



Ordinary Council Meeting

MINUTES

Tuesday 28 November 2023

The Minutes of this meeting adopted at the Ordinary Council Meeting of 12 December 2023 were amended at the Ordinary Council Meeting of 21 February 2024 as per Council resolution OCM 6/2024.

These minutes are amended in accordance.

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1. Official Opening

The Presiding Member opened the meeting at 6:32pm and welcomed Councillors, Staff, Members of the Public Gallery and those watching via live stream. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Mayor

Margaret Thomas JP (Presiding Member)

Councillors

South East Ward

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo

Kathy Ritchie

Members of Staff

Chief Executive Officer

Gary Ticehurst - Acting Chief Executive Officer

Executive Team

Sinead McGuire- Director Asset Services

Nicole O'Neill - Director Community Engagement

Alison Egan - A/Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Freya Ayliffe - Manager Community Health & Safety

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 11

Members of the Press Nil.

Apologies

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1 Bev Dornan, Wattle Grove

Q. Will the council take proactive measures to delve into the root causes of such a high level of community disengagement at the recent local government elections, in particular the election of the Mayor?

Q. Will this council assure the community of its dedication to rebuilding trust and participation rates through genuine inclusive and timely engagement initiatives?

A. In accordance with local government reform this is the first time the City of Kalamunda has a popularly elected Mayor. It is noted the rate of between 28% and 30% voter turnout the City has achieved is a good rate of participation in comparison to sector wide rates throughout Western Australia. The rates are consistent throughout the section and is not particular to Kalamunda. The City of Kalamunda works very hard to encourage voter participation in a non-compulsory election. Many members of the community choose not to engage through the election process but engage with the City in other ways.

4. Petitions/Deputations

4.1 Mr Ryan, High Wycombe, provided a deputation in relation to issues relating to the High Wycombe South precinct. He spoke to the matter of requesting an inquiry into the change in zoning of the precinct and sincerely entering discussions about a remedy including compensation for ratepayers and landowners.

Question 1:

We call on the City of Kalamunda and / or the State Government to purchase the properties at 117, 123 and 129 Sultana Road West, High Wycombe by no later than 31 January 2024, if by the 15th December 2023, the City fails to prove it complies with key planning requirements.

Please provide a reply by no later than 7 December 2023.

Seven (7) years of written and verbal complaints to the City have been in vain.

The cliché that the City repeats about continuing to monitor and trying to get compliance in Stage 1, has run out of credibility after 7 years.

General Industry is not permitted in Stage 1. Stage 1 is licensed for Light Industry.

Our properties are being used as the industrial buffer zone on the exposed northern side for Stage 1.

We continue to be forced to live in this buffer zone, and forced to stay here against our will and it may even be against the law to keep us here.

We reject the direction set by the State Government and the City that we should live like this for another 20 or 30 years.

The price claimed is \$275/m².

This is the price the City has established as market value for land the City needs to pay for land for Stage 1 to continue to function.

The Agreement that the owners of the three (3) properties have, is that we will only sell as a single parcel of land, and the price for these three (3) properties is to be averaged to be the same \$/m² across all three.

Question 2:

I ask Councillors to vote urgently on a Motion, and submit it to the State Government on behalf of

1. All Ratepayers of the City of Kalamunda (ratepayers) and
2. Duplicate for the Ratepayers / Landowners in the LSP for High Wycombe South (landowners)

The submission is related to the land described as Stage 3 High Wycombe Industrial Area.

And request a reply from the State Government by no later than 21 December 2023.

Objective of the Motion

We call on the State Government to deal promptly and effectively with the hardship issues present, and emerging, ignited by the events of 6 August 2014 and to achieve this by

- i. restoring Stage 3 to a zoning of light industry, as it was prior to the announcement on 6 August 2014 about the airport train and tunnel or

ii. sincerely entering discussions about a remedy including compensation for ratepayers and landowners for example funding a DCP of \$0/m2 for High Wycombe South

The rezoning of our land in Stage 3 from light industry to residential meant that

- a) ratepayers of Kalamunda Shire Council lost an estimated \$26.5 million and
- b) landowners in the precinct of HWS in addition, lost about \$126.7 million

A detailed analysis is provided in attachments.

If landowners and ratepayers do not receive a satisfactory reply from the State Government by 21 December 2023, Council to call a Special Council Meeting as soon as possible but on or before 16 January 2024, to then vote on a Motion to demand an independent and public inquiry into the process surrounding the State Government's actions regarding the fate of light industry zoning for Stage 3.

Questions about a loss of \$153 million justify an inquiry.

The Premier and WAPC Chairman are cc'd on this Question.

4.2 Mr Charles Dornan, Wattle Grove, provided a deputation in relation to item 10.6.7 Maida Vale South – Proposed Metropolitan Region Scheme Amendment Submission. Mr Dornan spoke against aspects of the City of Kalamunda submission to the Western Australian Planning Commission in relation to the proposed MRS Amendment.

4.3 Ms Dana Sims, supported by Mr Paul Wilson, of Maida Vale and Gooseberry Hill respectively, provided a deputation Item 10.6.7 Maida Vale South – Proposed Metropolitan Region Scheme (MRS) Amendment Submission. The deputation spoke against aspects of the City of Kalamunda submission to the Western Australian Planning Commission in relation to the proposed MRS Amendment.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 155/2023

That the Minutes of the Ordinary Council Meeting held on 17 October 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

6.2 RESOLVED OCM 156/2023

That the Minutes of the Special Council Meeting held on 24 October 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings. Moved: Seconded: Vote:

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

6.3 RESOLVED OCM 157/2023

That the Minutes of the Special Council Meeting held on 31 October 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Lisa Cooper**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

6.4 RESOLVED OCM 158/2023

That the Minutes of the Special Council Meeting held on 14 November 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

7. Announcements by the Member Presiding Without Discussion

I want to take a moment to reflect on the past month in our vibrant community.

November began with an early heat wave, serving as a stark reminder of the approaching summer. We've experienced seven total fire bans and four Harvest and Vehicle Movement bans to date, underscoring the importance of remaining vigilant during the fire season. My heartfelt

thoughts and well wishes go out to those affected by the recent bushfires in our northern suburbs.

In mid-November, the City received recognition at the Palliative Care WA Awards, for its exceptional efforts in fostering compassion and support within the community. This accolade is a testament to the groundbreaking initiative that highlights the various stages of life and celebrates the diverse stories of those in our community.

I am delighted to share news of two joyous events that I had the pleasure of attending on Saturday - 25 November—the reopening of the water slides at the Kalamunda Water Park and the official opening of Stirk Park and the new Skate Park.

The Kalamunda Water Park has been an iconic destination for nearly 60 years, and witnessing its reopening was a moment of celebration. It warms my heart to see this cherished space being enjoyed by so many, bringing joy and laughter to our community.

Stirk Park, too, is looking better than ever. The new Skate Park is a fantastic addition, and from the positive feedback I've received, it's becoming a magnet for both locals and day-trippers alike. I extend my gratitude to all the Councillors—past and present—who played a crucial role in bringing these projects to fruition.

Despite the challenging weather conditions on Saturday, the turnout and enthusiasm of everyone present were truly heartening. Thank you to all who joined in the celebrations and made these events memorable.

As we approach the end of November, let's continue to support one another while we look ahead to the festive season.

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.2.1 RFT 2312 - Turf Renovations and Associated Services Award of Tender - **Confidential Attachment** – 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 Item 10.6.9 Chief Executive Officer - Recruitment Process- **Confidential Attachment** – Candidate Prospectus – City of Kalamunda – Chief Executive Officer

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (h) - "such other matters as may be prescribed."

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.

9.2.1 Nil.

10. Reports to Council

10.1. Development Services Reports

10.2. Asset Services Reports

10.2.1. RFT 2312 - Turf Renovations and Associated Services Award of Tender

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

| | |
|-------------------------|---|
| Previous Items | N/A |
| Directorate | Asset Services |
| Business Unit | Parks & Environmental Services |
| File Reference | AD-TEN-005 |
| Applicant | N/A |
| Owner | N/A |
| Attachments | Nil |
| Confidential Attachment | <u>Reason for Confidentiality: 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 tender RFT 2312 – Turf Renovation and Associated Services.
2. It is recommended Council accept the tender from Jerra Nominees Pty Ltd & NB Norrish Pty Ltd, trading as State-Wide Turf Services, as per the Schedule of Rates set out in the Confidential Attachment 1. The estimated expenditure within this contract is \$400,000 per annum in total. Total maximum estimated value of the contract over three years is \$1,200,000 with two optional years for a total value of \$2,000,000.

BACKGROUND

3. The City of Kalamunda (City) sought to engage a suitably experienced Contractor for the provision of Turf Renovations and Associated Services.

DETAILS AND ANALYSIS

4. The City is responsible for maintaining 35ha of sports turf over seven sites. Specifically, Hartfield Park, Scott Reserve, Kostera Oval, Ray Owen Reserve, Maida Vale Reserve, Fleming Reserve and Ollie Worrell Reserve.
5. City Public Open Space is maintained to a fit for purpose condition. Sports turf should comply with applicable safety and performance standards. This turf needs to be renovated regularly to keep the soil profile in a state that encourages plant growth and to repair or replace worn out areas like goal squares, centre squares/circles or any other high traffic areas.
6. Works for this contract includes physical treatments such as, scarifying, verti-draining, coring as well as the supply and application of fertilisers, soil improvers and sand. Analysis of historic expenditure showed that a full public tender process was appropriate.

7. The City issued RFT 2312 through the E-tendering Portal and an advertisement in The West Australian newspaper on Wednesday 26 July 2023.
8. Tender submissions were received from:
 - a) State-Wide Turf Services
 - b) Turfcare WA 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.
11. The qualitative criteria and weighting were determined as follows:

| Qualitative Criteria | Weighting |
|--|------------------|
| Relevant Experience | 20% |
| Key Personnel & Subcontractors skills & experience | 20% |
| Tenderers Resources | 30% |
| Demonstrated Understanding | 25% |
| Local Benefits | 5% |

12. Both tender submissions met the compliance criteria and were then assessed against the qualitative criteria.
13. The two tender submissions were ranked against the qualitative criteria with a qualitative pass mark (QPM) of 60. Both submissions met the required QPM of 60%.
14. A price assessment was then undertaken to confirm reasonable value for the City.
15. The tender evaluation report is provided as Confidential Attachment 1 to this report.
16. The recommended tenderers submission satisfied the City's requirements by exceeding the qualitative assessment benchmark and submitting a competitive price that represented value to the City.
17. The tender assessment panel recommends the contract for RFT 2312 Turf Renovations and Associated Services, be awarded to Jerra Nominees Pty Ltd & NB Norrish Pty Ltd trading as State-Wide Turf Services.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

20. These works will be costed to the City's Park's existing operational budget.

RISK MANAGEMENT

21.

| | | |
|--|--|---------------|
| Risks: The deterioration of the City's sports turf surfaces, resulting in a significant decrease in usability of assets and user group dissatisfaction. | | |
| Consequence | Likelihood | Rating |
| Significant | Likely | High |
| Action/Strategy | | |
| a) | Engage suitably qualified and competent Contractor to complete turf renovation works as directed by the City | |
| b) | Closely manage and review Contractor performance throughout the contract. | |

CONCLUSION

22. The delivery of Tender RFT 2312 - Turf Renovation and Associated Services will allow the City to provide fit for purpose sporting facilities.
23. The City is satisfied the recommended tenderer has the capacity and capability to provide the required service.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 159/2023

That Council AWARD tender RFT 2312 - Turf Renovation and Associated Services to Jerra Nominees Pty Ltd & NB Norrish Pty Ltd T/A State-Wide Turf Services, for a three-year period with the option of two by twelve-month extensions as per the Schedule of Rates set out in Confidential Attachment 1.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.3. Corporate Services Reports

10.3.1. Corporate Business Plan - Quarterly Update - July to September 2023


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

Previous
Items

| | |
|----------------|-----------------------------|
| Directorate | Corporate Services |
| Business Unit | Director Corporate Services |
| File Reference | 3.009509 |
| Applicant | City of Kalamunda |
| Owner | City of Kalamunda |

| | |
|-------------|--|
| Attachments | 1. Corporate Business Plan - Quarterly Progress Report - July to August 2023 [10.3.1.1 - 49 pages] |
|-------------|--|

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against "Kalamunda Achieving: Corporate Business Plan 2023-2027" for the period July to September 2023.
2. On average, actions from the Corporate Business Plan are 21.1% complete at the end of the first quarter, 30 September 2023.
3. It is recommended Council notes the quarterly report for the Corporate Business Plan for the period July to September 2023.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2023-2027 (CBP) was endorsed by Council at the Special Council Meeting on 26 June 2023.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives directly linked to their achievement of the CBP in 2023/24.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 Strategic Priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 132 individual actions set out within the CBP for the 2023/24 year. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 30 September 2023.

11. Most of the actions contained in the CBP are spread evenly across the year, so have a completion target at the end of the first quarter of 25%. However, some actions may start later or finish earlier in the year, so their target at 30 September might not be 25%.
12. Achievement of target is measured by comparing the target completion % to the actual completion %. For example, if the target is 25%, but the action is actually 50% complete, this represents an achievement of 200%.

APPLICABLE LAW

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

APPLICABLE POLICY

15. Nil.

STAKEHOLDER ENGAGEMENT

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

19. Nil.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 20. | Risk: The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan leading to reputational impacts | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | Low |
| | Action/Strategy | | |
| | Quarterly reports are provided to Council of progress against the CBP and are publicly available | | |

CONCLUSION

21. The City is working to carry out the actions listed in the Corporate Business Plan. On average, actions from the Corporate Business Plan are 21.1% complete at the end of the first quarter.

Voting Requirements: Simple Majority

RESOLVED OCM 160/2023

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2023-2027 for the period July to September 2023.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.4. Community Engagement Reports


10.4.1. City of Kalamunda Public Art Masterplan

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

| | |
|---------------------------|----------------------|
| Previous Items | OCM 50/2022 |
| Directorate Business Unit | Community Engagement |
| File Reference | 3.010173 |
| Applicant | City of Kalamunda |
| Owner | N/A |

| | |
|-------------|---|
| Attachments | 1. City of Kalamunda Public Arts Masterplan 2023 for Adoption [10.4.1.1 - 32 pages] |
| | 2. Community engagement report Public Art Master Plan [10.4.1.2 - 85 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 |
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

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

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 adoption of City of Kalamunda (City) Public Art Masterplan (Masterplan).
2. The Masterplan has been prepared to guide the City in the delivery of public art. The Masterplan identifies specific artwork opportunities and prioritises sites and projects with the City.
3. It is recommended Council Adopt the City of Kalamunda Public Art Masterplan.

BACKGROUND

4. In May 2020, the City began the early stages of developing a Public Art Masterplan to guide the City's approach towards Public Art.
5. In December 2021 the City adopted Local Planning Policy 26 – Public Art Contributions. This policy heavily referenced the City of Kalamunda Public Art Masterplan, prescribing how developers may wish to provide on-site Public Art or cash in lieu to the City's Public Art Fund.
6. The City of Kalamunda Arts and Culture Strategy 2023 – 2028, was adopted in June of 2023.

DETAILS AND ANALYSIS

7. The Masterplan defines the City's vision in relation to public art including key recommendations and locations.
8. The Masterplan identifies key areas where public art would be best located to enhance the urban landscape, encouraging civic pride and community connection.
9. Focussing on the key themes of the Arts and Culture Strategy, public art commissions acquired by the City will be used as a tool to empower the community, enhance economic development opportunities, and build capacity, through arts and cultural initiatives and commitment.
10. The Masterplan has been developed to align with the City's "Big Picture" strategy to further develop public art opportunities in new community facilities, along with at significant sites throughout the City.

11. The scale recommended within the Masterplan is a mix of large and iconic and smaller, discreet works that invite interaction and discovery.

APPLICABLE LAW

12. *Local Government Act 1995*

APPLICABLE POLICY

13. Local Planning Policy 26 – Public Art Contributions

STAKEHOLDER ENGAGEMENT

14. In May of 2020, the City of Kalamunda undertook its first round of community consultation to inform the Public Art Masterplan.
15. The development of the Masterplan has included key stakeholder engagement which is outlined in detail in the Engagement Report (Attachment 2).
16. Comments and feedback received during the Arts and Culture Strategy Consultation period were taken heavily into consideration when developing the Masterplan to ensure that the documents aligned and reflected the community's views.
17. The City shared the Draft Public Art Master Plan and invited community feedback between 5 August 2022 and 31 August 2022. The City collected feedback through a community survey, available both online and in hard copy and ran an integrated marketing campaign, featuring print ads, social media promotion, newsletter outreach, and Engage Kalamunda was launched to raise awareness.
18. The consultation received 10 responses with feedback covering aspects such as what people liked about the plan, areas for improvement, safety and accessibility ratings, support for public art as entry statements, public art in green spaces and parkland, and lighting.
19. The sentiment from all respondents was predominantly supportive and encouraging.
20. The Public Art Masterplan was developed in consultation with the City of Kalamunda Arts Advisory Committee 2021-2023.

FINANCIAL CONSIDERATIONS

- 21. Public Art opportunities identified in the Public Art Masterplan will be funded through the collection of funds received through the *Local Planning Policy 26 – Public Art Contributions*, as well as annual budgets and long-term financial planning.

SUSTAINABILITY

Social Implications

- 22. Public Art enhances community cohesion, fostering a sense of identity by providing shared spaces for cultural expression and engagement, promoting social interaction and unity among residents.

Economic Implications

- 23. The Public Art Masterplan provides guidance for public art projects which will have economic benefit for the area.

Environmental Implications

- 24. The implementation of the Masterplan will improve the City’s built environment, contribute to city-wide urban attractiveness, and reinforce the unique qualities of the City of Kalamunda’s natural environment.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 25. | Risk: Delivery of public art is not coordinated. | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | Low |
| | Action/Strategy | | |
| | The City of Kalamunda adopts a Public Art Masterplan to ensure that works are coordinated across the City. | | |

CONCLUSION

- 20. The City of Kalamunda has undergone community consultation to develop the proposed City of Kalamunda Public Art Masterplan. A document which will help shape the City’s approach to public art to ensure that the arts are celebrated and accessible to the community.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 161/2023

That Council ADOPT the City of Kalamunda Public Art Masterplan (Attachment 1).

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)


10.4.2. City of Kalamunda Keeping and Control of Cats Local Law 2023 - Amendment following submissions

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

| | |
|----------------|--|
| Previous Items | OCM149/2020, OCM/342/2021, OCM 156/2022, OCM 49/2023, OCM 109/2023 |
| Directorate | Community Engagement |
| Business Unit | Community Safety |
| File Reference | |
| Applicant | N/A |
| Owner | City of Kalamunda |

| | |
|-------------|--|
| Attachments | <ol style="list-style-type: none"> 1. City of Kalamunda Cat Local Law 2023 - Amended Clause [10.4.2.1 - 15 pages] 2. Keeping and Control of Cats Amended Local Law 2023 [10.4.2.2 - 2 pages] 3. Cat Local Law 2023 Amendment Engagement Report [10.4.2.3 - 12 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 - 1.2.1 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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the outcome of the public submissions with respect to the draft City of Kalamunda Keeping and Control of Cats Amendment Local Law 2023 (Local Law) (Attachment 1).
2. The key change is the removal of clause 3.9(1)(b).
3. It is recommended Council note the Community Engagement report and public submissions outlined in Attachment 2 and make the proposed City of Kalamunda Keeping and Control of Cats 2023.

BACKGROUND

4. At the Ordinary Council Meeting held on 18 April 2023 the City resolved to make the Keeping and Control of Cats Local Law 2023.
5. As a result, the Keeping and Control of Cats Local Law 2023 was gazetted on 10 May 2023, with the Local Law coming into effect on 24 May 2023.
6. On 24 May 2023 the City provided an explanatory memorandum along with a copy of the Local Law and the Gazettal to the Joint Standing Committee on Delegated Legislation (JSCDL) in accordance with the 3.12 procedure for making local laws.
7. Following the review made by the JSCDL, the Committee requested the following undertakings:
 - a) Within 6 months, delete clause 3.9(1)(b)
 - b) All consequential amendments arising from undertaking 1 will be made.
 - c) Clause 3.9(1)(b) will not be enforced in a manner contrary to undertaking 1.

- d) Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.
- 8. Due to the requested changes the City has amended the Keeping and Control of Cats Local Law 2023 and re-advertised for a six week period.
- 9. The Mayor provided a response to the Joint Standing Committee on Delegated Legislation of the City's intention to remove the Clause and re-advertise for a 6-week period.

DETAILS AND ANALYSIS

- 10. The City gave six weeks Local public notice from 8 September to 20 October 2023.
- 11. The City received 20 survey and 2 submissions. The submissions represent a diverse range of perspectives within the Community.
- 12. A total of three Supported the amendment; these individuals expressed support for the amendment, citing concerns about wildlife protection and the need to ensure responsible cat ownership.
- 13. No submissions were categorised as neutral; all responses were either in favour or against the proposed amendment.
- 14. A total of 17 submitters did not support the amendment. A common concern among these submissions was the negative impact of cats on local wildlife, particularly birds and reptiles. Respondents were apprehensive about weakening the control over cats.
- 15. Some submissions expressed a desire for the City of Kalamunda to take a stronger stance on cat control and the protection of native wildlife.
- 16. Several respondents emphasized the need for cats to be contained on their owners' properties to prevent nuisances and harm to local fauna.
- 17. Some submissions highlighted the need for the city to work toward changing state legislation to strengthen cat control measures.
- 18. A few respondents mentioned personal experiences with cat-related issues, such as cats killing wildlife on their properties.

APPLICABLE LAW

- 19. *Cat Act 2011*
- 20. *Cat Regulations 2012*
- 21. *Cat (Uniform Local Provisions) Regulation 2013*
- 22. *City of Kalamunda Keeping and Control of Cats Local Law 2023*

APPLICABLE POLICY

- 23. Nil.

STAKEHOLDER ENGAGEMENT

- 24. There was a 6-week consultation period for the amendment to the City's *Keeping and Control of Cats Local Law 2023*.

FINANCIAL CONSIDERATIONS

- 25. Administration costs with the amendment will be met through the annual budget 2023/24.

SUSTAINABILITY

- 26. Regulation is required to ensure cats behaviours are controlled within the parameters with the *Cat Act 2011*.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 27. | Risk: If the City does not comply with the JSCDL request and make all consequential amendments the Local Law may be disallowed. | | |
| | Consequence | Likelihood | Rating |
| | Significant | Unlikely | Medium |
| | Action/Strategy | | |
| | To comply with the request by the JSCDL to make all consequential amendments to this local law. | | |

CONCLUSION

- 28. City officers have finalised the local law removing Clause 3.9(1)(b) as per correspondence received from the Joint Standing Committee.

Voting Requirements: Absolute Majority

RESOLVED OCM 162/2023

That Council MAKE the City of Kalamunda Keeping and Control of Cats Amendment Local Law 2023 (Attachment 2) NOTE the City of Kalamunda Keeping and Control of Cats Amendment Local Law 2023 community engagement report (Attachment 3).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Mary Cannon**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)

10.5. Office of the CEO Reports

No reports presented.

10.6. Chief Executive Officer Reports


10.6.1. Monthly Financial Statements to 30 September 2023

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 30 September 2023 [10.6.1.1 - 1 page] |
| | 2. Statement of Net Current Funding Position as at 30 September 2023 [10.6.1.2 - 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 |
|  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 Financial Statements for the period ended 30 September 2023.
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 original budget adopted by the Council on 26 June 2023 for the 2023/2024 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the period ended 30 September 2023, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 30 September 2023.
 - b) Net Current Funding Position, note to financial report as of 30 September 2023.

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 the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The 2023/2024 draft opening surplus is unaudited and subject to change for the below year-end pending entries:
 - a) Adjustments resulting from the Infrastructure Assets revaluation.
 - b) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the three months ended 30 September 2023

7. This Statement reveals a net result surplus of \$55,399,002 compared to the budget for the same period of \$43,800,158.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$1,262,227. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$328,807. The variance is mainly attributable to the \$324,151 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 \$409,008. The variance is mainly attributable to;
 - i. Waste charges being higher than the budget by \$154,582.
 - ii. Environmental Health Services (Supervision Fee) \$68,352, and
 - iii. Statutory Planning Service Fee \$54,761
 - c) Interest income is over budget by \$430,009. The variance is mainly due to the higher interest income received from investments.
 - d) Other income lines were within the reporting thresholds.

Operating Expenditure

9. Total expenditure is under budget by \$2,178,778. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$946,055, which is primarily due to vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$446,303. The variance is mainly due to the timing of building maintenance costs and infrastructure maintenance costs.
 - c) Utilities are under budget by \$244,901, the variance is mainly contributed by \$177,550 under spent on Street Lighting. The variance is considered as a timing issue.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$546,362.
 - e) Interest expense is tracking below the reportable variance threshold whereas Insurance expenses are over budget which is a timing issue.
 - f) Other expenditure is under budget by \$40,048. The variance is mainly due to the timing of donations / sponsorships to community groups.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are tracking under budget by \$353,421. The variance is mainly due to timing of receipts of capital grants related to various projects.

Capital Expenditure

11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$587,047. This is considered to be a timing issue.
12. Infrastructure Capital works-in-progress expenditure of \$36,152 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account fund the relevant expenditure. These assets once constructed will be passed over to the City for management.

Financing Activities

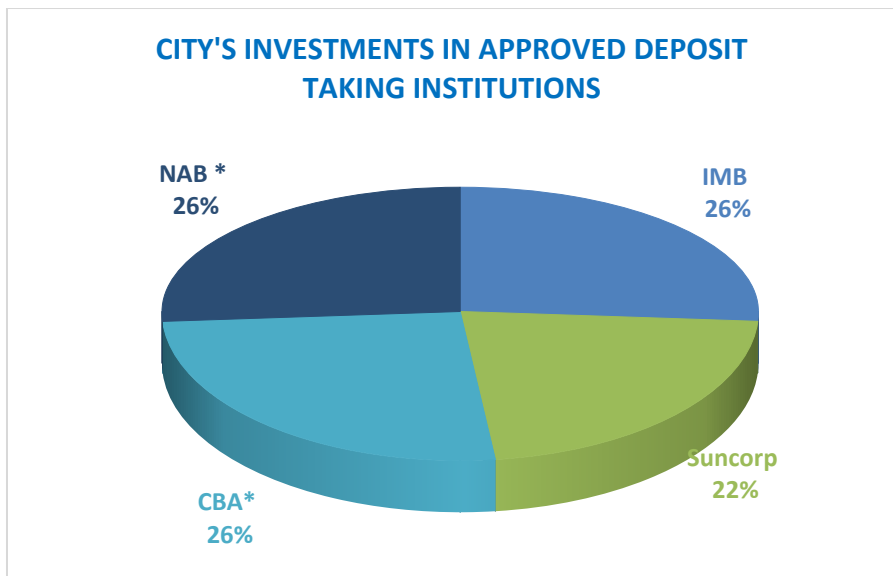
13. The amounts attributable to financing activities show a variance of \$15,048 that is under the reportable variance limit.

Rates Revenues

14. Rates generation is under budget with a variance of \$28,792.

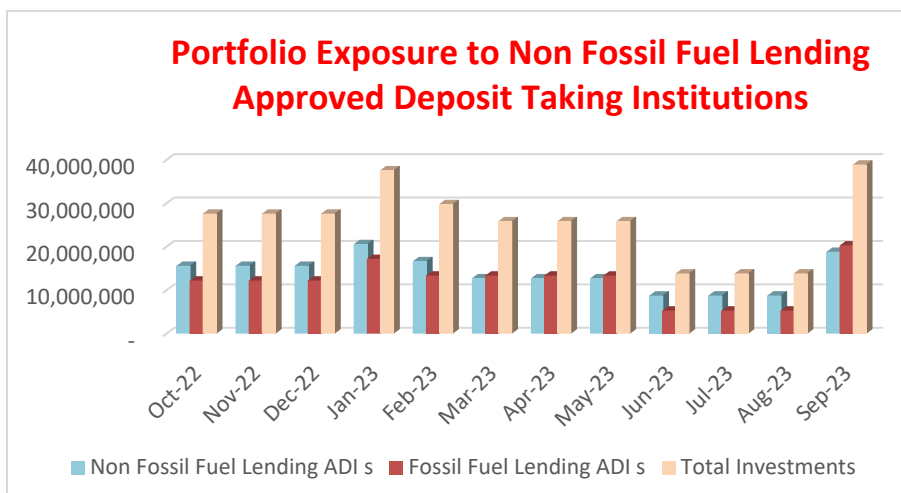
Statement of Net Current Funding Position as of 30 September 2023

15. The commentary on the net current funding position is based on a comparison of September 2023 to the September 2022 actuals.
16. Net Current Assets (Current Assets less Current Liabilities) total \$74.7 million. The restricted cash position is \$23.9 million which is lower than the previous year's balance of \$24.8 million.
17. The following graph indicates the financial institutions where the City has investments as of 30 September 2023;



*Financial Institutions with Investments in the Fossil Fuel Industry

18.



19. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$18.9 million.

20. Sundry debtors have decreased from \$215,894 to \$78,704 of which \$13,808 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.

21. Receivables Other represents \$6.0 million including:
 a) Emergency Service Levy receivables \$2.8 million;
 b) Receivables sanitation \$2.3 million

22. Provisions for annual and long service leave have decreased by \$49,732 to \$4.6 million when compared to the previous year.

APPLICABLE LAW

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

APPLICABLE POLICY

24. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

25. 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

26. As noted in point 23 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

27. 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

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 31. | Risk: Over-spending the budget. | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Possible | Medium |
| | Action/Strategy | | |
| | Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department. | | |
| 32. | Risk: Non-compliance with Financial Regulations | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | 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

33. The City’s Financial Statements as at 30 September 2023 reflect the un-audited surplus carried forward from 2022/2023.

Voting Requirements: Simple Majority

RESOLVED OCM 163/2023

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 30 September 2023 which comprises: Statement of Financial Activity (Nature or Type) for the three months ended 30 September 2023; Net Current Funding Position, note to financial report as of 30 September 2023;

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.6.2. Monthly Financial Statements to 31 October 2023

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 | <ol style="list-style-type: none"> 1. Statements of Financial Activity for the Four Months Ended 31 October 2023 [10.6.2.1 - 1 page] 2. Statement of Net Current Funding Position as at 31 October 2023 [10.6.2.2 - 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 |
|  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 Financial Statements for the month ended 31 October 2023.
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 original budget adopted by the Council on 26 June 2023 for the 2023/2024 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month ended 31 October 2023, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2023.
 - b) Net Current Funding Position, note to financial report as of 31 October 2023.

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 the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The 2023/2024 draft opening surplus is unaudited and subject to change for the below year-end pending entries:
 - a) Adjustments resulting from the Infrastructure Assets revaluation.
 - b) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the four months ended 31 October 2023

7. This Statement reveals a net result surplus of \$51,431,199 compared to the budget for the same period of \$40,554,952.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$2,261,385. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$1,160,063. The variance is mainly attributable to the \$1,054,441 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 \$517,504. The variance is mainly attributable to;
 - i. Waste charges being higher than the budget by \$161,833.
 - ii. Statutory Planning Services Fees over budget by \$85,056.
 - c) Interest income is over budget by \$492,816. The variance is mainly due to the higher interest income received from investments.
 - d) Other Revenue is tracking overbudget level and the variance is below the reporting threshold.

Operating Expenditure

9. Total expenditure is under budget by \$2,514,844. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$1,170,937 which is primarily due to vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$632,511. The variance is mainly due to the timing of building maintenance costs and infrastructure maintenance costs.
 - c) Utilities are under budget by \$405,426, the variance is mainly contributed by \$310,635 under spent on Street Lighting. The variance is considered as a timing issue.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$728,509.
 - e) Interest expense is tracking below the reportable variance threshold whereas Insurance expenses are over budget due to advance payment of insurance premiums.
 - f) Other expenditure is over budget by \$294,589. The variance is mainly due to \$346,720 Land Acquisition Cost paid for a Forrestfield Industrial Area Scheme Project that will be reimbursed from the Forrestfield Industrial Area Scheme reserve account.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions is over budget by \$142,370 due to advance receipt of grants for capital works projects.

Capital Expenditure

11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is over budget by \$2,051,942. This is considered to be a timing issue.
12. Capital works-in-progress expenditure of \$766,443 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account fund the relevant expenditure. These assets once constructed will be passed over to the City for management.

Financing Activities

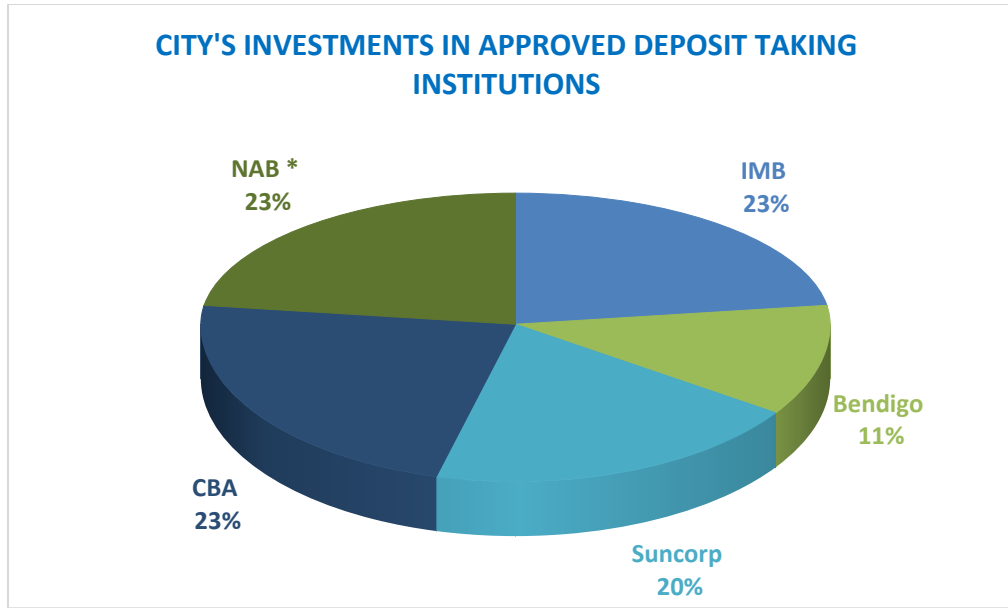
13. The amounts attributable to financing activities show a variance of \$83,870 which is mainly due to the developer contributions and year-end lease adjustment entries.

Rates Revenues

14. Rates generation is over budget with a variance of \$289,901 mainly due to higher than expected interim Rates.

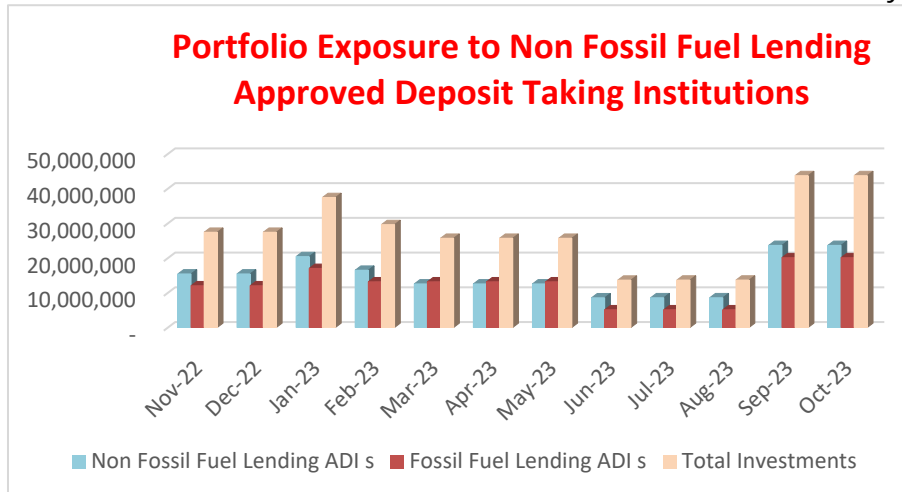
Statement of Net Current Funding Position as of 31 October 2023

15. The commentary on the net current funding position is based on a comparison of October 2023 to the October 2022 actuals.
16. Net Current Assets (Current Assets less Current Liabilities) total \$70.8 million. The restricted cash position is \$23.9 million which is lower than the previous year's balance of \$24.9 million.
17. The following graph indicates the financial institutions where the City has investments as of 31 October 2023;



18.

*Financial Institutions with Investments in the Fossil Fuel Industry



19.

Trade and other receivables outstanding comprise rates and sundry debtors totalling \$16.5 million.

20.

Sundry debtors have increased from \$176,914 to \$505,332 of which \$474,299 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.

21.

Receivables Other represent \$4.5 million including:
 a) Emergency Service Levy receivables \$2.0 million;
 b) Receivables sanitation \$0.8 million

22.

Provisions for annual and long service leave have decreased by \$83,297 to \$4.6 million when compared to the previous year.

APPLICABLE LAW

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

APPLICABLE POLICY

24. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

25. 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

26. As noted in point 23 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

27. 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

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 31. | Risk: Over-spending the budget. | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Possible | Medium |
| | Action/Strategy | | |
| | Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department. | | |
| 32. | Risk: Non-compliance with Financial Regulations | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | 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

33. The City’s Financial Statements as at 31 October 2023 reflect the un-audited surplus carried forward from 2022/2023.

Voting Requirements: Simple Majority

RESOLVED OCM 164/2023

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 31 October 2023 which comprises: Statement of Financial Activity (Nature or Type) for the four months ended 31 October 2023; Net Current Funding Position, note to financial report as of 31 October 2023;

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.6.3. Debtors and Creditors Report for the period ended 30 September 2023

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 | 1. Creditor Payments for the period ended 30 September 2023 [10.6.3.1 - 35 pages] |
| | 2. Corporate Purchasing Cards Payments 27 July to 25 August 2023 [10.6.3.2 - 6 pages] |
| | 3. Summary of Debtors for the month of September 2023 [10.6.3.3 - 2 pages] |
| | 4. Summary of Creditors for month of September 2023 [10.6.3.4 - 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 |
|  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 September 2023 and the list of payments made by employees via purchasing cards in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of September 2023.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in September 2023 and the list of payments made by employees via purchasing cards in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and
 - b) Receive the outstanding debtors and creditors report for the month of September 2023.

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.
6. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)
If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared;
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the payment.

DETAILS AND ANALYSIS

Debtors

7. Sundry debtors as of 30 September 2023 were \$78,704. This includes \$23,120 of current debts and \$9,312 unallocated credits (excess or overpayments).
8. Invoices over 30 days total \$26,485, debts of significance:
 - a) Dept. of Primary Industries, \$14,455, reimbursement of Workshop fees;
 - b) Forrestfield United Soccer Club, \$4,695, Utilities; and
 - c) BMJ Hospitality Pty Ltd, \$5,317, Lease / Utility Fees.
9. Invoices over 60 days total \$21,054, debts of significance:
 - a) BMJ Hospitality Pty Ltd, \$3,390, Lease / Utility Fees;
 - b) Private Citizen, \$1,375, Health Services Fee;
 - c) Backyard BBQ, \$1050, Health Services Fee; and
 - d) Mardon Gardens, \$1050, Health Services Fee.
10. Invoices over 90 days total \$17,357, debts of significance:
 - a) Private Citizen, \$9,281 Fire Break – Reimbursement;
 - b) Private Citizen, \$4,070 Fire Break – Reimbursement; and
 - a) Private Citizen, \$2,126, Bond admin & Maintenance Fees.

Creditors

11. Payments totalling \$6,598,316.71 were made during the month of September 2023. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14 day terms.
12. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

| Supplier | Purpose | \$ |
|--|--|--------------|
| Department Of Fire And Emergency Services (DFES) | Emergency services levy 23/24 - quarter 1 | 2,185,558.13 |
| Cleanaway | Waste / recycling & bulk bin disposal services fees | 792,212.64 |
| Australian Taxation Office | PAYG Payments | 420,071.24 |
| City of Cockburn | Disposal of general waste from the weekly residential waste collection | 295,527.55 |

| | | |
|--|---|------------|
| Dowsing Group Pty Ltd | Supply & lay concrete pathways, maintenance & misc works at various locations | 211,379.29 |
| Aware Super Pty Ltd | Superannuation contributions | 187,241.44 |
| McKay Earthmoving Pty Ltd | Plant equipment and operator hire for various locations | 180,144.18 |
| 360 Environmental Pty Ltd | Progress Claim # 009 - professional services - Dawson Park Primary School oval and Pioneer Park contaminated sites | 134,859.18 |
| Ultimate Positioning Group Pty Ltd | Supply of Trimble geospatial - provides solutions that facilitate high quality productive work flows & information exchange | 133,908.50 |
| Western Australian Treasury Corporation | Loan instalments payment (Loan no.227 & 228) | 125,934.45 |
| Merger Contracting P/L T/As J&M Asphalt | Supply & install asphalt and minor asphalt renewal - various locations. | 114,997.88 |
| Downer EDI Works Pty Ltd | Construction of road widening including pathway & drainage upgrades for Lawnbrook Rd East/First Avenue Bickley | 102,244.38 |
| Contraflow | Traffic management for various locations | 82,394.18 |
| (A) Pod Pty Ltd | Design and documentation of the new Scott reserve & Maida Vale Reserve pavilion. | 63,829.26 |
| Resource Recovery Group (Southern Metropolitan Regional Council) | Waste & recycling disposal services fees | 53,804.57 |

These payments total \$5,084,107 and represent 77% of all payments for the month.

Payroll

13. Salaries are paid in fortnightly cycles. A total of \$1,284,349.99 was paid in net salaries for the month of September 2023.
14. Details are provided in (Attachment 1) after the creditors' payment listing.

Trust Account Payments

15. 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
16. No payments were made from the Trust Accounts in September 2023.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

Debtors

25.

| | | |
|---|-------------------|---------------|
| 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 |
| Insignificant | Possible | Low |
| Action/Strategy | | |
| Ensure debt collections are rigorously managed. | | |

Creditors

26.

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

CONCLUSION

27. Creditor payments are within the normal trend range.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 165/2023

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in September 2023 (Attachment 1) in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13).
2. RECEIVE the list of payments made from 27 July to 25 August 2023 using Corporate Purchasing Cards (Attachment 2).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 3 & 4) for the month of September 2023.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.6.4. Debtors and Creditors Report for the period ended 31 October 2023

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 31 October 2023 [10.6.4.1 - 32 pages] 2. Corporate Purchasing Cards Payments 26 August to 26 September 2023 [10.6.4.2 - 5 pages] 3. Summary of Debtors for the month of October 2023 [10.6.4.3 - 2 pages] 4. Summary of Creditors for month of October 2023 [10.6.4.4 - 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 |
|  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 October 2023 and the list of payments made by employees via purchasing cards in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of October 2023.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in October 2023 and the list of payments made by employees via purchasing cards in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and
 - b) Receive the outstanding debtors and creditors report for the month of October 2023.

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.
6. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)
If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared;
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the payment.

DETAILS AND ANALYSIS

Debtors

- 7. Sundry debtors as of 31 October 2023 were \$505,332. This includes \$479,814 of current debts and \$5,515 unallocated credits (excess or overpayments).
- 8. Invoices over 30 days total \$3,815, no debts of significance.
- 9. Invoices over 60 days total \$1,066, no debts of significance.
- 10. Invoices over 90 days total \$26,152, debts of significance are:
 - a) Private Citizen, \$9,281 Fire Break – Reimbursement; and
 - b) Private Citizen, \$4,070 Fire Break – Reimbursement;
 - c) Private Citizen, \$2,126, Bond admin & Maintenance Fees;
 - d) Private Citizen, \$1,375, Health Services Fee; and
 - e) Mardon Gardens, \$1050, Health Services Fee.

Creditors

- 11. Payments totalling \$7,036,641.82 were made during the month of October 2023. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14 day terms.
- 12. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

| Supplier | Purpose | \$ |
|------------------------------------|--|--------------|
| Advanteering Civil Engineers | Progress claims 6 & 7 - For construction works completed at Stirk Park Playground and Skate Park | 1,658,676.68 |
| Natural Area Management & Services | Progress payments for construction of the Woodlupine Wattle Grove Living Stream upgrade | 703,645.88 |
| LGIS WA | LGIS Insurance Premium - 2nd instalment 30/06/23 - 30/06/24 | 611,819.47 |
| Australian Taxation Office | PAYG payments | 405,336.00 |
| Cleanaway | Waste / recycling & bulk bin disposal services fees | 389,564.25 |

| | | |
|---|---|------------|
| City of Cockburn | Disposal of general waste from the weekly residential waste collection | 213,360.73 |
| Beaver Tree Services | General tree services / under powerlines pruning for various locations | 199,789.76 |
| Aware Super Pty Ltd | Superannuation Contributions | 188,327.30 |
| WA Fibreglass Pools | Progress Payment - Refurbishment works to the waterslide at the Kalamunda Water | 150,000.00 |
| McKay Earthmoving Pty Ltd | Plant equipment and operator hire for various locations | 146,099.93 |
| Downer Edi Works Pty Ltd | Supply and lay mountable kerbing for various locations | 132,465.89 |
| Merger Contracting P/L T/As J&M Asphalt | Supply & install asphalt and minor asphalt renewal | 130,082.82 |
| Hill Top Group Pty | Contractor building maintenance for various buildings | 100,108.67 |
| Contraflow | Traffic management for various locations | 87,487.74 |
| Kalamunda Electrics | Electrical repairs / maintenance for various locations | 84,103.26 |
| State Wide Turf Services | Turf supplies / maintenance for various locations | 78,150.60 |
| Entire Land Care Pty Ltd | Fire mitigation services at various locations | 77,797.72 |
| 360 Environmental Pty Ltd | Progress claim - Phase 1 - Dawson Park Primary School Oval and Pioneer Park contaminated sites | 73,447.00 |
| Newground Water Services Pty Ltd | Supply and install - new reticulation system & global service – for various locations | 65,261.68 |
| Corporate Initiatives Australia Pty Ltd | Audio Video (AV) System - supply and install works at Forrestfield library | 61,780.40 |
| OCE Corporate Pty Ltd - Office Cleaning Experts | Cleaning services / consumables for various locations | 60,470.73 |
| AE Hoskins Building Services | Progress claims - Forrestfield Library fit out & construction and building maintenance at various locations | 55,371.77 |

| | | |
|-----------------------|--|-----------|
| Dowsing Group Pty Ltd | Supply & lay concrete pathways, maintenance & misc. works at various locations | 54,957.43 |
|-----------------------|--|-----------|

These payments total \$5,728,106 and represent 81% of all payments for the month.

Payroll

- 13. Salaries are paid in fortnightly cycles. A total of \$1,232,545.07 was paid in net salaries for the month of October 2023.
- 14. Details are provided in Attachment 1 after the creditors’ payment listing.

Trust Account Payments

- 15. 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
- 16. The following payments (GST exclusive) were made from the Trust Accounts in October 2023.

| Cell 9 | | Amount (\$) |
|------------|--|-------------|
| Date | Description | |
| 26/10/2023 | Natural Area Holdings Pty Ltd - Progress payment - Woodlupine Wattle Grove Living Stream Upgrade | 269,696.76 |
| 26/10/2023 | Natural Area Holdings Pty Ltd - Progress payment - Woodlupine Wattle Grove Living Stream Upgrade | 343,836.34 |
| 26/10/2023 | Natural Area Holdings Pty Ltd - Progress payment - Woodlupine Wattle Grove Living Stream Upgrade | 110,257.21 |
| 26/10/2023 | Brajkovich Landfill & Recycling Pty Ltd for Woodlupine Tipping fees for mixed inert | 11,500 |

APPLICABLE LAW

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

18. Regulation 13 & 13A of the *Local Government (Financial Management) Regulations 1996*.

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

Debtors

| | | | |
|-----|---|-------------------|---------------|
| 25. | 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 |
| | Insignificant | Possible | Low |
| | Action/Strategy | | |
| | Ensure debt collections are rigorously managed. | | |

Creditors

| | | | |
|-----|---|-------------------|---------------|
| 26. | Risk: Adverse credit ratings due to the City defaulting on the creditor. | | |
| | Consequence | Likelihood | Rating |
| | Insignificant | Possible | Low |
| | Action/Strategy | | |
| | Ensure all disputes are resolved in a timely manner. | | |

CONCLUSION

27. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RESOLVED OCM 166/2023

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in October 2023 (Attachment 1) in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13).
2. RECEIVE the list of payments made from 26 August to 26 September 2023 using Corporate Purchasing Cards (Attachment 2).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 3 & 4) for the month of October 2023.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)


10.6.5. Rates Debtors Report for the Period Ended 30 September 2023

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 September 2023 [10.6.5.1 - 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 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 rates recovery actions.

2. The City of Kalamunda (City) levied rates for 2023/2024 on 1 July 2023 totalling \$43,709,067. As of 30 September 2023, \$26,326,785 has been collected for current and prior year outstanding rates.
3. It is recommended that Council receive the Rates Debtors Report for the month of September 2023 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 14 July 2023 with the following payment options available:

| Options | Payment Dates | | | |
|------------------|----------------|------------------|------------------|------------------|
| Full payment | 18 August 2023 | | | |
| Two instalments | 18 August 2023 | 22 December 2023 | | |
| Four instalments | 18 August 2023 | 20 October 2023 | 22 December 2023 | 23 February 2024 |

DETAILS AND ANALYSIS

5. A total of 24,219 notices were issued on 14 July 2023. This consisted of 20,710 mailed rates notices, and 3,509 of eRates notices. Rates Levied and Collectable for the 2023/2024 Financial Year currently total \$46,054,476.
6. As of 30 September 2023, a total of \$26,326,785 has been collected since Rates Notices were released, representing a collection rate of 58.50%.
7. The interim rating has not yet commenced for 2023/2024. This will commence in October 2023. Exemptions Granted have resulted in a credit in interims.
8. A total of 8,732 ratepayers have taken up an instalment option. This is an increase from 2022/2023 where 8,130 chose an instalment option. The first instalment due date was 18 August 2023. A total of 1,045 ratepayers have chosen to pay via direct debit, a significant increase from 350 in 2022/2023. Refer to the table below:

| Option | Description | Number |
|-------------------------|--|--------|
| Option 2 on Rate Notice | Two instalments | 1,750 |
| Option 3 on Rate Notice | Four instalments | 6,982 |
| A Smarter Way to Pay | Pay by Direct Debit over a mutually agreed period. | 945 |
| Direct Debit | Payment to be received by April 2024 | 134 |
| Total | Ratepayers on payment options | 9,811 |

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 September 2023 to 30 September 2023, there was a total of 799 incoming calls and 190 outgoing calls, equating to 33.43 hours of 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.

STAKEHOLDER ENGAGEMENT

Internal Referrals

12. The City’s Governance Unit has been briefed on the debt collection process.

External Referrals

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

FINANCIAL CONSIDERATIONS

14. 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

- 15. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
- 16. The City has “a smarter way to pay” direct debit option 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

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

Environmental Implications

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

RISK MANAGEMENT

19.

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

CONCLUSION

- 20. With a current collection rate for the financial year of 58.50% (compared to 53.71% last year), the City continues to effectively implement its rate collection strategy and recognises more ratepayers have chosen to pay their rates via instalments and direct debit options.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 167/2023

That Council RECEIVE the Rates Debtors Report for the Period ended 30 September 2023 (Attachment 1).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.6.6. Rates Debtors Report for the Period Ended 31 October 2023

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 October 2023 [10.6.6.1 - 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 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 rates recovery actions.

2. The City of Kalamunda (City) levied rates for 2023/2024 on 1 July 2023 totalling \$43,709,067. As of 31 October 2023, \$29,606,867 has been collected for current and prior year outstanding rates.
3. It is recommended that Council receive the Rates Debtors Report for the month of October 2023 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 14 July 2023 with the following payment options available:

| Options | Payment Dates | | | |
|------------------|----------------------|------------------|------------------|------------------|
| Full payment | 18 August 2023 | | | |
| Two instalments | 18 August 2023 | 22 December 2023 | | |
| Four instalments | 18 August 2023 | 20 October 2023 | 22 December 2023 | 23 February 2024 |

DETAILS AND ANALYSIS

5. A total of 24,219 notices were issued on 14 July 2023. This consisted of 20,710 mailed rates notices, and 3,509 of eRates notices. Rates Levied and Collectable for the 2023/2024 Financial Year currently total \$46,373,168.
6. As of 31 October 2023, a total of \$29,606,867 has been collected since Rates Notices were released, representing a collection rate of 65.32%.
7. The interim rating has levied an additional total of \$300,233 by the 31 October 2023
8. A total of 8,612 ratepayers have taken up an instalment option. This is an increase from 2022/2023 where 8,130 chose an instalment option. The first instalment due date was 18 August 2023. A total of 1,045 ratepayers have chosen to pay via direct debit, a significant increase from 350 in 2022/2023. Refer to the table below:

| Option | Description | Number |
|-------------------------|--|---------------|
| Option 2 on Rate Notice | Two instalments | 1,732 |
| Option 3 on Rate Notice | Four instalments | 6,880 |
| A Smarter Way to Pay | Pay by Direct Debit over a mutually agreed period. | 941 |
| Direct Debit | Payment to be received by April 2024 | 104 |
| Total | Ratepayers on payment options | 9657 |

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 October 2023 to 31 October 2023, there was a total of 349 incoming calls and 1120 outgoing calls, equating to 14.74 hours of 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.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

13. The higher-level debt collection actions will be undertaken by an external collection agency.

FINANCIAL CONSIDERATIONS

14. 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

15. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.

- 16. The City has “a smarter way to pay” direct debit option 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

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

Environmental Implications

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

RISK MANAGEMENT

- 19.

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

CONCLUSION

- 20. With a current collection rate for the financial year of 65.32% (compared to 66.99% last year), the City continues to effectively implement its rate collection strategy and recognises more ratepayers have chosen to pay their rates via instalments and direct debit options.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 168/2023

That Council RECEIVE the Rates Debtors Report for the Period ended 31 October 2023 (Attachment 1).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Brooke O'Donnell**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)


10.6.7. Maida Vale South - Proposed Metropolitan Region Scheme Amendment Submission

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

| | |
|----------------|----------------------|
| Previous Items | N/A |
| Directorate | Development Services |
| Business Unit | Statutory Planning |
| File Reference | 4.00012899 |
| Applicant | M/Group |
| Owner | Various |

Attachments

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The Western Australian Planning Commission (WAPC) is seeking submissions for the proposed Metropolitan Region Scheme (MRS) Amendment 1344/57 (minor amendment) to the Maida Vale Urban Precinct (Attachment 1) and associated Environmental Assessment (Attachment 2).
2. The Maida Vale Urban Precinct, referred to as Maida Vale South in the City of Kalamunda (City) Local Housing Strategy, comprises an area of 178 hectares (ha) of land and approximately 148 landholdings currently zoned 'Rural' which is identified for future Urban Expansion in State and Local strategic planning documents. The WAPC is proposing to amend the MRS to change the zoning of the Maida Vale South to 'Urban Deferred' to facilitate further detailed planning and enable future residential development.
3. The City has prepared a submission on the amendment based on a technical assessment (Attachment 3). The comments relate to the assessment against relevant strategies and policies, the planning context, bushfire, water, environmental considerations, and infrastructure. The City's comments recognise the additional planning considerations required prior to the WAPC making a decision to progress the MRS amendment in the form proposed.
4. It is recommended the Council note the City's Submission (Attachment 3) and request the Acting Chief Executive Officer forward it to the WAPC for consideration.

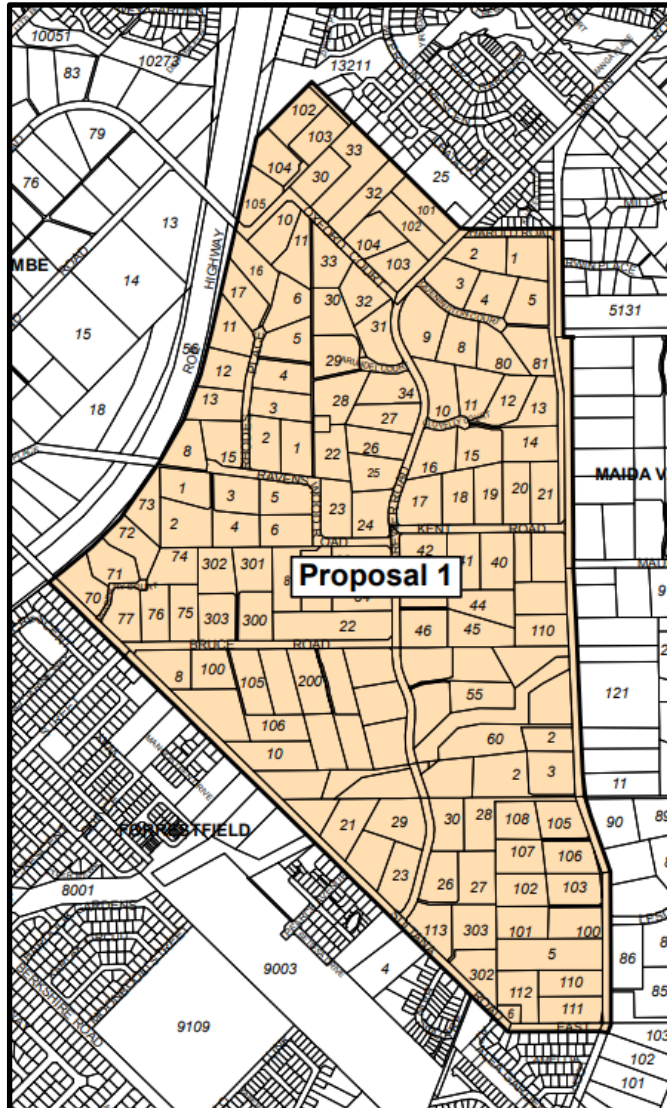
BACKGROUND

5. Maida Vale South is generally bounded by Roe Highway to the west, Sultana Road East to the south, Hawtin Road to the east and the Maida Vale Cell 6 urban area to the north (adjacent to Maida Vale Road and Poison Gully Creek).
6. The subject land comprises approximately 148 landholdings which are used primarily for rural-residential purposes, with associated dwellings and outbuildings. Small-scale agricultural pursuits, such as orchards and keeping of stock and horses are also present in the locality. There are Western Power high voltage transmission lines which run through the site.

7. Land Details:

| | |
|---|---------------------|
| Land area: | Approx 178 hectares |
| Metropolitan Region Scheme Zone: | Rural |
| City of Kalamunda Local Planning Scheme Zone: | Special Rural |

8. Locality Plan:



9. The City previously provided preliminary comments to the Department of Planning, Lands and Heritage in 2016. The City had confirmed that the MRS amendment in Maida Vale was consistent with the City of Kalamunda’s Local Planning Strategy which was endorsed by the WAPC in 2013 which identified the land in question as an Urban Investigation Area.

10. The MRS Amendment was initiated by the WAPC in 2018 and referred the proposal to the EPA. The EPA determined in October 2018 that an Environmental Review is required and issued instructions defining the scope and content of the Environmental Review. The applicant subsequently prepared an Environmental Assessment (also referred to as an Environmental Review Report) to fulfil the assessment requirements of the EPA.
11. The WAPC's advertising period for the MRS amendment concludes on 28 November 2023. The City has been afforded an extension until 7 December 2023 to provide its comments to the WAPC.

DETAILS AND ANALYSIS

12. Maida Vale South has been identified as an 'Urban Expansion Area' by the Western Australian Planning Commission's (WAPC) North-East Sub-Regional Structure Plan. Maida Vale South has also been identified by the City of Kalamunda in the Local Planning Strategy (2013) as an 'Urban Investigation Area'.
13. The rezoning of Maida Vale South from the 'Rural' zone to 'Urban Deferred' zone will allow for future urban development which includes residential development, associated infrastructure, and areas of POS and conservation. It is noted that approximately 10.59ha is associated with existing City of Kalamunda managed local road reserves that are not subject to development and approximately 14.10 ha associated with a Western Power Easement that will remain land subject to Western Power management.
14. The Urban Deferred zone means land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.
15. Before agreeing to the transfer of land from the urban deferred zone to the urban zone, the WAPC will require evidence, such as a draft structure plan, that:
 - a) The land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;
 - b) Planning is sufficiently advanced to depict an acceptable overall design to guide future development;
 - c) The proposed urban development represents a logical progression of development;

- d) Regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and
 - e) Any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.
16. Should the WAPC amend the MRS to include Maida Vale South to be zoned Urban, the WAPC may concurrently amend the zoning of the land under the City's Local Planning Scheme which would also require a Structure Plan to be prepared for the locality.
17. **Environment**
The MRS amendment has been referred to the Environmental Protection Authority (EPA) for assessment. The EPA has determined that the MRS Amendment be assessed under Division 3 of Part IV of the Environmental Protection Act. An Environmental Review is required to assess the MRS amendment.
18. An Environmental Assessment (also called an Environmental Review Document) (Attachment 2) is being advertised concurrently with the MRS amendment.
19. There are 3 key factors involved with the environmental review:
- a) Flora and Vegetation - "To protect flora and vegetation so that biological diversity and ecological integrity are maintained."
 - b) Terrestrial Fauna - "To protect terrestrial fauna so that biological diversity and ecological integrity are maintained."
 - c) Inland Waters - "To maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected."
20. Any submissions related to the environment will be referred to the EPA for their consideration as a part of the amendment process.
21. The EPA will report to the Minister for Environment on environmental factors relating to the amendment and recommend any conditions that may be necessary. The Minister for Environment will then consult with the Minister for Planning and, if appropriate, give agreement on any conditions imposed and which will become binding on the amendment. This will occur prior to the amendment being considered for a final determination.

22. **Water**
Reticulated water is available to the subject area. But the current planning was based on the subject land being rural. Due to the potential increase in development density, upgrading of the current system may be required to prevent existing customers being affected by any proposed development in the future.
23. **Wastewater**
The subject land falls within the Gooseberry Hill Scheme. Reticulated sewerage is not immediately available to serve the subject area. The Water Corporation's long-term wastewater planning for the subject area indicates that works will be required to be extended through the subject or surrounding land to service it.
24. **Drainage**
The subject land falls within the Perth Airport Northern and Southern Drainage Catchments. The Water Corporations drainage system can only support pre-development flows. Future developers will need to compensate any additional flows within their own land.
25. **Aboriginal Culture Heritage**
Aboriginal Cultural Heritage (ACH) is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. In recognising the importance of having reliable Aboriginal cultural heritage information, the WAPC and DPLH have entered into a Memorandum of Understanding with the South-West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services.
26. All amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment.
27. Aboriginal Heritage Site 25023 – Poison Gully Creek partially affects the amendment area, and the proposal was pre-referred to SWALSC and no advice was received.

APPLICABLE LAW

28. ***Planning and Development Act 2005***
The Act stipulates the provisions for an amendment to the Metropolitan Region Scheme, in accordance with Part 4, Division 1, Section 37(1). The *Planning and Development Act 2005* allows amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. This amendment is considered to meet the WAPC's 'minor' amendment provisions.

29. ***Environmental Protection Act 1986***

The Act stipulates the provisions for an amendment to the Metropolitan Region Scheme to be assessed by the Environmental Protection Authority. The EPA determined in October 2018 that an Environmental Review is required for this amendment.

APPLICABLE POLICY

30. **Perth and Peel @ 3.5 Million / North East Sub-Regional Planning Framework**

The Perth and Peel @ 3.5 Million document makes the case for a more considered, connected, consolidated urban form. It links four Frameworks and encourages the consideration of new urban growth opportunities. The North-East Sub-regional Planning Framework identifies the proposed amendment area as "Urban Expansion" with a "Short-Medium Term (2015-2031)" urban staging timeframe.

31. **City of Kalamunda Local Planning Strategy**

In 2013 the WAPC endorsed the City of Kalamunda Local Planning Strategy (LPS) which identifies the subject land (and surrounding area) as an Urban Investigation area with a possible residential density of R20 and R30. The proposed amendment is consistent with the LPS.

32. **Liveable Neighbourhoods**

Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites. The Local Structure Plan(s) will be required to address the requirements of the Policy for Maida Vale South.

33. **State Planning Policy 2.0 - Environment and Natural Resources**

State Planning Policy 2.0 (SPP 2.0) defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters. SPP 2.0 objectives are to:

- a) Integrate environment and natural resource management with broader land use planning and decision making;
- b) Protect, conserve and enhance the natural environment; and
- c) Promote and assist in the wise and sustainable use and management of natural resources.

34. **Development Control Policy 2.2 - Residential Subdivision**
This policy sets out the WAPC's requirements for landowners intending to subdivide residential land. It assists to create a diversity of lot and housing types throughout the State. The Local Structure Plan(s) will be required to address the requirements of the Policy.
35. **Development Control Policy 2.3 - Public Open Space**
The basic component of this policy is the requirement that 10 per cent of the gross subdivisible area of a conditional subdivision shall be given up free of cost by the subdivider for public open space. The local structure plan(s) will need to address this policy by providing adequate and usable open space for a variety of users and functions including sport, recreation and nature.
36. **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region**
This policy recognises the protection and management of significant bushland areas as a fundamental consideration in the planning process and requires the WAPC to protect and manage environmental resources where it has regional significance. The amendment contains a number of lots with mature trees and remnant vegetation ranging from "excellent" to "completely degraded" and a number of "threatened" and "priority" flora species. The subject land also contains the Forest Red-tail Black Cockatoo and Carnaby's Cockatoo (and associated foraging habitat), Rainbow Bee-eater and the Southern Brown Bandicoot. Therefore, the Environmental Protection Authority (EPA) has determined that an environment review is required to be undertaken the for the site.
37. **Draft State Planning Policy 2.9 - Planning for Water**
This draft policy seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. A draft District Water Management Strategy (DWMS) has been prepared for the site and is with the Department of Water and Environmental Regulation (DWER). The DWMS will need to be finalised as part of Environmental Review 2157.
38. **State Planning Policy 3.7 - Planning in Bushfire Prone Areas**
This policy forms the foundation for land-use planning to address bushfire risk management in Western Australia. A bushfire management plan has been approved by the Department of Fire and Emergency Services.

39. **State Planning Policy 5.4 - Road and Rail Noise**
This policy seeks to minimise the adverse impact of road and rail noise on noise-sensitive land use and/or development within the specified trigger distance of major transport corridors. The Policy also seeks to protect the functionality of the State's transport corridors by protecting them from encroaching incompatible development. As Roe Highway abuts to the west there is the potential for noise attenuation to be required. The noise measures will be determined at the detailed structure planning stage.

STAKEHOLDER ENGAGEMENT

40. The WAPC has publicly advertised the proposed MRS Amendment for Maida Vale South, and the City has prepared a submission as part of that engagement process.
41. Community consultation was conducted by the WAPC in 2015 on the draft Perth and Peel @3.5million and North-East Subregional Framework. In July 2015, the Council resolved to endorse a submission (OCM 90/2015) which, in part, recommended the entire Maida Vale South area be identified as Urban Expansion. As noted above, the North-East Sub-regional Planning Framework was finalised with the proposed amendment area as "Urban Expansion" with a "Short-Medium Term (2015-2031)" urban staging timeframe.
42. The City sought comments in relation to the Maida Vale South Urban Expansion Area through the Local Housing Strategy in 2020.
43. The City's Local Housing Strategy (2021) identifies Maida Vale South as an Investigation area and recognises the abovementioned Urban Expansion classification. The Local Housing Strategy was advertised to the community in 2020, and a total of 37 submissions were received. An online information session was also held with a total of 12 participants attending this session. At the Ordinary Council Meeting of 27 July 2021, Council resolved to adopt the Local Housing Strategy.
44. Maida Vale South, identified as an urban expansion investigation area in the Local Housing Strategy, has an objective to ensure that housing supply and diversity align with the expected population growth, and, in accommodating that growth, has due regard for the City's strategic environmental framework. The strategy to facilitate this objective is identified by providing more housing choice for residents and increase dwelling diversity.
45. This amendment seeks to re-zone the land to an Urban Deferred zone which would facilitate the above objectives that have previously been advertised to the community.

FINANCIAL CONSIDERATIONS

46. The planning for the site has historically been undertaken by a private planning consultant engaged by a prospective developer. The costs to the City at this time are therefore associated with the City's assessment of the proposal and preparation of the submission to the WAPC, which are embedded within the City's operational budget for Development Services.
47. There will be future financial considerations regarding the services for and needs of future populations. The City's Long-Term Financial Plan (LTFP) in this regard has considered future population growth and the need to review services that the City provides in response to that population growth.
48. The City's submission recognises the potential need for a Development Contribution Plan (DCP) to be established for Maida Vale South given the level of fragmented land ownership, and to facilitate equitable contributions towards shared infrastructure like public open space, roads and drainage areas. Should a DCP be required there are financial implications associated with DCP administration, which are usually costs recovered through the DCP itself.

SUSTAINABILITY

49. The population of the area is expected to increase over time, resulting in an increased demand for community facilities and infrastructure. An appropriate hierarchy of community facilities and infrastructure will need to be explored in greater detail during the structure planning phase to ensure that all demographic groups are accommodated.
50. An increase population to the area will see demand for retail and commercial uses and provide a greater population catchment for existing businesses in the area. The necessity of non-residential land allocation within the project area will be determined during the structure planning process and be subject to appropriate justification through assessment.
51. An Urban Deferred zone could facilitate a sustainable framework for the further planning and development of Maida Vale provided technical reporting is provided. Sustainability could stem from the potential for residential development to occur in close proximity to regional transport routes such as Roe Highway and the High Wycombe Station, provided there is a balance between residential development and the protection of environmentally sensitive areas.

RISK MANAGEMENT

52.

| | | |
|---|-------------------|---------------|
| Risk: The development of the area causes unacceptable impacts to the natural environment. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Council endorses the submission and forward to the WAPC to ensure the City’s technical comments on protecting high value vegetation, retention of tree canopy and creating environmental corridors is taken into consideration. | | |

53.

| | | |
|--|-------------------|---------------|
| Risk: The proposed MRS Amendment receives significant community opposition. | | |
| Consequence | Likelihood | Rating |
| Significant | Likely | High |
| Action/Strategy | | |
| Council endorses the submission and forward to the WAPC to ensure the City’s technical comments on the MRS amendment to Maida Vale South. Noting that the community also has the opportunity to provide their views when the MRS Amendment through the advertising process which has been conducted by the WAPC. | | |

CONCLUSION

54. The WAPC is seeking submissions for the proposed MRS amendment to the Maida Vale South precinct. The City’s technical comments address:
1. The general alignment of the proposed amendment with adopted documents within the City’s Planning Framework; however,
 2. The planning framework is dated and the planning context of the area has changed; and therefore;
 3. The proposed amendment requires further information to be provided before it is considered by the WAPC.
55. It is recommended Council endorse the submission as outlined in Attachment 3 and forward its submission to the WAPC.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 169/2023

That Council:

1. NOTE the City of Kalamunda's Submission to the Western Australian Planning Commission for the proposed Metropolitan Region Scheme Amendment 1344/57 (minor amendment) to the Maida Vale Urban Precinct in Attachment 3.
2. REQUEST the Acting Chief Executive Officer forward the submission to the Western Australian Planning Commission for consideration.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Brooke O'Donnell, Cr Lisa Cooper and Cr David Modolo**

Against: **Cr Mary Cannon and Cr Kathy Ritchie**


CARRIED UNANIMOUSLY (7/2)

10.6.8. Schedule of Council Meetings for 2024

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

| | |
|----------------|---|
| Previous Items | OCM 169/22 |
| Directorate | CEO's Office |
| Business Unit | Governance |
| File Reference | |
| Applicant | City of Kalamunda |
| Owner | City of Kalamunda |
| Attachments | 1. 2024 Schedule of Council Meeting Dates [10.6.8.1 - 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 its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets) |
| Information | For Council to note |
| Legislative | Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal |

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the setting of Ordinary Council (OCM) and Public Agenda Briefing Forum (PABF) meeting dates for the 2024 calendar year.

2. The current meeting cycle adopted by Council in 2019 provides for the PABF to be held on the second Tuesday of each month and the OCM on the fourth Tuesday, with no meetings scheduled in January.
3. It is recommended Council set the dates for meetings of the PABF and OCM as detailed in the Schedule (Attachment 1).

BACKGROUND

4. Section 5.4 (b) of the *Local Government Act 1995* (the Act) provides for the Council to call OCM's and Section 5.25 (1) (g) of the Act and Regulation 12 of the *Local Government (Administration) Regulations 1996* requires at least once every year a local government is to give local public notice of the dates, time and place for OCM and committee meetings required to be open to members of the public.

DETAILS AND ANALYSIS

5. The current meeting structure and cycle has now been in operation for several years and appears appropriate in meeting the operational and strategic direction of Council and the needs of the community, with no major issues for either Council or the community.
6. It has been the custom of the City for no meetings to be scheduled in January and the meetings for December be brought forward by one week.
7. A schedule of proposed meeting dates for the 2024 calendar year has been prepared taking into account the current practice for the scheduling of meetings (Attachment 1).

APPLICABLE LAW

8. Section 5.4 (b) of the Act provides for the Council to call OCM's.
9. Section 5.25 (1) (g) of the *Local Government Act 1995* provides for the giving of public notices of the date and agenda for council or committee meetings.

APPLICABLE POLICY

10. N/A

STAKEHOLDER ENGAGEMENT

11. As this report recommends no change to current meeting structure or cycle, no stakeholder engagement has been undertaken.

FINANCIAL CONSIDERATIONS

- 12. Acceptance of the recommendation will not result in any additional expenditure being incurred to that already included in the current or 2023/24 budget.

SUSTAINABILITY

- 13. N/A

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 14. | Risk: Council does not approve a schedule of meetings as required by the legislation. | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | Low |
| | Action/Strategy | | |
| | Ensure the council meets its legislative obligations by adopting a schedule of meetings | | |

CONCLUSION

- 15. As per current practice no meetings have been scheduled for January 2024 and the meeting for December be brought forward by one week.

Voting Requirements: Simple Majority

RESOLVED OCM 170/2023

That Council SET the dates for meetings of the Public Agenda Briefing Forums and Ordinary Council Meetings for 2024 as detailed in the Schedule (Attachment 1).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.6.9. Chief Executive Officer - Recruitment Process


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

Previous Items SCM 149/2023; SCM 155/2023
 Directorate Office of CEO
 Business Unit People Services
 File Reference
 Applicant
 Owner

Confidential Candidate Prospectus City of Kalamunda CEO
 Attachments

Reason for Confidentiality: "Information that has commercial value to a person".

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 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 consider the Candidate Prospectus to enable the recruitment of a new Chief Executive Officer to proceed.
2. It is a requirement of the Standards for Recruitment, Performance Appraisal and Termination of the Chief Executive Officer (CEO), that the Council approve the Position Description, the Selection Criteria, qualifications for the CEO position.
3. It is recommended that Council approve the Candidate Prospectus which is inclusive of the Position Description, the Selection Criteria, qualifications and advertisement for the position of CEO.

BACKGROUND

4. Following the resignation of the former CEO on 26 September 2023, the process of appointing a new CEO is required. Council adopted the Process to recruit a CEO on at a Special Meeting of Council held on 31 October 2023.
5. It is important the City carefully consider the role of the CEO, which includes the powers and functions of the role, the selection criteria for the position and the specific skills and experience the City will require of the CEO.

DETAILS AND ANALYSIS

6. The Council commenced the recruitment process with the establishment of the CEO Selection Panel (Panel) and appointment of a HR Consultant to assist the Panel.
7. The Panel and HR Consultant have collaborated on the development of the Candidate Prospectus.
8. It is considered the Candidate Prospectus meets the legislative requirements and reflects an appropriate Position Description, Selection Criteria, qualifications and advertisement for the City's CEO position.

APPLICABLE LAW

- 9. Section 5.36 (4) of the *Local Government Act 1995* and Regulation 18 (c) of the *Local Government (Administration) Regulations 1996* are relevant to the process in particular Regulation 18 (c) requires the Council to approve the process to recruit a CEO.

APPLICABLE POLICY

- 10. Policy Governance 12 Recruitment Performance Review Termination of Chief Executive Officer (Attachment 1).

STAKEHOLDER ENGAGEMENT

- 11. Nil.

FINANCIAL CONSIDERATIONS

- 12. Nil.

SUSTAINABILITY

- 13. Nil.

RISK MANAGEMENT

- 14.

| | | |
|--|-------------------|---------------|
| Risk: CEO Recruitment Process fails to exercise due diligence in the recruitment process leading to the appointment of an unsuitable candidate. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Ensure that Council employs suitably qualified people to support the CEO Recruitment process. | | |

- 15.

| | | |
|---|-------------------|---------------|
| Risk: CEO Recruitment Process fails to establish effective Key Performance Indicators resulting in Council being unable to effectively manage the performance of the CEO | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Ensure that Council employs suitably qualified people to support the CEO Recruitment process. | | |

16.

| | | |
|---|-------------------|---------------|
| Risk: Delay in appointing a Selection Panel and undertaking the recruitment process to appoint a CEO would lead to uncertainty, inconsistency and lack of leadership | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy City outlines a proposed recruitment process and timeline for Council adoption. | | |

CONCLUSION

The CEO Recruitment process provides opportunity for the full Council to be involved in the final decision to recruit a CEO.

With assistance from the HR Consultant, the Selection Panel has identified and finalised the required qualifications, selection criteria, Position Description and advertisement which are consolidated into the “Candidate Prospectus; City of Kalamunda CEO”.

The Recruitment Panel has approved Candidate Prospectus recommendation and seeks council endorsement of the Candidate Prospectus and advertisement of the position.

Voting Requirements: Absolute Majority

RESOLVED OCM 173/2023

That Council APPROVE the Candidate Prospectus which is inclusive of the Position Description, the Selection Criteria, qualifications and advertisement for the position of Chief Executive Officer (Confidential Attachment 1).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Kathy Ritchie**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)

11. Motions of Which Previous Notice has been Given

11.1. Metropolitan Regional Scheme Amendment – Maida Vale South – Community Consultation

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RESOLVED OCM 171/2023

That Council REQUEST the Chief Executive Officer undertake Community Engagement to understand landowners views in regards to the proposed rezoning and development of Maida Vale South.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

12. Questions by Members Without Notice

12.1 Nil.

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 172/2023

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

Moved: **Cr David Modolo**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Meeting closed to the public at 8:00pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 174/2023

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Meeting reopened to the public at 8:10pm. All members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

Hockey and Teeball Advisory Committee - Minutes 13 November 2023
Public Agenda Briefing Forum - Notes - 14 November 2023

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:12pm.

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

Signed:  _____
Presiding Member

Dated this 27 day of February 2024.