

Ordinary Council Meeting

Unconfirmed Minutes
Tuesday 27 October 2026

City of Kalamunda

INDEX

1. Official Opening....4
2. Attendance, Apologies and Leave of Absence Previously Approved....4
3. Public Question Time....5
4. Petitions/Deputations....10
5. Applications for Leave of Absence....10
6. Confirmation of Minutes from Previous Meeting....11
7. Announcements by the Member Presiding Without Discussion....11
8. Matters for Which the Meeting may be Closed....13
9. Disclosure of Interest....14
11. Motions of Which Previous Notice has been Given....15
11.1. Application for a contribution from the 2026/27 Voted Works Budget – Home Security Rebate Scheme Pilot Program....16
11.2. Support for Kalamunda Volunteer Fire and Rescue Service....16
11.3. Milner Road Closure Trial....17
11.4. Ray Owen Advocacy....18
11.5. Carmel Schoolhouse Site....20
11.6. Community Information on the Cost of the Kalamunda Water Park....22
10. Reports to Council....23
10.1. Development Reports....23
10.1.1. Hatch Court Light Industrial Area - City Owned Lot 13, 23 Hatch Court - Proposed Negotiations....23
10.2. Infrastructure Reports....35
10.2.1. Kalamunda Water Park - Funding Strategy Report Extension Request....35
10.3. Corporate Reports....42
10.4. Communty Reports....42
10.5. Office of the CEO Reports....42
10.5.1. Adoption of Proposed Rural and Urban Environment and Nuisance Local Law 2026....42
10.6. Chief Executive Officer Reports....56
10.6.1. Monthly Financial Statements to 30 September 2026....56
10.6.2. Debtors and Creditors Reports for the Month of September 2026....65
10.6.3. Rates Debtors Report for the period 1 September to 30 September 2026....71
10.6.4. Request to Undertake Additional Community Engagement - High Wycombe Community Hub....77
10.6.5. Quashing of Existing Rates and Readoption of Differential Rates....91
10.6.6. Permanent Mining Avoidance Zones....102
10.6.8. EMRC Equity Share Payment....115

10.6.7. Chief Executive Officer Performance Review - 2025-2026 117
12. Questions by Members Without Notice 120
13. Questions by Members of Which Due Notice has been Given 120
14. Urgent Business Approved by the Presiding Member or by Decision 123
15. Meeting Closed to the Public 123
16. Tabled Documents 123
17. Closure 124

1. Official Opening

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

2. Attendance, Apologies and Leave of Absence Previously Approved

Mayor
Margaret Thomas JP (Presiding Member)
Councillors
South East Ward
John Giardina
David Modolo
South West Ward
Mary Cannon
Brooke O'Donnell
North West Ward
Sue Bilich
Lisa Cooper
North Ward
Josh Clark
Kathy Ritchie

Members of Staff
Chief Executive Officer
Anthony Vuleta
Executive Team
Gary Ticehurst – Director Corporate
Nathan Ritchie - Director Development
Luke Ellis – Director Community
Chris Thompson – A/Director Infrastructure
Management Team
Rhonda Bowman - Manager Governance
Kath Parkinson – Manager Stakeholder Relations
Jane Hogeveen – Manager People, Culture, and Safety
Rajesh Malde – Manager Financial Services
Chris Lodge – Manager Strategic Planning and Property
Administration Team
Molly Rogers-Thomson - Executive Officer to the CEO
Paul Denholm – Development Manager
Mitchell Brooks – Project Manager, City Transformation
Luke Stewart – Communications & Marketing Specialist

Members of the Public 23
Members of the Press Nil
Apologies Nil

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 **Tilai Clifford, Lesmurdie (Ordinary Council Meeting 23 June 2026)**
Due to an administrative error these questions were not responded to in the agenda for the July Ordinary Council Meeting. The responses are provided below.

Q1. The Engagement Report shows that 53% of respondents did not support the draft policy, with substantive and diverse reasons. What formal process did Council use to evaluate this feedback, and what documented assessment demonstrates how these concerns were addressed prior to recommending adoption?

A1. Feedback was considered, and recorded in the Engagement Report, which was attached.

Q2. Over 80% of respondents supported stronger incentives for tree retention. What documented analysis or officer evaluation demonstrates how these expectations were considered, and what rationale exists for the level of incentives included in the final policy?

A2. The feedback related to incentives was considered, with responses provided within the Engagement Report, which was attached to the OCM Report. The issue with incentives is primarily that offering an incentive falls outside the regulatory limits of Local Planning Policies. Local Planning Policies are not documents that can have any type of content - they are limited to planning matters. The clear feedback was presented to Council, but incentives such as discounts on rates, or payments per tree sit outside the scope of the planning framework. Incentives are different to the offsets that were proposed, because it was development triggering the removal of trees, inviting an offset.

Q3. Several submissions state that the draft policy is weaker than the revoked Tree Retention Policy and weaker than the WALGA model. What formal assessment or comparative analysis did Council rely upon to determine whether the final policy meets accepted WALGA standards?

A3. The WALGA Policy is a model, not a standard. All Local Governments are free to adopt tree related policies as they see fit, none are limited to the WALGA model - but for many it will be a helpful starting point. It was

acknowledged many times that the Future Forest Policy was not as retention focused as the WALGA model. That did not make it weaker, it just made it different.

Q4. The Schedule of Potential Modifications identifies canopy modelling as an optional future action and notes that no modelling has been undertaken. What evidence, modelling, or technical assessment did Council rely upon to determine the likely canopy outcomes of LPP33?

A4. There was no specific modelling. At the time the Future Forest Policy was being considered there was no requirement for protection or offsets - meaning that adding those requirements would have a positive impact on tree canopy within the City over time.

Q5. Administration notes that it is a “misconception” that a tree-based policy alone can meet Urban Forest Strategy targets. What documented evaluation demonstrates how LPP33 aligns with, supports, or impacts the City’s adopted Urban Forest Strategy?

A5. The draft Policy proposed tree removal to be offset with new tree planting, which would have been an improvement on the settings at the time - which did not offer any planning policy retention, replanting, or offset requirements.

3.1.2 **Michael Ryan, High Wycombe (Ordinary Council Meeting 22 September 2026)**

Q1. On 14 September 2026, I asked for a copy of the Witness Statement referred to in para 84 WASAT 134 [2015] or give a time when it will be provided. The SAT case was to protect the people in the High Wycombe South. We need to know how this ongoing 10-year disaster came from a clear-cut decision by the Tribunal in December 2015. What can we glean from the Witness Statement. Can the CEO, or else Mr Ray Haeren, advise when the community will receive the Witness Statement?

A1. The Administration recommends Mr Ryan seek a copy of the Witness Statement directly from the State Administrative Tribunal. The City does not have a copy.

Q2. A logistics/transport-based warehouse is a specific permitted use in the Cell 8 Transition Zone under LPS3. Does the City deny that the SAT was told by the City that Stage 3 of the IDZ Special Use was to be developed on the Interface? On what grounds does the City refuse to accept a standard Development Application in a location where it is a specific permitted use and can be approved for concurrent development under the Deemed Provisions of the Act?

A2. The Administration has not received an application seeking industrial development on the 'north' side of Sultana Road which is designated as 'Residential' under the current planning framework. Should a valid Development Application be received, it would be processed in accordance with the planning framework, with a determination, or recommendation, being provided based on the planning framework that exists at the time of the decision.

Q3. The City's policy for the Industrial Development Zone Special Use under LPS3 is based on the definition of Industry-Light on page 98 of LPS3 and the no amenity impact rule. A prescribed buffer is required when an industry within the IDZ Special Use fails that assessment. Can the Director Development provide the community with the names of the industries along Sultana Road West and, in his assessment, identify which are Industry-Light and which are Industry-General, and provide the answer in the Minutes for this OCM?

A3. All development approvals are consistent with the relevant land use permissibility.

Q4. Can the City please explain why 122 Sultana Road West was not issued with a notice to shut down in December 2015 immediately after the WASAT decision?

A4. Provided land use and development occurs in accordance with the limitations of the planning framework and any development approvals, land uses are able to continue. No grounds for requiring the operations to cease currently exist.

3.2. Public Question Time

3.2.1 <u>Donna Gahan, Kalamunda</u>

This question was received in writing prior to the Ordinary Council Meeting and was read aloud by the Presiding Member.

Q1. Regarding the McDonalds development on the corner of Heath and Canning Roads, would the City please confirm if the mulch levels currently around Marri Tree 2 comply with the stipulated mulch levels in the Tree Protection Plan?

A1. We recently had some advice that's come back from the development team, and particularly the arborist. The fence had been removed to enable a construction delivery and has since been moved back. The watering has also commenced around the tree, and the arborist is happy with the levels of mulch. In addition to that the arborist was also very happy that the

canopy has established some new growth, commenting that they're quite happy with how the tree is progressing at this point in time.

3.2.2 **Daniel Pinnington, High Wycombe**

This question was received in writing prior to the Ordinary Council Meeting and was read aloud by the Presiding Member.

Q1. What specific measures are being proposed under the WAPC Amended Local Structure Plan (LSP) to protect and relocate residents living in Cell 8 from potential harm, and what is the proposed timeframe for implementing these measures?

A1. This question was taken on notice and an interim answer was provided. Officers advised that the amended LSP is still being developed and requires further supporting work before consideration by the WAPC. The LSP is a planning framework for future development and does not include specific measures or timeframes relating to the protection, relocation, or assistance of Cell 8 residents. Property-related decisions remain with individual landowners.

3.2.3 **Michael Ryan, High Wycombe**

Q1. Supplementary Question to Answer A3 in the OCM September 2026 Minutes which is "All development approvals are consistent with the relevant land use permissibility." Use Ascent Structural & Architectural Steel (Ascent Steel), 104 - 110 Sultana Road West, High Wycombe as the example. Please draw a ring around the "Use Class" to indicate the City's respective assessment for Ascent Steel and similarly draw a ring around the cross reference "Industrial Development". The answer will show whether the City assesses the "relevant land use permissibility" for Ascent Steel as P, D, A or X.

A1. This question was taken on notice and an interim response was provided. With respect to the assessment that's been undertaken historically on some of these sites, there are really two ways, as has been explained before, for you to secure that level of information. Either through the consultation process or through a freedom of information approach.

The City cannot do a planning assessment for you with respect to all the land uses as requested. It's an unreasonable request.

We are working as a City to try and find a better way to articulate future growth considerations through the Local Structure Plan, and our efforts are being deployed towards achieving that goal.

The following questions were received from Michael Ryan in writing ahead of the meeting and were taken on notice.

Q2. Will the Planning Department please provide details of the briefing it gave Councillors in 2022 that convinced Councillors to vote unanimously to support the draft LSP, and

- how landowners in Cell 8 were to describe their land use permissibility when advertising their property for sale, given residential land use was not to be assessed until after Cells 1 to 7 were built out. The City estimated this to be about 30 years according to information published on its website and given to the WAPC.
- were Councillors reminded that Stage 3 was to be developed as the Industrial Interface using Cell 8 area - the City's evidence to WASAT 134 [2015]. We certainly didn't know nor has the City ever told us about WASAT 134 [2015].

Q3. My question relates to the Permitted Uses defined for the Industrial Development Zone Special Use, Stages 1, 2, and 3. Apart from the evidence admitted to WASAT 134 [2015], has the City used or referenced the strict statutory definition of 'Industry-Light' in external correspondence or planning advice issued to developers, applicants, or landowners regarding Development Applications within the IDZ? If so, please provide a minimum of 5 examples. The examples can have redactions.

3.2.4 <u>Bev Dornan, Wattle Grove</u>

Q1. My question relates to agenda item 10.6.5. *Quashing of Existing Rates and Readoption of Differential Rates.* My question to the CEO is if the CEO does not intend to give ratepayers the opportunity to comment on the correct objects and reasons for the 26/27 rates, has the City received confirmation from the Local Government Inspector that re-imposing the rates on the basis of the original defective notice to the community is consistent with the Act?

A1. This question was taken on notice.

3.2.5 <u>Maryanne Hancock, Kalamunda</u>

Q1. What has the City spent maintaining the Caramel Schoolhouse site in each of the last three financial years?

A1. This question was taken on notice.

3.2.6 <u>Renee Ferguson-Wieman, Lesmurdie</u>

Q1. Regarding item 11.5. *Carmel Schoolhouse Site*, what guarantee can the council provide that the Scouts will have continuity and security of their lease at least until June 2027?

A1. In answer to where we currently sit from a leasing perspective, we understand that the lease is in holdover and will remain in holdover until council has resolved, by virtue of tonight through the notice of motion or through an alternative process given the existing resolution that's currently on the floor of council, what that proposal could look like.

So, we'll need to wait to find out tonight to see how the notice of motion, item 11.5. *Carmel Schoolhouse Site*, will be received.

Notwithstanding that, if it defaults to the current status quo, the Scouts remain in holdover and can put forward a proposal like any community or business opportunity through a future expression of interest, but I know that will be debated tonight on the floor.

Q2. If the motion is not passed this evening, my understanding is the Scouts have submitted an EOI. Has that been received?

A2. Yes, we can confirm this has been received.

4. Petitions/Deputations

4.1 Eileen Hort, High Wycombe
Presented a deputation related to the Closure of Milner Road in High Wycombe.

4.2 Jarod Avila, Suns Basketball
Presented a deputation in support of Councillor Modolo's motion to progress planning for the remainder of the Ray Owen Master Plan.

4.3 Michael Ryan, High Wycombe
Presented a deputation related to the City's planning administration and High Wycombe South.

4.4 Bev Dornan, Wattle Grove
Presented a deputation related to Item 11.5 - Carmel Schoolhouse Site.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

RESOLVED OCM 2026/132

That the Minutes of the Ordinary Council Meeting held on 22 September 2026, 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 Josh Clark, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

Statement by Presiding Member
"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 22 September 2026."

7. Announcements by the Member Presiding Without Discussion

October has been another busy month, with opportunities to connect with our community, celebrate local achievements and continue important conversations about the future of our City

On 7 October, Councillors Modolo, Giardina, Billich and I attended a community meeting regarding the future of the Carmel School House site

There was considerable community interest, and I thank everyone who attended and shared their views

I acknowledge there are different perspectives on the future use of this site, and I appreciate how important it is to our local community. As the matter will be considered further this evening through a Notice of Motion, I won't pre-empt that discussion

October has provided some wonderful opportunities to celebrate the people and organisations that make Kalamunda such a special place

On 16 October, we celebrated Carers Week with a morning tea and the launch of the Kalamunda Secondary Education Support Centre Art Exhibition

It was a lovely opportunity to recognise the extraordinary contribution carers make to our community and celebrate the creativity of our young people

I also attended the Perth Hills Wine Show Awards Night, recognising the talent and dedication of our local wine producers and the important contribution they make to our region

On 19 October, I had the pleasure of attending the opening ceremony celebrating the friendship between Brazil's Transcarioca Trail and our very own Bibbulmun Track

It was a wonderful reminder of how our beautiful natural environment connects us not only with one another, but with people across the world

We also welcomed new Australian citizens at our October Citizenship Ceremony. These occasions are always a privilege and a lovely reminder of the diversity and strength of our community

On 23 October, I attended the Cuppa Time for Dementia event at Kalamunda Library which was a wonderful opportunity to raise awareness and support for those living with dementia, along with their families and carers

That evening, I attended the Arts Industry Sundowner, which brought together members of our creative community to connect, share ideas and celebrate the arts

Throughout the month, we continued discussions with key stakeholders, including the Member for Forrestfield, Hon Stephen Price MLA, and the Member for Kalamunda, Adam Hort MLA

These meetings are valuable opportunities to strengthen relationships and advocate for the priorities and needs of our community

I would also like to congratulate our Director Development, Nathan Ritchie, who was recently recognised as a national finalist in two categories of The Urban Developer's Urban Leader Awards - Government Leadership and Planning

It's wonderful to see one of our City's officers recognised at a national level. Congratulations, Nathan

Before I close, I would also like to acknowledge Federal Member for Indi, Dr Helen Haines MP, following the terrible incident in Victoria last week. Like many Australians, I was deeply saddened by what happened

Regardless of where we serve or our political views, we all share a commitment to representing our communities, and no one should face violence in carrying out that role

On behalf of the City of Kalamunda, I extend our heartfelt thoughts to Dr Haines, her family and colleagues, and wish her strength and courage in her recovery

Finally, thank you to the many community groups, volunteers and organisations who continue to contribute so much to our City. It is always a privilege to see firsthand the commitment and community spirit that make Kalamunda such a wonderful place to live. Thank you

8. Matters for Which the Meeting may be Closed

8.1 Item 10.6.2 Debtors and Creditors Reports for the Month of September 2026 **Confidential Attachment** – Creditor Payments for the Period Ended 30 September 2026 (Confidential) and Corporate Purchasing Card Payments for the period 25 June 2026 to 27 July 2026 (Confidential).

Reason for Confidentiality: *Information the making public of which would be likely to endanger the security (including cyber-security) of any of the local government's property or operations [Act s. 5.23(4)(e)]*

8.2 Confidential item, 10.6.7 EMRC Equity Share Payment, was considered behind closed doors at Point 15 of this agenda.

Reason for Confidentiality: *Information the making public of which would be likely to endanger the security (including cybersecurity) of any of the local government's property or operations" [Act s.5.23(4)(e)]*

8.3 Item 10.6.8 Chief Executive Officer Performance Review - 2025-2026, was considered behind closed doors at Point 15 of this agenda.

Reason for Confidentiality: *A matter relating to the recruitment or employment of the CEO or a senior employee, including (i) the termination of employment; or (ii) a review of performance under section 5.38 of the Act [Act s. 5.23(2)(b)]*

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 5.65 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 Anthony Vuleta declared a Direct Financial Interest on Item 10.6.8 Chief Executive Officer Performance Review - 2025-2026. This item affects Mr Vuleta's employment contract as the CEO of the City of Kalamunda.

9.2 Disclosure of Interest Affecting Impartiality

a) Members must disclose an interest in matters to be discussed at the meeting that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest (Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*).

9.2.1 Cr John Giardina declared an impartiality interest in Item 10.1.1 Hatch Court Light Industrial Area - City Owned Lot 13, 23 Hatch Court – Proposed Negotiations, as he has a family member who owns a property in the area.

11. Motions of Which Previous Notice has been Given

Due to significant public interest, item 11 was brought forward and considered earlier in the meeting. As a result, the order of business differs from the published agenda, and the item numbering may appear out of sequence.

11.1. Notice of Motion - Application for a contribution from the 2026/27 Voted Works Budget – Home Security Rebate Scheme Pilot Program

Voting Requirements: Simple Majority

That Council:

1. APPROVE a contribution of $25,000 from the 2026/2027 Voted Works Budget for a Home Security Rebate Scheme Pilot Program
2. NOTES the Chief Executive Officer will develop terms and conditions for the appropriate administration of the pilot program.
3. REQUEST the Chief Executive Officer prepare a report within twelve months on the effectiveness of the pilot program for Elected Members.

Moved **Mayor Margaret Thomas**

Seconded **Nil**

MOTION LAPSED FOR WANT OF A SECONDER.

11.2. Notice of Motion - Support for Kalamunda Volunteer Fire and Rescue Service

Voting Requirements: Simple Majority

That Council APPROVE a payment of up to $800 from the Voted Works Budget to the Kalamunda Volunteer Fire and Rescue Service for the 2027 annual subscription of the BART System.

RESOLVED OCM 2026/133

Moved: **Cr John Giardina**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

11.3. Notice of Motion - Milner Road Closure Trial

Voting Requirements: Simple Majority

That Council:

1. RESOLVES that the four-week Milner Road trial closure to through traffic, commencing on 12 October 2026, should cease with immediate effect.
2. REQUESTS the Chief Executive Officer to give immediate effect to this resolution by removing the trial closure barriers and associated signage and reopening the affected section of Milner Road to through traffic as soon as the necessary traffic management arrangements can safely be implemented.
3. REQUESTS the Chief Executive Officer to notify the public of the early cessation of the trial and the arrangements for reopening.

RESOLVED OCM 2026/134

Moved: **Cr David Modolo**

Seconded: **Cr Sue Bilich**

Vote: **For: Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Brooke O'Donnell, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: Cr Mary Cannon and Cr Lisa Cooper

CARRIED (7/2)

11.4. Notice of Motion - Ray Owen Advocacy

Voting Requirements: Simple Majority

That Council:

1. SUPPORTS, in principle, a staged approach to delivering the remaining upgrades under the Ray Owen Master Plan, with a coordinated implementation plan covering all proposed future stages setting out each stage's contribution to the overall project, including indicative costs and forecast benefits.

2. REQUESTS the Chief Executive Officer to facilitate a joint workshop by the end of December 2026 with the Kalamunda & Districts Netball Association, the Kalamunda & Districts Basketball Association and City officers, building on existing engagement, to:
   a) Identify priorities and options for future staging the whole remaining project; and
   b) Consider the scope, sequence and relationship between stages, including how each stage would address the needs of the respective user groups.
   c) Consider funding pathways for each stage, including potential advocacy and grant opportunities, and the implications for Council's Long-Term Financial Plan and budgeting process

3. REQUESTS the Chief Executive Officer support informed participation by providing user groups with relevant available plans, drawings, costings, staging assumptions, asset condition information, electrical infrastructure information and court and parking assessments at least 10 business days before the workshop.

4. REQUESTS the Chief Executive Officer to present a report to Council by the April 2027 Ordinary Council Meeting, informed by stakeholder consultation, outlining a proposed staging, funding and advocacy approach for the remaining Ray Owen Master Plan upgrades, for Council's consideration and endorsement.

RESOLVED OCM 2026/135

Moved: **Cr David Modolo**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

11.5. Notice of Motion – Revocation Motion - Carmel Schoolhouse Site

During consideration of this item, Cr John Giardina made two minor amendments to the wording of the motion. The amended text is indicated in **bold** in the resolution below.

Voting Requirements: Absolute Majority

That Council REVOKE the decision of Council made at the Ordinary Council Meeting on 23 June 2026 on Item 10.1.3 Carmel School House Project (OCM 2026/65) and REPLACES it with the following:

1. NOTES the development of the Carmel School House high-level business case, and will not progress any of its findings or recommendations.

2. ACKNOWLEDGES the interest in the property located at the corner of Carmel Road and Reeds Road, from the surrounding landowners, community and Scouts WA.

3. CONFIRMS it will not undertake a wider expression of interest / market testing campaign to seek submissions from the business and wider community for this site.

4. REQUESTS the Chief Executive Office, **plus support by the City,** establish a Project Advisory Reference Group, made up of six (6) surrounding or adjoining landowner(s) persons and **up to** two (2) representatives from Scouts WA to progress a proposal that delivers community benefit for the wider City of Kalamunda, and to present this to Council for its consideration on or before May 2027.

5. REQUESTS the Chief Executive Officer to concurrently progress the execution of a draft lease with the Scouts WA under standard City of Kalamunda terms, that accommodates this proposal on or before June 2027.

RESOLVED OCM 2026/136

Moved: **Cr John Giardina**

Seconded: **Cr David Modolo**

Third: **Cr Josh Clark**

Vote: For: **Cr Josh Clark, Cr John Giardina and Cr David Modolo**

Against: **Mayor Margaret Thomas, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie and Cr Sue Bilich.**

LOST (3/6)

11.6. Notice of Motion - Community Information on the Cost of the Kalamunda Water Park

Voting Requirements: Simple Majority

That Council:

1. REQUEST the Chief Executive Officer to ensure that any information or engagement material concerning the High Wycombe Community Hub project, including any community engagement material, which presents or compares service and funding options, also presents the approaches to retaining the Kalamunda Water Park identified in the Kalamunda Water Park Swimming Pools Remaining Life Assessment and the Kalamunda Water Park Asset Management Plan 2025; and

2. REQUEST the Chief Executive Officer to ensure that any information regarding the cost of retaining, renewing or replacing the Kalamunda Water Park that is made available to the community in connection with that project:
   a) presents each of the approaches to the pool structures identified in the Kalamunda Water Park Asset Management Plan 2025 (priority patch repairs, major works, and replacement), including the staged approach of priority patch repairs followed by major works recommended in the Remaining Life Assessment;
   b) states the source, basis and date of each figure, and presents the estimates contained in the Asset Management Plan as ranges rather than as single values; and
   c) where an estimate is preliminary, indicative, high-level, not independently costed, or otherwise not confirmed by the City as reliable, clearly states that limitation.

RESOLVED OCM 2026/137

Moved: **Cr Josh Clark**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

The meeting adjourned at 8.18pm for a short break.

The meeting reconvened at 8.25pm.

10. Reports to Council

10.1. Development Reports

10.1.1. Hatch Court Light Industrial Area - City Owned Lot 13, 23 Hatch Court - Proposed Negotiations

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

Cr John Giardina declared an impartiality interest in this item as he has family who own property in this area. He left the chamber at 8.26pm.

Previous Items	OCM 2026/02
Directorate	Development
Business Unit	Strategic Planning and Property
File Reference	3.011409 and PG-DEV-070
Applicant	N/A
Owner	Various
Voting Requirements	**Simple Majority**
Attachments	Nil.

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council's authorisation for the Chief Executive Officer to undertake non-binding negotiations for the purpose of establishing the best available options for the City-owned freehold land at Lot 13, No. 23 Hatch Court, High Wycombe (the Property).

This report follows Council's resolution at the Ordinary Council Meeting of 22 September 2026 to adopt the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan (LSP) for the purposes of public advertising, insofar as it relates to the Hatch Court Light Industrial Area (the Hatch Court Precinct).

2. The LSP plans for a new road access into the Hatch Court Precinct. The new road connects Adelaide Street to Peak Court and extends across the Property to link with the existing Hatch Court.

3. In the event of construction of the new road access, there will be surplus portions of land either side of the Property. Some preliminary interest has been shown in this land by a number of adjacent landowners and prospective developers of adjacent land.

OFFICER RECOMMENDATION

That Council:

1. AUTHORISES the Chief Executive Officer to enter into negotiations with prospective developers of the City's Lot 13, No. 23 Hatch Court, High Wycombe and/or landowners and prospective developers of land that is adjoining or in close proximity, subject to the parameters set out in 2. below.

2. All negotiations are to be strictly non-binding and limited to development of non-binding heads of terms for proposed land transactions to facilitate the sale or lease of surplus portions of the City's Lot 13, No. 23 Hatch Court, High Wycombe (or the purchase by the City of portions of adjoining land) to facilitate the determination by the City of the alignment and design of a road over Lot 13, No. 23 Hatch Court, High Wycombe further to the draft Local Structure Plan. The non-binding heads of terms shall further be subject to:-

    a) Council approval by all required resolution(s) of the Council;
    b) Any proposed transaction to be in accordance with documentation settled on the advice of the City's lawyers;
    c) The Council being satisfied in its discretion as to any required compliance with Section 3.58 and, if applicable, Section 3.59 of the *Local Government Act 1995* (WA);
    d) Any transaction for the sale or lease of any part of the Property be at a market value consideration in accordance with the advice of a licensed valuer acting for the City.

BACKGROUND

4. **Land Details:**

Land Area (the Property):	13834.72 m²
Local Planning Scheme Zone:	Light Industry
Metropolitan Region Scheme Zone:	Urban

5. **Locality Plan:** (Property edged yellow)



6. **History**

In 2010, the land within the Hatch Court Precinct was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57).

7. The Hatch Court Precinct was rezoned to Light Industry by the Western Australian Planning Commission, with elements introduced into LPS3 in February 2018 to require a Local Structure Plan for the Hatch Court Precinct.

8. On 6 February 2016, Amendment 80 to the City's Local Planning Scheme No. 3 wa gazetted to:

   a) Rezone lots within Hatch Court from 'Urban Development' to 'Light Industry.'

b) Insert a new provision being Clause 5.23 into the Scheme which sets out additional site and development requirements for properties within Hatch Court. These include the preparation of a structure plan to address vehicle access and the interface to the residential land uses along Stirling Crescent.

9. The Council at its Ordinary Meeting on 22 October 2024, resolved (OCM139/2024) to acquire the Property.

10. The City purchased the Property on 21 November 2024 for $3,458,750, with settlement of the transaction occurring 28 February 2025.

11. Council at its Ordinary Meeting on 22 October 2024 (OCM 137/2022) resolved to initiate a Local Structure Plan, Developer Contribution Plan, and Design Guidelines for the Hatch Court Precinct and Stirling Crescent precinct.

12. In 2025, the City engaged a lead consultant (assisted by a team of technical sub-consultants) to develop a Draft Local Structure Plan, to be followed by Design Guidelines and a Developer Contribution Plan or other funding mechanism.

13. In 2025, the Council developed a draft Local Planning Policy 35 for the Hatch Court Precinct (LPP 35). Following public consultation, LPP 35 was adopted (with modifications) by Council at its Ordinary Meeting on 24 February 2026.

14. On 22 September 2026, Council resolved as follows in relation to the LSP, so far as it relates to the Hatch Court Precinct:-

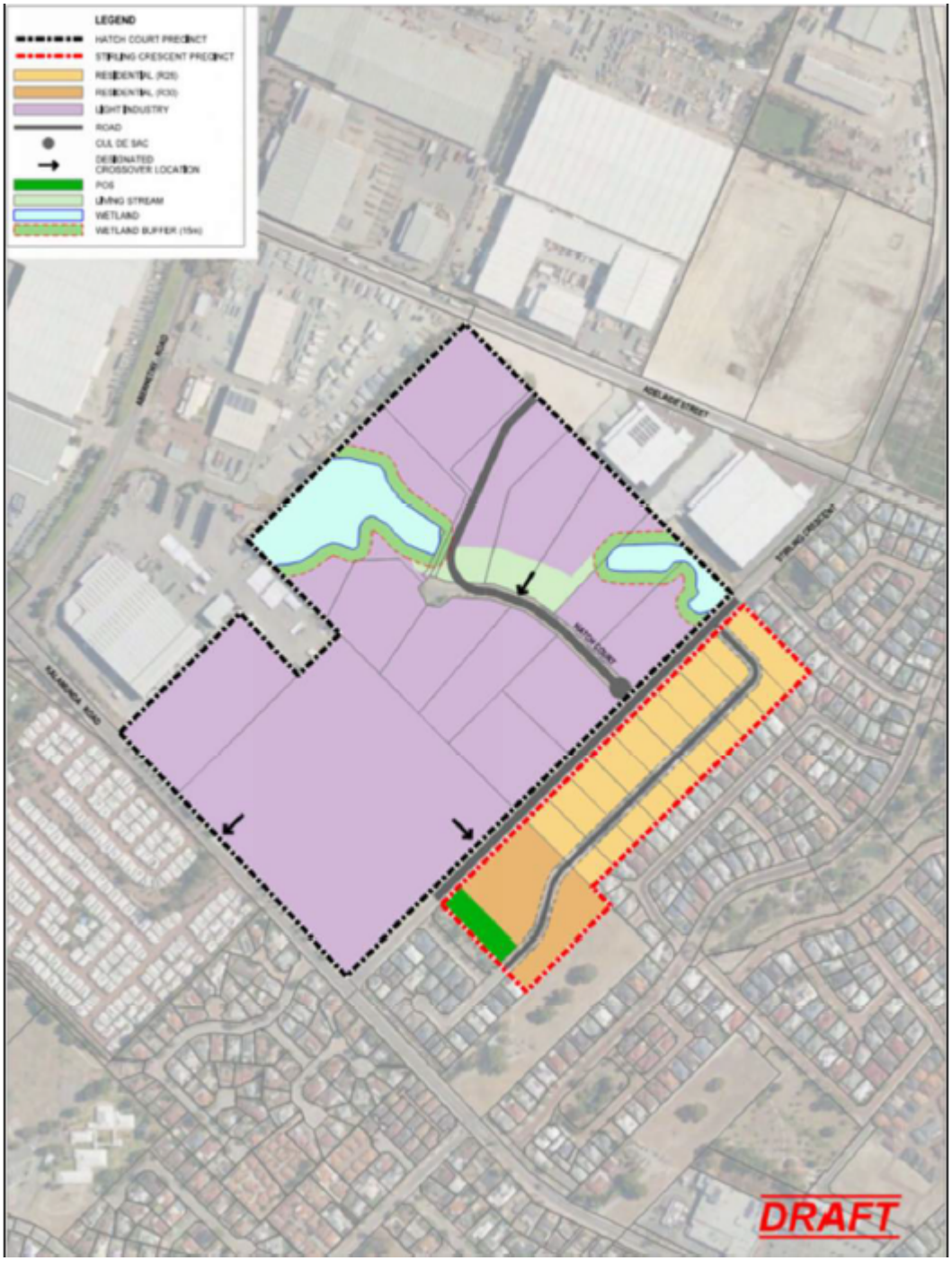
That Council:

1. ADOPT the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan for the purpose of public advertising the Local Structure Plan, so far as it relates to the Hatch Court Precinct shown on Plan 1 of the Local Structure Plan report.

2. AUTHORISE the Chief Executive Officer to make such endorsements, annotations or amendments to the Hatch Court Light Industrial Area and Stirling Crescent Residential Precinct Local Structure Plan as are considered necessary in order to give effect to 1. above.

3. AUTHORISE advertising (further to 1 and 2 above) of the Local Structure Plan for the Hatch Court Precinct only to commence as soon as practicable, in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

15. Plan 1 of the Local Structure Plan report is reproduced below and includes the Hatch Court Precinct (edged with black dotted line) and key features, including the LSP road network.



COMMENT

16. The illustration of the road network on the Structure Plan Map shows the road network as a basic concept only. There are a number of considerations that are likely to be relevant to the final alignment and design of the road network, and, in particular, the alignment of the proposed new road over the Property.

Some of these considerations include the needs (and willingness) of landowners either side of the Property to enter into land transactions with the City to facilitate the road design and best advantage use of land, and if so, whether reasonable terms can be achieved.

17. An initial, unapproved, design of the proposed new road over the Property provides for the road carriageway to be constructed close to the western boundary of the Property, with road verges and embankments within potentially surplus land in the adjacent Lot 88 (No. 120 Adelaide Street) and to a lesser extent, Lot 53 (No. 29 Hatch Court) and Lot 52 (No. 30 Hatch Court). The following plan shows approximate land areas:-

    a) Red showing land areas that could be beneficial for the City to acquire for road verges/embankments;
    b) Blue showing land areas that are likely to be surplus land available for disposal by the City:-



18. Prior to settling the proposed road alignment and design over the Property, it would be prudent for the City to establish, so far as may be possible, the:-

    a) Willingness or otherwise of adjacent landowners and developers to acquire surplus land from the City and/or to sell surplus land to the City to facilitate construction of the proposed road and its ancillary road verge/embankments/road reserve;
    b) Terms and price of the proposed land transactions;

c) Other opportunity for the City's surplus land, in particular, the interest of a telecommunication provider in leasing some of this surplus land for a telecommunications monopole.

Progression of this matter is best achieved through direct engagement by the City with relevant landowners and development proponents.

19. The Council-adopted Market Led Proposals (MLP) Policy provides the framework for the assessment and management of MLPs.

Under this Policy, an MLP is an unsolicited approach involving City-owned or managed land and property assets from a private proponent to Council, putting forward a commercial proposition (where Council has not requested the proposal) through a formal process.

This Policy has limited application in this instance, as it is premised upon approaches made by private proponents to the City, rather than the City actively initiating approaches and engagement with private landowners to explore scope for land transactions.

OPTIONS

20. Council authorisation for the Chief Executive Officer to actively approach and engage with the landowners and developers adjacent to the Property will facilitate exploration of options for land transactions and moving towards a settled road alignment and design.

21. It is recommended that the proposed negotiations be strictly non-binding and limited to development of non-binding heads of terms for land transactions, that are also subject to:-

a) Council approval by all required resolution(s) of the Council;
b) Any proposed transaction to be in accordance with documentation settled on the advices of the City's lawyers;
c) The Council being satisfied in its discretion as to any required compliance with Section 3.58 and if applicable, Section 3.59 of the *Local Government Act 1995* (WA).

22. There is also the opportunity to set Council's expectations for transaction consideration. It is recommended that any transaction for the sale or lease of any part of the Property be at a market value consideration, in accordance with the advices of a licensed valuer acting for the City.

LEGISLATIVE CONSIDERATIONS

23. The sale or lease of any part of the Property is likely to be subject to compliance with Section 3.58 of the *Local Government Act 1995* (WA).

24. Consideration will need to be given to whether or not Section 3.59 of the *Local Government Act 1995* (WA) applies to any transaction that arises.

POLICY CONSIDERATIONS

25. City of Kalamunda: Governance Policy 22 – Market Led Proposals Policy.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops
Objective 3.1 - To plan for sustainable population growth.
Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

Priority 3: Kalamunda Develops
Objective 3.3 - To develop and enhance the City's economy.
Strategy 3.3.1 - Facilitate and support the success and growth of businesses.
Strategy 3.3.2 - Attract and enable new investment opportunities.
Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
The related Local Structure Plan process including road network entailed circulation of technical reports and assessments to internal stakeholders for review and comment.	Internal stakeholder comments provided to consultant team.

External Engagement	
Process	**Outcome**
There have been approaches to the City from landowners/prospective developers in respect of interest in availability of surplus land, further to the proposed construction of the road over the Property.	The City has advised prospective developers of adjacent land of the Council's Market Led Proposals Policy.

FINANCIAL CONSIDERATIONS

26. The proposed negotiations do not have any specific financial implications at this time.

SUSTAINABILITY

27. Social

The proposed negotiations are part of a larger project to facilitate development of the Hatch Court Precinct.

Once construction of the Hatch Court Precinct is completed, it is estimated that a total of 2,235-2,792 direct and indirect jobs in the local and regional economy will be generated.

28. Economic

The proposed negotiations are part of a larger project to facilitate development of the Hatch Court Light Industrial Area. Implementation of this completed development is expected to generate significant economic benefits, including projections of:-

a) $539.2-$665.1 million of construction output (direct and indirect) to the economy.
b) The construction phase is estimated to generate between 335-414 direct construction jobs, plus another 451-556 production-induced indirect FTE jobs and 425-524 consumption-induced indirect FTE jobs elsewhere in the economy.
c) The ongoing employment from within the Structure Plan will result in $887.2-$1,108.6 million in direct and indirect economic output per annum.
d) The completed industrial development is projected to generate significant additional rates revenue of in excess of $1m per annum.

29. Environmental

The proposed negotiations do not have any specific environmental implications at this time.

RISK MANAGEMENT

30.

Consequence	Event	Rating	Action
Financial	If the City does not engage actively with adjacent	Low	Undertake non-binding negotiations to test best available financial and other options.

	landowners/developers as is recommended, land transactions may not achieve optimum value for the City. The Council may not be in a position to determine and evaluate options for dealing with surplus land to the Council's best advantage.		
Health & Safety	None		
Reputation	Engagement or negotiations with individual landowners/developers may create a perception of a predetermined development outcome and/or lack of transparency.	Medium	Ensure negotiations are non-binding, undertaken consistent with Council's authorisation, and subject to transparent statutory and governance processes before any transaction is progressed.
Operation	None		
Environment	None		None
Compliance	A subsequent land transaction does not comply with applicable requirements of the Local Government Act 1995. Legislative breach in the event land transaction(s) eventuate.	Low	All negotiations to be non-binding and expressly subject to Council approval, legal advice and compliance with the Local Government Act 1995.
Project	Delays in progressing Structure Plan and further project steps including detailed design and costing and potential land development transactions within the precinct. Loss of opportunity to progress realisation of	High	Undertake early non-binding engagement with affected landowners/developers to determine best available project, financial and other options before the road alignment is finalised.

	significant economic benefits.		

REGIONAL SIGNIFICANCE

31. An Economic Impact Assessment report has been obtained by the City. This projects a range of benefits upon full development of the precincts within the LSP. Many of these are either of a significant nature likely to have regional significance or have been expressly identified as having regional impact:

    a) A projected $539.2-$665.1 million of construction output (direct and indirect) to the economy.
    b) The construction phase is estimated to generate between 335-414 direct construction jobs, plus another 451-556 production-induced indirect FTE jobs and 425-524 consumption-induced indirect FTE jobs elsewhere in the economy.
    c) Resultant development is likely to be anchored by transport, postal and warehousing, manufacturing and construction, followed by wholesale trade, mining and other services (i.e. repair and maintenance), and supplemented by business services, professional services and other supporting services benchmarking to the current industrial mix in the existing Forrestfield / High Wycombe industrial precinct.
    d) Once construction is completed, it is anticipated that a total of 2,235-2,792 direct and indirect jobs in the local and regional economy will be generated
    e) The ongoing employment from within the Structure Plan will result in $887.2-$1,108.6 million in direct and indirect economic output per annum.
    f) The industrial development within the Structure Plan will generate in excess of $1million of additional rates revenue per annum.

CONCLUSION

32. The proposed non-binding negotiations are expected to facilitate progression of the development for industrial purposes of the Hatch Court Precinct, which is projected to have significant economic and social benefits.

33. Council authorisation for the Chief Executive Officer to proactively engage with landowners and developers adjoining the Property will enable the exploration of potential land transaction opportunities and assist in achieving an agreed road alignment through the Property, thereby supporting the finalisation of the Hatch Court Precinct road network design.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. AUTHORISES the Chief Executive Officer to enter into negotiations with prospective developers of the City's Lot 13, No. 23 Hatch Court, High Wycombe and/or landowners and prospective developers of land that is adjoining or in close proximity, subject to the parameters set out in 2. Below.

2. All negotiations are to be strictly non-binding and limited to development of non-binding heads of terms for proposed land transactions to facilitate the sale or lease of surplus portions of the City's Lot 13, No. 23 Hatch Court, High Wycombe (or the purchase by the City of portions of adjoining land) to facilitate the determination by the City of the alignment and design of a road over Lot 13, No. 23 Hatch Court, High Wycombe further to the draft Local Structure Plan. The non-binding heads of terms shall further be subject to:-

    a) Council approval by all required resolution(s) of the Council;
    b) Any proposed transaction to be in accordance with documentation settled on the advice of the City's lawyers;
    c) The Council being satisfied in its discretion as to any required compliance with Section 3.58 and, if applicable, Section 3.59 of the *Local Government Act 1995* (WA);
    d) Any transaction for the sale or lease of any part of the Property be at a market value consideration in accordance with the advice of a licensed valuer acting for the City.

RESOLVED OCM 2026/138

Moved: **Cr Lisa Cooper**

Seconded: **Cr Sue Bilich**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

Cr John Giardina returned to the chamber at 8.27pm

10.2. Infrastructure Reports

10.2.1. Kalamunda Water Park - Funding Strategy Report Extension Request

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

Previous Items	OCM 2026/40
Directorate	Infrastructure
Business Unit	Asset Planning
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A
Voting Requirements	**Simple Majority**
Attachments	Nil.

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The Kalamunda Water Park Funding Strategy was due to be presented to the October 2026 Ordinary Council Meeting.
2. It is now considered to be prudent that such strategy needs to be reflected in conjunction with Council decisions relating to the High Wycombe Community Hub early in 2027 to be current and effective.
3. This report therefore seeks that the Chief Executive Officer be granted an extension of time to enable both key decisions to be made and their significant financial implications to be considered in conjunction with each other.

OFFICER RECOMMENDATION

That Council PROVIDE an extension of up to six months to the Chief Executive Officer in respect to OCM 2026/40 Clause 3 regarding the presenting of a funding strategy for

the Kalamunda Water Park to enable consideration in conjunction with High Wycombe Community Hub Business Plan & Tender.

BACKGROUND

4. At the 28 April 2026 Ordinary Council Meeting Council endorsed the Kalamunda Water Park Asset Management Plan OCM 2026/40.

5. Part of that resolution was to request the Chief Executive Officer to present a funding strategy for the Kalamunda Water Park to Council no later than the October 2026 Ordinary Council Meeting, including consideration of GHD's recommended staged approach of priority patch repairs followed by major works within two to three years.

6. It is currently proposed that Council proceed to Tender October 2026 for the High Wycombe Community Hub with consideration of the Tender and Business Plan indicatively in February/March 2027.

7. During August/September 2026 Councillors were presented with a comprehensive briefing by Officers & Consultant in respect to the High Wycombe Community Hub.

COMMENT

8. Decision making with respect to the High Wycombe Community Hub Tender and Business Plan will provide input and direction in respect to the Kalamunda Water Park, therefore it is considered prudent that the Kalamunda Water Park Funding Strategy be deferred until such time as they can be considered in conjunction.

9. The Kalamunda Asset Management Plan included financial modelling to determine the City's future funding requirements for the water parks assets.

10. Officers are finalising the Draft High Wycombe Community Hub Business Plan and working on the associated engagement component for Council review prior to planned engagement occurring over December/January.

11. The 2026/27 Annual Budget has an amount of $75,000 allocated for annual maintenance for the Kalamunda Water Park which still leaves a gap between this and the level recommended by GHD. The Kalamunda Asset Management Plan suggested $190,000 was the baseline annual budget required to maintain in current condition, not including renewal costs.

OPTIONS

12. Option 1 - Support the Officer Recommendation and enable the Funding Strategy to be completed in conjunction with Tender/Business Case consideration.

13. Option 2 - Not support the Officer Recommendation for an extension of time. The Funding Strategy may then need to be considerably amended to reflect the future decisions of Council relating to the Kalamunda Water Park.

LEGISLATIVE CONSIDERATIONS

14. *Local Government Act 1995,* s. 5.41 (2) (a)

POLICY CONSIDERATIONS

15. The Kalamunda Water Park Asset Management Plan 2025 was prepared in line with Council Policy Service 4: Asset Management

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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
Internal engagement occurred as part of this report.	Support granting an extension of time.

External Engagement	
Process	**Outcome**
No further external engagement undertaken the Kalamunda Water Park Asset Management Plan was informed through the 2024 Community Satisfaction Survey.	N/A
It is planned that further community engagement is sought in respect to the High Wycombe Community Hub and its options.	This Community engagement is planned to be undertaken over December/January to be completed prior to Council considering the Tender.

FINANCIAL CONSIDERATIONS

16. The City will seek to identify and maximise any grant funding opportunities where possible and to support any future planning and works.

17. The Kalamunda Water Park Asset Management Plan indicates that increased funding is required to support the renewal, maintenance and operations of water park assets.

18. The Kalamunda Water Park Funding Strategy is being developed in house.

SUSTAINABILITY

19. Social:

    Not Applicable

20. Economic:

    Not Applicable

21. Environmental:

    Not Applicable

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A		
Health & Safety	N/A		
Reputation	Unable to meet the required deadline set by Council.	High	Seek an extension for the funding strategy to determine how the monies required to implement the Plan will be sourced and scheduled.

REGIONAL SIGNIFICANCE

22. Not Applicable

CONCLUSION

23. Council decision in respect to both the High Wycombe Community Hub and the Kalamunda Water Park will inform future financial requirements that will then enable the development of a relevant funding strategy that is made in conjunction with Council decision/s and be up to date/current.

24. Extension of time for the Kalamunda Water Park Funding Strategy enables the two items to be considered in conjunction with each other.

OFFICER RECOMMENDATION

That Council PROVIDE an extension of up to six months to the Chief Executive Officer in respect to OCM 2026/40 Clause 3 regarding the presenting of a funding strategy for the Kalamunda Water Park to enable consideration in conjunction with High Wycombe Community Hub Business Plan & Tender.

AMENDMENT

1. That Council PROVIDE an extension **such that the Funding Strategy for the Kalamunda Water Park is presented to Council no later than the February 2027 Ordinary Council Meeting** to the Chief Executive Officer in respect to OCM 2026/40 Clause 3 regarding the presenting of a funding strategy for the Kalamunda Water Park to enable consideration in conjunction with High Wycombe Community Hub Business Plan & Tender.

2. **REQUEST the Chief Executive Officer to ensure that the Funding Strategy sets out the funding requirement and the expected remaining service life associated with each of: (a) the major works recommended in the Kalamunda Water Park Swimming Pools Remaining Life Assessment, being the second stage of the staged approach modelled at Figure 8-2 of the Kalamunda Water Park Asset Management Plan 2025, the priority patch repairs having been completed; (b) continued operation on the basis of priority and critical works only; (c) replacement of the pool structures; and (d) closure of the facility, including any costs that would continue to be borne by the City.**
3. **REQUEST the Chief Executive Officer to ensure that the Kalamunda Water Park Swimming Pools Remaining Life Assessment is attached to the Funding Strategy report.**
4. **REQUEST the Chief Executive Officer to include in the Funding Strategy report the results of the structural monitoring of the main pool undertaken to the date of that report, together with officers' advice as to the consequences of structural failure and the period over which it may occur.**
5. **REQUEST the Chief Executive Officer to report, in that same report, on the outcome of the review of the annual maintenance allocation undertaken in respect of Clause 4 of OCM 2026/40.**

RESOLVED OCM 2026/139

Moved: **Cr Josh Clark**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

AMENDED MOTION / COUNCIL RESOLUTION

1. That Council **PROVIDE** an extension such that the Funding Strategy for the Kalamunda Water Park is presented to Council no later than the February 2027 Ordinary Council Meeting to the Chief Executive Officer in respect to OCM 2026/40 Clause 3 regarding the presenting of a funding strategy for the

Kalamunda Water Park to enable consideration in conjunction with High Wycombe Community Hub Business Plan & Tender.

2. **REQUEST** the Chief Executive Officer to ensure that the Funding Strategy sets out the funding requirement and the expected remaining service life associated with each of: (a) the major works recommended in the Kalamunda Water Park Swimming Pools Remaining Life Assessment, being the second stage of the staged approach modelled at Figure 8-2 of the Kalamunda Water Park Asset Management Plan 2025, the priority patch repairs having been completed; (b) continued operation on the basis of priority and critical works only; (c) replacement of the pool structures; and (d) closure of the facility, including any costs that would continue to be borne by the City.
3. **REQUEST** the Chief Executive Officer to ensure that the Kalamunda Water Park Swimming Pools Remaining Life Assessment is attached to the Funding Strategy report.
4. **REQUEST** the Chief Executive Officer to include in the Funding Strategy report the results of the structural monitoring of the main pool undertaken to the date of that report, together with officers' advice as to the consequences of structural failure and the period over which it may occur.
5. **REQUEST** the Chief Executive Officer to report, in that same report, on the outcome of the review of the annual maintenance allocation undertaken in respect of Clause 4 of OCM 2026/40.

RESOLVED OCM 2026/140

Moved: **Mayor Margaret Thomas**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.3. Corporate Reports

No reports presented.

10.4. Community Reports

No reports presented.

10.5. Office of the CEO Reports

10.5.1. Adoption of Proposed Rural and Urban Environment and Nuisance Local Law 2026

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

Previous Items	OCM 2026/92
Directorate	Office of the Chief Executive Officer
Business Unit	Governance
File Reference	
Applicant	N/A
Owner	N/A
Voting Requirements	**Absolute Majority**
Attachments	1. Rural and Urban Environment and Nuisance Local Law 2026 [October OCM adoption]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. 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.

FURTHER INFORMATION

The report and draft local law presented at the Public Agenda Briefing Forum (PABF) on 13 October 2026 referred to the addition of a new subclause (c) of

clause 2.9 of the draft local law pertaining to minimum setback requirements for poultry enclosures:

(c) the enclosure is situated at least 3 metres from any boundary fence;

This was added after the public consultation phase had closed, for legitimate environmental health grounds around rodent control and hygiene. The *Local Government Act 1995* allows changes to be made to a proposed local law compared to what was initially proposed on the condition the change is not significantly different to that initially advertised.

Further detailed review of this clause and precedents established by the Joint Standing Committee on Delegated Legislation identified that it would be highly likely to be significantly different to what was initially proposed and may require the local law making process to be recommenced from the beginning in accordance with section 3.13 of the Act.

If the process was not recommenced from the beginning and the local law made as presented at the PABF, it is highly likely the JSCDL would object to clause 2.9(c) and require an undertaking to remove it.

Because the existing local laws have not been reviewed every 8 years as required, they will be repealed on 6 December 2026, leaving the City with no regulatory instrument at all if the process had to be restarted, as there is no longer any time remaining to deliver a new local law process or undertake a review of the existing local laws.

As Council was advised at the PABF, for these reasons subclause (c) of clause 2.9 of the proposed local law will be reverted to what was originally proposed and the 3 metre boundary setback reference deleted. This change is reflected in the commentary in this report and the attached draft local law.

EXECUTIVE SUMMARY

1. At the OCM of 28 July 2026, Council decided to propose the draft Rural and Urban Environment and Nuisance Local Law 2026 for 6 weeks of community consultation in accordance with section 3.12 of the *Local Government Act 1995* (Act).

2. The proposed local law intends to replace the Shire of Kalamunda Bee Keeping Local Law 2008, and the Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011. Both are impacted by automatic repeal provisions of the Act due to not having been reviewed under the previous 8-yearly review requirement of the Act.

3. Local public notice was given in the required way commencing 31 August 2026 and ending on 18 September 2026. One submission was received.

4. No material changes are recommended to be made to the proposed local law compared with what was presented for public consultation. It is recommended Council make the proposed local law, as attached to this report.

OFFICER RECOMMENDATION

That Council:

1. NOTES the proposed Rural and Urban Environment and Nuisance Local Law 2026, as attached to this report, is not significantly different from what was proposed for community consultation by Council at the Ordinary Council Meeting of 28 July 2026;

2. In accordance with section 3.5(1) and section 3.12(4) of the *Local Government Act 1995*, MAKE the Rural and Urban Environment and Nuisance Local Law 2026 as attached to this report;

3. AUTHORISE the Chief Executive Officer to –

   a) pursuant to section 3.12(5) of the *Local Government Act 1995*, give a copy of the Rural and Urban Environment and Nuisance Local Law 2026 to the Minister for Local Government, and publish the Rural and Urban Environment and Nuisance Local Law 2026 in the Government Gazette;

   b) pursuant to section 3.12(6) of the *Local Government Act 1995*, give local public notice in the manner prescribed, specifying the date on which the Rural and Urban Environment and Nuisance Local Law 2026 comes into operation, and where it may be viewed by the public; and

   c) pursuant to section 3.12(7) of the *Local Government Act 1995*, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the Rural and Urban Environment and Nuisance Local Law 2026 and any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.

BACKGROUND

5. Council has previously been appraised of the operation of the

Local Government Amendment Act 2024 that introduced a repeal provision impacting local laws not reviewed under the previous 8-year review requirement of the *Local Government Act 1995* (Act).

6. The proposed Rural and Urban Environment and Nuisance Local Law 2026 is intended to replace 2 local laws that are impacted by the 6 December 2026 repeal date, as they have not been reviewed in accordance with the previous review requirement of the Act. The local laws proposed to be replaced are –

    a) The Shire of Kalamunda Bee Keeping Local Law 2008, published in Government Gazette No. 164 on 26 September 2008; and

    b) The Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011, published in Government Gazette No. 169 on
    c) 5 September 2011, as amended.

7. The proposed local law is also intended to amend the City's Health Local Law 2011, by removing nuisance related aspects involving rodent and pest control and accommodating them into the proposed local law. The proposed local law will also repeal provisions from the Health Local Law 2011 relating to control of European Wasps because local governments have no regulatory enforcement powers to deal with these. They are prescribed pests dealt with by the Department of Primary Industries and Regional Development (DPIRD).
8. Key specifications and criteria relating to things proposed to be regulated (bee keeping, poultry, animals) are mostly transferred from the existing local laws.

COMMENT

9. Nuisance-related local laws are commonplace in the local government sector. They are necessary enforcement instruments for local governments to be able to deal with the variety of nuisance complaints that can arise from activities on private property.

10. In accordance with the Act, the proposed local law was provided to the Department of Local Government, Industry Regulation and Safety for review. The proposed local law was also provided to the following agencies for comment in the context of particular regulatory functions of the proposed local law:

    - Department of Health (concerning public health and nuisance provisions)
    - Department of Water and Environmental Regulation (concerning building site litter control and wastewater)

- Department of Primary Industries and Regional Development (concerning animal husbandry and bee keeping)

11. One public submission was received, as attached to this report. The submission appears to object to the provision that would prohibit roosters in residential zoned areas (clause 2.11). The submission does not directly acknowledge the prohibition applying to residential land only; however it uses terms such as "rural and semi-rural", "rural living" and "rural heritage".

12. Notably the proposed local law does not prohibit the keeping of roosters on rural zoned land.

13. It is a well established regulatory standard across metropolitan Perth that roosters are not permitted to be kept in residential zoned areas. This is commonplace in local laws across the sector due to the noise impacts associated with crowing roosters in residential zones.

14. Clause 4.6(2) of the existing Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 contains a similar prohibition, which has existed since the introduction of that local law in 2011. This differs slightly from the proposed local law in that it appears the 2011 local law would allow one "restricted poultry" on a "large residential lot" which that local law prescribes at cl. 4.1 as meaning *"…any residential land comprising a lot with an area greater than 2,000 square metres".*

15. However, the entitlement to keep one "restricted poultry" on a "large residential lot" was still contingent on obtaining approval from the City. The proposed local law does not operate on the basis of lot size – it operates on the basis of zoning of the land. The basic premise put forward in the objection that noise associated with crowing roosters is something people in residential zones should simply tolerate, is not considered to be a reasonable basis to modify the proposed local law and create some form of exemption around it.

16. Comments from DPIRD noted typographical errors in Schedule 1 of the consultation draft. These errors have been corrected and are shown in the next section of this report.

17. No comments were made by DLGIRS or the Department of Health in their responses. No response was received from DWER by the due date.

RECOMMENDED CHANGES

18. A number of minor changes are recommended to be made to the proposed local law, compared with what was published for community consultation. These are:

Clause 2.1 – Cleanliness

A minor grammatical improvement to subclause (b):

(1) An owner or occupier of land on which an animal is kept must keep such land –

….

(b) so far as possible, free from flies or other vermin, by spraying with a residual insecticide or by other effective means.

Clause 6.3 – Storage of vehicles and machinery

DPIRD recommended clarifying aspects of this clause to apply to *disused* vehicles and machinery stored on land as follows:

6.3 Storage of vehicles and machinery

(1) The owner or occupier of land must not –

(a) store, or allow to remain in public view on that land, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;

(b) store, or allow to remain in public view on that land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;

(c) store, or allow to remain in public view on that land, any disused vehicle, vessel or machinery parts (including tyres);

(d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed –

(i) inside a building; or
(ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the thoroughfare and from adjoining properties; or

(e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

(2) Subclause (1) does not apply to land zoned for general industry or light industry under a local planning scheme.

(3) A person who is permitted to store a disused vehicle on land because of the operation of subclause (1), must ensure the compartments of the vehicle are rendered incapable of being closed in a manner that would accidentally entrap a person or animal.

Schedule 1 – Prescribed offences

A number of typographical errors were identified in Schedule 1 (prescribed offences), where clauses were misaligned with their relevant narration in the Schedule. No offences have been added or subtracted from the Schedule, however the corrections are as follows:

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY FIRST OFFENCE	MODIFIED PENALTY SECOND OFFENCE
10	2.7 ~~10~~(a)	Locate manure receptacle within 10 metres of dwelling on adjacent property	$250	$500
11	2.7 ~~10~~(b)	Allow manure to accumulate and cause a nuisance or attract vermin	$250	$500
12	2.7 ~~10~~(c)	Dispose of manure contrary to the local law	$150	$250
13	2.8(1)(a) ~~2.11(1)(a)~~	Keep poultry or pigeons in residential zone on land less than 600 square metres	$250	$500
14	2.8(1)(b) ~~2.11(2)(b)~~	Keep more than 6 poultry or pigeons in residential zone on land more than 600 square metres but less than 2000 square metres without approval	$250	$500
15	2.8(1)(c) ~~2.11(2)(c)~~	Keep more than 25 poultry or pigeons in residential zone on land more than 2000 square metres without approval	$250	$500
16	2.9 ~~12~~(b)	Locate poultry enclosure within front setback area of a lot	$150	$250
17	2.9 ~~12~~(c)	Allow poultry to approach within 9 metres of any dwelling on another lot or other premises prescribed	$150	$250
18	2.9 ~~12~~(f)	Failure to control vermin and/or odour nuisance pertaining to poultry keeping	$250	$500

19	2.10~~13~~(1)(a)	Failure to keep pigeons in proper enclosure unless exempted by the local law	$150	$250
20	2.10~~13~~(1)(b)	Maintain openings of pigeon enclosure within 9 metres of a premises prescribed by the local law	$150	$250
21	2.10~~13~~(1)(c)	Failure to control vermin and/or odour nuisance pertaining to pigeon keeping	$250	$500
22	2.11 ~~14~~	Keep rooster, geese, turkeys or peafowl on land contrary to the local law	$250	$500
23	2.12 ~~15~~(c)	Failure to maintain aviary bird enclosure in clean and good condition	$150	$250
24	2.12 ~~15~~(d)	Install or maintain aviary bird enclosure less than 5 metres from premises on other land	$150	$250
25	2.13 ~~16~~(a)	Keep birds or poultry which causes a nuisance	$150	$250
26	2.13 ~~16~~(b)	Keep birds or poultry which emits unreasonable noise	$150	$250
27	2.14 ~~17~~(1)	Feed uncaged birds in a way that causes a nuisance	$150	$250
28	2.14 ~~17~~(2)	Failure to comply with directions of an authorised person	$150	$250
(this break is intentional)				
56	6.~~67~~(2)(a)	Failure to clear refuse and recycling waste from the land and street verge within 2 days of completion of works when directed by an authorised person	$500	$1000
57	6.~~67~~(2)(b)	Failure to remove all refuse and recycling receptacles within 2 days of completion of works when directed by an authorised person	$500	$1000
58	6.~~78~~(4)	Failure to comply with the requirements of a notice issued under clause 6.~~78~~(3) ~~for a breach of any part of clause 6.8(1)~~	$500	$1000

59	6.~~78~~(5)	Failure to comply with a notice to cease activity immediately inclusive of use of equipment on land	$500	$1000
60	8.1(3) ~~8.2(1)(b~~)	Fail to comply with a notice issued for a breach of the local law unless offence otherwise specified	$500	$1000

OPTIONS

19. Option 1 – As per Officer recommendation

    Council can make the Rural and Urban Environment and Nuisance Local Law 2026 as presented.

20. Option 2 - Council may make the local law as per the draft originally presented to Council.

    This option is not recommended as the proposed local law has been corrected with typographical errors rectified.

21. Option 3 – Withdraw the proposed local law for further consideration.

    This option is not recommended. The local laws proposed to be replaced by the Rural and Urban Environment and Nuisance Local Law 2026 have not been reviewed in accordance with the Act, and will otherwise be repealed on 6 December 2026. There is now limited time remaining to address this issue before the repeal date.

LEGISLATIVE CONSIDERATIONS

22. The changes recommended to be made compared to what was initially proposed for public consultation, are considered to be very minor. These changes are limited to correcting typographical errors and small grammatical improvements.

23. Section 3.13 of the Act requires that, if during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure. The recommended changes are not considered to be significantly different in any way, and therefore, not captured by section 3.13 of the Act.

24. The procedure for making a local law then turns to the requirements of section 3.12 of the Act.

25. It is important to ensure the prescribed process is followed. Failure to do so may result in the local law being invalid or recommended by the JSCDL to be disallowed by Parliament. Whilst the Act provides that a failure to follow the procedure does not immediately invalidate a local law, there must be substantial compliance.

26. The City has complied with the process prescribed by the Act, by giving more than 6 weeks local public notice in the required way [s. 3.12(3)(a)] and referring the proposed local law to the Department for comment.

27. After the last day for submissions, Council is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed [s. 3.12(4)]. Council could also make significant amendments following consideration of any submissions. In the event there are any significant changes, the process must be commenced again [s. 3.13], or the local law is likely to be subject to objection by the JSCDL, as described previously. As noted in this report, it is not considered the changes recommended will result in a local law being made that is significantly different.

28. Council must then resolve by absolute majority to make the local law [s. 3.12(4)]. Once made, the City will be required to publish the local law in the Government Gazette and give a copy of it to the Department. Local public notice is again required [s. 3.12(5), (6)], and a document package is required to be submitted to the JSCDL.

29. The local law will take legislative effect 14 days after publication in the Government Gazette.

POLICY CONSIDERATIONS

30. Nil.

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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
Initial consultation draft circulated for feedback from key stakeholders	Minor adjustment to consultation draft
Proposed local law presented to 13 October PABF for review and	Deletion of 3 metre boundary setback requirement

External Engagement	
Process	**Outcome**
Call for submissions for 7 weeks in accordance with the Act (local newspaper, social media, website, noticeboards)	1 public submission received.
Engagement with key State Government agencies	1 response received recommended amendments to be made.

FINANCIAL CONSIDERATIONS

31. Funds have been allocated for the purpose of the review of local laws in the 2026/2027 Adopted Budget.

    Approximately $3,500 has been spent on external legal fees for reviewing the proposed local law.

    Publication in the Government Gazette is estimated to cost $2,500.

SUSTAINABILITY

32. **Social**

    It is in the community's interest to have up-to-date and effective local laws to deal with the routine nuisance related complaints that arise from activities in the rural and urban environment.

33. **Economic**

    The proposed local law continues the principles of Council's existing regulatory scheme and takes into account the rights of rural landholders to continue to engage in animal husbandry and related small business.

34. **Environmental**

    The proposed local law supports environmental protection by prescribing offences for activities that may contaminate water sources, discharge of

effluent or waste water into drains or watercourses, smoke or fume pollution as well as building site waste control.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A	N/A	N/A
Health & Safety	Local law is not reviewed/replaced by the due date, leaving the City with an inability to deal with offences	Medium	Review or replace local law before 6 December 2026
Reputation	Substantiated, public embarrassment, moderate impact, moderate news profile	High	Review or replace local law before 6 December 2026
Operation	Inability to address enforcement breaches and complaints	High	Review or replace local law before 6 December 2026
Environment	Inability to address enforcement breaches and complaints	High	Review or replace local law before 6 December 2026
Compliance	Local law not reviewed in accordance with the law	High	Review or replace local law before 6 December 2026
Project	N/A	N/A	N/A

REGIONAL SIGNIFICANCE

35. Nil.

CONCLUSION

36. Local law making by local governments is a serious matter. Like any regulatory instrument, local laws have the potential to modify common law rights and can contain financial sanctions in the form of modified penalties. This is provided that the local law is within the scope permitted by Acts of Parliament and the courts.

37. Parliament has delegated its authority to local governments to make local laws in specific Acts (in this case the *Local Government Act 1995*). To ensure this

authority is within the bounds of the law, the *Interpretation Act 1984* and the JSCDL provides the oversight required to ensure the public interest is not unreasonably or unlawfully infringed when local governments use this executive law making power.

38. The proposed Rural and Urban Environment and Nuisance Local Law 2026 continues the long-standing principle behind Council's regulatory scheme for dealing with nuisance complaints that arise from land use in the district. Local laws of this kind are commonplace in the local government sector. The proposed local law presents a responsible balance between the necessity of regulation, and recognising that property owners in a district like Kalamunda are lawfully entitled to undertake specific activities on their land.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. NOTES the proposed Rural and Urban Environment and Nuisance Local Law 2026, as attached to this report, is not significantly different from what was proposed for community consultation by Council at the Ordinary Council Meeting of 28 July 2026;

2. In accordance with section 3.5(1) and section 3.12(4) of the *Local Government Act 1995*, MAKE the Rural and Urban Environment and Nuisance Local Law 2026 as attached to this report;

3. AUTHORISE the Chief Executive Officer to –

   a) pursuant to section 3.12(5) of the *Local Government Act 1995*, give a copy of the Rural and Urban Environment and Nuisance Local Law 2026 to the Minister for Local Government, and publish the Rural and Urban Environment and Nuisance Local Law 2026 in the Government Gazette;

   b) pursuant to section 3.12(6) of the *Local Government Act 1995*, give local public notice in the manner prescribed, specifying the date on which the Rural and Urban Environment and Nuisance Local Law 2026 comes into operation, and where it may be viewed by the public; and

   c) pursuant to section 3.12(7) of the *Local Government Act 1995*, give a signed Explanatory Memoranda and Explanatory Memoranda check list, copies of the Rural and Urban Environment and Nuisance Local Law 2026 and

any other materials required, to the Clerk of the Joint Standing Committee on Delegated Legislation.

RESOLVED OCM 2026/141

Moved: **Cr David Modolo**

Seconded: **Cr Sue Bilich**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.6. Chief Executive Officer Reports

10.6.1. Monthly Financial Statements to 30 September 2026

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

Previous Items	Monthly Financial Statements to 30 September 2026
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Voting Requirements	**Absolute Majority**
Attachments	1. Monthly Financial Report – September 2026 [10.6.1.1 – 5 pages] 2. 2026/27 Budget Amendment – September 2026 [10.6.1.2 – 1 page]

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. 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.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 30 September 2026.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the period's performance against the Annual Budget 2026-27 adopted by the Council on 23 June 2026 adjusted for any subsequent approved amendments.

The opening funding position in the Statement of Financial Activity reflects the draft surplus carried forward from 2025-26. The draft position is subject to the year-end financial audit and may change due to agreed audit adjustments.

3. It is recommended that Council receives the Monthly Statutory Financial Statements (Attachment 1) for the period ending to 30 September 2026, which comprise:
   a) Statement of Financial Activity (Nature or Type);
   b) Statement of Financial Activity (Statutory Reporting Program);
   c) Net Current Funding Position, note to financial report.
   d) Explanation of variances

OFFICER RECOMMENDATION

That Council:

1. RECEIVE the Monthly Statutory Financial Statements for the month of September 2026.
2. The Monthly Financial Report Pack for September 2026 (Attachment 1) which includes:
   a) Statement of Financial Activity (Nature & Type)
   b) Statement of Financial Activity (Statutory Reporting Program)
   c) Net Current Funding Position
   d) Explanation of variances
3. Pursuant to section 6.8 (1)c of the *Local Government Act 1995*, AUTHORISE amendment to the 2026-27 Budget as detailed in Attachment 2 and point 20 below.

BACKGROUND

4. The Statement of Financial Activity and Statement of Financial Position (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 and 35 respectively of the *Local Government (Financial Management) Regulations 1996* (WA).

5. Budget amendments requested each month are presented separately with justification and net impact on the closing surplus position. The September 2026 report has a request which is detailed in Attachment 2.

6. 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 $100,000 whichever is greater.

COMMENT

Statement of Financial Activity by Nature and Type for the month ended 30 September 2026.

7. This Statement reveals a net result surplus of $64,278,720 compared to the budgeted surplus of $54,672,100 resulting in a variance of $9,606,620. The variance is largely due to the opening surplus position of $4,363,478 and operating and investing activities variances of $2,325,838 & $3,298,182 respectively.

Operating Revenue

8. Total Revenue including rates is under budget by $1,465,443. This is made up as follows:
    a) Rates generation was slightly under budget forecast with a minor variance of $76,195 mainly due to lower interim billing to date worth $34,588 which represents only 4% of budget to date and late UV Valuation provided by Landgate which impacts on the initial billing.
    b) Ex-Gratia Rates Revenue is tracking lower than budget by $103,089 due to a timing variance in relation to the receipt of the Ex-Gratia Rates due from the Dampier Bunbury Natural Gas Pipeline (DBNGP). The funds normally get paid in the later part of the year.
    c) Grants, subsidies and contributions are lower than budget by $473,691 due to timing of receipt of Financial Assistance Grants Scheme and Main Roads direct grants.
    d) Fees and charges are tracking along the budget with a minor variance of less than 1% and within reporting threshold.
    e) Interest income is under budget by $827,610 due to a delay in finalising the bank reconciliation with the transition to the new ERP application.
    f) Other revenue is under budget by $79,955 mainly due to timing of lease and rental invoicing.

9. Total expenditure is under budget by $3,944,179. The significant variances within the individual categories are as follows:
    a) Employment Costs remained under budget by $1,609,189 partially due to vacancies and adjustments to the annual and long service leave provisions.
    b) Materials and Contracts are under budget by $2,318,492. The variance is mainly due to an under-spend in Engineering works maintenance costs and timing of invoices for waste services.
    c) Utilities are tracking slightly above the budget with a minor variance of $11,674 which is within the reporting threshold.

d) Depreciation, although a non-cash cost, is tracking in line with budget with a variance of $36,243. This is within the reporting threshold.
e) Finance Costs are under budget by $8,830. The major reason for the variance is reduction in the amount financed through the revolving credit facility on Fleet Vehicles with a $1million payment made in the month.
f) Insurance expense is tracking within budget by $33,398 and threshold.
g) Other expenditure is under budget by $2,055 and within threshold.
h) Loss on Asset Disposal reported a variance of $20,132 due to timing of disposals of plant and equipment.

Investing Activities

Proceeds from Disposal of Assets

10. There were no asset disposals during the month of August.

Non-operating Grants and Contributions

11. The non-operating grants and contributions is under budget by $4,110,360. This is mainly due to the timing of the capital works program.

Capital Expenditure

12. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets is under budget by $7,408,541. The delay in spend is normal at the beginning of the financial year with time taken to mobilise works for the new capital works programme.

Financing Activities

13. The amounts attributable to financing activities show no variance for the month of September.

Statement of Net Current Funding Position as of 30 September 2026

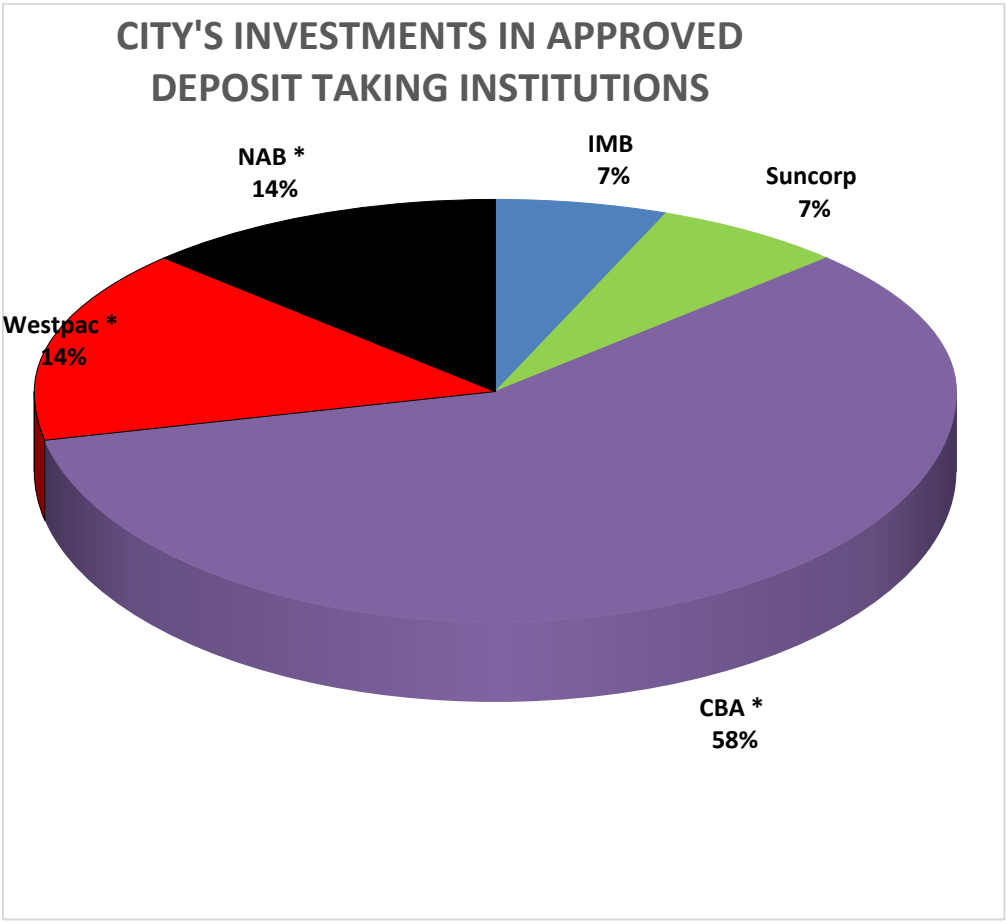
14. The commentary on the net current funding position is based on a comparison of September 2026 to the June 2026 actuals. The narration will focus on the reporting month.

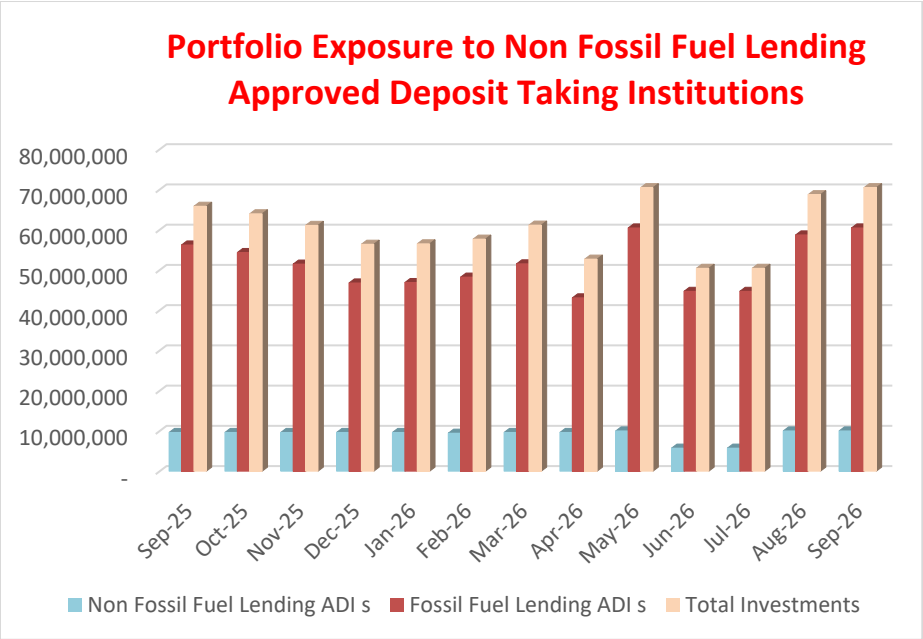
15. Net Current Assets funding position (Current Assets $137 million less Current Liabilities $19.7 million) totals $117.4 million. The current assets include Cash and cash equivalents worth $39 million, longer term cash deposits designated at “Other financial assets” worth $30.8 million and $64.8 million as Trade and Other Receivables. Further details below.

16. The following graph indicates the financial institutions where the City has investments as of 30 September 2026. Investments yields are between 4.5%-5.4% depending on the length of deposits.

    The CBA holds a high % of the City's investments as they hold overnight surplus funds beyond normal operational expenditures. As the City commences the new financial year with the rates issued in July has allowed replenishment of cashflows and initial investments worth $40 million have been made.

    The Reserve Bank of Australia has further increased the cash rate to 4.60% on 30 September as economic conditions impacting on a sticky inflation rate of above 4% partially due to the recent federal tax changes and the ongoing war in the middle east creating fuel supply uncertainty compounded by the removal of the temporary relief provided on the excise duty. With inflation still above the target band of 2-3%, the cash rate is likely to remain above 4%.

17. 



18. Receivables Other represent $64.8 million including:

a) Sundry debtors are $940,435. Further details are contained in the Debtors and Creditors Report to Council.

b) Rates Receivable (current debt) $21.9 million.

c) Receivables Sanitation $2.4 million.

d) Emergency Services Levy $3.1million.

e) Debtors Grants $4.5 million for grants received but obligations not yet met.

f) EMRC Receivable $30.8 million.

19. Provisions for annual and long service leave have increased by $1.5 million from the previous year partly due to the incluson of year-end adjustments for 2025/26 financial year. The majority of the provision is cash backed via specific reserves.

Proposed Budget Amendments and Voted Works

20. There are five budget amendment requests for the month of September 2026 which represent receipt of new grants, reserve transfers to meet public art obligations and capital works projects funding re-alignments The funding is from specific grants and reserves, details as noted on Attachment 2.

OPTIONS

21. N/A

LEGISLATIVE CONSIDERATIONS

22. *Local Government Act 1995*

Section 6.8 Expenditure from municipal fund not included in annual budget.

Local Government (Financial Management) Regulations 1996

Section 34 – Financial activity statement required each month.

Section 35 – Financial position statement required month.

POLICY CONSIDERATIONS

23. Strategic Budget Policy provides direction on budget development, rates determination and funding of the City's operations and capital works programmes.

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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
The City's executive and management monitor and review the underlying business unit reports which form the consolidated results presented in this report.	Scrutiny of financials at service levels will assist in identifying any discrepancies for investigation.

External Engagement	
Process	**Outcome**
As noted above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.	Public scrutiny of the city's financials.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

25. Social – N/A

26. Economic – N/A

27. Environmental – N/A

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Over-spending the budget.	Medium	Review management reports and maintain compliance on procurement.
Health & Safety	N/A		
Reputation	N/A		
Operation	N/A		
Environment	N/A		
Compliance	Non-compliance with Financial Regulations.	Low	The financial report is scrutinised by the City to ensure all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations. External Audit confirms compliance.
Project	N/A		

REGIONAL SIGNIFICANCE

28. N/A

CONCLUSION

29. The City's Financial Statement as of 30 September 2026 reflects a large draft closing surplus position of $64,278,720 mainly due to front end billing of rates and waste charges and underspends in materials and contracts and capital works projects.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. RECEIVE the Monthly Statutory Financial Statements for the month of September 2026.
2. The Monthly Financial Report Pack for September 2026 (Attachment 1) which includes:
    a) Statement of Financial Activity (Nature & Type)
    b) Statement of Financial Activity (Statutory Reporting Program)
    c) Net Current Funding Position
    d) Explanation of variances

3. Pursuant to section 6.8 (1)c of the *Local Government Act 1995*, AUTHORISE amendment to the 2026-27 Budget as detailed in Attachment 2 and point 20 below.

RESOLVED OCM 2026/142

Moved: **Cr David Modolo**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.6.2. Debtors and Creditors Reports for the Month of September 2026

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

Previous Items	Debtors and Creditors Reports for the month of August 2026
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Voting Requirements	**Simple Majority**
Attachments	1. Creditor Payments for the Period Ended 30 September 2026 (Public) [10.6.2.1 – 15 pages] 2. Corporate Purchasing Card Payments for the period 25 June 2026 to 27 July 2026 (Public) [10.6.2.2 - 2 pages] 3. Summary of Debtors for the month of September 2026 [10.6.2.3 – 2 pages]
Confidential Attachments	1. Creditor Payments for the Period Ended 30 September 2026 (Confidential) [10.6.2.1 – 23 Pages] 2. Corporate Purchasing Card Payments for the period 25 June 2026 to 27 July 2026 (Confidential) [10.6.2.2 – 2 pages]

Reason for Confidentiality: "*Information the making public of which would be likely to endanger the security (including cybersecurity) of any of the local government's property or operations" [Act s.5.23(4)(e)*

TYPE OF REPORT

Legislative

Includes adopting Local Laws and Town Planning Schemes. 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.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts for the month of September 2026, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of September 2026.
3. The report provides details of credit card payments made from the Municipal Fund accounts for 25 June 2026 to 27 July 2026. Acquittal of July & August transactions is pending in the new ERP system due to delay in transition of data.

OFFICER RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal and Trust Fund Accounts for the Month of September 2026 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from 25 June 2026 to 27 July 2026 using Corporate Purchasing Cards (Confidential Attachment 2) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13A).
3. RECEIVE the outstanding debtors report for the month of September 2026.

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 Funds 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.

COMMENT

Debtors

7. Sundry debtors as of 30 September 2026 were $940,435. This includes $597,329 of current debts and $15,873.07 unallocated credits (excess or overpayments).

8. Invoices over 30 days total $127,579; debts of significance are:

a) Municipal Workcare (LGIS), $38,898, Insurance Claims – Various;
b) City of Kwinana, $24,445, LSL Liability Reimbursement;
c) City of Belmont, $16,146, LSL Liability Reimbursement; and
d) Kalamunda Canning Rugby League Football Club (Bulldogs), $15,716, Club contribution to project costs;

9. Invoices over 60 days total $72,191; debts of significance are:

a) Kalamunda & Districts Football, $36,776, Construction of new LED lighting at Ray Owen Reserve;
b) Kalamunda & Districts Netball Assn, $7,024, Building Maintenance charges;
c) Public Transport Authority, $2,100, Tree Replacement – Stop 13990 John Street. Gooseberry Hill; and
d) Private Citizen, $2,035, Hazard Reduction Burn;

10. Invoices over 90 days total $159,208; debts of significance are:

a) Telstra, $44,550, Licence Fees Year 1 & 2;
b) Dome Coffees Australia, $24,031, Lease Fees;
c) Kalamunda & Districts Netball Assn, $23,394, Building Maintenance charges;
d) Municipal Workcare (LGIS), $21,592, Insurance Claims – Various;
e) Kalamunda City FC (Inc), $12,056, Winter season fees and Annual Lease Fee;
f) Mason & Bird, $8,121, Lease Fees;
g) Pyramids Plumbing, $7,199, Maintenance Jobs and Admin Fees; and
h) Scream n Shout Dance, $7,101, KPAC Theatre Fees

Creditors

11. Payments totalling $10,361,883 were made during the month of September 2026. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

The details are in the attachment 1.

Payroll

12. Salaries are paid in fortnightly cycles. A total of $1,799,358 was paid in net salaries for the month of September 2026.

13. Details The details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

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

15. There were no payments made from the Trust Accounts in September 2026.

LEGISLATIVE CONSIDERATIONS

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

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

POLICY CONSIDERATIONS

18. Debt Collection Policy S-FIN02.

19. Register of Delegations from Council to CEO.

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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
Various business units are engaged to resolve outstanding debtors and creditors as required.	Improved debt collection and resolutions on queries.

External Engagement	
Process	**Outcome**

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

21. Social – N/A

22. Economic – N/A

23. Environmental – N/A

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.	Low	Ensure debt collections are rigorously managed
Health & Safety	N/A		
Reputation	N/A		
Operation	N/A		
Environment	N/A		
Compliance	Adverse credit ratings due to the City defaulting on the creditor.	Low	Ensure all disputes are resolved in a timely manner.
Project	N/A		

REGIONAL SIGNIFICANCE

24. N/A

CONCLUSION

25. Creditor payments are within the normal trend range. Overdue debtors are being followed up as part of normal operations.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. RECEIVE the list of payments made from the Municipal and Trust Fund Accounts for the Month of September 2026 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from 25 June 2026 to 27 July 2026 using Corporate Purchasing Cards (Confidential Attachment 2) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13A).
3. RECEIVE the outstanding debtors report for the month of September 2026.

RESOLVED OCM 2026/143

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.6.3. Rates Debtors Report for the period 1 September to 30 September 2026

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

Previous Items	Rates Debtors Report for the period 1 Sep to 30 Sep 2026
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Voting Requirements	**Simple Majority**
Attachments	Nil

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets).

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 2026/2027 on 15 July 2026. The amount collectable (excluding deferred rates balance of $1,146,750) as of 30 September 2026 was $56,809,917. This balance includes, initial billing, and the brought forward balance from 2025/26. Collections to date stand at $34,910,351.

OFFICER RECOMMENDATION

That Council RECEIVE the Rates Debtors Report for the Period covering 1 September 2026 to 30 September 2026.

BACKGROUND

3. Rate Notices were issued on 15 July 2026 with the following payment options available:

Options	Payment Dates			
Full payment	19 August 2026			
Two instalments	19 August 2026	23 December 2026		
Four instalments	19 August 2026	21 October 2026	23 December 2026	24 February 2027

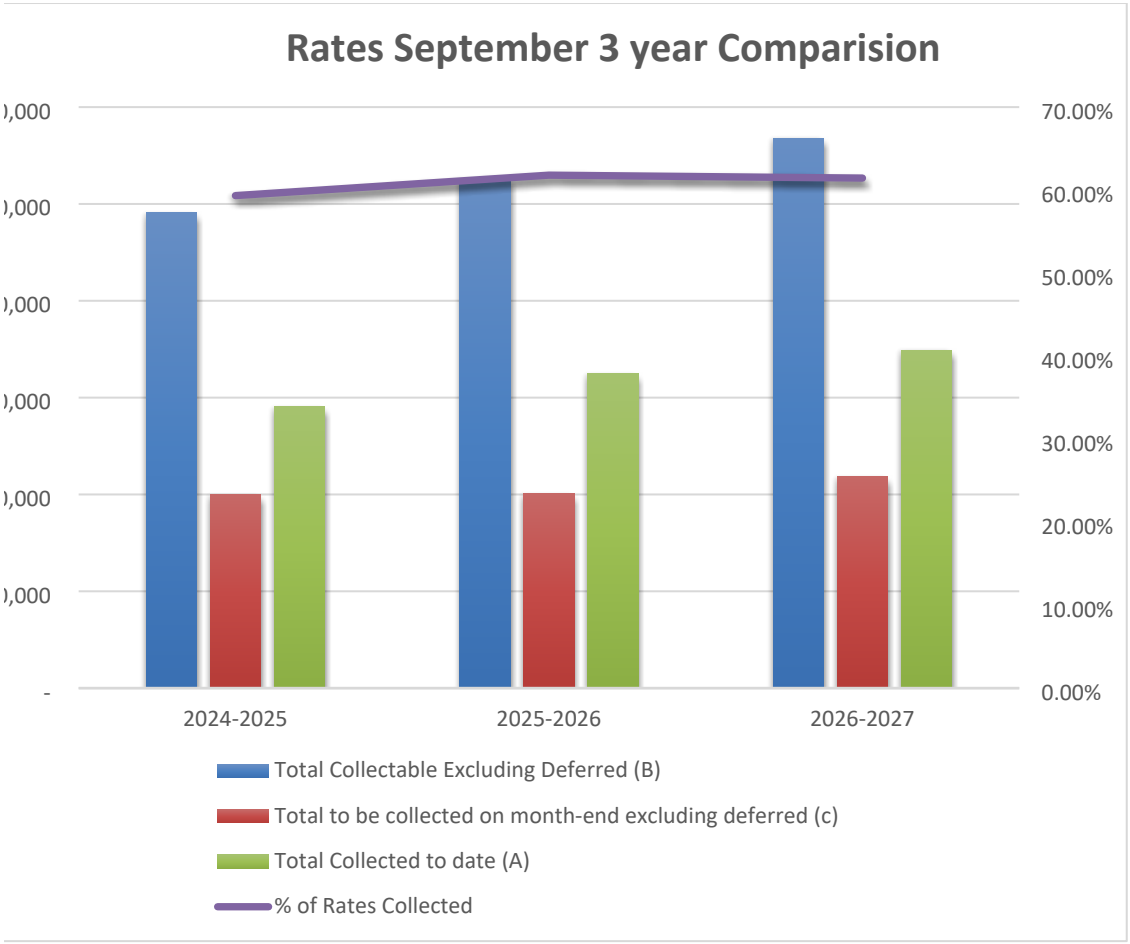
DETAILS AND ANALYSIS

4. A total of 23,965 notices were issued on 15 July 2026. This consisted of 19,138 mailed rates notices, and 4,827 of eRates notices (20.14% take-up saving more than $8,740 in postage and printing). Compared to last year (4,527 eRates), the uptake has increased by 6.6%.

5. As of 30 Sep 2026, rates levied and collectable for the 2026/2027 Financial Year total is $56,809,917 (excluding deferred rates), with collections standing at $34,910,351.

6. The above collection rate of $34,910,351 represents a collection rate of 61.45% which is slightly lower than the previous year of 61.80% and shows an improvement when compared to 2024/25 when the collection rate was 59.34%. For reference, below is a chart comparing the collection rates for the last three years.

7.



8. From the above chart the following observations are made:

   a) The quantum of collectable and collected rates is higher in 2026/27 than previous years because the base amount is higher each year.

   b) The City's Rates Team are actively managing the debt outstanding. This is particularly noted in the amount outstanding for previous years having reduced by 16% ($374,301). The City commends the team for achieving this result which improves the City's cashflows and interest earning opportunity.

   c) The % collectable at 30 Sep 2026 is 38.55% which will be a point of focus for the Rates Team to work towards. In this regard, work is being done to review and update the City's collection and hardship policies and procedures.

9. The interim rating has commenced for 2026/2027. To 30 Sep 2026, $34,588 has been raised for the interim rating revenue.

10. The first instalment due date was 19 August 2026. The following observations should be noted:

    a) A total of 13,598 properties representing 54.28% of the total number of rateable properties were noted to have paid in full or were in credit.

b) A total of 9,826 ratepayers has taken up an instalment option or has entered a payment arrangement.

The following table showing Properties choosing to pay by instalments or payment arrangements:

Option	**Description**	**2026/27 Number**	**2025/26 Number**
Option 2 on Rates Notice	Two instalments	1,862	1,827
Option 3 on Rates Notice	Four instalments	6,824	6,679
Direct Debit	Pay by direct debit	1,102	1,105
Payment Arrangement	Pay by payment Arrangement	38	171
Total	**Ratepayers on payment options**	**9,826**	**9,782**

11. 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 Sep 2026 to 30 Sep 2026, there was a total of 892 calls, equating to 49.24 hours of call time.

LEGISLATIVE CONSIDERATIONS

12. 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.

POLICY CONSIDERATIONS

13. The City's rates collection procedures are in accordance with the Debt Collection Policy CEO Direction 5.5.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
The City's Governance Unit has been briefed on the debt collection process.	**N/A**

External Engagement

Process	Outcome
The higher-level debt collection actions will be undertaken by an external collection agency appointed by the City. A review is underway on the provider for this service.	**N/A**

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

15. Social

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

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.

16. Economic

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

17. Environmental

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. It is heartening to see an uptake in eRates with a 6.6% increase from the previous year.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Failure to collect outstanding rates and charges leading to cash flow issues within the current year	Medium	Ensure debt collections are rigorously maintained
Health & Safety	N/A		
Reputation	N/A		

Operation	N/A		
Environment	N/A		
Compliance	N/A		
Project	N/A		

CONCLUSION

18. The current year collection rate to 30 Sep 2026 is at 61.45% compared to 61.80% last year. The City continues to effectively implement its rate collection strategy and meet best practise standards.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council RECEIVE the Rates Debtors Report for the Period covering 1 September 2026 to 30 September 2026.

RESOLVED OCM 2026/144

Moved: **Cr David Modolo**

Seconded: **Cr Josh Clark**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.6.4. Request to Undertake Additional Community Engagement - High Wycombe Community Hub

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

Previous Items	OCM 157/2022, OCM 40/2024, SCM 87/2024, OCM 159/2024, OCM 2025/7, OCM 2025/176, OCM 2026/46
Directorate	Office of the CEO
Business Unit	Stakeholder Relations
File Reference	3.010520
Applicant	N/A
Owner	N/A
Voting Requirements	**Simple Majority**
Attachments	Nil.

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. This report seeks Council direction regarding community engagement for the High Wycombe Community Hub project following discussion at the Council Strategy Session held on 6 October 2026.
2. Significant community engagement has already informed project planning, including the Community Scorecard (2020, 2022 and 2024), Business Case consultation and engagement involving more than 1,000 community members during 2025. Collectively, these activities have identified community needs, service expectations and facility priorities.
3. Following discussion at the Council Strategy Session, Administration reviewed the engagement undertaken to date and considered whether additional project-specific consultation would provide information materially different from that already available to Council.

4. As a result, Administration has identified three possible approaches for Council's consideration:

    - Option 1: Inform in Conjunction with Business Plan Community Engagement (recommended)
    - Option 2: Education and Selective Consultation
    - Option 3: Education and Consultation on All Options

5. Administration considers Council already has substantial information regarding community needs, service expectations and project priorities. While additional consultation may provide further feedback on the identified facility options and associated affordability considerations, it is unlikely to materially alter the evidence base already available to Council.

    Administration notes that future rating outcomes will ultimately be determined through Council's Long Term Financial Plan, annual budget and rating processes and therefore considers additional consultation on indicative rate impacts unlikely to materially alter future decision-making.

6. Administration therefore recommends Option 1, which provides transparent information to the community regarding Council's preferred direction and the reasons supporting that position, without undertaking further project-specific consultation.

7. This report does not determine a preferred project option, authorise procurement activities or commit Council to project delivery. Rather, it seeks Council direction regarding the appropriate level of community engagement before a future project decision is made.

OFFICER RECOMMENDATION

That Council:

1. NOTES the three engagement approaches outlined in this report;
2. DETERMINES that sufficient community engagement has been undertaken to inform Council regarding community need, facility priorities and service expectations, and that additional project-specific consultation regarding affordability considerations and indicative rate impacts is not required at this time;
3. ENDORSES Option 1: Inform in Conjunction with Business Plan Community Engagement as the City's preferred engagement approach;
4. REQUESTS Administration to implement a Community Information Program that:
    a. outlines the identified facility options;

b. explains Council's preferred direction and supporting rationale;
c. provides indicative financial and service information;
d. explains how previous community feedback informed project planning; and
e. updates the community regarding future decision-making milestones.

BACKGROUND

8. At the Council Strategy Session held on 8 September 2026, Elected Members considered the project Business Plan and discussed whether further community engagement should be undertaken prior to progressing the project.

9. During that discussion, Stakeholder Relations were requested to review the merits, limitations and risks associated with additional engagement and provide advice regarding what further consultation could reasonably achieve and how it may inform Council's decision-making.

10. At the Council Strategy Session held on 6 October 2026, Stakeholder Relations presented that advice and outlined potential benefits and limitations of further engagement. Elected Members expressed differing views regarding whether additional consultation should occur before the project progressed.

11. Previous engagement activities, including the Community Scorecard, Business Case consultation and engagement involving more than 1,000 community members during 2025, identified service needs, desired facilities and community priorities.

12. While this work informed project planning and established community need, it did not seek community feedback on a preferred facility option or current project affordability considerations.

COMMENT

13. Administration acknowledges the differing views expressed by Elected Members regarding further consultation.

14. A key consideration for Council is whether further project-specific consultation would generate materially new information to assist Council's decision-making, or whether the existing evidence base is sufficient.

15. Administration notes that previous engagement has already established:
    - community demand for aquatic and recreation services;
    - facility priorities and service expectations;
    - service gaps and future needs; and
    - the strategic importance of recreation and community infrastructure.

16. Administration acknowledges that some Elected Members have raised concerns regarding affordability considerations and the potential impact of identified facility options on future rates. Administration notes that previous engagement activities primarily focused on community needs, service expectations and facility priorities and did not specifically seek community feedback regarding current project costs, funding models or indicative rate impacts.

    Additional consultation would therefore not be intended to establish community need, as this has already been identified through previous engagement activities. Rather, any further consultation would primarily seek feedback regarding affordability considerations, modelled rate impacts and community preferences between identified facility options.

17. Administration considers Council has sufficient information available to determine its preferred direction, noting that future affordability considerations will continue to be assessed through the Business Plan, Long Term Financial Plan, annual budget process and future Council deliberations.

18. While additional consultation may provide further insight into community perceptions regarding affordability, Administration does not consider that such consultation is necessary to support future Council decision-making. On this basis, Administration recommends Option 1.

OPTIONS

19. *Option 1:* Inform in Conjunction with Business Plan Community Engagement (recommended)

    Under this approach, the City would undertake a Community Information Program outlining:

    - the identified facility options;
    - Council's preferred direction;
    - the rationale supporting that direction;
    - relevant financial information;
    - project implications; and
    - future decision-making milestones.

This approach is informed by the substantial community engagement already undertaken throughout project planning and recognises that Council already has access to extensive information regarding community needs, priorities and service expectations.

Information would be communicated through the City's existing communication channels, with community members continuing to be able to provide feedback through standard customer service, correspondence and Elected Member channels.

Advantages

- Recognises the significant engagement already undertaken.
- Avoids duplication of previous consultation.
- Minimises consultation fatigue.
- Requires the lowest additional resource commitment.
- Maintains project momentum.
- Continues transparent communication with the community.
- Enables Council to make decisions based on information already gathered.

Considerations

- Provides limited opportunity for additional community influence.
- May generate concern amongst some stakeholders seeking further consultation.
- Requires clear communication regarding how previous community feedback informed Council's decision-making.
-

20. *Option 2:* Education and Selective Consultation

Under this approach, Council would determine a shortlist of two facility options, together with the "Do Nothing" option.

A Community Education and Consultation Program would provide information regarding all identified facility options before seeking feedback on the Council-endorsed shortlist.

Advantages

- Provides an additional opportunity for community input.
- Focuses consultation on realistic alternatives.
- Supports informed comparison of shortlisted options.

Considerations

- Estimated additional cost of approximately $60,000, for which no current budget allocation exists.
- Extends project decision-making timeframes.
- May duplicate matters already explored through previous engagement.
- Consultation findings would represent participating respondents rather than a statistically representative community sample

21. *Option 3:* Education and Consultation on All Options

Under this approach, the City would undertake a Community Education and Consultation Program and invite feedback across all identified facility options.

Advantages

- Maximises opportunity for community input.
- Allows feedback on the full range of identified options.
- Demonstrates a high degree of transparency.

Considerations

- Estimated additional cost exceeding $60,000 depending on consultation scope and analysis requirements, for which no current budget allocation exists.
- Most significant impact on project timelines.
- Increased complexity of consultation and reporting.
- Increased risk of consultation fatigue.
- Potential for fragmented feedback.

22. Comparison of Engagement Approaches

Assessment Criteria	Option 1 Inform in Conjunction with Business Plan Community Engagement	Option 2 Education and Selective Consultation	Option 3 Education and Consultation on All Options
Builds on Previous Engagement	High	High	Moderate
Additional Community Influence	Low	Moderate	High
Resource Requirement	Low	Moderate	High
Impact on Project Timeframes	Low	Moderate	High
Consultation Complexity	Low	Moderate	High
Consultation Fatigue Risk	Low	Low	Moderate
Transparency	High	High	High
Alignment with Existing Evidence Base	High	Moderate	Moderate
Indicative Additional Cost	Minimal	~$60,000	~$60,000+
Funding Allocated	Existing resources	Not currently budgeted	Not currently budgeted
Administration Recommendation	✓		

23. Administration recognises that additional consultation remains available should Council wish to seek further feedback regarding identified project options and associated financial implications.

LEGISLATIVE CONSIDERATIONS

24. The *Local Government Act 1995* and associated Integrated Planning and Reporting framework require Council to consider financial sustainability through the Long Term Financial Plan, Corporate Business Plan and annual budget process. These processes provide the mechanism through which future affordability and rating considerations are assessed and determined.

25. Council has previously undertaken significant engagement activities that have informed project planning and strategic decision-making.

26. None of the engagement approaches presented in this report removes any statutory obligation. The decision before Council relates solely to whether additional discretionary project-specific consultation is warranted.

POLICY CONSIDERATIONS

27. The proposed approach aligns with the principles contained within the City's Community Engagement and Education Reference Document, including:

- purpose;
- transparency;
- accessibility;
- representation;
- neutrality;
- influence; and
- reporting and feedback.

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 1.1.1 -- Ensure the entire community has access to information, facilities and services.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
Stakeholder Relations consulted with relevant business units responsible for project delivery, financial planning and governance to review engagement	Administration determined that three engagement approaches were available for Council consideration and recommends Option 1 as the most proportionate and efficient pathway.

External Engagement	
Process	**Outcome**
Previous engagement activities included: • Community Scorecard; • Business Case consultation; and • engagement involving more than 1,000 community members during 2025.	These engagement activities identified community needs, facility expectations and project priorities and informed the development of facility options.
undertaken to date and assess potential future engagement approaches.	

FINANCIAL CONSIDERATIONS

28. Administration acknowledges that affordability and potential rate implications have been raised as key considerations by some Elected Members. While indicative financial modelling may assist community understanding of the potential implications of identified facility options, actual future rates will be determined by Council through annual budget adoption and are influenced by a range of factors beyond any individual project.

    Any financial information made available to the community should clearly distinguish between capital costs, operating costs, maintenance obligations, asset renewal requirements and modelled rating impacts.

    Actual future rates are determined annually through Council's budget and rating process and are influenced by a range of factors including the City's financial position, service requirements, capital expenditure priorities, loan obligations, economic conditions and legislative requirements.

    Accordingly, actual future rate impacts may differ from indicative estimates presented during project communications.

    Capital cost estimates should also be identified as preliminary and subject to further validation through design, market testing, funding opportunities and any future procurement process.

29. Option 1 represents the lowest-cost approach. Implementation of Option 2 or Option 3 would require additional funding for communications, engagement planning, consultation administration, analysis and reporting.

    Based on estimates, Administration anticipates that a City-wide engagement program including a mailout to all households, could cost approximately $60,000, excluding any unforeseen requirements or project delays.

    No specific budget allocation exists within either the project budget or the Stakeholder Relations operational budget to undertake this work. Should

Council endorse either Option 2 or Option 3, an appropriate funding source would need to be identified.

SUSTAINABILITY

30. Social

Transparent communication will help community members understand project considerations, future decision-making processes and how previous engagement informed planning.

31. Economic

Providing accessible information regarding financial implications supports informed community understanding and responsible decision-making.

32. Environmental

Environmental considerations associated with any future project option would be assessed and reported through subsequent project planning and approval processes.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Reputation / Strategic	Community concern that affordability or potential rate impacts were not specifically tested through additional consultation.	Medium	Clearly communicate that community need and project priorities have previously been established through extensive engagement and that future affordability considerations will continue to be assessed through Council's statutory planning, financial management and budget processes.
Reputation	Perception that the project outcome has been predetermined.	Medium	Publish information regarding project options, decision-making

			considerations and Council's rationale for its preferred direction. Clearly explain the distinction between previous engagement findings and Council's final decision-making role.
Reputation	Perception that Council did not adequately seek community views regarding affordability and potential rate impacts.	Medium	Clearly communicate that previous engagement established community need and that affordability considerations will continue to be assessed through statutory financial planning, Business Plan and annual budget processes.
Financial	Community misunderstanding of indicative project costs or modelled rate impacts.	Medium	Provide clear and accessible financial information including assumptions, limitations and explanatory examples. State that all figures are indicative only and subject to future budget, procurement and Council decisions.
Compliance	Procurement-sensitive or commercially confidential information is	Medium	Ensure all public communications comply with procurement governance

	inadvertently disclosed.		requirements and exclude commercially sensitive or tender-related information.
Strategic	Community confidence is reduced if stakeholders believe previous feedback has not been considered.	Medium	Demonstrate the link between earlier engagement findings and project planning outcomes. Report how community feedback informed option development and Council consideration.
Project	Delay to project delivery arising from requests for additional consultation after Council has determined a preferred approach.	Medium	Ensure Council's resolution clearly states the reasons for its decision and acknowledges previous engagement undertaken. Provide ongoing project information and updates through existing communication channels.

REGIONAL SIGNIFICANCE

33. The High Wycombe Community Hub project is expected to service a broad catchment across the City and potentially attract users from surrounding local government areas.

34. This report relates solely to the proposed engagement approach and does not constitute a commitment to regional service delivery or funding arrangements.

CONCLUSION

35. Significant community engagement has informed planning for the High Wycombe Community Hub project and established community needs, priorities and service expectations.

36. Administration acknowledges that Council may choose to undertake additional project-specific consultation should it consider this beneficial. It also acknowledges that affordability and potential rate impacts have been identified by some Elected Members as a key consideration in decision-making.

37. Administration recognises that additional consultation could provide further feedback regarding affordability considerations and potential rate impacts associated with identified facility options. However, Administration notes that community need and project priorities have already been extensively tested and that actual future rating outcomes will ultimately be determined through Council's statutory planning and budget processes. On balance, Administration does not consider that further project-specific consultation is required.

38. Option 1 recognises the significant engagement already undertaken, maintains transparency through a Community Information Program and allows Council to progress future decision-making while continuing to meet statutory consultation and governance obligations.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. NOTES the three engagement approaches outlined in this report;
2. DETERMINES that sufficient community engagement has been undertaken to inform Council regarding community need, facility priorities and service expectations, and that additional project-specific consultation regarding affordability considerations and indicative rate impacts is not required at this time;
3. ENDORSES Option 1: Inform in Conjunction with Business Plan Community Engagement as the City's preferred engagement approach;
4. REQUESTS Administration to implement a Community Information Program that:
   a. outlines the identified facility options;
   b. explains Council's preferred direction and supporting rationale;
   c. provides indicative financial and service information;
   d. explains how previous community feedback informed project planning; and

e. updates the community regarding future decision-making milestones.

RESOLVED OCM 2026/145

Moved: **Cr Lisa Cooper**

Seconded: **Cr Sue Bilich**

Vote: For: **Mayor Margaret Thomas, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr Sue Bilich.**

Against: **Cr Josh Clark, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

CARRIED (5/4)

10.6.5. Quashing of Existing Rates and Readoption of Differential Rates

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	
Applicant	
Owner	
Voting Requirements	**Absolute Majority**
Attachments	1. Attachment 1 - SAT - CITY OF KALAMUNDA – Orders 2. Attachment 2 - Amended Annual Budget 2026-2027 ver 06.10.2026 3. Attachment 3 - Amended Objects and Reasons 2026-27

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

EXECUTIVE SUMMARY

1. The purpose of this report is to re-adopt the resubmitted 2026/2027 rate in the dollar (RID) for Gross Rental Value (GRV) properties, pursuant to sections 6.2(2), 6.32(3)(b), and 6.34 of the *Local Government Act 1995* (Act).

   As per State Administrative Tribunal (SAT) Orders (Attachment 1 – Ref: DR 151/2026) on the 7 October 2026, the City of Kalamunda's rates are quashed pursuant to s6.82 of the Act.

   Pursuant to 6.3(a)(ii) of the Act, the re-adoption of the RID and Minimums by absolute majority is required, due to the quashing of the rates by the SAT

2. The City of Kalamunda (City) Draft 2026/2027 Annual Budget was developed in line with the Integrated Planning and Reporting Framework and incorporates the services, capital works, and projects identified to be delivered during the financial year. Part of the annual budget includes the setting of the RID and

Minimums for GRV and UV properties in the City. The 2026/2027 Annual Budget was approved at the 23 June 2026 OCM

3. Due to an administrative error, a submission was made to the SAT by the City on the 5 October 2026, and the rates were quashed by the SAT on the 7 October 2026:

    1. The administration error was a result of the Incorrect rate in the dollar applied to the Vacant GRV properties inconsistent with *section 6.33(3) of the Local Government Act 1995* (the Act). which requires where the RID for a differential rating category exceeds twice the lowest RID imposed, the local government must obtain the Minister's approval.

    2. As the Minister's approval was not obtained, it was deemed that the differential rates may not have been lawfully imposed and an application be made to State Administrative Tribunal under Section 6.82(1) of the Local Government Act 1995 for review and determination of any consequential actions which included quashing the Differential Rates adopted on 23 June 2026, the re-adoption of revised Differential Rates and an amended budget in line with the adjusted surplus position (Attachment 2).

4. It is recommended that Council adopts the 2026/2027 RID and minimums for GRV and UV properties in the City of Kalamunda, for the year ending 30 June 2027, as presented in Attachment 2.

OFFICER RECOMMENDATION

That Council by Absolute Majority pursuant to section *6.3(a) of the Local Government Act 1995*:

1. ADOPTS the City of Kalamunda rate in the dollar and minimums for the year ending 30 June 2027, pursuant to the provisions of section 6.3 of the *Local Government Act 1995*, as outlined in Attachment 2, which includes the following;
   a. Statement of Comprehensive Income;
   b. Statement of Cash Flows;
   c. Statement of Financial Activity; and
   d. the Notes to inform the three financial statements above.

2. IMPOSE, pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* the following differential general and minimum rates on Gross Rental and Unimproved Values
   a) General Rates
   i. General - Gross Rental Values (GRV) 5.3450 cents in the dollar

ii. Industrial/Commercial Values (GRV)	8.1550 cents in the dollar
iii. Vacant Land Value (GRV)	10.6900 cents in the dollar
iv. General – Unimproved Values (UV)	0.32700 cents in the dollar
v. Commercial Un-improved Values (UV)	0.41150 cents in the dollar

b) Minimum Rates

i. General - Gross Rental Values (GRV)	$1,400
ii. Industrial/Commercial – GRV	$1,600
iii. Vacant Land – GRV	$1,395
iv. General – Unimproved Values (UV)	$1,400
v. Commercial – Unimproved Values (UV)	$1,600

3. NOTES that the Chief Executive Officer will re-direct refunds to impacted ratepayers

4. Notes the amended Objects & Reasons 2026-27 reflected the amended Vacant GRV Rate in the Dollar and the Minimum Rate for the rate category. (Attachment 3)

BACKGROUND

4. On 23 June 2026, Council resolved to adopt the 2026/27 Annual Budget, including the applicable rates.

5. Following the issuing of the rates notices to ratepayers, Administration received a letter from the Local Government Inspectorate dated 30 July 2026 advising of an error within the adopted Budget. Further details on each below:

   a. Incorrect RID applied to Vacant GRV in contravention of section 6.33(3) of the Act). This section requires that where the RID for a differential rating category exceeds twice the lowest RID imposed, the local government must obtain the Minister's approval.
   b. Essentially the RID imposed for Vacant GRV adopted on 23 June 2026 at 11.1000 cents in the dollar exceeded the adopted General Gross Rental Values (GRV) 5.3450 cents in the dollar by 50%.
   c. As the City had not obtained prior approval from the Minister for Local Government, the City applied to SAT to quash the rates and re-adopt the City's differential rates with the lower Vacant Land Value (GRV) at 10.6900 cents in the dollar.
   d. The value of the rate overcharge is $30,842 across 238 for non-minimum vacant properties.

e. As a result of the revised Vacant GRV RID, the minimum rate imposed for the same category is required to be reduced by $5 to $1,395 to ensure the City is compliant with section 6.35(3) of the Act which requires that the number of minimums in that sub-category cannot be less than 50% of the total number of properties in each category on which a minimum payment is imposed. A total of 231 properties are impacted with the change in the minimum payment from $1,400 to $1,395 which reduced the City revenue by a further $1,298.

6. The rest of the differentials adopted by the City on 23 June 2026 remain the same. By virtue of the SAT ruling however, the City has to re-adopt the rates in dollar and minimums for all categories.

7. To resolve the matter, on 5 October 2026 a request for the City's GRV rates to be quashed was lodged with the SAT. On 7 October 2026 that request was granted, as per Attachment 1.

8. Given SAT's decision to quash the City's rates, Council must now re-adopt rates for the 2026/27 financial year. Given that the entire annual budget has not been quashed, it does not require re-adoption, and therefore, the decision is confined to rates only.

COMMENT

PROCESS

9. An application was made to the SAT, which included a City request, that if the differential rates as imposed pursuant to Council's resolution at the OCM held on the 23 June 2026 are quashed, then at the earliest subsequent meeting of Council, the City would present an officer recommendation for Council decision setting out the updated differential rates for re-adoption. This report forms that next step.

10. The rates have been quashed by the SAT and need to be re-submitted to Council for adoption.

11. Advice has been received from the Local Government Inspector's office on the steps required to re-approve the rates, based on the ruling by the SAT. This will resolve the administrative error that has occurred.

12. The City has put in additional oversight measures to reduce the risk of this happening in future years.

13. The 2026/2027 Annual Budget has not been quashed and only matters relating to rates need re-adoption. Adjustments to the annual budget have

been made to accommodate the reduced revenue. Budget amendments made over the last two Ordinary Council Meetings do not need to be re-adopted. See Attachment 2 for the amended statutory budget 2026/2027 for details which incorporates the amendments related to this report

14. The Local Government Inspector's office advice indicates the re-approval of the rates is pursuant to section 6.3 of the Act (Budget for other circumstances):

> *a local government is required to prepare and adopt* a budget in a form and manner similar to the annual budget with such modifications as are*
>
> *necessary to meet the case:*
>
> *(a) Where required to do so in consequence of the quashing of-*
>
> *(i) A general valuation; or*
>
> *(ii) A rate or service change*
>
> *By a court of by the State Administrative Tribunal.*
>
> **by absolute majority*

PROPOSED ACTION

15. Statements and notes within the annual budget that relate to rates revenue need to be re-adopted including:

    1. Statement of Comprehensive Income;
    2. Statement of Cash Flows;
    3. Statement of Financial Activity; and
    4. The Notes to inform the three financial statements above.

    The associated budget notes for these financial statements need to be presented and are included with the statements at Attachment 2.

16. Unimproved Value (UV) Rates, Carry Forwards, Capital and Operating Projects, loan borrowings and reserve transfers including Elected Members fees and allowances have not been impacted by the need to re-adopt the rates and are therefore not included in this report.

    The WARR Levy, Waste charges and the approved fees and charges also do not require re-adoption.

    The material variance reporting thresholds for 2026/27 remain the same as adopted.

17. The Draft 2026/2027 Annual Budget was established with an average 5.8% increase across all RID on GRV and UV properties. The administrative error

was the incorrect RID rate for the Vacant GRV category. Similarly, as noted above, the minimum rate will be required to be adjusted slightly to avoid breaching section 6.35 of the Act.

This matter has been re-checked and the calculations verified by multiple staff members.

18. The error in the RID for Vacant GRV properties will require an adjustment and a revised rates notices to be issued to each rateable property within this category. As the re-adoption of the RID for Vacant GRV properties and minimum will result in an overcharge, credits will be added to each property account. If ratepayers have paid their rates in full, they will be provided a choice to either receive a refund or leave the credit in the account. If partial payments have been made, the credit can cover some of any remaining rates owing.

19. There are no changes to due dates recommended for any payment options. This will allow the Administration to process credit adjustments and refunds in an orderly manner.

20. There are several important factors to note:

- Minimum rates have been slightly reduced from $1,400 to $1,395 impacting on 231 vacant properties with a reduced income of $1298. The amount includes five properties that were previously non-minimum and as a result of the change in the RID have moved to the minimum category;
- Non-minimum Rate payers that are impacted by the change in the Vacant GRV RID amounting a total reduction of $30,842 across 238 properties with an average reduction in rates by $69.21. The lowest reduction is $53.51 and highest is by $3,485 being an industrial area.
- The City's Annual Budget has not been quashed, and all other budget approvals stand.

21. Communications have been developed to inform ratepayers of the errors and the City's processes to resolve the error. The communications include:

- a media statement to all local media outlets;
- updates to the City's Rates website page to include FAQs and details on our process to issue refunds and credit notes (www.kalamunda.wa.gov.au/rates);
- Letters to impacted property owners outlining the refund or credit adjustment process which will be issued following Council setting a new rate;

- new rates notice for the impacted properties; and
- Update the website with the Amended Objects & Reasons 2026-27 (Attachment 3).

OPTIONS

22. There are no options available.

LEGISLATIVE CONSIDERATIONS

23. Rates are adopted based on GRV and UV RID and minimums adopted for the purpose of yielding the deficiency disclosed by the Municipal Fund Budget in the Rate Setting Statement, pursuant to sections 6.32, 6.34, and 6.35 of the Act.

24. Under section 6.82 of the Act, the matter was referred to the SAT to make a determination on the rates imposed by the City as adopted on 23 June 2026 with the adoption of the Annual Budget 2026/2027.

25. Under section 6.3 of the Act, the City is required to prepare and adopt the annual budget with modifications as necessary as a consequence of the quashing of the differential rates by SAT via an absolute majority vote.

POLICY CONSIDERATIONS

26. The City's Strategic Budget Policy was considered in the development of the Annual Budget 2026/2027.

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.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
The Elected Members were informed in August 2026 of the matter and the actions being taken to correct the administrative error.	• Matter was noted and request for the paper be brought to Council once the SAT ruling was made to re-adopt the differential rates.

Relevant managers in Governance and Public Relations were informed and assistance was provided at various stages.	• Development of a communication plan and specific communications to the impacted property owners. • Development of relevant FAQ's to inform the public of the administrative error on the corrective actions undertaken.

External Engagement	
Process	**Outcome**
Various communication with the Inspector General's and the Department of Local Government, Industry, Regulation and Safety (DLGIRS) office on the City's actions undertaken to resolve the issue.	• Obtain SAT ruling to quash the differential rates. • Re-adoption of the differential rates and amended annual budget 2026/27.
City's appointed legal advisor to apply to SAT on behalf of the City.	• Application to the SAT to obtain ruling for quashing of the rates.
Communications have been developed to inform ratepayers of the errors and the City's processes to resolve the error.	• Media statements are prepared to communicate to public the matter, impacts and resolutions undertaken. • Website will be updated with appropriate FAQ's. • Objects & Reasons document on the website will be updated.

FINANCIAL CONSIDERATIONS

27. To reduce the impact on ratepayers, the City has amended the closing balance of the annual budget 2026/2027 financial year to compensate for the $32,140 shortfall of the Vacant GRV properties. There is no impact on other Rate categories. Those properties that are impacted will get a refund or credit.

28. As the amount in question is not significant, the City does not anticipate any change to expected service levels or the Capital Work programme.

SUSTAINABILITY

29. Social – N/A

30. Economic – N/A

31. Environmental – N/A

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	Quashing of the Rates. Impact of reduction in rates income by $32,140	Low	Introduce a checklist to ensure the legislative parameters are met prior to adoption of the annual budget.
Health & Safety	N/A		
Reputation	Community criticism and or loss of confidence in the budget process.	Low	Appropriate communications to the community and impacted ratepayers
Operation	Reduction in operating income by $32,140	Low	Amount is not material to impact on service levels.
Environment	N/A		
Compliance	Legislative non-compliance if the Council does not re-adopt the differential rates.	Medium	Obtain SAT ruling and then re-adopt the amended differential rates and annual budget 2026/2027
Project	N/A		

REGIONAL SIGNIFICANCE

32. N/A

CONCLUSION

33. As soon as it was made aware of the administrative error, the City sought legal advice and made an application to SAT for the quashing of the differential rates.

34. The impact of the quashing of the differential rates and the re-imposing of the amended RID for the various categories resulted in a reduction in rates income by $32,140.

35. Impacted ratepayers will be communicated to and provided a choice of obtaining a refund or applying the credit to the unpaid portion of 2026/2027 rates bill or towards their future rates bill.

36. There is no impact on the City's service levels as a result of the above minor reduction in income.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council by Absolute Majority pursuant to section *6.3(a) of the Local Government Act 1995*:

1. ADOPTS the City of Kalamunda rate in the dollar and minimums for the year ending 30 June 2027, pursuant to the provisions of section 6.3 of the *Local Government Act 1995*, as outlined in Attachment 2, which includes the following;
   a. Statement of Comprehensive Income;
   b. Statement of Cash Flows;
   c. Statement of Financial Activity; and
   d. the Notes to inform the three financial statements above.

2. IMPOSE, pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* the following differential general and minimum rates on Gross Rental and Unimproved Values

   a) General Rates

i. General - Gross Rental Values (GRV)	5.3450 cents in the dollar
ii. Industrial/Commercial Values (GRV)	8.1550 cents in the dollar
iii. Vacant Land Value (GRV)	10.6900 cents in the dollar
iv. General – Unimproved Values (UV)	0.32700 cents in the dollar
v. Commercial Un-improved Values (UV)	0.41150 cents in the dollar

   b) Minimum Rates

i. General - Gross Rental Values (GRV)	$1,400
ii. Industrial/Commercial – GRV	$1,600
iii. Vacant Land – GRV	$1,395
iv. General – Unimproved Values (UV)	$1,400
v. Commercial – Unimproved Values (UV)	$1,600

3. NOTES that the Chief Executive Officer will re-direct refunds to impacted ratepayers

4. Notes the amended Objects & Reasons 2026-27 reflected the amended Vacant GRV Rate in the Dollar and the Minimum Rate for the rate category. (Attachment 3)

RESOLVED OCM 2026/146

Moved: **Cr Lisa Cooper**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Josh Clark, Cr John Giardina, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Kathy Ritchie, Cr Sue Bilich and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/0)

10.6.6. Permanent Mining Avoidance Zones

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

Previous Items	' 2025
Directorate	Development
Business Unit	Development
File Reference	
Applicant	
Owner	
Voting Requirements	**Simple Majority**
Attachments	1. 20260903 - CEO - Mayor - City of Kalamunda - Permanent Mining Avoidance Zones

TYPE OF REPORT

Advocacy

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

EXECUTIVE SUMMARY

1. Correspondence (Attachment 1) has been received from the Member for Kalamunda, Adam Hort MLA requesting Council's consideration of formal support for the permanent protection of environmentally, socially and strategically significant areas within the City of Kalamunda through establishing Mining Avoidance Zones (MAZs) and their subsequent excision from Alcoa's Mineral Lease 1SA (ML1SA).
2. This request is submitted for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. SUPPORT permanent publicly mapped Mining Avoidance Zones over the relevant ML1SA land within the City of Kalamunda.
2. SUPPORT protections which expressly prohibit all future exploration, investigative drilling, mining, mine pits access roads and associated infrastructure, regardless of the proponent or mineral sought.

3. SUPPORT the permanent excision of the protected land from ML1SA together with any additional reservation, withdrawal or statuary protection necessary to prevent it becoming available to another mining company.
4. REQUEST the Chief Executive Officer provide written confirmation to Mr Adam Hort MLA, Member for Kalamunda of the City Position to be included in his representations to the State of Western Australia, particularity the Minister of State Development
5. REQUEST the Chief Executive Officer to ensure permanent mining avoidance zones be included in the City of Kalamunda Advocacy Strategy and reflected in the City of Kalamunda Local Planning Strategy.

BACKGROUND

5. The City's Strategic Community Plan and associated strategic documents recognise the importance of protecting and enhancing natural bush areas and biodiversity. The City's significant Regional Reserves and State Forests are significant natural assets that contribute towards the City's unique character and identity and support a wide range of social and economic opportunities for the City and surrounding communities.
6. Western Australia's continued economic growth over many years has been made possible by substantial investments in the resources sector. In many cases, proponents (like Alcoa) commit to these significant projects because of an Agreement specifying terms and conditions with the WA Government for the development of the resource. These terms and conditions are contained within what is known as State Agreements, which are ratified by Acts of Parliament.

   A State Agreement is a legal agreement between the WA Government and a proponent of a major project within the boundaries of WA. It is a highly visible sign of WA's and the relevant proponent's (in this case Alcoa) support for and commitment to the project.

   Alcoa operates under a Mineral Lease extending from Mundaring to Collie along the Darling Range and is supported / controlled by WA legislation and though an Agreement with the State of Western Australia.

7. At its Special Council Meeting on the 12 August 2025, Council unanimously resolved:

   That Council:

   1. *OBJECTS to all Alcoa's bauxite mining activities, particularly exploratory drilling and all mining operations on the Darling Range, including in and the surrounds of the City of Kalamunda, on the grounds that such activity poses a significant negative impact and risk to the long-term character and amenity of the Perth Hills region.*

2. REQUESTS the Chief Executive Officer prepare a submission on behalf of the City of Kalamunda to the Environmental Protection Authority (EPA) opposing the expansion, to be submitted prior to the deadline of 21 August.

3. REQUESTS the Chief Executive Officer engage with neighbouring local governments — including the Shire of Mundaring, City of Gosnells, City of Armadale, and Shire of Serpentine Jarrahdale - to explore opportunities for a coordinated advocacy response and joint representation to the EPA and relevant State Ministers.

4. REQUESTS the Chief Executive Officer prepare a letter to the Premier of Western Australia to outline the sentiments of Council's objection of Alcoa's Mining Activities in the Darling Range and that any future negotiations on renewal or modifications to any state agreements, or mining leases in a local area must include representation from local government as part of the process to ensure local matters are given appropriate consideration in the decision making process.

8. In November 2025 Alcoa made an announcement that it would remove potential exploration areas within Mundaring and other hills local government areas from its proposed plans. Alcoa confirmed that the changes followed community and stakeholder feedback, acknowledging the environmental and social importance of the Perth Hills.

   The company maintained that exploration drilling was a low-impact activity intended to improve geological knowledge and did not indicate an intention to mine an area.

9. In August 2026, Adam Hort MLA corresponded with the City of Kalamunda seeking its consideration of formal support for the permanent protection of environmentally, socially and strategically significant areas within the City of Kalamunda through establishing Mining Avoidance Zones (MAZs) and their subsequent excision from Alcoa's Mineral Lease 1SA (ML1SA).

COMMENT

9. The Mundaring Weir Catchment is a critical drinking water source for Perth, the Goldfields and Regional Communities. The surrounding Northern Jarrah Forest contains significant biodiversity values, including habitat for threatened black cockatoo species while also supporting recreation, tourism cultural heritage and the distinct lifestyle values of the Perth Hills.
10. Mining Avoidance Zones are areas where Alcoa commits not to mine despite retaining its underlying mining tenure. These zones are intended to protect significant environmental, recreation and tourism community and water catchment values.

11. An example of this is the recently established Dwellingup Mining Avoidance Zone, which covers approximately 8,344 hectares and includes measures intended to prevent mining within the area. It has been claimed by interested community groups that just over 5000 ha of the zone is fragmented areas of publicly owned forest, much of which would have been very difficult, if impossible, for Alcoa to mine because of the need to create transport and infrastructure corridors over private land.

12. While the Mining Avoidance Zones is a softer exclusion from mining, importantly the MAZ does not remove the land from the ML1SA. The mining rights remain in place and future protection relies upon future agreements, commitments and approval frameworks.

13. Exclusion from the ML1SA is a formal tenure amendment that removes land from the lease area and extinguishes Alcoa's mining rights (either subsidiary or new companies) over the affected land. The impact of this negation and outcome could create gaps for new positive and negative situations to emerge. As a result, practicable and deliberate measures will need to be explored and implemented to ensure unintended or perverse outcomes do not occur.

14. **What is the primary land use – is it a Water Catchment Area?**

    The importance of the Mundaring Weir Catchment which is a critical drinking water source for Perth, the Goldfields and Regional Communities. This should be afforded high levels of protection.

    The aim of water security is to maximize the benefits of water for humans and ecosystems.

    The second aim is to limit the risks of destructive impacts of water to an acceptable level. Decision makers and water managers aim to reach water security goals that address multiple concerns.

    These outcomes can include increasing economic and social well-being while reducing risks tied to water. There are linkages and trade-offs between the different outcomes, although there is a stronger weighting towards mining activities taking preference over water security.

    A drinking water catchment is an area of land where rainfall collects in rivers and streams that flow into reservoirs, or seeps into the soil to become groundwater where it is stored in underground aquifers. The captured water later becomes drinking water for the wider community.

    It appears that mining operations and water catchment / water security are more complementary than we understand. Mining activities within water catchments for

priority water catchments are permissible. Typically land use approaches would separate incompatible land use activities.

For development on private landholdings development within water catchments (P1, P2 and P3) remain deeply prohibitive and are a constant planning issue facing developers (including tourism and farming operations) in the City. A key challenge is the differentiation between land planning and water policy given the primacy afforded to “avoidance so as to protect water quality and public health.” With respect to mining in these areas, this appears to be more compatible in both a policy and application setting.

In an environment when innovation and technology is able to facilitate diverse, secure and clean water sources, and also manage land use contamination risk, the City considers it is time to review DWER water policies, particularly the Strategic Policy: Protecting PDWSAs in Western Australia and Policy: Land Use compatibility in public drinking water source areas.

There are a range of land uses and activities that are classified as ‘incompatible’ with a broad brush with assumed risks. This results in an inability for local governments to navigate performance assessments or determination of proposals on proportionality and planning merit, particularly where an applicant can demonstrate that performance measures can mitigate risk of contamination. This creates challenges with Local Governments seeking to fulfil sustainability outcomes for communities in rural environments.

How the State Government (notably DWER) plans to undertake reviews of its water policies to recognise contemporary technologies, performance-based land use approaches and balancing sustainability objectives is largely unknown. The priority settings have remained largely the same since the protection areas were established, yet technology which deals with mitigating groundwater risks has advanced significantly.

While the City seeks to create more room for pragmatic responses in protection areas which reflect these advances, there is a need to clarify the State’s position on how these contemporary technologies for one land use (being Mining / Extractive Industry) are permissible and in wastewater disposal technology and effectiveness.

State Planning Policy 2.9 Water was published on 16 December 2025 and became operational on 18 December 2025. This policy aims to integrate water resource management into land use planning and development, ensuring that planning and development consider water quality and quantity to deliver sustainable outcomes.

Key issues addressed include the protection of water resources, addressing climate change impacts, and ensuring that necessary infrastructure is in place to support future development. The policy consolidates multiple previous water-

related policies into a streamlined framework, improving clarity and consistency in planning

Public drinking water source areas (PDWSAs) are important, they should be immediate exclusion zones for incompatible land uses, regardless of the state agreements of weighting of legislation primacy involved.

15. **Alternative Approach -** Environmental groups have advocated for the remaining intact forests in the Northern Jarrah Forest region become more secure and are afforded more or are permanently protected for the reasons around water, wildlife, biodiversity and climate.

    Groups have been urging the WA State Government to act decisively to create a network of new and expanded national parks and nature reserves to protect the precious and vulnerable forests. Examples relevant to the City of Kalamunda that are proposed but not yet formalised – include:

    1. Expanded conservation area from Lane Poole Reserve to the north and east into Dwellingup State Forest, to the south and east into Harris River State Forest and Morgan Forest Block
    2. Expanded conservation area from Midgegooroo National Park into Jarrahdale and Mundaring State Forests to the east

    While this re-classification approach affords a greater layer of control, by re-classifying the area as a "special place", it needs to clearly identify why that space is important. Geater education should be provided around why these National Parks and Class A nature reserves are designed to protect representative areas of ecosystems.

    Without legislative reform, the *Mining Act 1978* can enable or permit a level of mining activities in national parks and class reserves, but would be subject to stricter regulations and scrutiny to protect the environment and preserve the natural heritage

    In summary this is a stronger approach yet still enables certain or limited proposals to be considered through State Government (including Parliament) checks and balances.

16. Reflecting this position in Council's documents - Local planning strategies.

    The Regulations require a local government to prepare a local planning strategy for each local planning scheme that is approved for land within the district of the local government. A local planning strategy must be prepared in a manner and form approved by the Western Australian Planning Commission.

The local planning strategy guidelines comprise of the manner and form for a local planning strategy and the supporting guidance for implementing the approved manner and form for a local planning strategy. The Council can investigate re-enforcing such a position of Mining Avoidance Zones excluding into its LPS and Local scheme to reflect an agreed position.

17. **The Resources Sector is important to WA -**
The resources sector is crucial to Western Australia for several reasons:

1. Economic Growth: It contributes around $195 billion to the State economy, accounting for almost 44 per cent of economic activity.
2. Job Creation: The sector supports hundreds of thousands of jobs across Australia and generates billions in public revenues each year.
3. Public Services: Royalty and related revenues from the sector fund essential services such as hospitals, schools, and public services.
4. Regional Development: It underpins regional development and living standards, providing substantial economic benefits beyond WA's borders.
5. Investment: The sector saw a decade-high investment of $34 billion in 2025, with over $50 billion worth of mining, petroleum, and associated infrastructure projects under construction or final investment decisions.

The resources sector's importance to WA is underscored by its role in the state's economic resilience and its potential to continue driving growth and job creation in the future.

18. The Council has traditionally taken a less supportive view around Mining in the City of Kalamunda, it remains committed to economic growth, job creation and investment into the City.

OPTIONS

19. Western Australia’s continued economic growth over many years has been made possible by substantial investments in the resources sector. In line with this the Council could note Adam Hort’s position.

It could take a sympathetic or proactive mining and investment approach seeking investment, employment and economic prosperity supporting mining operators in the City of Kalamunda. That the Council would support a strong local economy, assist with financial and local business support sectors, and assist with the development of a localised and skilled workforce, and if the Resources Sector supported this it would welcome their investment into the City.

It is noted that this may not be consistent with known community sentiments and be a significant deviation from previous Council’s position.

20. It is noted that decision making responsibility regarding exploration and mining activities, licenses and tenure is ultimately the responsibility of the State Government, and Minister of Mines and Petroleum under the *Mining Act 1978* and associated regulations. Re-negotiation of the State Agreement with Alcoa, and extinguishing ALL rights in these areas, would be at the State Government's discretion and cost.

LEGISLATIVE CONSIDERATIONS

21. *Environmental Protection Act 1986*

Rights in Water and Irrigation Act 1914

Mining Act 1978

Local Government Act 1995

POLICY CONSIDERATIONS

22. Under the City of Kalamunda Local Planning Scheme No.3 'Industry – Extractive is a 'X' not permitted use across all zones, meaning that it is not possible to support a development proposal on land subject to the Scheme.

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green
Objective 2.1 - To protect and enhance the environmental values of the City.
Strategy 2.1.4 - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Internal Engagement	
Process	**Outcome**
Executive level engagement	Supportive of paper being presented to Council for consideration.

External Engagement	
Process	**Outcome**
None undertaken	N/A

FINANCIAL CONSIDERATIONS

23. Minor expenditure of Officer time has occurred preparing this report. The Administration expects that all costs for any 'next steps' would be the responsibility of Adam Hort MLA.

24. With respect to Item 5 of the Officers recommendation minor staff time would be required to implement this information into the City's Advocacy Strategy, and Local Planning Strategy.

SUSTAINABILITY

25. Social –

The proposed support for Mining Avoidance Zones (MAZs) and the excision of identified areas from Mineral Lease 1SA would contribute positively to social sustainability by protecting places that are highly valued by the community for their environmental, recreational, landscape and cultural significance.

Permanent protection of these areas would provide greater certainty for residents regarding future land use, help maintain the unique character and amenity of the Perth Hills in Kalamunda, and reduce potential land use conflicts between mining activities and existing residential, rural-residential, tourism and recreation uses.

The initiative would also support the long-term protection of public drinking water source areas that are important to community health, wellbeing and quality of life.

While mining has financial benefit, there is broader community benefit to be achieved with preservation of forest areas from mining activity.

26. Economic –

While there may be reduced future opportunities for mineral extraction and associated economic activity within the affected areas, it would support the long-term protection of natural assets that contribute to the local economy through tourism, recreation and environmental services.

The establishment of Mining Avoidance Zones would provide greater certainty for landowners, residents and investors regarding future land use outcomes and may help avoid costs associated with environmental rehabilitation, infrastructure impacts and the management of land use conflicts.

The protection of water catchments, biodiversity and landscape values also preserves ecosystem services that provide ongoing economic benefits to the community.

27. Environmental -

There are significant environmental benefits through the permanent protection of environmentally sensitive areas, including native vegetation, wildlife habitat, ecological linkages and public drinking water source areas.

Establishing Mining Avoidance Zones would reduce the risk of vegetation clearing, habitat fragmentation and impacts on biodiversity associated with mining activities.

It would also assist in protecting catchment and groundwater resources, maintaining ecosystem functions, supporting climate resilience through the retention of native vegetation, and advancing broader conservation objectives for the Perth Hills and Darling Range.

RISK MANAGEMENT

Consequence	Event	Rating	Action
Financial	N/A		
Health & Safety	N/A		
Reputation	Council declines to provide letter of support to Adam Hort MLA on tighter environmental controls for Alcoa	Low	Adopt the Officer Recommendation.
Operation	Any advocacy position adopted by Council may require ongoing engagement with State Government agencies, industry stakeholders and community groups, resulting in increased staff workload and resource commitments.	Low	The proposal is not expected to directly affect the City's day to day service delivery or operational responsibilities.
Environment	No mining avoidance zone	Low	Establishing Mining Avoidance Zones would

			assist in protecting biodiversity, native vegetation, ecological linkages, landscape values, groundwater resources and public drinking water catchments
Compliance	N/A		
Project	N/A		

REGIONAL SIGNIFICANCE

28. On the 13 October 2026 the Shire of Mundaring unanimously supported a similar resolution being considered in this report.

29. Alcoa operates under a Mineral Lease extending from Mundaring to Collie along the Darling Range and is supported / controlled by WA legislation and though an Agreement with the State of Western Australia.

CONCLUSION

30. Mining Avoidance Zones provide an important level of protection; long term certainty can only be achieved through permanent excisions from ML1SA and the application of enduring statutory protection

31. The Mundaring Weir Catchment and Northern Jarrah Forrest poses environmental, water supply recreation and community values of regional significance and warrant high level protection outcomes, comparable to those provided to Dwellingup area through the establishment of Mining Avoidance Zones and permanent tenure protection.

32. The request from Adam Horts MLA is a reasonable request that should be supported to investigate greater protections to these important areas to limit extraction and exploration of minerals in these environments.

OFFICER RECOMMENDATION

That Council:

1. SUPPORT permanent publicly mapped Mining Avoidance Zones over the relevant ML1SA land within the City of Kalamunda.
2. SUPPORT protections which expressly prohibit all future exploration, investigative drilling, mining, mine pits access roads and associated infrastructure, regardless of the proponent or mineral sought.
3. SUPPORT the permanent excision of the protected land from ML1SA together with any additional reservation, withdrawal or statuary protection necessary to prevent it becoming available to another mining company.
4. REQUEST the Chief Executive Officer provide written confirmation to Mr Adam Hort MLA, Member for Kalamunda of the City Position to be included in his representations to the State of Western Australia, particularity the Minister of State Development
5. REQUEST the Chief Executive Officer to ensure permanent mining avoidance zones be included in the City of Kalamunda Advocacy Strategy and reflected in the City of Kalamunda Local Planning Strategy.

RESOLVED OCM 2026/147

Moved: **Cr Kathy Ritchie**

Seconded: **Mayor Margaret Thomas**

Vote: For: **Mayor Margaret Thomas, Cr John Giardina, Cr Kathy Ritchie and Cr Sue Bilich**

Against: **Cr Josh Clark, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper and Cr David Modolo**

LOST (4/5)

ALTERNATE MOTION / COUNCIL RESOLUTION

That Council:

1. DEFER Item 10.6.6 Permanent Mining Avoidance Zones to the Ordinary Council Meeting of 24 November 2026; to allow Elected Members to be briefed on the request from Mr Adam Hort MLA and to consider the City's position before it is formally adopted.

2. REQUEST the Chief Executive Officer to provide a strategic briefing to Elected Members before that meeting covering:
   a) the implications for the City's Local Planning Strategy should the request from Mr Adam Hort MLA be supported;
   b) how Mining Avoidance Zones would be reflected in the City's Advocacy Strategy and in its budget and rating assumptions, including the number, type and location of mining and exploration tenements currently held within the City of Kalamunda;
   c) the types of mining and exploration activity that may occur within the City and the range of impacts associated with each, from low-impact survey and exploration through to mining operations; and
   d) the process by which requests from members of parliament seeking a Council position are received and considered by Elected Members before being listed on a Council agenda.

RESOLVED OCM 2026/148

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Josh Clark**

Vote: For: **Cr Josh Clark, Cr Kathy Ritchie, Cr Mary Cannon, Cr Brooke O'Donnell, Cr Lisa Cooper, Cr Sue Bilich and Cr David Modolo**

Against: **Mayor Margaret Thomas and Cr John Giardina,**

CARRIED (7/2)

10.6.7. EMRC Equity Share Payment

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Corporate Services
File Reference	N/A
Applicant	N/A
Owner	N/A
Voting Requirements	**Absolute Majority**
Attachments	Nil.

Reason for Confidentiality: "*Information the making public of which would be likely to endanger the security (including cybersecurity) of any of the local government's property or operations" [Act s.5.23(4)(e)]*

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council:

1. ACCEPT the East Metropolitan Regional Council Without Prejudice Settlement Offer made to the City of Kalamunda on 8 October 2026.
2. AUTHORISES the Mayor and Chief Executive Officer to affix the common seal of the City of Kalamunda to the Settlement Deed and execute all documentation as required.

RESOLVED OCM 2026/150

Moved: **Cr John Giardina**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Josh Clark, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/0)

10.6.8. Chief Executive Officer Performance Review - 2025-2026

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

Previous Items	
Directorate	Office of the Chief Executive Officer
Business Unit	People Culture & Safety
File Reference	
Applicant	
Owner	
Voting Requirements	**Simple Majority**
Attachments	Nil.

Reason for Confidentiality: *A matter relating to the recruitment or employment of the CEO or a senior employee, including (i) the termination of employment; or (ii) a review of performance under section 5.38 of the Act [Act s. 5.23(2)(b)]*

TYPE OF REPORT

Executive

When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans, policies and budgets)

OFFICER RECOMMENDATION

That Council:

1. NOTE recommendations one to five as contained on page 21 of Confidential Attachment 1.

2. APPROVE the Overall Recommendation as contained on page 21 of Confidential Attachment 1.

3. APPROVE the Recommendation to Council as contained on page 24 of Confidential Attachment 1.

4. APPROVE the Recommendation as contained in Confidential Attachment 3.

ALTERNATIVE MOTION / COUNCIL RESOLUTION

That Council:

1. NOTE recommendations one to five as contained on page 21 of Confidential Attachment 1 as amended.

RESOLVED OCM 2026/153

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Josh Clark, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

That Council:

2. APPROVE the Overall Recommendation as contained on page 21 of Confidential Attachment 1 as amended.

RESOLVED OCM 2026/154

Moved: **Cr Josh Clark**

Seconded: **Cr Mary Cannon**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Josh Clark, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

That Council:

3. APPROVE the Recommendation to Council as contained on page 24 of Confidential Attachment 1.

RESOLVED OCM 2026/155

Moved: **Cr John Giardina**

Seconded: **Cr Kathy Ritchie**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Josh Clark, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

That Council:

4. APPROVE the Recommendation as contained in Confidential Attachment 3.

RESOLVED OCM 2026/156

Moved: **Cr Sue Bilich**

Seconded: **Cr Kathy Ritchie**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie.**

Against: **Cr John Giardina, Cr David Modolo, Cr Brooke O'Donnell and Cr Josh Clark**

CARRIED (5/4)

12. Questions by Members Without Notice

12.1.1 Mayor Margaret Thomas on a letter to the state government

Q1. At a previous meeting Cr Giardina moved a motion that we write to the state government to see if they would be interested in building the High Wycombe Aquatic Centre. What was the outcome of that letter to the state government?

A1. We are yet to receive a response back from the letter.

12.1.2 Cr Kathy Ritchie on updating City risk registers

Q1. My question in some ways relates to what you were mentioning in your address about the attack on Dr. Helen Haines. I wonder whether we might give some consideration, in future risk registers, that there may be a risk to elected members and, for that matter, senior staff members too.

Whether it might be worth consideration of perhaps putting it in the risk register because, from memory, I don't think there's anything in there.

A1. We'll take that on board, and I remind councillors of the wonderful email from our Senior Sergeant of Police at Forrestfield. If you think something is not quite right, please give him a call.

The City did take additional precautions tonight. We haven't put this on the risk register yet, but we've taken practical considerations into account.

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

13.1.1 Cr Josh Clark (Ordinary Council Meeting 22 September 2026)

Q1. Has the City received DFES's response to the correspondence requested by Council in the March OCM resolution regarding the downgrading of the Kalamunda Volunteer Fire & Rescue Service's primary appliance, and was the City informed of, or represented at, the meeting between DFES and the brigade on 2 September?

A1. The City has received a response. Regarding the meeting held 2 September between DFES and VFRS brigade. The City was not aware and did not attend however, that is not unusual as the VFRS is not a City managed Brigade.

13.1.2 Mayor Margaret Thomas (Public Agenda Briefing Forum 13 October 2026)

Regarding item 10.1.1 Hatch Court Light Industrial Area - City Owned Lot 13, 23 Hatch Court - Proposed Negotiations.

Q1. Of the 13,834 square meters, how much is left after the road? Do we know that? And if we do, how many blocks do we anticipate will be available for sale or haven't we done that work yet?

A1. Based on the current preliminary road design (which is unapproved and subject to change), there will be (1) A triangular area of surplus land approx. 1250square metres in extent, to the west of the propose road (Area 1); and (2) A further surplus land area approx. 7150 square metres, to the east of the proposed road (Area 2). There are a number of potential scenarios for the number of lots that will be available for sale. This will depend on a number of factors, including the extent of cooperation or otherwise of third party landowners/developers. One scenario is (1) Area 1 is divided into (i) a lot of approx. 150 square metres for lease to a telecommunication provider; and (ii) A lot of approx. 1100 square metre lot for disposal to the adjacent landowner; (2) Area 2 forms one lot for disposal and amalgamation with the adjacent lot 12, 19 Hatch Court, to create a large industrial development landholding, in a prime location close to the entrance to the precinct. The draft Local Structure Plan has noted with regard to this surplus land that the purpose it will be used for will be at the discretion of the City.

13.1.3 **<u>Cr Josh Clark (Public Agenda Briefing Forum 13 October 2026)</u>**
Regarding item 10.2.1 Kalamunda Water Park - Funding Strategy Report Extension Request.

Q1. The verified contractor quotation obtained in January 2026. I asked for three things: the scope of works that quotation priced, the amount quoted, and whether the document can be provided to Councillors.

A1. In respect to the scope for the quotes received for the Kalamunda Water Park in January 2026, the scope was copied directly from the GHD report s 4.6.2 (thirty one items). One quote was received. Prices were provided in separable portions totalling a combined value of $14,385,892. A copy of the GHD report has previously been provided to Councillors. Unfortunately, the actual quoted document will not be provided, consistent with current common practise not to share tender documentation. A memo has been provided to Councillors including a full chronological outline of the procurement process to provide further detail.

Q2. The additional audit, lifecycle and replacement cost document referred to in Amanda’s email of 12 October. I asked what the document covers, who is preparing it, when it will be complete, and whether it will inform the funding strategy.

A2. Belgravia and their contractors are currently undertaking annual maintenance and servicing of the site's plant and equipment, as well as preparing an audit report. We anticipate receiving this from Belgravia within the next couple of weeks. The report is anticipated to provide updated information on the condition, year of installation, lifecycle and subsequent remaining life status, maintenance requirements and replacement cost considerations for the site's plant and equipment. Once finalised, this information will assist in informing future budget forecasting, asset management planning and funding considerations for the site – this information will form part of the costings and funding strategy proposed to be presented in February.

13.1.4 <u>Mayor Margaret Thomas (Public Agenda Briefing Forum 13 October 2026)</u>
Regarding item 10.5.1 Adoption of Proposed Rural and Urban Environment and Nuisance Local Law 2026.

Q1. Does the City get a lot of complaints about matters covered by the relevant local laws (existing and future), particularly things like roosters in residential areas?

A1. Across the 2025/26 financial year, a total of 285 complaints were received on matters relating to this local law.

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

15. Meeting Closed to the Public

RESOLVED OCM 2026/149

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

Moved: **Cr John Giardina**

Seconded: **Cr Sue Bilich**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Josh Clark, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

The Meeting closed to the public at 9.05pm.

Meeting Reopened to the Public

RESOLVED OCM 2026/157

That the Meeting be reopened to the public.

Moved: **Cr David Modolo**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Sue Bilich, Cr Josh Clark, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie, Cr John Giardina, Cr Brooke O'Donnell and Cr David Modolo**

Against: **Nil.**

CARRIED UNANIMOUSLY (9/0)

The Meeting reopened to the public at 9.54pm. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

16.1 Public Agenda Briefing Forum (PABF) - Notes - 13 October 2026

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 9.57pm.