



Special Meeting of Electors

Minutes

UNCONFIRMED

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1. Official Opening

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

2. Attendance and Apologies

Members of Staff

Chief Executive Officer

Anthony Vuleta - Chief Executive Officer

Executive Team

Luke Ellis – Director Community

Nathan Ritchie – Director Development

Chris Thompson – Co Director Infrastructure

Management Team

Rhonda Bowman - Manager Governance

Freya Ayliffe – Manager Place and Community Experience

Regan Travers – Manager Statutory Approvals

Administration Support

Molly Rogers-Thomson - Executive Officer

Margaret Thomas JP (Presiding Member)

John Giardina

David Modolo

Brooke O'Donnell

Lisa Cooper

Josh Clark

Kathy Ritchie

Members of the Public.185

Members of the Press Nil.

Apologies: Mary Cannon and Sue Bilich

3. Presentations

3.1 Presentation by the City of Kalamunda Administration

A presentation was provided by Luke Ellis Director Community, Freya Ayliffe Manager Place and Community Experience, and Regan Travers Manager Statutory Approvals.

3.2 Presentation by lead petitioners

A presentation was provided by Donna Gahan and Maryanne Hancock.

4. Public Question Time

4.1 Alan Malcolm,

Q1. Can you please inform us what the total projected cost to the city will be for the staging of this event?

A1. There's no direct cost outside of the City's endorsed annual budgets to run the event. There are some funds set aside for trail improvements to enable the event. Those trail improvements have been listed on the City's forward works program for a number of years but have remained unfunded.

4.2 Sharon Mindle, Kalamunda

Q1. Is the financial benefit more important than the impact to the environment?

A1. This question was taken on notice.

4.3 Malcolm Cook, Kalamunda

Q1 The Mayor made a comment recently that we should all try to make sure that wildlife is protected. What is the Mayor's further comment on that?

A1. Elected Members are not answering questions directly tonight as they are participating as Electors of the City and not Councillors. City staff are available for answering any questions.

4.4 Barry Smith, High Wycombe

Q1. Why did the Councillors abdicate their responsibility to the CEO instead of keeping the responsibility themselves?

A1. Council retains key decision-making authority, while lower-level matters are delegated to the CEO and sub-delegated to staff. This approach ensures operational decisions can be managed efficiently without requiring Council to consider every individual matter.

4.5 Brian Dalglish, Kalamunda

Q1. We back on to Jorgenson Park. How are we going to get our young kids to sleep each night so that they will be well rested for school the next day?

A1. A lighting and noise management plan has been submitted to the City, including worst-case scenario noise modelling. The proposal involves low-level theatrical lighting and small speakers as part of a walk-through experience, rather than a music event. Modelling indicates noise levels will comply with Environmental Protection Noise Regulations. Noise monitoring will occur throughout the event, and a dedicated complaints line will be available which any impacted residents can call.

4.6 Tracey Bell, Kalamunda

Q1 What would it take for the City to refuse this proposal?

A1. There are two ways that could occur. One, if the proponent fails to submit reasonable event management plans that the City can endorse. Two, if the Council calls the matter back for their consideration.

4.7 Paul Wood, Kalamunda

Q1. Would Councillors endorse this event if it was at the end of their street?

A1. Elected Members are not answering questions directly tonight as they are participating as Electors of the City and not Councillors. City staff are available for answering any questions.

4.8 Russell Thom, Kalamunda

Q1. Will the CEO meet with the residents directly adjoining or materially affected by the proposed event at Jorgenson Park before the event approval is granted to discuss the conditions of the lease and provide a compensation mechanism to provide affected residents with reasonable compensation?

A1. Consultation has been undertaken, including engagement with the community and meetings with some residents on site. The CEO is happy to meet with residents on site to discuss the matters raised.

4.9 Lynn Duncan, Kalamunda

Q1. Is this a one-off event or will it be repeated in future years?

A1. At this time there are no other events planned. Should a proponent bring an opportunity in the future the City would contemplate its benefits on balance.

4.10 Carissa Crockart, Lesmurdie

A1. Would the City be prepared to do a full cost benefit analysis prior to committing to it to consider all the costs including social, emotional, environmental, and economic?

Q1. The City has undertaken a preliminary assessment based on available information to inform the CEO's decision regarding execution of the lease. A comprehensive assessment of actual costs and impacts cannot be determined in advance and would be undertaken following the event.

4.11 Don Parker, Kalamunda

A1. Why out of all the areas in Kalamunda has Jorgenson Park been chosen?

Q1. The proponent was provided a number of potential locations for consideration and site visits. They selected Jorgenson Park as their preferred option.

4.12 Mike Sayer, Gooseberry Hill

Q1. Regarding the confidentiality agreement, why is the information confidential? The assessment concludes that significant long terms affects are unlikely. There needs to be certainty they won't happen rather than they being unlikely.

A1. The extent of information shared has been addressed in the published FAQs on the City's website. The ecological information provided is based on an independent third-party assessment. The proponent is required to incorporate appropriate mitigation measures into their operational plans, which will be assessed through the City's event approval process.

5. Business of the Meeting

5.1 Motion

That the Electors of the City of Kalamunda request that Council:

1. **Directs** the City to *require* the submission of a Development Application for the proposed event and, upon receipt, refer said application to the Western Australian Planning Commission (WAPC) for a formal statement on the proposal's consistency with ***Operational Policy 5.3 Use of Land Reserved for Regional Open Space***, regarding the restriction of public access to Regional Open Space;
2. **Instructs** the Chief Executive Officer to **withhold** the execution of the deed of lease with Kzemos Australia Pty Ltd until the advice in point 1 has been received and presented to Council for consideration;
3. **Commit to rejecting the proposal in its entirety** should the advice obtained in point 1 not support the proposal; and
4. **Directs** the City to recommend to the WAPC a 28-day public consultation period for any resulting planning application, and to require that Community Information Sessions on the application and event be held, at the proponents expense, in accordance

Moved: **Andrew Lyons**

Seconded: **Russell Thom**

Vote: **168 in favour**

CARRIED

5.2 Motion

That the Electors of the City of Kalamunda request that Council:

1. **Direct** the Chief Executive Officer to immediately obtain a formal statement on the land use compatibility from the **Department of Water and Environmental Regulation (DWER)** regarding the proposed commercial event within a Priority 1 (P1) Source Protection Area.
2. **Instruct** the Chief Executive Officer to **withhold** the execution of any lease for Reserve 50554 until DWER provides written confirmation that the land use is compatible with the "Risk Avoidance" standards of the P1 catchment and all required water quality safeguards are incorporated as non-negotiable lease covenants.
3. **Mandates** the immediate termination of the lease proposal, and rejection of any related Development Application, should DWER identify the proposed activity as "*Incompatible*" with the protection of the State's drinking water supply.
4. **Direct** the City to publish all technical advice received from DWER on its website for public review at least 14 days prior to any final decision by Council.

Moved: **Andrew Lyons**

Seconded: **Donna Gahan**

Vote: **173 in favour**

CARRIED

5.3 Motion

The Elector's request that the Council:

Instruct the City to immediately disclose for public viewing, all documentation which permits the proponent to exclude public access to the areas of Unallocated Crown Land for this proposed exclusive commercial event.

Moved: **Maryanne Hancock**

Seconded: **Donna Gahan**

Vote: **171 in favour**

CARRIED

5.4 Motion

Given there is a likelihood of “Significant Impact” on at least three Endangered species, listed as Matters of National Environmental Significance (MNES) under the EPBC Act, NRPB believes the Jorgensen Park event proposal is untenable, and therefore moves that the City does not proceed with it at this site.

Moved: **Steve Gates**

Seconded: **Alan Malcolm**

Vote: **171 in favour**

CARRIED

5.5 Motion

We the Electors request that the Councillors instruct the City or CEO in his /or its capacity as the Decision Making Authority refer, without delay, the proposal for the Event directly to the EPA for assessment. The City has known from the outset that this event will have, or is likely to have, a significant impact on 3 Matters of National Environmental Significance and it clearly meets or exceeds the threshold for direct referral to the EPA for assessment.

Moved: **Alan Malcolm**

Seconded: **Maryanne Hancock**

Vote: **172 in favour**

CARRIED

5.6 Motion

I move that the City of Kalamunda ensures that any lease, licence or approval for commercial use of Jorgensen Park does not unreasonably restrict public access, and specifically:

1. Public access to walking trails and open space is maintained at all times except for the event times (including 1 hour prior to the event)
2. Any exclusive-use area is limited in size to maximum 20% of LEVELLED open areas and walking trails;
3. Fences are kept to absolute minimum to safeguard the exhibition structures only

Moved: **Slawomir (Swavek) Zykus**

Seconded: **Barbara Zykus**

Vote: **143 in favour**

CARRIED

5.7 Motion

I move that the City of Kalamunda include conditions within any written undertaking it enters into with the proponent regarding the event in Jorgensen Park which will indemnify the City from the cost of remediation works and litigation which may result from this event.

Moved: **Don Parker**

Seconded: **Cherie Parker**

Vote: **161 in favour**

CARRIED

6. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7.50pm.