

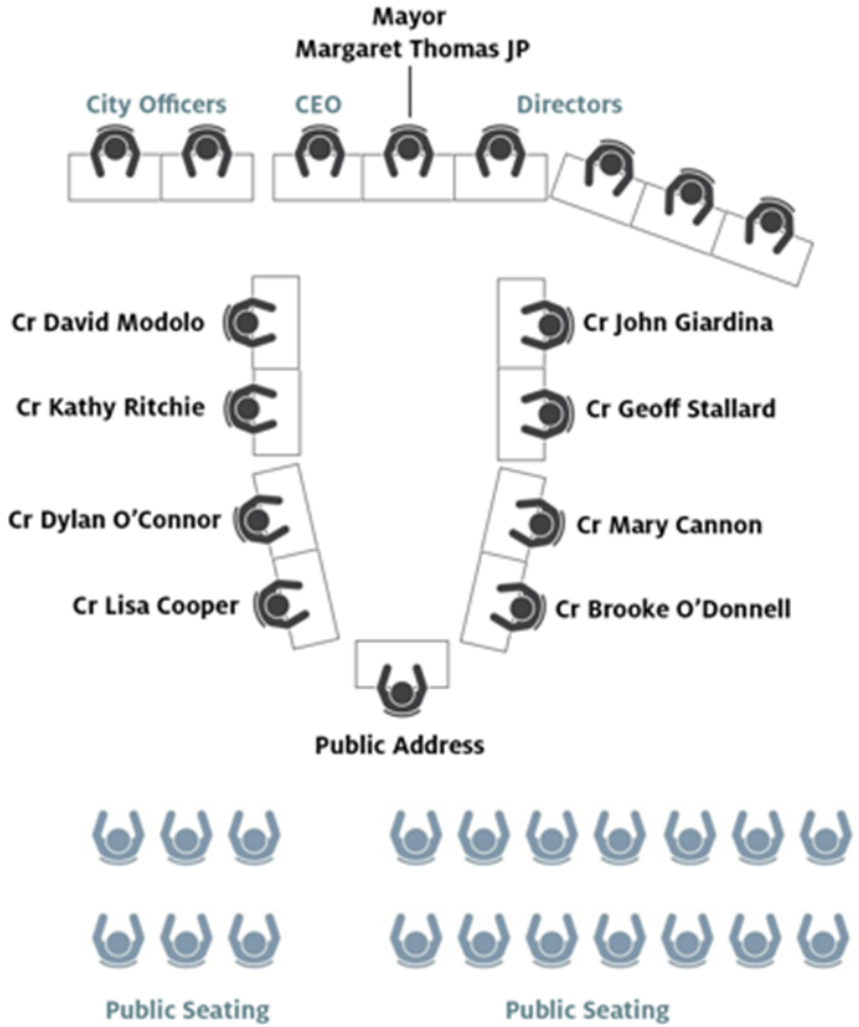


# Ordinary Council Meeting

MINUTES

Tuesday 23 July 2024

## Council Chambers Seating Plan



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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, Apologies and Leave of Absence Previously Approved**

**Mayor**

Margaret Thomas JP (Presiding Member)

**Councillors**

**South East Ward**

John Giardina

Geoff Stallard

**South West Ward**

Brooke O'Donnell (on line)

**North West Ward**

Lisa Cooper

Dylan O'Connor

**North Ward**

David Modolo

Kathy Ritchie

**Members of Staff**

**Chief Executive Officer**

Anthony Vuleta - Chief Executive Officer

**Executive Team**

Freya Ayliffe - A/Director Community Engagement

Gary Ticehurst - Director Corporate Services

Nathan Ritchie - Director Development Services

**Management Team**

Chris Lodge - Manager Strategic Planning

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

**Members of the Public 2**

**Members of the Press Nil.**

**Apologies**

Cr Mary Cannon

Sinead McGuire - Director Asset Services

**Leave of Absence Previously Approved Nil.**

**3. Public Question Time**

3.1. Michael Ryan - High Wycombe

Q1. Can the community please have a copy of the attachment to the Department of Transport document dated 25 June 2012, which is referred to in their correspondence dated 18 October 2021?

Q2. Please provide details of correspondence from the Main Roads, Department of Transport, PTA, WAPC, DPLH, or any relevant 'approval authority' which approves the City delaying construction of the industrial road for Sultana Road West, and for a delay it seems of 25 years [2016 to 2041]. Development Control 4.1 should otherwise have been complied with and the road already constructed. The answer to be provided in the Minutes noting the dates and terms of the exemption. I, for one, will challenge the grounds for any exemptions the City has. Road construction ASAP.

Q3. When will the City be presenting Council with its submission and seek approval to send the DCP for High Wycombe South to the WAPC. We need 4 weeks to review it and then present questions to Council at the Public Agenda Briefing Forum (PABF) Council Meeting. Will the City provide us with 4 weeks access to the DCP before the PABF Council meeting instead of the usual 4 days?

A. Taken on Notice.

**4. Petitions/Deputations**

4.1 A deputation was approved from Mr Dick Lovegrove regarding property owned by him in Wattle Grove. Mr Lovegrove presented various issues to Council.

**5. Applications for Leave of Absence**

5.1 Nil.

**6. Confirmation of Minutes from Previous Meeting**

6.1 RESOLVED OCM 91/2024

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: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**

6.2 RESOLVED OCM 92/2024

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: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**

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

It's a pleasure to address you all tonight. Since our last Ordinary Council Meeting, we've been busy with a range of activities and events that highlight the vibrant and engaged community we have here in the City of Kalamunda.

At the start of this month, we successfully adopted our Budget for the upcoming year. I want to extend my heartfelt thanks to our dedicated City staff for their hard work in setting a budget that thoughtfully balances

community needs with our fiscal responsibilities. Well done to everyone involved.

Earlier this month, we held our July citizenship ceremony. It was a joyous occasion with 80 attendees, celebrating 45 new citizens joining our community. It's always inspiring to see so many people choosing to make Kalamunda their home.

We also celebrated our annual Commemorative Tree ceremonies at Maamba Reserve, Ledger Reserve and Jacaranda Springs. This cherished tradition, which began in 1988 as part of our Bicentennial celebrations, has resulted in over 4,000 plants being planted throughout our City. It's a fantastic testament to our community's commitment to preserving and enhancing our natural environment.

Just yesterday, I had the privilege of meeting with Year 4 students from Carmel Adventist College who visited the Council Chambers. They got a taste of what it's like to be a local councillor, and it was wonderful to hear their views. I think we may have inspired the next generation of councillors, with a number of students already putting their hands up for Mayor in the future!

Thank you all for your continued support and dedication to making Kalamunda a great place to live. Let's continue working together for the betterment of our community.

## **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*.)

9.1.1 Mr Anthony Vuleta declared an direct financial interest on Item 10.6.4 Application for Leave - Chief Executive Officer - January 2025. Mr Vuleta declared an interest as the matter is related to his employment contract.

**9.2. Disclosure of Interest Affecting Impartiality**

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

9.2.1 Nil.



## 10. Reports to Council


### 10.1. Development Services Reports

#### 10.1.1. 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:

<b>Stage</b>	<b>Forecast Completion Date</b>
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.

### Stage 6 – Local Planning Framework Review

32. 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 Polices



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

54.

<b>Risk:</b> User groups not informed of progression of the Strategy and Scheme resulting in disengagement or dissatisfaction.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
<ol style="list-style-type: none"> <li>1. All users informed of scope and timeframe of project, and are supportive of approach.</li> <li>2. Project updates provided upon completion of major milestones.</li> <li>3. Invitation to consultation sessions provided early.</li> </ol>		

55.

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

56.

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

**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.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 93/2024

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.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**

**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 [ <b>10.4.1.1</b> - 2 pages]

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
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## 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><b>Risk:</b> 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><b>Action/Strategy</b></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.

RESOLVED OCM 94/2024

That Standing Orders be suspended.

Moved: **Cr David Modolo**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Standing Orders were suspended at 7:11pm

RESOLVED OCM 96/2024

That Standing Orders be resumed.

Moved: **Cr David Modolo**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Standing Orders resumed at 7:24pm.

<b>Voting Requirements: Simple Majority</b>
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**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).

Moved: **Cr David Modolo**

Seconded:

Vote:

**LAPSED**

RESOLVED OCM 95/2024

That Council:

1. NOTE the transfer of the site being Reserve 6637, Lot 441 (1240) Canning Road, Canning Mills, to the Noongar Boodja Land Sub Pty Ltd in principle, however, advises the Department of Planning Lands & Heritage of the following constraints and community values associated with the site for the Department of Planning Lands & Heritage further consideration subject to:
  - a) 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.
  
2. REQUEST the Department of Planning, Lands & Heritage ensure the Noongar 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.
  
3. NOTE the culturally significant elements on the adjacent site being:
  - a) The former Forest Inn, located on Lot 13;
  - b) The McCaskill Grave, located on Reserve 47881, Lot 3071; and
  - c) The Cobblestone roadway located on the Southern side of Canning Mills Road.

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).

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lisa Cooper**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**

**10.5. Office of the CEO Reports**

No reports presented.

**10.6. Chief Executive Officer Reports**


**10.6.1. Monthly Financial Statements to 30 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"> <li>1. Statement of Financial Activity Statement for twelve months ended 30 June 2024 [<b>10.6.1.1</b> - 1 page]</li> <li>2. Statement of Net Current Funding Position as at 30 June 2024 [<b>10.6.1.2</b> - 1 page]</li> <li>3. Statement of Financial Position as 30 June 2024 [<b>10.6.1.3</b> - 1 page]</li> </ol>
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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**

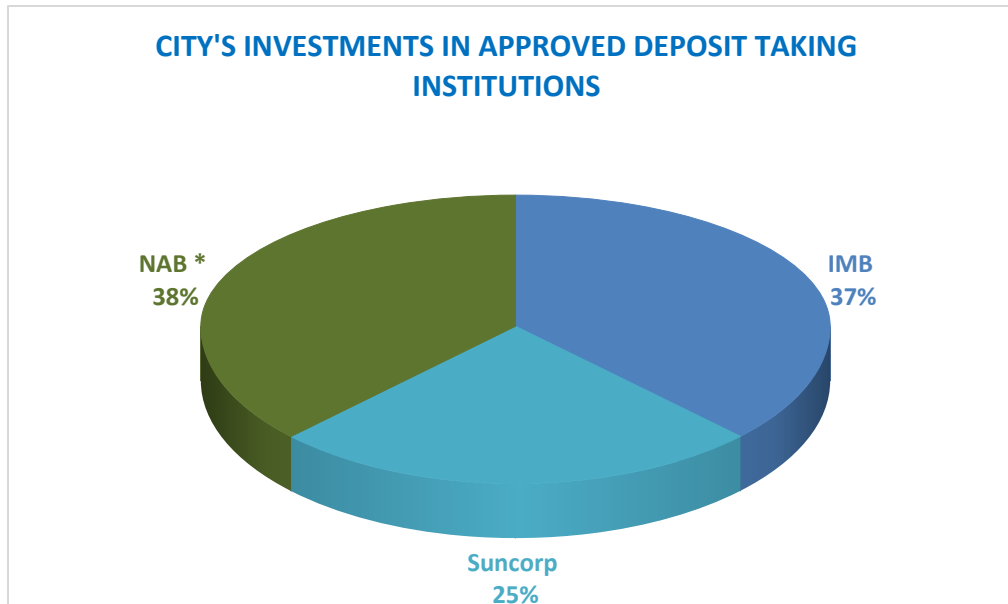
11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$18,638.642 which have been flagged for carry over in the Annual Budget 2024/25.

### **Financing Activities**

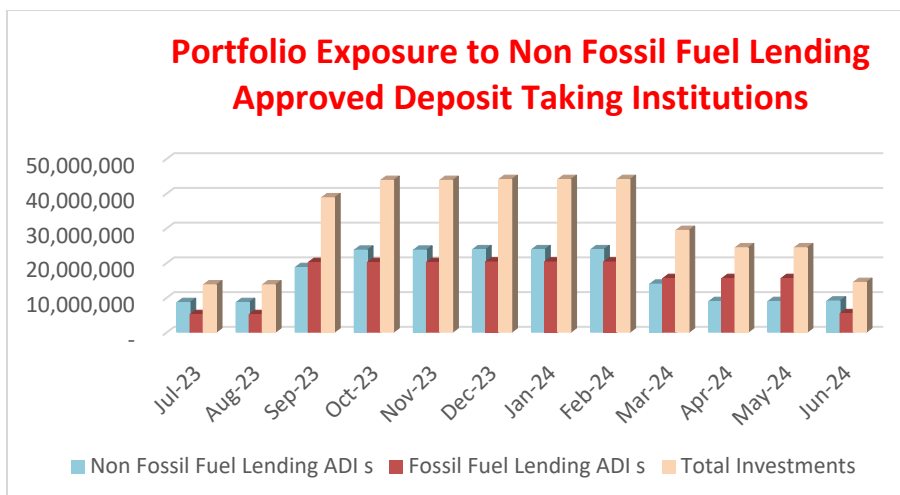
12. The amounts attributable to financing activities show a variance over budget by \$5,246,458 which is mainly due to serves transfers made in June 2024.

### 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.

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

29.

<b>Risk: Non-compliance with Financial Regulations</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action / Strategy</b>		
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**

RESOLVED OCM 97/2024

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).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Kathy Ritchie**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**


## 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"> <li>1. Creditor Payments for the Period ended 30 June 2024 (Public) [<b>10.6.2.1</b> - 13 pages]</li> <li>2. Corporate Credit Card Payments 27 April to 27 May 2024 (Public) [<b>10.6.2.2</b> - 2 pages]</li> <li>3. Summary of Debtors for the month of June 2024 [<b>10.6.2.3</b> - 2 pages]</li> <li>4. Summary of Creditors for month of June 2024 [<b>10.6.2.4</b> - 1 page]</li> </ol>
Confidential Attachments	<ol style="list-style-type: none"> <li>1. Creditor Payments for the Period ended 30 June 2024 – (Confidential)</li> <li>2. Corporate Credit Card Payments 27 April to 27 May 2024 – (Confidential)</li> </ol>

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.

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

### Creditors

27.

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

## CONCLUSION

28. Creditor payments are within the normal trend range.

<b>Voting Requirements: Simple Majority</b>
---

### RESOLVED OCM 98/2024

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.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Dylan O'Connor**

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

Against: **Nil**


**CARRIED UNANIMOUSLY (8/0)**

### 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 [ <b>10.6.3.1</b> - 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 1<sup>st</sup> 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:

<b>Option</b>	<b>Description</b>	<b>Number</b>
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.

<b>Risk:</b> Failure to collect outstanding rates and charges leading to cashflow issues within the current year.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
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.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 99/2024

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

Moved: **Cr David Modolo**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**


## 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.***

Mr Anthony Vuleta declared a direct financial interest on Item 10.6.4 Application for Leave - Chief Executive Officer - January 2025. Mr Vuleta declared an interest as the matter is related to his employment contract.

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

15.	<b>Risk:</b> Health and wellbeing of an employee is detrimental.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Unlikely	Medium
	<b>Action/Strategy</b>		
	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**

RESOLVED OCM 100/2024

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.

Moved: **Cr David Modolo**

Seconded: **Cr Kathy Ritchie**

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

Against: **Nil**


**CARRIED UNANIMOUSLY (8/0)**

## 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 [ <b>10.6.5.1</b> - 1 page]

### TYPE OF REPORT

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

### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

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

### EXECUTIVE SUMMARY

1. The purpose of this report is to receive a report on the training and development undertaken by elected members during the 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.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> Noncompliance with legislative requirements.   |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Moderate  | Unlikely          | Low           |
| <b>Action/Strategy</b>  |                   |               |
| 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.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 101/2024

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.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

**CARRIED UNANIMOUSLY (8/0)**

**11. Motions of Which Previous Notice has been Given**

11.1 Nil.

**12. Questions by Members Without Notice**

12.1 Review of Speed limits - Cr Giardina

Q. Has a review of the speed limits between Welshpool Road and Eldersyde road Carmel been reviewed as requested?

A. Taken on Notice

12.2 Elizabeth Street & Railway Road Intersection - Cr O'Connor

Q. Can an update be provided to Council as to when a report will be presented on the proposed works at the intersection. In the meantime could the sightlines be improved by removing overgrown vegetation and generally cleaning up the area?

A. Taken on notice.

12.3 Repairs at Administration Centre - Cr Giardina

Q. Is there an update on when the repairs will be undertaken to the wall enclosing the air conditioners at the Administration Centre?

A. Taken on notice.

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

13.1 Maida Vale Reserve Flooding - Cr O'Connor

Q. Can an update please be provided on a program to address this issue.

A. It can be confirmed an aeration treatment was undertaken before the end of March 2024, prior to the commencement of the winter season. This treatment helps to improve water infiltration following ground compaction of sporting season. Our drainage teams have also undertaken a subsequent inspection and have identified some areas where there are blockages and this is scheduled to be addressed in the summer months due to the machines only being able to access the area when the ground is dry.

Additional investigations will be undertaken to determine if a further drainage project is required.

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

14.1 Nil.

**15. Meeting Closed to the Public**

15.1 Nil.

**16. Tabled Documents**

LEMC Minutes – Draft - 30 May 2024

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 7:33pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2024.