



Ordinary Council Meeting

AGENDA

Tuesday 23 July 2024

NOTICE OF MEETING
ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 23 July 2024 at 6.30pm.**



Anthony Vuleta
Chief Executive Officer
18 July 2024

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.

In case of an emergency follow the instructions given by City Staff.

Please remain at the assembly point until advised it is safe to leave.

Our Vision



Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service: We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

Professionalism: We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

Quality: We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

Aspirational Values

Courage: We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

Diversity: We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Innovation: We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.

kalamunda.wa.gov.au



Webcasting Notice

Please note that tonight's meeting other than the confidential sessions are being live streamed and recorded.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

INFORMATION FOR PUBLIC ATTENDANCE

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times.
4. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

Deputations and Public Question Time

These sessions in the Council Meeting provides an opportunity for people to ask any question of the Council or speak publicly on any matter.

Public Question Time

Public Question Time session will be conducted in accordance with the provisions of the Local Government Act and the City's Standing Orders.

Where a member of the public raises a question during Public Question Time, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

Deputations

All speakers are limited to ten minutes, with a one-minute warning given to speakers prior to the ten-minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

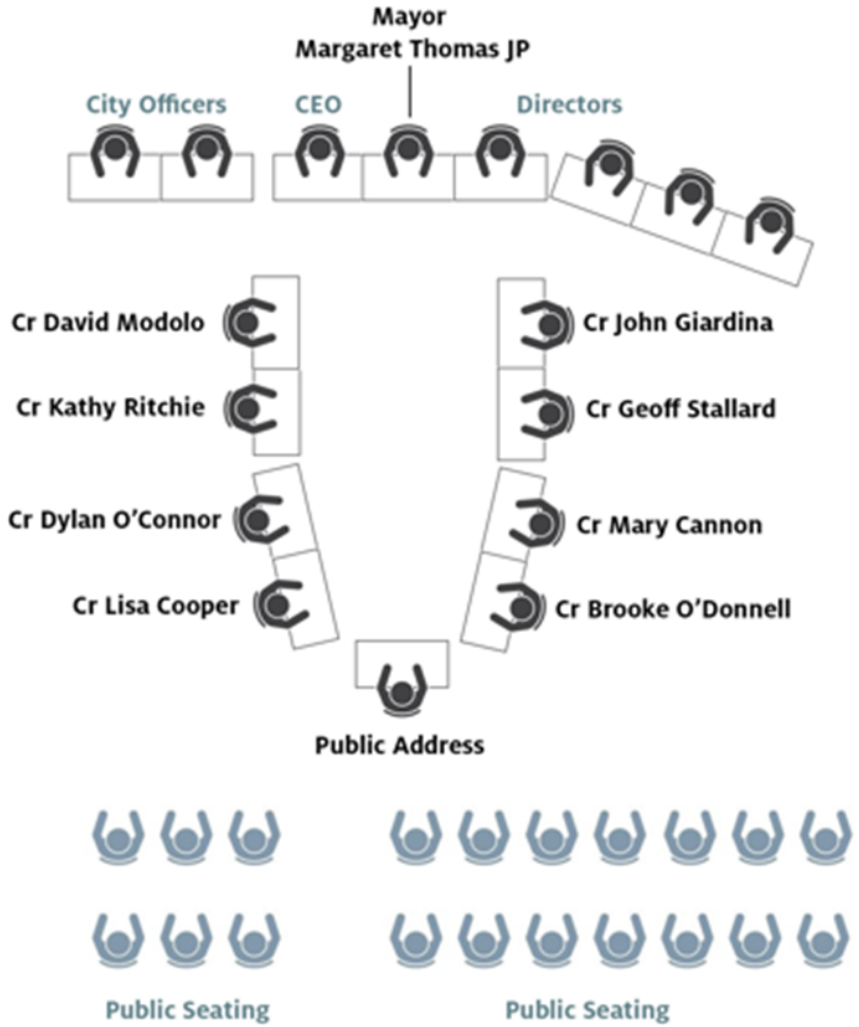
It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore, they are subject to the risk of defamation action if they make comments about individuals.

In the event that speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

Only the audio recording of the public address speakers will be heard on Council's webcast. Visual images of the speaker will not be captured as part of that webcast.

Council Chambers Seating Plan



Schedule of Agenda Briefing Forums and Council Meetings - 2024

Ordinary Meetings of Council (OCM) commence at 6:30pm.
Public Agenda Briefing Forums (Agenda Briefing) commence at 6:30pm.

Month	Date	Meeting
February 2024	13	Public Agenda Briefing
	27	Ordinary Council Meeting
March 2024	12	Public Agenda Briefing
	26	Ordinary Council Meeting
April 2024	9	Public Agenda Briefing
	23	Ordinary Council Meeting
May 2024	14	Public Agenda Briefing
	28	Ordinary Council Meeting
June 2024	11	Public Agenda Briefing
	25	Ordinary Council Meeting
July 2024	9	Public Agenda Briefing
	23	Ordinary Council Meeting
August 2024	13	Public Agenda Briefing
	27	Ordinary Council Meeting
September 2024	10	Public Agenda Briefing
	24	Ordinary Council Meeting
October 2024	8	Public Agenda Briefing
	22	Ordinary Council Meeting
November 2024	12	Public Agenda Briefing
	26	Ordinary Council Meeting
December 2024	3	Public Agenda Briefing
	10	Ordinary Council Meeting

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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence Previously Approved**
3. **Public Question Time**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.

4. **Petitions/Deputations**
5. **Applications for Leave of Absence**
6. **Confirmation of Minutes from Previous Meeting**

- 6.1 That the Minutes of the Ordinary Council Meeting held on 25 June 2024, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

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 25 June."

- 6.2 That the Minutes of the Special Council Meeting held on 1 July 2024, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

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 1 July."

7. **Announcements by the Member Presiding Without Discussion**

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.1 Local Planning Scheme / Strategy Status and Project Plan –
Confidential Attachment - Strategy Scheme Project Plan 2024

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2. Disclosure of Interest Affecting Impartiality

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

10. Reports to Council


10.1. Development Services Reports

10.1.1. Local Planning Scheme / Strategy Status and Project Plan

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

Previous Items	OCM 17/2024
Directorate	Development Services
Business Unit	Strategic Planning, Approval Services
File Reference	3.009297, 3.010449; 3.010504
Applicant	NA
Owner	
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing - Strategic Community Plan to 2031

EXECUTIVE SUMMARY

1. The purpose of this report is to present the Local Planning Strategy and Local Planning Scheme No. 4 Project Plan (2024 Update) to Council for support, including stages and anticipated timeframes.

2. This report is also presented to Council to note the expected resources as detailed in the project plan for the 2024/25 Financial year, including funding for employment of a dedicated Project Manager as noted in the draft 2024/25 Budget.
3. The Project Plan (2024 Update) has been presented as a Confidential Attachment to seek Council's support, with a final Project Plan to be tabled at a future meeting as a public document.
4. It is recommended that Council note the Project Plan 2024 Update and requests the Chief Executive Officer to present a Local Planning Scheme No. 3 Scheme Review Report by no later than September 2024, as a first formal step in the process to prepare a new local planning strategy and local planning scheme.

BACKGROUND

5. The City of Kalamunda (City) is required to have an up-to-date, and relevant local planning scheme, to facilitate and control land use, growth and development across the municipal district. The scheme must be informed by a current local planning strategy, consistent with and addressing implementation of relevant legislation, the State Planning Framework and City's Corporate and Planning Frameworks.
6. The City's Local Planning Strategy was adopted by Council in 2011 and approved by the Western Australian Planning Commission (WAPC) in 2013, with an expected 20-year timeframe up to 2031. Notwithstanding that the current Strategy is in the thirteenth year of operational life, a substantial review is considered necessary to ensure alignment with current regulatory requirements, contemporary planning principles, and the State Government Agenda for Planning Reform.
7. Pursuant to the Planning Regulations a local government must carry out a review of its operational local planning scheme every five years, and consider whether the scheme is up-to-date and complies with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), and the broad planning regulatory and policy frameworks.
8. The City's Local Planning Scheme No. 3 (LPS3) was gazetted in March 2007 and in operation now for over 17 years. A review of LPS3 is required and preparation of a new local planning scheme likely to provide the City with necessary standards for planning and development control throughout the municipal district.

9. In 2017, the City commenced a preliminary review of the Local Planning Strategy 2013 and sub-strategies, with the aim to have the Local Planning Strategy adopted in 2021, however this timeframe was unable to be met due to resourcing other priorities. The following sub-strategies: Public Open Space Strategy (adopted in 2018); Industrial Development Strategy (adopted in 2018); Environmental Land Use Planning Strategy (adopted in 2019); Activity Centres Strategy (adopted March 2021); Local Housing Strategy (adopted July 2021); Urban Forest Strategy (adopted August 2023); and Local Biodiversity Strategy (adopted September 2023) were adopted during this period.
10. Preliminary review of Local Planning Scheme No. 3 was undertaken between 2021 and 2022, including preliminary engagement with the Department of Planning Lands and Heritage (DPLH), however progress stalled due to resourcing and other priorities.
11. At a Council Strategy Session in May 2023 a presentation provided a status update the local planning strategy and scheme review process, identifying the following key action areas:
 - a) Key Action 1 - Local Planning Scheme No. 4
 - b) Key Action 2 - Housing
 - c) Key Action 3 - Activity Centres
 - d) Key Action 4 - Rural
 - e) Key Action 5 - Tourism
 - f) Key Action 6 - Heritage
12. Additional work following the May 2023 update has been limited only to drafting preliminary strategy maps, consideration of State planning reform changes, and finalisation of environmental sub-strategies.
13. The project and preliminary work to date requires further review and alignment with the WAPC's Local Planning Strategy Guidelines, released in October 2021 and reviewed in March 2023, which provides clear and consistent guidance for the preparation of a local planning strategy.
14. The WAPC has also released the Consistent Local Planning Schemes Report in May 2024. The project can have regard to the recommended changes, particularly in regard to zoning, reserves, land use permissibility, and land use definitions.

15. Most recently, Council at the Ordinary Meeting held on 28 March 2024, in determining Item 10.1.1 (Funeral Parlour and Offices – Lot 192 (326) Hale Road, Wattle Grove) resolved (in part):

“OCM 18/2024:

3. REQUEST the Acting Chief Executive Officer bring a report to the Council by June 2024 with a progress update and project plan for the preparation of a new local planning strategy and concurrent local planning scheme.

4. COMMIT appropriate funds to list for consideration as part of the 2024/25 Budget preparation process funds to undertake the preparation of a new Local Planning Strategy and Local Planning Scheme.”

DETAILS AND ANALYSIS

16. Project Plan (2024 Update)

A Project Plan (2024 Update) has been prepared to address Council's resolution and for Council to note the approach, resourcing implications for 24/25, and estimated timeframes. The document will be reviewed and amended in response to any changes in objectives, directions or actions during the project life cycle. The Project Plan is included as Confidential Attachment to this report.

17. Project Outcomes and Objectives

The proposed project has three key outcomes being a new Local Planning Strategy, new Local Planning Scheme No. 4 (LPS4), and the Local Planning Framework Review, with the objectives listed below.

18. Local Planning Strategy Objectives:

- a) Establish the basis for preparing a new local planning strategy.
- b) Consider the existing State Planning Framework for presentation in one concise source of information.
- c) Ensure alignment between the strategies and actions and the LPS4.
- d) Foreshadow any further investigations and major future amendments to LPS4.

19. Local planning scheme no. 4 objectives are to ensure:

- a) The provisions and mapping of LPS4 reflect the core legislative requirements and relevant state planning framework.
- b) The provisions and mapping of LPS4 reflect the recommendations of the local planning strategy.

- c) LPS4 has due regard to the priorities and aspirations from strategic community plan.
- d) LPS4 normalises zoning of developed areas.
- e) Local planning policies support LPS4 and operational considerations.
- f) LPS4 exemplifies a contemporary approach to deal with planning matters.

20. Local planning framework review objectives are to ensure:

- a) Zoning, development progression and approval status of structure plan areas are reviewed and fit for purpose.
- b) Zoning, development progression and approval status of local development plan areas are reviewed and fit for purpose.
- c) Local planning policies are consistent with state planning framework, and exemplify the contemporary policy approach to deal with planning matters.

21. Project Plan Stages

The overall project schedule has been divided into six stages, excluding the preliminary stage capturing work completed to date, as follows:

Stage	Forecast Completion Date
Preliminary Project Planning	June 2024
Stage 1 - Local Planning Scheme No. 3 Review	January 2025
Stage 2 - Background and Analysis	December 2024
Stage 3 - Community Visioning Engagement	April 2025
Stage 4 - Local Planning Strategy	December 2026
Stage 5 - Local Planning Scheme No. 4	June 2027
Stage 6 - Local Planning Framework Review	August 2027 *
	* plus ongoing

It should be noted that the timing of the various stages, and the processes within each stage, is predicated on the continued availability of resources and, to a large extent, the ability of external agencies to meet agreed and/or statutory timeframes. Please note that the above indicative timeframes are subject to the discretion and approval of the Department of Planning, Land and Heritage (DPLH).

22. Stage 1 – Local Planning Scheme No. 3

Review of the current Local Planning Strategy (2013) and Local Planning Scheme No. 3 for preparation of a Scheme Review Report, including a high-level review of the State Planning Framework and Local Planning Framework. Significant work has already been undertaken to identify the key issues and planning rationale for preparation of a new local planning

scheme and this formal step is required in accordance with the Planning Regulations.

23. It is proposed to submit a Scheme Review Report to Council by September 2024 for a resolution, and then to seek certification from the WAPC, to formally begin the process to prepare a new Local Planning Strategy and Local Planning Scheme No. 4 for the whole municipal district.

24. Stage 2 – Background Information and Analysis

Noting preliminary work has already been undertaken, detailed research and analysis of background information and major issues relevant to future planning and development of the City is necessary, including identified themes of community, urban growth and settlement, economy and employment, environment, and infrastructure.

25. A detailed review of the State Planning Framework including State Planning Policies will be undertaken. This stage will include a review of feedback from relevant government agencies, a review of rural planning issues including findings from the Pickering Brook Taskforce, a gaps analysis of current sub-strategies and strategic plans, zoning of developed land, foreshadowing future strategies and actions, and mapping. Ultimately this stage will consolidate and clarify directions and actions relevant to the new Local Planning Strategy and Local Planning Scheme No. 4.

26. Stage 3 - Community Visioning Engagement

A key component of the 2023 Update was advising Council that community engagement had already occurred through the theme specific planning sub-strategies, and Kalamunda Advancing – Strategic Community Plan (adopted 2021). The risks of engagement fatigue and reduced effectiveness were highlighted, and general agreement reached to not undertake further preliminary consultation.

27. Given the passing of time since public advertising and adoption of the supporting strategies, changes to the State Planning Framework, and significant recent public interest shown for a variety of planning areas and issues, the Project Plan includes a Community Visioning Engagement stage. Appointment of an external specialist is proposed to facilitate a series of Community Visioning Neighbourhood Workshops in early 2025, and workshops with Council, to establish the vision and objectives to inform the Local Planning Strategy.

28. Stage 4 – Local Planning Strategy

Based on the vision and objectives established in Stage 3, a draft Local Planning Strategy is to be prepared consisting of Part 1 (Strategy) and Part 2 (Background Information and Analysis), to replace the current Local Planning Strategy (2013). Workshops with Council, and consultation with DPLH will be necessary, with the draft strategy to be presented to Council by October 2025, and then to the WAPC for consent to advertise.

29. A formal public consultation process is to be undertaken in early 2026, with the submissions presented to Council for support, with or without modifications, then presented to the WAPC, with final approval anticipated for late 2026.

30. Stage 5 – Local Planning Scheme No. 4

Subject to Council's adoption of the draft Local Planning Strategy for advertising and consent of the WAPC, drafting of LPS4 text and mapping is to be undertaken. This will include a review of, and alignment with, the Model Provisions and Deemed Provisions of the Planning Regulations, and a further review of the State Planning Framework. Internal and external workshops/referrals will be conducted as required, with the review work addressing the directions, actions, planning areas and mapping from the strategy.

31. Finalising the draft LPS4 is to follow Council's post-advertising support for the draft Local Planning Strategy, with the draft LPS4 text and mapping to be presented to Council in approximately April 2026. Draft LPS4 is then to be referred to the WAPC and the EPA prior to formal advertising in late 2026, with submissions and final report to be considered by Council in early 2027. Final steps will need to include any environmental conditions or modifications required by the EPA, WAPC and/or the Minister for Planning. This can be undertaken in early to mid-2027, with final approval from the Minister for Planning by June 2027.

32. Stage 6 – Local Planning Framework Review

For development areas subject to a structure plan and/or a local development plan, ongoing review of development progress and zoning of is to continue, to identify the need to revoke or retain the plans, with or without modifications, or seek extended approval periods from the WAPC in consultation with the DPLH. A Structure Plan and Local Development Plan Normalisation Report is to be presented to Council in August 2025 with recommendations, actions and timeframe, for implementation by October 2025. Review and action will be necessary for the life of the project, including ongoing review and actions as necessary.

33. A review of all local planning policies is necessary to ensure consistency with the state Planning Framework and contemporary principles, to support implementation of the new local planning strategy and LPS4. A local planning policy review is to be presented to Council by November 2026, followed by public and agency consultation, and a final report presented to Council by August 2027 to coincide with planned adoption of LPS4.
34. The majority of the project is to be undertaken by the City's Administration staff, including appointment of a new Project Planner as the Project Lead and support by a broad Project Team. External consultants and specialists will be engaged as required through normal procurement processes,

APPLICABLE LAW

35. *Planning and Development Act 2005*
36. *Planning and Development (Local Planning Schemes) Regulations 2015*
37. City of Kalamunda Local Planning Scheme No. 3

APPLICABLE POLICY

38. Western Australian Planning Commission State Planning Policies
39. Western Australian Planning Commission Development Control/Operational Policies
40. City of Kalamunda Local Planning Policies

STAKEHOLDER ENGAGEMENT

41. Noting preliminary engagement with the DPLH has been undertaken, further advice may be necessary in preparing the Scheme Review Report during Stage One of the Project Plan. Please note that the above indicative timeframes are subject to the discretion and approval of the Department of Planning, Land and Heritage (DPLH).
42. Formal requirements for community consultation for the preparation of a local planning strategy and local planning scheme are contained in Part 3 of the Planning Regulations. No formal advertising is recommended as an outcome of this report.

43. Stage Three of the project plan includes an extensive community visioning engagement process including a series of community visioning neighbourhood workshops, convened by an engagement consultant. A Community Engagement Plan is to be developed for further consideration by Council.
44. Formal community consultation is to occur within Stages Four, Five and Six of the project, to respectively to inform preparation of a new Local Planning Strategy, Local Planning Scheme No. 4, and review of the Local Planning Framework. Additional resources will be required to support the consultation activities throughout the project.

FINANCIAL CONSIDERATIONS

45. The Local Planning Strategy and Local Planning Scheme No. 4 project is to be undertaken as a cross-functional in-house project, with most costs to be met through the Development Services annual budget.
46. Allocated as part of the 2024/25 budget, approximately \$125,000 was allocated to enable the Internal Resourcing (a Project Manager) to enable the progression, planning and resourcing of the project. An indicative value was identified in the 2024/25 budget deliberations.
47. Finalisation of the draft project plan occurred after the City's budget development and progression. The attached project plan recognises that an additional \$125,000 of forecast expenditure would be required to best support achievement of the project deliverables, however, this may occur through redeployment of internal resources (eg Community engagement and consultation) to help achieve project deliverables.
48. Subject to recruitment of the project manager (project planner and their skills and capabilities), a refined project budget, supporting documents and programming will be developed and progressed through future City budget reviews.
49. While documentation and development (Phases 1-5) can be reasonably be programmed, securing finalisation of the project and relevant State government approvals may take longer than forecast / anticipated. Funding for subsequent years of the project requires further analysis and refinement, with more detailed resourcing requirements to be submitted to Council with the Scheme Review Report at a future meeting.

SUSTAINABILITY

- 50. **Social Implications**
Implementation of the Project Plan will contribute to achieving social and cultural objectives of Kalamunda Advancing, plus objectives and actions from Kalamunda Achieving and supporting sub-strategies such as Local Housing Strategy and Community Engagement Strategy.
- 51. **Economic Implications**
Implementation of the Project Plan will contribute to achieving economic and employment objectives of Kalamunda Advancing, plus objectives and actions from Kalamunda Achieving and supporting sub-strategies such as the Activity Centres Strategy and the Tourism Development Strategy.
- 52. **Environmental Implications**
Implementation of the Project Plan will contribute to achieving environmental and sustainability objectives of Kalamunda Achieving, plus objectives and actions from Kalamunda Advancing and supporting sub-strategies including the Local Biodiversity Strategy and the Urban Forest Strategy.

RISK MANAGEMENT

- 53.

Risk: Project timeframe is extended resulting in delay to City process timeline.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
1. Project management plan and timeframes developed. 2. Early engagement with WAPC on matters which may be subject to detailed assessment.		

- 54.

Risk: User groups not informed of progression of the Strategy and Scheme resulting in disengagement or dissatisfaction.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
1. All users informed of scope and timeframe of project, and are supportive of approach. 2. Project updates provided upon completion of major milestones. 3. Invitation to consultation sessions provided early.		

55.

Risk: Lack and / or loss of resources resulting in delays to the project.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
<ol style="list-style-type: none"> 1. All users informed of scope and timeframe of project, and are supportive of approach. 2. Project updates provided upon completion of major milestones. 3. Invitation to consultation sessions provided early. 		

56.

Risk: Community expectations are raised and not realised, resulting in reputational damage to the organisation through undertaking project, resulting in increased pressure on City to deliver and finance projects.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
<ol style="list-style-type: none"> 1. All users informed of scope and timeframe of project, and are supportive of approach. 2. Project updates provided upon completion of major milestones. 3. Invitation to consultation sessions provided early. 		

CONCLUSION

57. The Local Planning Strategy and Local Planning Scheme No. 4 Project Plan (2024 Update) is presented to Council for consideration, in satisfying Council Resolution OCM 18/2024 for an update and commitment to funding for preparation of a new local planning strategy and concurrent local planning scheme.
58. It is recommended that Council note the Project Plan 2024 Update and directs the Chief Executive Officer to present a Local Planning Scheme No. 3 Scheme Review Report by September 2024, as a first formal step in the process to prepare a new local planning strategy and local planning scheme.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council SUPPORT the program and approach for the preparation of the Local Planning Strategy and Local Planning Scheme No. 4 Project Plan (2024 Update), as per the Confidential Attachment.

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.


10.4. Community Engagement Reports

**10.4.1. South West Native Title Settlement - City of Kalamunda
Comments on Land Base Consultation - Land List 1459**

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

Previous Items	OCM 31/2021; OCM 184/2022; OCM 24/2023; OCM 41/2023; OCM 131/2023
Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	3.000738
Applicant	Department of Planning, Lands & Heritage
Owner	State of Western Australia
Attachments	1. Response Table Land List 1459 [10.4.1.1 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

Strategy 2.1.2 - Development and Implementation of the Urban Forest Strategy.

Strategy 2.1.3 - Development and implementation of the Local Biodiversity Strategy

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the City of Kalamunda (City)'s proposed response to the Department of Planning, Lands and Heritage (DPLH)'s questions regarding land identified by the State Government (State) for possible transfer to the Noongar People as part of the South West Native Title Settlement (Settlement).
2. Reserve 6637, Lot 441 (1240) Canning Road, Canning Mills has been identified for potential transfer to the Noongar People.
3. It is recommended that Council:
 - a) note the request for information on the proposed transfer of the subject site to the Noongar People;
 - b) advise the DPLH of constraints and community values associated with the site for the DPLH's further consideration; and
 - c) advise the DPLH that the City requires the excision and dedication of a portion of the site as road for the purposes of providing a truncation.

BACKGROUND

4. The Settlement is a landmark native title agreement reached between the State and the six Noongar Agreement Groups. The Settlement is comprised of six Indigenous Land Use Agreements (ILUAs) that provide for a broad range of commitments to be delivered by the State to the Noongar Regional Corporations and the Trustee for the Noongar Boodja Trust (Trustee).

5. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.
6. The cornerstone commitment under the six ILUAs is the Noongar Land Estate, which will be a vast and diverse land holding. It will comprise:
 - a) up to 300,000 hectares transferred in reserve or leasehold; and
 - b) up to 20,000 hectares transferred in freehold.
7. All land will be held by a centralised Landholding Body, being the Noongar Boodja Land Sub Pty Ltd (Land Sub), a wholly owned subsidiary of the Trustee. The Trustee works consultatively with the Noongar Regional Corporations in determining land for possible inclusion in the Noongar Land Estate, including the preferred tenure of the land and the use / management / development of the land into the future. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.
8. Work to deliver the Noongar Land Estate commenced in March 2021, and a five-year implementation timeframe applies.
9. As the Noongar Land Estate will be predominantly drawn from the pool of unallocated Crown land and unmanaged reserves, the Minister for Lands is responsible for delivering this outcome on behalf of the broader State Government. The DPLH is the State Agency principally assisting the Minister for Lands. An agreed process for delivering the Noongar Land Estate was committed under the six ILUAs, being the Noongar Land Base Strategy (Strategy) at Annexure J to the ILUAs. Per the Strategy, the DPLH works in partnership with the Trustee to progress these significant land tenure outcomes.
10. The DPLH works in accordance with the *Land Administration Act 1997 (WA)*, including the requirement under section 14 to consult with local governments.
11. On 10 June 2024, the City received email correspondence from the DPLH requesting comment on the proposed transfer of Reserve 6637 to the Noongar People as part of the Settlement.
12. The City does not own or manage this parcel of land.

13. The questions the DPLH has asked the City in respect of this land parcel are:
- a) Is the City supportive of the transfer of this land to the Noongar People under the Settlement?
 - b) Does the City have any interest in the land?
 - c) Does the City have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
 - d) Is the land parcel subject to any mandatory connection to services?
 - e) Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
 - f) Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
 - g) Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
 - h) Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
 - i) Please provide any additional comments on the proposed transfer of this land as part of the Settlement.
14. The City was requested to provide its comments by 22 July 2024. The DPLH has granted the City a short extension to enable the proposed transfer to be considered at the July 2024 Ordinary Council Meeting.

DETAILS AND ANALYSIS

15. The Future Blackspot Project Canning Mills Road – Safety Improvement ties in with Canning Road at this location. Design is preliminary but will be revisited in the future.
16. The heritage listed cobbled road extending along the edge of Canning Mills Road (300 metres) on the south side prevents construction inside the road reserve and pushes work closer to the site, making tree clearing near or inside the subject site crucial. Tree clearing and maintenance is vital for safe sight lines.
17. The City requires the excision and dedication of a portion of the lot as road to provide for a truncation (minimum 14 metres).
18. The subject site is considered to contain values that contribute towards the amenity of City residents.

19. The vegetation on the subject site appears to be established native vegetation and likely contains habitat for threatened fauna, such as black cockatoos and chuditch. The site may be perceived by the community to constitute a form of pseudo-public open space.
20. The City has identified potential environmental values on the subject site.
21. The clearing of the subject site for development purposes would not be consistent with the objectives of the City's Urban Forest Strategy and Local Biodiversity Strategy. However, given the substantial vegetation and habitat in the surrounding area, development of the site would be unlikely to result in a significant environmental impact. A use of the site consistent with the retention, protection and management of the site's environmental values is preferred.
22. Any proposed use or development may be subject to community consultation and Council determination.
23. The site is zoned Rural under the Metropolitan Region Scheme. The City has a preference to have the site reserved to Parks and Recreation under the Metropolitan Region Scheme.
24. The City's mapping system data indicates that the subject site is not classified as contaminated. Please note the Department of Water and Environmental Regulation may hold more current or additional information not available to the City.
25. The City's proposed responses to the DPLH questions in respect of the subject site are contained in the Response Table (Attachment 1).

APPLICABLE LAW

26. *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 (WA).*
27. *Land Administration Act 1997 (WA).*
28. *Local Government Act 1995 (WA).*
29. *Environment Protection and Biodiversity Conservation Act 1999 (Cth).*

APPLICABLE POLICY

30. Nil.

STAKEHOLDER ENGAGEMENT

- 31. No public consultation has been undertaken by the DPLH in relation to the identification of the subject site for possible transfer under the Settlement.
- 32. The City has been asked for comment within a short timeframe and is providing as much information as possible to assist with the request in the allocated time period.

FINANCIAL CONSIDERATIONS

- 33. The site is currently non-rateable.

SUSTAINABILITY

- 34. The City has identified environmental values on the subject site.
- 35. A use of the site consistent with the retention, protection and management of the site’s environmental values is preferred.

RISK MANAGEMENT

36.	<p>Risk: Reputational damage to the City due to the transfer of a site perceived by the community to constitute a form of pseudo-public open space, noting that there has been no opportunity for community consultation.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">Likely</td> <td style="padding: 2px;">High</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Significant	Likely	High
Consequence	Likelihood	Rating					
Significant	Likely	High					
	<p>Action/Strategy</p> <p>Council to note the request and advise the DPLH of constraints and community values associated with the site for the DPLH’s further consideration.</p>						

CONCLUSION

- 37. It is recommended that Council:
 - a) note the request for information on the proposed transfer of the subject site to the Noongar People;
 - b) advise the DPLH of constraints and community values associated with the site for the DPLH’s further consideration; and
 - c) advise the DPLH that the City requires the excision and dedication of a portion of the site as road for the purposes of providing a truncation.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the request for information on Reserve 6637, Lot 441 (1240) Canning Road, Canning Mills from the Department of Planning, Lands & Heritage.
2. ADVISE the Department of Planning, Lands & Heritage that if it proceeds with the proposed transfer of Reserve 6637:
 - a) the City of Kalamunda requires the excision and dedication of a portion of the subject site as road to provide for a truncation (minimum 14 metres); and
 - b) Tree clearing and maintenance near or inside the subject site may be required for safe sight lines.
3. REQUEST the Department of Planning, Lands & Heritage ensure the Noongar People are made aware of the following potential constraints to the possible future development and/or use of the subject site:
 - a) The subject site is considered to contain values that contribute towards the amenity of City of Kalamunda residents;
 - b) The vegetation on the subject site appears to be established native vegetation and likely contains habitat for threatened fauna, such as black cockatoos and chuditch. The site may be perceived by the community to constitute a form of pseudo-public open space;
 - c) The City of Kalamunda has identified potential environmental values on the subject site;
 - d) The clearing of the subject site for development purposes would not be consistent with the objectives of the City of Kalamunda's Urban Forest Strategy and Local Biodiversity Strategy. However, given the substantial vegetation and habitat in the surrounding area, development of the site would be unlikely to result in a significant environmental impact. A use of the site consistent with the retention, protection and management of the site's environmental values is preferred;

- e) Any proposed use or development may be subject to community consultation and Council determination; and
 - f) The City of Kalamunda has a preference to have the site reserved to Parks and Recreation under the Metropolitan Region Scheme.
4. NOTE the proposed responses to be provided to the Department of Planning, Lands & Heritage questions about the subject site, which are contained in the attached table (Attachment 1).

10.5. Office of the CEO Reports

No reports presented.

10.6. Chief Executive Officer Reports


10.6.1. Monthly Financial Statements to 30 June 2024

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

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

Attachments	<ol style="list-style-type: none"> 1. Statement of Financial Activity Statement for twelve months ended 30 June 2024 [10.6.1.1 - 1 page] 2. Statement of Net Current Funding Position as at 30 June 2024 [10.6.1.2 - 1 page] 3. Statement of Financial Position as 30 June 2024 [10.6.1.3 - 1 page]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 30 June 2024.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the Mid-Year budget review adopted by the Council on 27 February 2024 for the 2023/2024 financial year and minor amendments subsequently to the reporting date.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month of June 2024, which comprise:
 - a) Statement of Financial Activity by Nature for the period ended to 30 June 2024.
 - b) Net Current Funding Position, note to financial report as of 30 June 2024.
 - c) Statement of Financial Position for the period ended to 30 June 2024.

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
5. The Statement of Financial Position (Attachment 3, incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 35 of the *Local Government (Financial Management) Regulations 1996*.

DETAILS AND ANALYSIS

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 \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the twelve months ended 30 June 2024

7. This Statement reveals a net result surplus of \$10,123,336 compared to the budget for the same period of \$684,086 resulting in a variance of \$9,439,252. This is largely due to a net lower expenditure of \$3,354,975 in operating activities and lower expenditure of \$11,330,735 in investing activities (excluding depreciation costs).

The surplus reported is an interim position is subject to year-end provisions and adjustments and final agreed upon changes as part of the external audit planned to be concluded in October 2024.

Operating Revenue

8. Total Revenue including rates is over budget by \$2,712,394. This is made up as follows:
- a) Rates generation is trending along the budget with a minor variance of \$230,696 emanating from higher interim rating revenue.
 - b) Operating Grants, Subsidies and Contributions are over the budget by \$1,112,173. The variance is mainly attributable to the timing of Financial Assistance Grants Scheme from the Commonwealth with 85% of the 2024/25 allocation paid in the current year.
 - c) Fees and Charges are over budget by \$386,327. The variance is attributable to;
 - i. Waste Management Fees are higher than budget by \$89,932.
 - ii. Statutory Planning Services development fees are above budget by \$87,316.
 - iii. Hartfield Park Recreation Centre Fee & Sales are above budget by \$81,082.
 - iv. Development Engineering Fees is over budget by \$45,025.
 - d) Interest income is over budget by \$939,693. The variance is attributed to the higher interest rates available and the lower capital works expenditure which has resulted in a higher-than-expected cash balance available for investment.
 - e) Other Revenue is above budget by \$37,821, and the variance is mainly due to Environmental Health Services compliance activities which are higher than budget by \$26,230.
 - f) Ex-Gratia Rates Revenue is tracking around the budget with marginally over budget by \$5,494.

Operating Expenditure

9. Total expenditure is over budget by \$1,373,858. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$786,468 which is due to vacant positions across several business units noting that some of the variance could also be due to leave provision adjustments which are yet to be passed as part of year end entries.
 - b) Materials and Contracts are under budget by \$680,333. The variance is mainly due to the timing of building maintenance and infrastructure maintenance costs and lower waste contractor costs.
 - c) Utilities are tracking along the budget with variance below the materiality threshold.
 - d) Depreciation, although a non-cash cost, is tracking over budget by \$2,969,223 due to increases in book value of infrastructure assets related to the recent revaluation. No adjustment was made in the budget at Mid-Year Budget Review as it is a non-cash adjustment which has no impact on the closing position.
 - e) Interest & Insurance expenses are tracking below the reportable variance threshold.
 - f) Other expenditure is under budget by \$105,851. The variance is mainly a timing difference due to \$66,000 budgeted for Donations to Community Groups not spent.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions is under budget by \$7,378,546. This is mainly due to the timing difference of receipts of grants for capital works projects and the project delivery. In this respect, it is envisaged that a number of grants will be carried over in line with the lower Capital spend trajectory.

Capital Expenditure

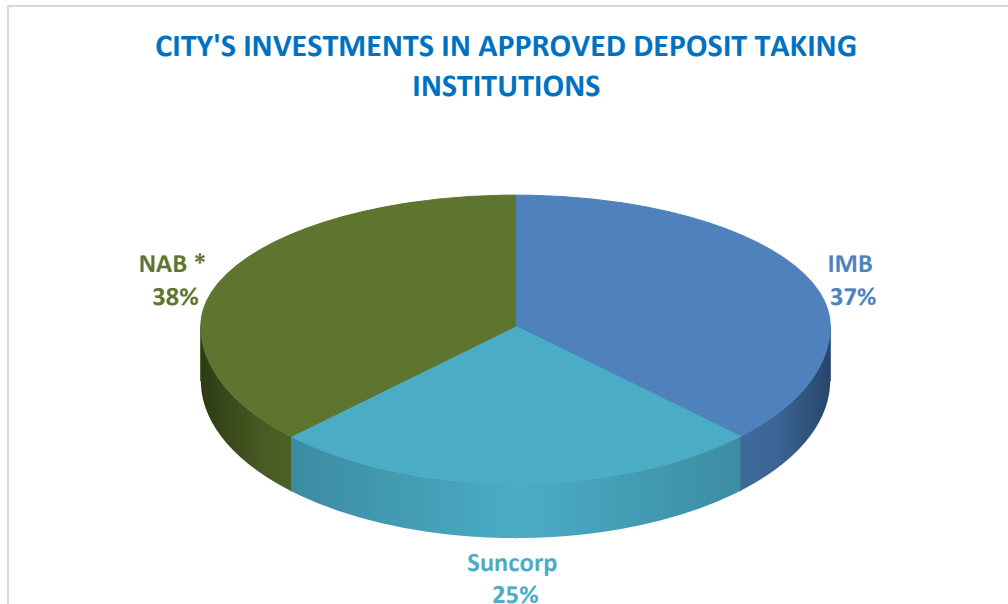
11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$18,638.642 which have been flagged for carry over in the Annual Budget 2024/25.

Financing Activities

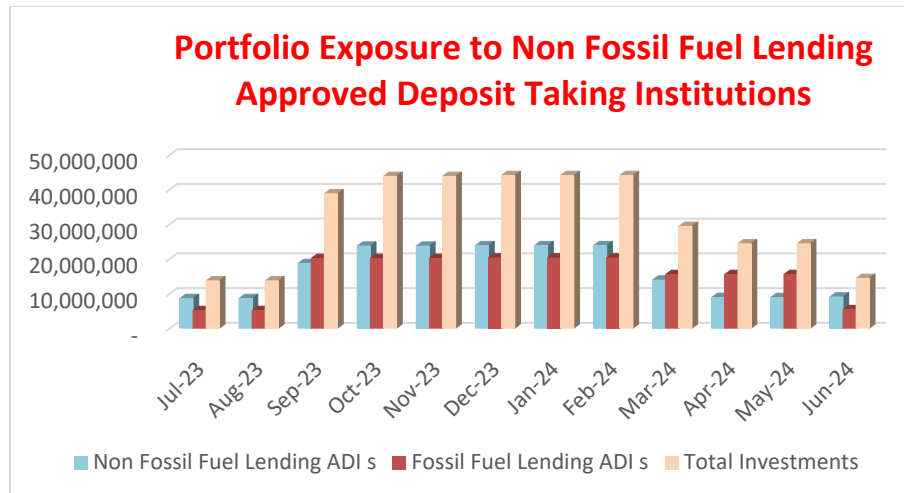
12. The amounts attributable to financing activities show a variance over budget by \$5,246,458 which is mainly due to serves transfers made in June 2024.

Statement of Net Current Funding Position as of 30 June 2024

13. The commentary on the net current funding position is based on a comparison of June 2024 to the June 2023 actuals.
14. Net Current Assets (Current Assets less Current Liabilities) total \$41.5 million. The restricted cash position is \$35.5 million which is higher than the previous year's balance of \$23.4 million due to lower Capital expenditure in 2023/2024.
15. The following graph indicates the financial institutions where the City has investments as of 30 June 2024. It is noted that the NAB and IMB holding is higher than current threshold of 30% allowed which is a result of maturity of deposits in other approved deposit institutions (ADI's). This is unavoidable as the maturities are not all aligned with a specific date to ensure that operational cashflows are considered.



*Financial Institutions with Investments in the Fossil Fuel Industry



16. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.6 million.
17. Sundry debtors have decreased from \$404,896 to \$305,325 of which \$239,268 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
18. Receivables Other represent \$1.4 million including:
 - a) Emergency Service Levy receivables \$0.3 million.
 - b) Receivables Sanitation \$0.5 million.
19. Provisions for annual and long service leave have decreased by \$354,451 from \$4.5 million to \$4.2 million when compared to the previous year. Year end provision adjustments are yet to be completed which could impact the closing position.

APPLICABLE LAW

20. *The Local Government Act 1995 s6.8 and the Local Government (Financial Management) Regulations 1996 s34 and s35.*

APPLICABLE POLICY

21. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

- 23. As noted in point 20 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

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. The 2023/24 Capital Works progress has been slow resulting in significant carry forwards identified in the 2024/25 Annual Budget.

SUSTAINABILITY

Social Implications

- 25. Nil.

Economic Implications

- 26. Nil.

Environmental Implications

- 27. Nil.

RISK MANAGEMENT

28.	Risk: Over-spending the budget.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department.		

29.

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

CONCLUSION

30. The City's Financial Statements as at 30 June 2024 reflect the un-audited closing surplus position and are subject to change with year end provisions and agreed upon audit adjustments.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 30 June 2024 which comprises:

- a) Statement of Financial Activity (Nature or Type) for period ended 30 June 2024 (Attachment 1).
- b) Net Current Funding Position, note to financial report as of 30 June 2024 (Attachment 2).
- c) Statement of Financial Position as of 30 June 2024 (Attachment 3).


10.6.2. Debtors and Creditors Reports for the month of June 2024

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the Period ended 30 June 2024 (Public) [10.6.2.1 - 13 pages] 2. Corporate Credit Card Payments 27 April to 27 May 2024 (Public) [10.6.2.2 - 2 pages] 3. Summary of Debtors for the month of June 2024 [10.6.2.3 - 2 pages] 4. Summary of Creditors for month of June 2024 [10.6.2.4 - 1 page]
Confidential Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the Period ended 30 June 2024 – (Confidential) 2. Corporate Credit Card Payments 27 April to 27 May 2024 – (Confidential)

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with details of payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of June 2024.
2. At the time of reporting the Accounts Payable and Receivable sub-ledgers for 2023-24 are still open (closing 19 July 2024) as part of End of Year process (to record invoices related to 2023-24). Hence the outstanding debtors and creditors report presented is interim in nature showing the balances recorded up to 9 July 2024.
3. The report provides details of payments made from the Municipal and Trust Fund Accounts for the month of June 2024. It also includes details of employee purchases via purchasing cards for 27 April to 27 May 2024.
4. It is recommended that Council receive the list of:
 - a) payments made from the Municipal and Trust Fund Accounts for the month of June 2024,
 - b) payments made by employees via purchasing cards from 27 April to 27 May 2024.
The above two lists are in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and
 - c) the outstanding debtors report and a creditors interim report for the month of June 2024.

BACKGROUND

5. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
6. 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.
7. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)

If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared;

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the payment.

DETAILS AND ANALYSIS

Debtors

8. Sundry debtors as of 30 June were \$305,325. This includes \$239,268 of current debts and \$798 unallocated credits (excess or overpayments).
9. Invoices over 30 days total \$16,355, debts of significance:
 - a) Forrestfield United Football Club, \$5,900.67, Loan 214;
 - b) City of Gosnells. \$4,584, LSL Reimbursement; and
 - c) Forrestfield United Football Club, \$2,554, Utilities.
10. Invoices over 60 days total \$13,201, debts of significance:
 - a) Municipal Workcare, \$12,974, Workers Compensation.
11. Invoices over 90 days total \$36,501, debts of significance:
 - a) Archetype Design Studio, \$25,256, DAP Fees – pending credit; and
 - b) Private Citizen, \$9,281 Fire Break – Reimbursement. Legal action is being considered with a quotation requested from the City's appointed debt collection agency for legal fees prior to proceeding.

A review of doubtful debts is underway and subject to delegation the CEO may approve a write off of minor debts outstanding which are un-economical to follow up or incur additional legal fees.

Creditors

12. Payments totalling \$5,262,783.01 (excluding payroll) were made during the month of June 2024. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

13. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	Amount (\$)
Department of Fire and Emergency Services (DFES)	Emergency Services Levy – Quarter 4	736,457.29
Fulton Hogan Industries Pty Ltd	Road materials for profiling at various locations	681,844.56
Australian Taxation Office	PAYG payments	448,123.82
City of Cockburn	Disposal of general waste from the weekly residential waste collection	234,242.36
Aware Super Pty Ltd	Superannuation contributions	197,470.87
Western Australian Treasury Corporation	Repayment Instalments of loan nos. 240-244	197,187.17
Beaver Tree Services	General tree services / under powerlines pruning for various locations	182,356.14
Synergy	Power charges	165,299.58
Main Roads (WA)	Grant payment - Refund for withdrawn 22/23 SBS Project 30001271 Canning Mills Rd (Install Sealed Shoulder)	157,666.30
AE Hoskins Building Services	Building construction and maintenance Services for various locations	143,573.37
Department of Planning, Lands and Heritage Operating Account (DPLH)	Reimbursement Of Unspent Funds - Partial Reimbursement Payment	136,529.44
Carabiner Architects Pty Ltd	Progress payment - Design Services - Hartfield Park Master Plan Stage 2 - AFL pavilion & carpark component	107,596.26
Kalamunda Electrics	Electrical repairs / maintenance for various locations	85,236.07
Serenitas Communities Holdings Pty Ltd	Rebate refund due to pensioner/senior rebate due to village	85,171.27
Contraflow	Traffic management services for various locations	70,961.85
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	63,606.03

OCE Corporate Pty Ltd - Office Cleaning Experts	Cleaning services / consumables for various locations	62,115.51
Natural Area Management & Services	Environmental assessment study & weed control services	57,750.00
Drainflow Services Pty Ltd	Cleaning / maintaining storm water drains at various locations	51,799.00

These payments total \$3,864,986.89 and represent 73% of all payments for the month.

Payroll

14. Net salaries (excluding taxes, superannuation and other deductions) are paid in fortnightly cycles. A total of \$1,354,992.52 was paid in net salaries for the month of June 2024.
15. Details are provided in Attachment 1/Confidential Attachment 1 after the creditors' payment listing.

Trust Account Payments

16. 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
17. There is no payment made from the Trust Accounts in June 2024.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

25. Nil.

RISK MANAGEMENT

Debtors

26.

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

Creditors

27.

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

CONCLUSION

28. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:


1. RECEIVE the list of payments made from the Municipal Accounts from the month of June 2024 (Confidential Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from 27 April to 27 May 2024 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 and creditors interim reports (Attachments 3-4) for the month of June 2024.

10.6.3. Rates Debtors Report for the Period Ended 30 June 2024

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report June 2024 [10.6.3.1 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of rates recovery actions.

2. The City of Kalamunda (City) levied rates for 2023/2024 on 1 July 2023 totalling \$43,709,067, with prior year outstanding rates of \$2,363,869 and interim rates of \$777,792 resulting in total rates collectable at 30 June 2024 to be \$46,850,728. Collections to date stand at \$43,670,978.
3. It is recommended that Council receive the Rates Debtors Reports for the month ending 30 Jun 2024 (Attachments 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. A total of 24,219 notices were issued on 14 July 2023. This consisted of 20,710 mailed rates notices, and 3,509 of eRates notices (14% take-up saving more than \$5,000 in postage and printing).
6. As of 30 June 2024, rates Levied and collectable for the 2023/2024 Financial Year, (including interim rates of \$777,792) is a total \$45,802,003 (excluding deferred rates), with collections standing at \$43,670,978. This represents a collection rate of 95.35%. Default amounts as at 30 June 2024 will be reflected as arrears in the new billing coming out on 15 July 2024 and collections will begin in September 2024 once the 1st instalment date is passed.
7. A total of 8,612 ratepayers have taken up an instalment option (option 2 & 3 represented in the table below). This is an increase from 2022/2023 where 8,130 chose an instalment option. The first instalment due date was 18 August 2023. A total of 1,045 ratepayers have chosen to pay via direct debit, a significant increase from 350 in 2022/2023. Refer to the table below:

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

APPLICABLE LAW

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

APPLICABLE POLICY

9. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

17.

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

CONCLUSION

18. The current year collection rate is 95.35% compared to 96.74% last year. The City continues to effectively implement its rate collection strategy.
19. As a consequence of a greater percentage of people opting for Instalments and payment arrangements, initial cashflow was delayed this year. With the finalisation of the instalment option in February, cashflow is now tracking positively.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council RECEIVE the Rates Debtors Report for the Period ending 30 June 2024 (Attachment 1).

10.6.4. Application for Leave - Chief Executive Officer - January 2025

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

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Office of CEO
File Reference	
Applicant Owner	
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. To seek approval of Council for leave arrangements for the Chief Executive Officer (CEO).
2. Council is responsible for the approval of annual leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the period 15 January to 31 January 2025.

BACKGROUND

4. Nil.

DETAILS AND ANALYSIS

5. The CEO, Anthony Vuleta, wishes to be absent from the position on annual leave from 15 January to 31 January 2025.
6. Sufficient leave will be available to enable the CEO to proceed on annual leave at this time.
7. For leave between 21 days and 12 months policy Governance 18 provides that Council will appoint an Acting CEO.
8. As this period of leave is not greater than 21 days it will not be necessary for Council to appoint the Acting CEO.

APPLICABLE LAW

9. *Local Government Act 1995 Section 5.36.*

APPLICABLE POLICY

10. Nil.

STAKEHOLDER ENGAGEMENT

11. Nil.

FINANCIAL CONSIDERATIONS

12. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

SUSTAINABILITY

13. N/A

RISK MANAGEMENT

14.	Risk: Annual leave liabilities accrue and become a significant financial risk which will be identified by auditors.		
	Consequence	Likelihood	Rating
	Minor	Unlikely	Low
	Action/Strategy		
	Ensure leave liabilities are managed and all staff utilize their leave entitlements regularly.		

15.	Risk: Health and wellbeing of an employee is detrimental.		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	Ensure the Chief Executive Officer’s leave entitlements are supported.		

CONCLUSION

16. The leave requested is an entitlement of the CEO’s contract of employment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. APPROVE the Chief Executive Officer to have annual leave for the period 15 January to 31 January 2025.
2. NOTE the Director Corporate Services will be the Acting Chief Executive Officer during the period of annual leave.


10.6.5. Elected Members Training 2023/2024

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

Previous Items	OCM 151/2020, OCM 106/2021, OCM 90/2022, OCM 86/2023
Directorate	Office of the CEO
Business Unit	Governance
File Reference	N/A
Applicant	N/A
Owner	

Attachments	1. 2023 2024 Elected Member Training and Development Register [10.6.5.1 - 1 page]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to receive a report on the training and development undertaken by elected members during the 2023/2024 financial year.
2. Local governments must prepare a report for each financial year on the training completed by elected members in that financial year. The report must be placed on the City's website within one month after the end of the financial year in which the report relates.
3. This report highlights the training development undertaken by elected members during the 2023/2024 financial year, and details not only the mandatory training required under the *Local Government Act 1995* (Act), but also all other professional development events attended by elected members under Council's Policy Governance 3: Elected Members – Entitlements, Travel and Professional Development.
4. It is recommended that Council notes the training and development undertaken by Elected Members during the 2023/2024 financial year, as detailed in Attachment 1 and that it will be placed on the City's website on 31 July 2023 in accordance with the legislation.

BACKGROUND

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

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

DETAILS AND ANALYSIS

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

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

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

10. The Act provides an exemption to the mandatory training requirements in the following circumstances:

- (a) the council member passed any of the following courses within the period of 5 years ending immediately before the day on which the council member is elected —
 - (i) the course of training specified in regulation 35 (2);
 - (ii) the course titled 52756WA — Diploma of Local Government (Elected Member);
 - (iii) the course titled LGA50220 Diploma of Local Government - Elected Member; (iv) the course titled LGASS00007 Elected Member; or
- (b) the council member passed the course titled LGASS00002 Elected Member Skill Set before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.

11. For the 2023/2024 financial year, the mandatory training undertaken by respective elected members, and the training and development undertaken by elected members under the provisions of Council Policy Governance 3: Elected Members – Entitlements, Travel and Professional Development is detailed in Attachment 2.

12. Mandatory training was required to be completed, within a period of twelve months (that is October 2024), by members elected at the 2023 local government elections.
13. The following Councillors were elected in October 2023
Mayor Margaret Thomas
Cr Kath Ritchie
Cr David Modolo (New)
Cr John Giardina
Cr Mary Cannon
Cr Brooke O'Donnell
14. All of the City's Councillors have completed the mandatory training requirements.

APPLICABLE LAW

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

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

“5.126. Training for council members

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

(2) Regulations may —

(a) prescribe a course of training; and

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

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

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

5.127. Report on training

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

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

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

17. Nil.

FINANCIAL CONSIDERATIONS

18. The costs allocated for Elected Members training during 2023/2024 was \$12,000.

SUSTAINABILITY

19. Nil.

RISK MANAGEMENT

20.

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

CONCLUSION

21. Currently all of the City's Councillors have completed the mandatory training requirements.
22. It should also be noted that elected members may also be undertaking their own personal and professional development outside of the City's training and development offered by the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the training and development undertaken by Elected Members during the 2023/2024 financial year shown as Attachment 1.
2. NOTE the 2023/2024 Elected Member Training and Development Schedule, as detailed in Attachment 1 will be placed on the City of Kalamunda's website.

- 11. Motions of Which Previous Notice has been Given**
- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
LEMC Minutes – Draft - 30 May 2024
- 17. Closure**