engagement Report 2021 [10.4.1.2 - 39 pages] 3. Arts and Culture Strategy 2023 - 2028 [10.4.1.3 - 16 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, facilitates and provides quality lifestyle choices.

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

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 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

Strategy 3.4.2 - Advocate and facilitate Agri Tourism opportunities for rural properties to flourish.

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.

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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 adoption of the new City of Kalamunda Arts and Culture Strategy (Attachment 1).
2. The City of the Kalamunda Arts and Culture Strategy defines the City's approach to Arts and Culture for the next five years (2023-2028).
3. It is recommended Council adopt the City of Kalamunda Arts and Culture Strategy.

BACKGROUND

4. At the Ordinary Council Meeting 22 June 2021 Council resolved to:
 1. ENDORSE the full review and revision of the Creative Communities: An Art Strategy.
 2. REQUEST the Chief Executive Officer undertake a community consultation to review the Creative Communities: An Art Strategy.
5. As part of the review, the City of Kalamunda (City) committed to undertaking stakeholder and community consultation.

DETAILS AND ANALYSIS

6. A staged approach to review and revise the strategy was undertaken:
 1. **Stage 1:** Consultation with internal stakeholder departments including Arts and Culture, Tourism and Economic Development, Community Development, Community Engagement, Events, Planning, Assets, People Services, and the Executive Management Team.
 2. **Stage 2:** Examine findings of Internal Review and present Council with draft findings, modifications, and seek endorsement to proceed to Community Consultation.
 3. **Stage 3:** Conduct community consultation to review the Strategy.
 4. **Stage 4:** Prepare draft Arts Strategy and present to the Arts Advisory committee.
 5. **Stage 5:** Prepare Final Arts Strategy for presentation to Council and adoption.
7. Data collected as part of the stakeholder and community consultation was used to determine the main priority areas and objectives of City of Kalamunda Arts and Culture Strategy 2023 – 2028.

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8. The City of Kalamunda Arts and Culture Strategy (Attachment 1) establishes three key objectives that the City will focus on over the next five years (2023-2028):
- **Key Objective 1:** Empower the Community
 - **Key Objective 2:** Economic Development
 - **Key Objective 3:** Build Capacity
9. The City of Kalamunda Arts and Culture Strategy (Attachment 1) outlines the Key Objectives, Strategies, Actions and Evaluation Measures, linking all strategy outcomes to existing City of Kalamunda Policies, Strategies and Plans.

APPLICABLE LAW

10. NA

APPLICABLE POLICY

11. Service Policy 7: Art Collection Acquisition and Management
Local Planning Policy 26: Public Art Contributions

STAKEHOLDER ENGAGEMENT

12. In July of 2021 the City undertook stakeholder and community consultation in reviewing and revising the Creative Communities: An Arts Strategy. Details of the consultation can be viewed in Attachment 3 – Arts Strategy Review, Community Engagement Report 2021.

13. As part of this consultation period in 2021, 207 surveys were provided, giving feedback on the Creative Communities:

The survey results showed that Community understanding of the then-current Arts Strategy was considerably low. Opinions on the comprehensibility of the Strategy were mixed, with 36 expressing positivity, 37 being undecided, and 13 expressing negativity.

“Understandability” was not a high priority with young respondents, with most unfamiliar with the Art Strategy or its possible role in local government planning.

Responders placed most importance on the Strategy’s role in guiding the City’s funding, facilitating events that activated spaces and connected the community, valuing diversity, and links to the City’s Reconciliation Action Plan, Public Art master-planning and the natural environment.

14. Additionally, consultation sessions were held with external stakeholders from across the community. This included the Youth Advisory Committee and the Chamber of Commerce. Including:
 - Pop-up Pop-in Session - 20/07/2021
 - Youth Advisory Meeting Workshop- 27/07/2021
 - Hawaiian Forrestfield Workshop – 02/08/2021
 - Kalamunda Library Workshop – 09/08/2021
 - Online Workshop 19/08/2021
15. Consultation with internal stakeholders including Arts and Culture, Tourism and Economic Development, Libraries, Community Development, Community Engagement, Events, Planning, People Services, and the Executive Team was undertaken through a combination of small group meetings, one on ones, and workshops.
16. Responses and information collected during the review of Creative Communities: An Arts Strategy. Were then used to inform the Draft Arts and Culture Strategy 2023 - 2028.
17. The Draft Arts and Culture Strategy was advertised for the purpose of public comment in January 2023. Details of the consultation can be viewed in Attachment 2 – Draft Arts and Culture Strategy 2023 -2028.
18. Feedback received during that period has been considered and where appropriate incorporated into the final document (Attachment 1).

FINANCIAL CONSIDERATIONS

19. Initiatives to achieve actions in the strategy will be subject to allocation within the annual budget and subject to competing priorities.
20. The successful implementation of the City of Kalamunda Arts and Culture Strategy will be subject to the availability of operational budget and staffing resources.

SUSTAINABILITY

Social Implications

21. Engagement with Arts and Culture can provide opportunities for social connections and inclusion. Research indicates intrinsic responses can also be stimulated such as increased self-belief, self-empowerment and a sense of belonging and other outcomes that contribute to the improvement and social wellbeing of people and their communities.

Economic Implications

- 22. A thriving Arts and Cultural community can provide local employment. Expansion of creative activity in the City of Kalamunda could increase economic output within the area.

In 2021, the Bureau of Communications and Arts released research figures to indicate that cultural and creative activity plays an important role in Australia's economy, growing to \$122.3 billion in 2019–20, an increase of \$26.0 billion (27.1 per cent) over the last 10 years.

Environmental Implications

- 23. Arts and Culture activities promoting and engaging with environmental sustainability was identified as a strong area of focus through community consultation.

RISK MANAGEMENT

24.	Risk: The Arts and Culture Strategy does not have community support.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Extensive community engagement has been undertaken to mitigate this risk.		
	The strategy was advertised for public comment and submissions received were reviewed, with revisions made to finalise the Strategy.		
	Education content and media release to accompany the adoption of the final Arts and Culture Strategy to provide insight and understanding of the final strategy to manage community expectations.		

CONCLUSION

- 25. The City of Kalamunda Arts and Culture 2023 - 2028 strategy will be a key informing plan for the City to support and develop arts and culture within the City of Kalamunda.
- 26. The revised strategy provides stronger links to the Strategic Community Plan and other City priority areas, strategies, and plans.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the City of Kalamunda Arts and Culture Strategy 2023-2028 (Attachment 1).

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10.5. Office of the CEO Reports

10.5.1. Elected Members Training 2022/2023

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

No presentation provided.

Previous Items	OCM 151/2020, OCM 106/2021, OCM 90/2022
Directorate	Office of the CEO
Business Unit	Governance
File Reference	N/A
Applicant	N/A
Owner	
Attachments	1. 2022 2023 Elected Member Training and Development Register [10.5.1.1 - 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 is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to receive a report on the training and development undertaken by elected members during the 2022/2023 financial year.
2. Local governments must prepare a report for each financial year on the training completed by elected members in that financial year. The report must be placed on the City's website within one month after the end of the financial year in which the report relates.
3. This report highlights the training development undertaken by elected members during the 2022/2023 financial year, and details not only the mandatory training required under the *Local Government Act 1995 (Act)*, but also all other professional development events attended by elected members under Council's Policy Governance 3: Elected Members – Entitlements, Travel and Professional Development.
4. It is recommended that Council notes the training and development undertaken by Elected Members during the 2022/2023 financial year, as detailed in Attachment 1 and that it will be placed on the City's website on 31 July 2023 in accordance with the legislation.

BACKGROUND

5. In 2019 new provisions of the *Local Government Legislation Amendment Act 2019* came into operation which implemented a range of reforms to the Act to deliver on the principles of improved governance, transparency and accountability.
6. Improvements included the need for universal training for elected members, a mandatory code of conduct, chief executive officer employment and performance management standards, a revised gifts framework, and improved reporting and transparency to the community.
7. Local government is a complex entity and makes significant decisions that affect the local government's continued sustainability and community outcomes. Like any board or management structure, it is imperative that elected members have the appropriate skills to be able to undertake their roles to the best of their ability. Such skills are enhanced through the training and development offered to elected members throughout their term of Office.

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8. The Minister for Local Government and the WA State Parliament recognise the need for elected members to undertake continual professional development in fulfilling their role of public office. The introduction of mandatory training requirements into the Act and the need for local governments to adopt a policy in relation to elected member continual professional development, support these views.

DETAILS AND ANALYSIS

9. Mandatory training for elected members was introduced as a mechanism for improved reporting and transparency to the community.

The Council Member Essentials training consists of the following five modules:

- Understanding Local Government.
- Serving on Council.
- Meeting Procedures.
- Conflicts of Interest.
- Understanding Financial Reports and Budgets.

10. For the 2020-2021 financial year, the mandatory training undertaken by respective elected members, and the training and development undertaken by elected members under the provisions of Council Policy Governance 3: Elected Members – Entitlements, Travel and Professional Development is detailed in Attachment 2.
11. Mandatory training was required to be completed, within a period of twelve months (that is October 2022), by members elected at the 2021 local government elections.
12. The following Councillors were elected in October 2021
Cr Margaret Thomas
Cr Andrew Osenton
Cr Dylan O'Connor
Cr Lisa Cooper
Cr Geoff Stallard
Cr Kellie Miskiewicz
13. All of the City's Councillors have completed the mandatory training requirements.

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APPLICABLE LAW

14. *Legislation Local Government Act 1995.*
Local Government (Administration) Regulations 1996.

Sections 5.126 and 5.127 of the Act were introduced around Elected Member training and reporting, as follows:

“5.126. Training for council members

(1) Each council member must complete training in accordance with regulations.

(2) Regulations may —

(a) prescribe a course of training; and

(b) prescribe the period within which training must be completed; and

(c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and

(d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.

5.127. Report on training

(1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.

(2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.”

The *Local Government (Administration) Regulations 1996* prescribes the Council Member Essentials training as being the mandatory training (as per section 5.126(1) of the Act) that elected members must complete within their first 12 months of Office.

APPLICABLE POLICY

15. To enable elected members to develop and maintain skills and knowledge relevant to their role, the City also has a Council Policy - Governance 3: Elected Members – Entitlements, Travel and Professional Development that includes provisions around Elected Member professional development.

STAKEHOLDER ENGAGEMENT

16. Nil.

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FINANCIAL CONSIDERATIONS

17. The costs associated with Elected Members training during 2022/2023 is outlined as follows:

Mandatory Training	\$2,200
Conferences	\$0
Seminars / Training and Development Events	\$0

SUSTAINABILITY

18. Nil.

RISK MANAGEMENT

19.

Risk: Noncompliance with legislative requirements.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure an elected members training program is established and reported upon by 31 July each year.		

CONCLUSION

20. Despite the delay in course availability due to the COVID-19 pandemic, significant progress has been made in meeting the training and professional development requirements.
21. Three Units of the Council Members Essentials Course were provided to Elected Members in the 2019-2020 financial year. The remaining two Units were provided in the 2020-2021 financial year.
22. It should also be noted that elected members may also be undertaking their own personal and professional development outside of the City's training and development offered by the City.

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Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the training and development undertaken by Elected Members during the 2022/2023 financial year shown as Attachment 1.
2. NOTE the 2022/2023 Elected Member Training and Development Schedule, as detailed in Attachment 1 will be placed on the City of Kalamunda's website.

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10.5.2. Delegations from the Council to the Chief Executive Officer - 2023 Review

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

The Governance Advisor provided a presentation on this report.

Councillors queried and sought information as to how and when the City uses Expressions of Interest (EOI) within the procurement process. Further information will be provided to Councillors prior to the Ordinary Council meeting.

Cr Thomas sought information in relation to the type of debts which would be included in the write off delegation.

Peter Forrest questioned the removal of Delegation STA 1 – Strata Titles. Does the city still have a delegation to do Strata Titling? The Governance Advisor provided a response indicating the final decision on Strata Titling is with the Department of Planning. Additional information requested on a particular development within the City was taken on notice.

Previous
Items

Directorate CEO's Office

Business Unit Governance

File Reference LE-ACT006

Applicant
Owner

Attachments 1. Draft Register of Delegations from Council 2023
[10.5.2.1 - 70 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

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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 the 2023 review of delegations to the Chief Executive Officer (CEO).
2. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
3. It is recommended Council note the review and adopt the delegations detailed in the draft Delegations Register (Attachment 1).

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. Section 5.46 of the *Local Government Act 1995* (the Act) requires each Council to review its delegations at least once every financial year.
6. Council last reviewed its delegations on 28 June 2022. The current delegations must be reviewed by 30 June 2023.

DETAILS AND ANALYSIS

7. Since the last review, the Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency, have been cancelled and therefore the temporary amendments to a number of delegations approved by Council in April 2020 have been removed.
8. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.

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9. The most significant change to the proposed delegations is the deletion of delegation STA 1- Strata Titles, due to amendments to the legislation deleting the delegation provision. As a consequence the Department of Planning, Lands and Heritage has implemented a direct delegation to the City.
10. The following minor amendments to levels of authority are being sought:
- a) LGA 2 Tenders and Expressions of Interest – included delegation to call Expressions of Interest at point 1.
 - b) LGA 7 Write Off of Debts – increased level to \$5,000 (previously \$1,000). This is the same amount Council provided during the recent public emergency period.
 - c) LGA 10 Write Off of Rates Interest – increased level to \$50, (previously \$5), which is considered better reflects the current operational situation.
11. Several administrative changes have been included in the document:
- a) LGA 4 Disposal of Surplus Property and Materials – updated legislative reference to reflect amendment to the regulations increasing the maximum prescribed amount to \$75,000 (previously \$50,000).
 - b) Food 1 Prohibition Orders – amended delegation from Director Development Services to Director Community Engagement to reflect the changes of responsibility.

APPLICABLE LAW

12. *Local Government Act 1995.*

APPLICABLE POLICY

13. Nil.

STAKEHOLDER ENGAGEMENT

14. All Directorates have been consulted on the appropriateness and adequacy of the current delegations. No requests for changes were sought.
15. Public consultation is not considered necessary with respect to this issue.

FINANCIAL CONSIDERATIONS

16. None directly from this report.

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SUSTAINABILITY

17. N/A

RISK MANAGEMENT

18.	Risk: Delegated authority is not provided to the CEO and other staff.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	Introduce processes that would assist Council with the additional decision workload.		

CONCLUSION

19. The recommendations reflect the outcome of the review of current delegations, and as such will continue to provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated by Council.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. NOTE the review of the delegations.
2. ADOPT the delegations detailed in the draft Delegations Register (Attachment 1)

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11. Closure

There being no further business, the Presiding Member declared the Meeting closed at 6:56pm.