



Ordinary Council Meeting

AGENDA

Tuesday 27 June 2023

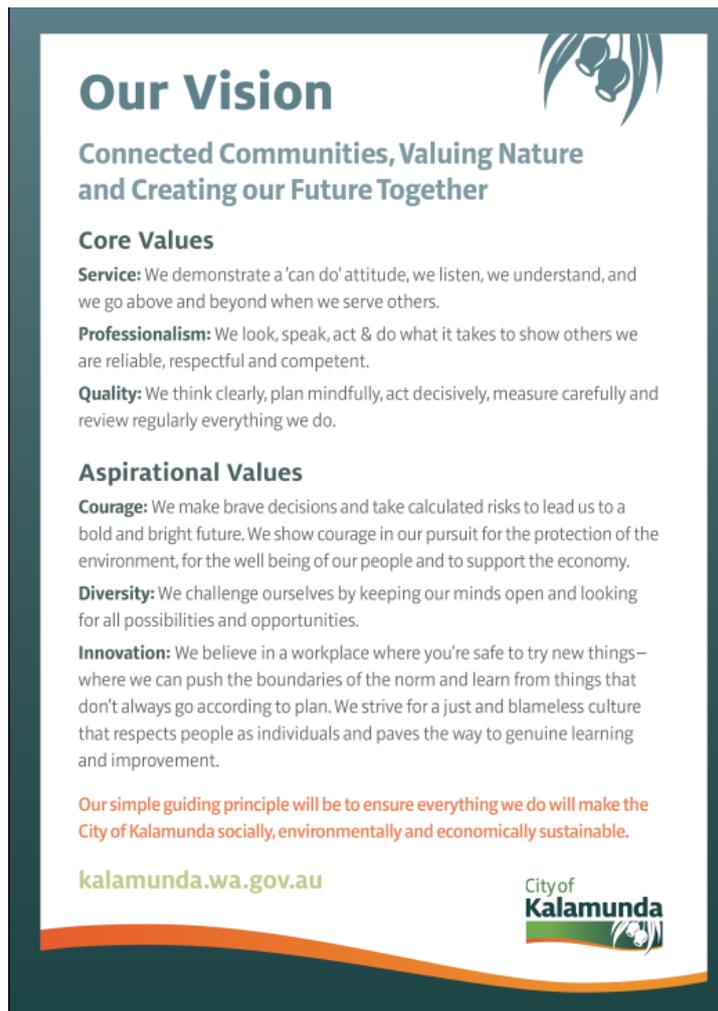
NOTICE OF MEETING ORDINARY COUNCIL MEETING

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 27 June 2023 at 6.30pm.**



Gary Ticehurst
A/Chief Executive Officer
22 June 2023



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



Information for the Public Attending

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. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times, except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

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 the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

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

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

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

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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence Previously Approved**
3. **Public Question Time**
- 3.1. **Questions Taken on Notice at Previous Meeting**

Peter Forrest, Kalamunda – (Public Agenda Briefing Forum 13 June 2023)

- Q. Given the comment in paragraph 9 it would appear the City no longer has a delegation to deal with Strata Titles or does it imply it is being delegated to the City from the Department of Planning? Can this be clarified?
- A. The role of local governments under the Strata Titles Act 1985 is contained in sections 23 and 24:

23. Requirement for local government approval

(1) In addition to approval of the Planning Commission, a subdivision must be approved by each local government in whose district the parcel is situated if the subdivision involves —

- (a) 2 or more lots being consolidated into 1 lot; or*
- (b) 1 or more lots being converted into common property; or*
- (c) the removal, from the parcel, of land comprised of common property.*

(2) If the subdivision is approved, it is subject to any planning (scheme by-laws) condition attached to the local government approval.

Division 2 — Preliminary determinations

24. Preliminary determinations by local government

[(1) deleted]

(2) On, or at any time after, the submission of an application to the local government for approval of the development constituted by a proposed strata scheme in accordance with a local planning scheme or other requirement imposed by law, an application may be made to the local government for a determination that the local government is satisfied, in relation to the proposed development, that —

- (a) separate occupation of the proposed lots will not contravene the provisions of any local planning scheme or interim development order under the Planning and Development Act 2005; and*

(b) any consent or approval required under any such local planning scheme or interim development order, has been given in relation to the separate occupation of the proposed lots; and

(c) the development of the parcel as a whole, the building and the proposed subdivision of the parcel into lots for separate occupation will not interfere with the existing or likely future amenity of the neighbourhood, having regard to the circumstances of the case and to the public interest.

(2A) In making determinations of a kind provided for by this section, a local government must have regard to considerations specified in the regulations as being relevant to determinations of that kind.

(3) A local government may fix, charge and recover fees to be paid for determinations under this section.

(4) An applicant for a determination under this section must provide the local government with such information, particulars and details regarding the proposed development, or the building plans and specifications, as the case may require, as the local government may require to enable it to deal with the application.

(5) A determination made by a local government under this section must be in writing and a favourable determination may be issued subject to conditions relating to the proposed development of the parcel.

(6) A determination under this section is valid and binding on the local government for a period of 2 years after it is made unless the local government, at the time of the determination, declares in writing that the determination is valid and binding for such period as is specified, being a period greater than 2 years but not exceeding 3 years.

Lot 500 Gavour Road Wattle Grove – Proposed Scheme Amendment 107

The recent changes to the Strata Titles Act have meant the Western Australian Planning Commission has delegated its powers and functions directly to local government.

With respect to Scheme Amendment 107 involving Lot 500 Gavour Road, Wattle Grove, the amendment sought to remove condition d) of the Special Use 20 zone to enable the strata titling of the subject lot. Council's consideration of the amendment was under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, and not related to the Strata Titles Act, where the decision to approve the amendment rests with the Minister for Planning Lands and Heritage.

- Q. Agenda Item 10.4.1 of the Public Agenda Briefing held on 13 June 2023 – Arts and Culture Strategy 2023 – 2028, talks to the topic of Sustainability, specifically the Environmental Implications of adopting the Strategy, and how it impacts the community in this way. Stating – “Arts and Culture activities promoting and engaging with environmental sustainability was identified as a strong area of focus through community consultation.
- A. As per the request to provide further information on this point, as part of the consultation conducted in the review of “Creative Communities An Arts Strategy” feedback received through focus groups, workshops and surveys highlighted the community desired for creativity to play a role in creating sustainable futures, challenging the community to think of new creative ways to improve sustainability through the care of the natural environment, finding new ways to encourage innovation in recycling, education about biodiversity and traditional owners’ knowledge of bush fire management, sacred sites, significant stories that could form new ecological cultural tourism experiences.

3.2. 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

That leave of absence be granted in accordance with Confidential Attachment 5.1.

6. Confirmation of Minutes from Previous Meeting

That the Minutes of the Ordinary Council Meeting held on 23 May 2023, 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 23 May 2023."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

8.1 Item 5.1 Application for Leave of Absence

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

8.2 Item 10.6.6 Award of RFT 2304 Disposal of Landfill Services – Confidential Attachment – Tender Evaluation Report

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

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

No reports presented.

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

10.4. Community Engagement Reports

10.4.1. Arts and Culture Strategy 2023-2028

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

Previous Items	OCM102/2021 OCM100/2022
Directorate	Community Engagement
Business Unit	Economic and Cultural Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	<ol style="list-style-type: none">1. Arts and Culture Strategy 2023 - 2028 [10.4.1.1 - 16 pages]2. Arts Strategy Review - Community Engagment Report 2021 [10.4.1.2 - 39 pages]3. Arts and Culture Strategy 2023 Engagement Report [10.4.1.3 - 15 pages]
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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 (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilities and provides quality lifestyles choices.

Strategy 1.1.2 - Empower, support and engage all of the community.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to key centres of activity, employment and quality amenities.

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations.

Priority 3: Kalamunda Develops

Objective 3.3 - To develop and enhance the City's economy.

Strategy 3.3.2 - Attract and enable new investment opportunities.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

Strategy 3.4.2 - Advocate and facilitate Agri Tourism opportunities for rural properties to flourish.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adoption of the new City of Kalamunda Arts and Culture Strategy (Attachment 1).
2. The City of the Kalamunda Arts and Culture Strategy defines the City's approach to Arts and Culture for the next five years (2023-2028).
3. It is recommended Council adopt the City of Kalamunda Arts and Culture Strategy.

BACKGROUND

4. At the Ordinary Council Meeting 22 June 2021 Council resolved to:
 1. ENDORSE the full review and revision of the Creative Communities: An Art Strategy.
 2. REQUEST the Chief Executive Officer undertake a community consultation to review the Creative Communities: An Art Strategy.
5. As part of the review, the City of Kalamunda (City) committed to undertaking stakeholder and community consultation.

DETAILS AND ANALYSIS

6. A staged approach to review and revise the strategy was undertaken:
 1. **Stage 1:** Consultation with internal stakeholder departments including Arts and Culture, Tourism and Economic Development, Community Development, Community Engagement, Events,

- Planning, Assets, People Services, and the Executive Management Team.
2. **Stage 2:** Examine findings of Internal Review and present Council with draft findings, modifications, and seek endorsement to proceed to Community Consultation.
 3. **Stage 3:** Conduct community consultation to review the Strategy.
 4. **Stage 4:** Prepare draft Arts Strategy and present to the Arts Advisory committee.
 5. **Stage 5:** Prepare Final Arts Strategy for presentation to Council and adoption.
7. Data collected as part of the stakeholder and community consultation was used to determine the main priority areas and objectives of City of Kalamunda Arts and Culture Strategy 2023 – 2028.
8. The City of Kalamunda Arts and Culture Strategy (Attachment 1) establishes three key objectives that the City will focus on over the next five years (2023-2028):
- **Key Objective 1:** Empower the Community
 - **Key Objective 2:** Economic Development
 - **Key Objective 3:** Build Capacity
9. The City of Kalamunda Arts and Culture Strategy (Attachment 1) outlines the Key Objectives, Strategies, Actions and Evaluation Measures, linking all strategy outcomes to existing City of Kalamunda Policies, Strategies and Plans.

APPLICABLE LAW

10. NA

APPLICABLE POLICY

11. Service Policy 7: Art Collection Acquisition and Management
Local Planning Policy 26: Public Art Contributions

STAKEHOLDER ENGAGEMENT

12. In July of 2021 the City undertook stakeholder and community consultation in reviewing and revising the Creative Communities: An Arts Strategy. Details of the consultation can be viewed in Attachment 3 – Arts Strategy Review, Community Engagement Report 2021.

13. As part of this consultation period in 2021, 207 surveys were provided, giving feedback on the Creative Communities:

The survey results showed that Community understanding of the then-current Arts Strategy was considerably low. Opinions on the comprehensibility of the Strategy were mixed, with 36 expressing positivity, 37 being undecided, and 13 expressing negativity.

“Understandability” was not a high priority with young respondents, with most unfamiliar with the Art Strategy or its possible role in local government planning.

Responders placed most importance on the Strategy’s role in guiding the City’s funding, facilitating events that activated spaces and connected the community, valuing diversity, and links to the City’s Reconciliation Action Plan, Public Art master-planning and the natural environment.

14. Additionally, consultation sessions were held with external stakeholders from across the community. This included the Youth Advisory Committee and the Chamber of Commerce. Including:

- Pop-up Pop-in Session - 20/07/2021
- Youth Advisory Meeting Workshop– 27/07/2021
- Hawaiian Forrestfield Workshop – 02/08/2021
- Kalamunda Library Workshop – 09/08/2021
- Online Workshop 19/08/2021

15. Consultation with internal stakeholders including Arts and Culture, Tourism and Economic Development, Libraries, Community Development, Community Engagement, Events, Planning, People Services, and the Executive Team was undertaken through a combination of small group meetings, one on ones, and workshops.

16. Responses and information collected during the review of Creative Communities: An Arts Strategy. Were then used to inform the Draft Arts and Culture Strategy 2023 - 2028.

17. The Draft Arts and Culture Strategy was advertised for the purpose of public comment in January 2023. Details of the consultation can be viewed in Attachment 2 – Draft Arts and Culture Strategy 2023 -2028.

18. Feedback received during that period has been considered and where appropriate incorporated into the final document (Attachment 1).

FINANCIAL CONSIDERATIONS

19. Initiatives to achieve actions in the strategy will be subject to allocation within the annual budget and subject to competing priorities.
20. The successful implementation of the City of Kalamunda Arts and Culture Strategy will be subject to the availability of operational budget and staffing resources.

SUSTAINABILITY

Social Implications

21. Engagement with Arts and Culture can provide opportunities for social connections and inclusion. Research indicates intrinsic responses can also be stimulated such as increased self-belief, self-empowerment and a sense of belonging and other outcomes that contribute to the improvement and social wellbeing of people and their communities.

Economic Implications

22. A thriving Arts and Cultural community can provide local employment. Expansion of creative activity in the City of Kalamunda could increase economic output within the area.

In 2021, the Bureau of Communications and Arts released research figures to indicate that cultural and creative activity plays an important role in Australia's economy, growing to \$122.3 billion in 2019–20, an increase of \$26.0 billion (27.1 per cent) over the last 10 years.

Environmental Implications

23. Arts and Culture activities promoting and engaging with environmental sustainability was identified as a strong area of focus through community consultation.

RISK MANAGEMENT

24.	Risk: The Arts and Culture Strategy does not have community support.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Extensive community engagement has been undertaken to mitigate this risk.		
	The strategy was advertised for public comment and submissions received were reviewed, with revisions made to finalise the Strategy.		
	Education content and media release to accompany the adoption of the final Arts and Culture Strategy to provide insight and understanding of the final strategy to manage community expectations.		

CONCLUSION

- 25. The City of Kalamunda Arts and Culture 2023 - 2028 strategy will be a key informing plan for the City to support and develop arts and culture within the City of Kalamunda.
- 26. The revised strategy provides stronger links to the Strategic Community Plan and other City priority areas, strategies, and plans.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the City of Kalamunda Arts and Culture Strategy 2023-2028 (Attachment 1).

10.5. Office of the CEO Reports

10.5.1. Elected Members Training 2022/2023

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
Directorate	Office of the CEO
Business Unit	Governance
File Reference	N/A
Applicant Owner	N/A
Attachments	1. 2022 2023 Elected Member Training and Development Register [10.5.1.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.2 - 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 2022/2023 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 2022/2023 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 2022/2023 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:

1. Understanding Local Government.
 2. Serving on Council.
 3. Meeting Procedures.
 4. Conflicts of Interest.
 5. Understanding Financial Reports and Budgets.
10. For the 2020-2021 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.
 11. Mandatory training was required to be completed, within a period of twelve months (that is October 2022), by members elected at the 2021 local government elections.
 12. The following Councillors were elected in October 2021:
 1. Cr Margaret Thomas
 2. Cr Andrew Osenton
 3. Cr Dylan O'Connor
 4. Cr Lisa Cooper
 5. Cr Geoff Stallard
 6. Cr Kellie Miskiewicz

13. All of the City's Councillors have completed the mandatory training requirements.

APPLICABLE LAW

14. *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

15. 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

16. Nil.

FINANCIAL CONSIDERATIONS

17. The costs associated with Elected Members training during 2022/2023 is outlined as follows:

Mandatory Training	\$2,200
Conferences	\$0
Seminars / Training and Development Events	\$0

SUSTAINABILITY

18. Nil.

RISK MANAGEMENT

19.

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

20. Despite the delay in course availability due to the COVID-19 pandemic, significant progress has been made in meeting the training and professional development requirements.
21. Three Units of the Council Members Essentials Course were provided to Elected Members in the 2019-2020 financial year. The remaining two Units were provided in the 2020-2021 financial year.
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 2022/2023 financial year shown as Attachment 1.
2. NOTE the 2022/2023 Elected Member Training and Development Schedule, as detailed in Attachment 1 will be placed on the City of Kalamunda's website.

10.5.2. Delegations from the Council to the Chief Executive Officer - 2023 Review

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

Previous
Items

Directorate CEO's Office

Business Unit Governance

File Reference LE-ACT006

Applicant
Owner

Attachments 1. Draft Register of Delegations from Council 2023
[10.5.2.1 - 69 pages]

TYPE OF REPORT

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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 for Council to consider the 2023 review of delegations to the Chief Executive Officer (CEO).
2. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
3. It is recommended Council note the review and adopt the delegations detailed in the draft Delegations Register (Attachment 1).

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. Section 5.46 of the *Local Government Act 1995* (the Act) requires each Council to review its delegations at least once every financial year.
6. Council last reviewed its delegations on 28 June 2022. The current delegations must be reviewed by 30 June 2023.

DETAILS AND ANALYSIS

7. Since the last review, the Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency, have been cancelled and therefore the temporary amendments to a number of delegations approved by Council in April 2020 have been removed.
8. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
9. The most significant change to the proposed delegations is the deletion of delegation STA 1- Strata Titles, due to amendments to the legislation deleting the delegation provision. As a consequence the Department of Planning, Lands and Heritage has implemented a direct delegation to the City.

10. The following minor amendments to levels of authority are being sought:
- a) LGA 2 Tenders and Expressions of Interest – included delegation to call Expressions of Interest at point 1.
 - b) LGA 7 Write Off of Debts – increased level to \$5,000 (previously \$1,000). This is the same amount Council provided during the recent public emergency period.
 - c) LGA 10 Write Off of Rates Interest – increased level to \$50, (previously \$5), which is considered better reflects the current operational situation.
11. Several administrative changes have been included in the document:
- a) LGA 4 Disposal of Surplus Property and Materials – updated legislative reference to reflect amendment to the regulations increasing the maximum prescribed amount to \$75,000 (previously \$50,000).
 - b) Food 1 Prohibition Orders – amended delegation from Director Development Services to Director Community Engagement to reflect the changes of responsibility.
12. As a consequence of concerns raised during the Public Agenda Briefing on 13 June 2023, a condition on the exercise of the expression of interest delegation, the following condition has been added:
Condition – Subject to Council being advised when the expressions of interest option is utilised.

APPLICABLE LAW

13. *Local Government Act 1995.*

APPLICABLE POLICY

14. Nil.

STAKEHOLDER ENGAGEMENT

15. All Directorates have been consulted on the appropriateness and adequacy of the current delegations. No requests for changes were sought.
16. Public consultation is not considered necessary with respect to this issue.

FINANCIAL CONSIDERATIONS

17. None directly from this report.

SUSTAINABILITY

18. N/A

RISK MANAGEMENT

19.	Risk: Delegated authority is not provided to the CEO and other staff.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	Introduce processes that would assist Council with the additional decision workload.		

CONCLUSION

20. The recommendations reflect the outcome of the review of current delegations, and as such will continue to provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated by Council.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. NOTE the review of the delegations.
2. ADOPT the delegations detailed in the draft City of Kalamunda Delegations Register 2023 (Attachment 1)

10.6. Chief Executive Officer Reports

10.6.1. Monthly Financial Statements to 31 May 2023

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Statement of Financial Activity for the period ended 31 May 2023 [10.6.1.1 - 1 page] 2. Statement of Net Current Funding Position as at 31 May 2023 [10.6.1.2 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 May 2023.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the mid-term budget review adopted by the Council on 28 March 2023 for the 2022/2023 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the period ended 31 May 2023, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 May 2023;
 - b) Net Current Funding Position, note to financial report as of 31 May 2023.

BACKGROUND

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

DETAILS AND ANALYSIS

5. The Act requires the Council to adopt a percentage or value to be used in reporting variances against the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2021/2022.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 31 May 2023

7. This Statement reveals a net result surplus of \$9,943,622 compared to the budget for the same period of \$2,769,452.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$1,484,523. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$478,089. The variance is mainly attributable to the employee workers' compensation & other insurance claims that recouped \$404,265 to date.
 - b) Fees and Charges are over budget by \$544,421. The variance is mainly attributable to higher legal fees recovered through rates and income from planning and building applications being higher than the budgeted income.
 - c) Interest income is over budget by \$324,466. The variance is mainly due to the higher interest income received from investments.
 - d) Other Revenue is over budget by \$18,600. The variance is mainly due to the fines & penalties from planning being higher than the budget.

Operating Expenditure

9. Total expenditure is under budget by \$4,464,206. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$1,024,217, which is primarily due to vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$1,770,288. The variance is mainly attributed to:
 - i. Consultancy fees budgeted under various projects are under budget by \$527,916;
 - ii. Contaminated site management costs are under budget by \$372,645;
 - iii. Licenses and Registration fees are under budget by \$342,777.
 - c) Utilities are over budget by \$15,896, the variance is mainly due to a timing variance.
 - d) Depreciation, although a non-cash cost, is tracked under budget, reporting a variance of \$1,709,686.
 - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
 - f) Other expenditure is under budget by \$29,776. The variance is primarily due to the timing of donations given to the community groups.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are over budget by \$75,519. The variance is mainly due to the timing of receipt of grant funding related to various road capital projects.

Capital Expenditure

11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is over budget by \$3,953,369.
12. Capital works-in-progress expenditure of \$151,468 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

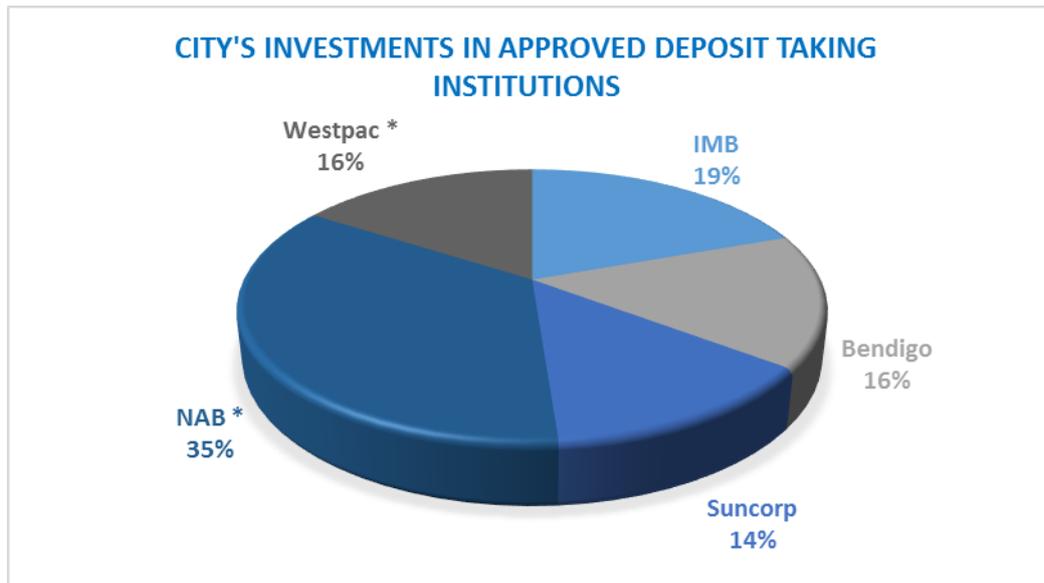
13. The amounts attributable to financing activities show a variance of \$1,580,700 which is mainly due to the developer contributions and reserve transfers.

Rates Revenues

14. Rates generation is over budget with a variance of \$40,238.

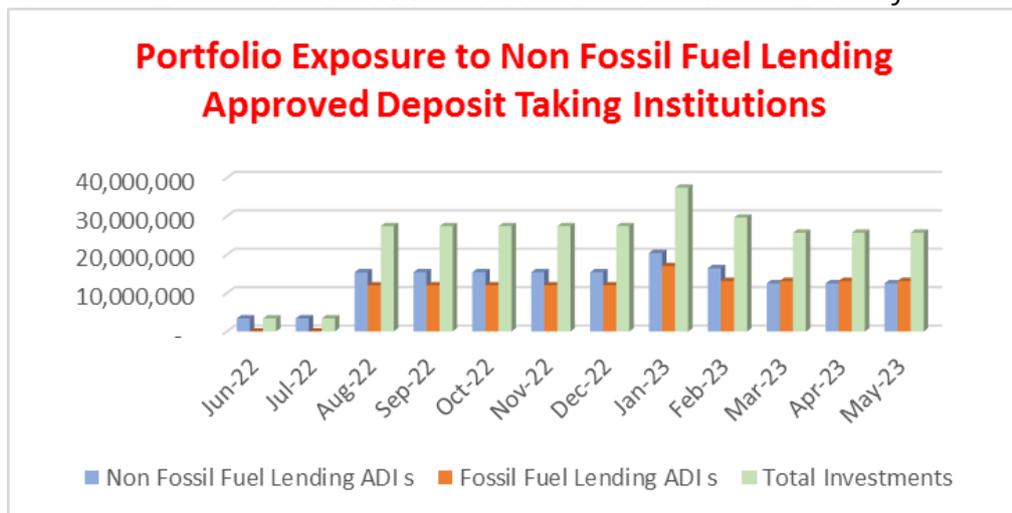
Statement of Net Current Funding Position as of 31 May 2023

15. The commentary on the net current funding position is based on a comparison of May 2023 to the May 2022 actuals.
16. Net Current Assets (Current Assets less Current Liabilities) total \$31.6 million. The restricted cash position is \$26.2 million which is higher than the previous year's balance of \$25.0 million. The variance is mainly due to the timing of fund release from unexpended capital works and the specific purpose grants reserve.
17. The following graph indicates the financial institutions where the City has investments as of 31 May 2023;



18.

*Financial Institutions with Investments in the Fossil Fuel Industry



19.

Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.8 million.

20.

Sundry debtors have decreased from \$2,542,176 to \$930,987 of which \$358,038 consist of current debt due within 31 days. Details are contained in the Debtors and Creditors Report to Council.

21.

Receivables Other represents \$1.6 million including:
 a) Emergency Service Levy receivables \$0.3 million;
 b) Receivables sanitation \$0.5 million

22.

Provisions for annual and long service leave have increased by \$0.15 million to \$4.5 million when compared to the previous year.

APPLICABLE LAW

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

APPLICABLE POLICY

24. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

RISK MANAGEMENT

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

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

CONCLUSION

33. The City’s Financial Statements as at 31 May 2023 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 31 May 2023 which comprises:

- a) Statement of Financial Activity (Nature or Type) for the period ended 31 May 2023;
- b) Net Current Funding Position, note to financial report as of 31 May 2023;

10.6.2. Debtors and Creditors Report for the period ended 31 May 2023

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended 31 May 2023 [10.6.2.1 - 34 pages] 2. Summary of Creditors for month of May 2023 [10.6.2.2 - 1 page] 3. Summary of Debtors for the month of May 2023 [10.6.2.3 - 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 licenses, other permits or licenses issued under other Legislation, or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in May 2023, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of May 2023.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in May 2023 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of May 2023.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 May 2023 were \$930,987. This includes \$358,038 of current debts and \$527 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$307,047, debts of significance:
 - a) TFMXpress Pty Ltd, \$207,654, Development Contribution;
 - b) Department of Biodiversity, \$68,200, Grant;
 - c) City of Perth, \$8,524, Long Service leave payment Reimbursement; and
 - d) Department of Fire & Emergency, \$5,159, Motor Vehicle expenses – CESM Officer
8. Invoices over 60 days total \$244,524, debts of significance:
 - a) Department of Infrastructure, \$200,000, Kalamunda Community Centre construction final grant payment;
 - b) Municipal Workcare, \$31,830, Workers Compensation reimbursement;
 - c) Department of Education, \$6,996, Kalamunda Performing Arts Centre shared expenses; and

d) N-Com Pty Ltd, \$4,347, Lease – Communications Tower.

9. Invoices over 90 days total \$21,906, debts of significance:
- a) Private Citizen, \$9,281, Fire Break – Reimbursement;
 - b) Optus, \$5,851, Telecommunications Tower – Lease;
 - c) Private Citizen, \$4,070, Fire Break – Reimbursement.

Write off Debts

10. The following debts were written off during the period ended 31 May 2023 under delegation to the CEO from the Council - LGA 7 write off debts.

In accordance with Council Delegation LGA7 the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to write off debts where the relevant debt does not exceed \$1,000.

Debtor	Fee Type	Amount \$
Private Citizen	Sustenance Fees - Pound Payment plan set up as unable to pay fees on collection of animals	504.00
Buns & Co.	Health Services surveillance fee 2021/2022	222.00
Telstra	Balance of the Telecommunications Lease fee from 2022-2023	45.60
Bazzo Real Estate	Building Services Search Fee	20.00
Perth Ghazni Incorporation	Hall Hire	0.50
Forrestfield United Football Club	Unreconciled underpayment	0.08
Library Debts	114 debts, reflecting an average debt of \$37.35 per debtor for the period between February 2021 - June 2022.	4,258.24
	Total	5,050,.42

Creditors

11. Payments totalling \$4,951,443 were made during the month of May 2023. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
12. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Cleanaway	Waste / recycling and bulk bin disposal services	632,059.79
Australian Taxation Office	PAYG payments	389,629.75
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges / disposal fees	349,075.33
Satterley Property Group Pty Ltd.	Work bond refund for the hailes estate crumpet creek landscape works	341,659.24
Western Australian Treasury Corporation	Loan instalment repayment – loans 214,216,217,230-239 & 245	324,828.13
Fulton Hogan Industries Pty Ltd.	Supply and installation of road materials for various locations	254,261.07
Aware Super Pty Ltd.	Superannuation Contributions	183,003.12
AE Hoskins Building Services	Construction services for Forrestfield Library fit out	169,144.03
Synergy	Power charges – various locations	159,968.12
Belgravia Health & Leisure Group Pty Ltd.	Management of Kalamunda Water Park – Operating Deficit for period Jan-Mar 2023	132,388.30
Beaver Tree Services	General tree services / under powerlines pruning services	128,441.64
Mckay Earthmoving Pty Ltd.	Plant equipment and operator hire for works – various locations	103,416.39
Kalamunda Electrics	Electric repairs and maintenance work – various locations	96,845.00
Bibliotheca Australia Pty Ltd.	Supply, Installation, training & project management for Bibliotheca (Library System)	83,893.70

West Tip Waste Control Pty Ltd.	Removal & processing of building rubble – various locations	68,159.27
Dowsing Group Pty Ltd.	Supply of materials and services for works - various locations	61,069.32
ContraFlow	Traffic Management Services – various locations	57,038.36
Telstra Corporation	Telephone and Internet Services	53,010.27
Western Tree Recyclers	Green waste processing at Walliston transfer station	51,004.80
OCE Corporate Pty Ltd - Office Cleaning Experts	Supply of cleaning services and consumables - various locations	50,473.39
Drainflow Services Pty Ltd.	Cleaning of drainage structures and pipes – various locations	50,204.00

These payments total \$3,739,573.02 and represent 76% of all payments for the month.

Payroll

13. Salaries are paid in fortnightly cycles. A total of \$1,212,162.09 was paid in net salaries for the month of May 2023.
14. Details are provided in (Attachment 1) after the creditors' payment listing.

Trust Account Payments

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

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

Cell 9		Amount (\$)
Date	Description	
11/05/2023	City of Kalamunda – Project Management Costs for January 2023 - March 2023	3,979.46
25/05/2023	Kala Bob Kats Pty Ltd - Clean out Woodlupine Creek	2,700.00
25/05/2023	Beaver Tree Services - Stump grinding at Woodlupine Creek	1,811.68
25/05/2023	Natural Area Holdings Pty Ltd -Woodlupine Living Stream	72,737.50

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

27. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in May 2023 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachments 2 &3) for the month of May 2023.

10.6.3. Rates Debtors Report for the Period Ended 31 May 2023

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report May 2023 [10.6.3.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for 2022/2023 on 1 July 2022 totalling \$41,664,711. As of 31 May 2023, \$42,085,737 has been collected for current and prior year outstanding rates for the May 2023 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of May 2023 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 15 July 2022 with the following payment options available:

Options	Payment Dates			
Full payment	19 August 2022			
Two instalments	19 August 2022	23 December 2022		
Four instalments	19 August 2022	21 October 2022	23 December 2022	24 February 2023

DETAILS AND ANALYSIS

5. A total of 23,828 notices were issued on 15 July 2022. This consisted of 20,773 mailed rate notices, and 3,055 eRates notices. Rates Levied and Collectable for the 2022/2023 Financial Year currently total \$44,704,248.
6. As of 31 May 2023, a total of \$42,085,737 has been collected since Rates Notices were released, representing a collection rate of 96.16%.

7. A total of 8,130 ratepayers have taken up an instalment option. This is an increase from 2021/2022 where 7,576 chose an instalment option. The first instalment due date was 19 August 2022. A total of 350 ratepayers have chosen to pay via direct debit, a significant increase from 156 in 2021/2022. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,645
Option 3 on Rate Notice	Four instalments	6,485
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	227
Direct Debit	Payment to be received by April 2023	123
Total	Ratepayers on payment options	8,480

8. Interim rating has now commenced for 2022/2023. To 31 May 2023 \$425,967 has been raised for interim rating revenue.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 May 2023 to 31 May 2023, there was a total of 293 incoming calls and 124 outgoing calls, equating to 12.86 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.
12. The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

- 15. 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

- 16. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
- 17. 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

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

Environmental Implications

- 19. 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

- 20.

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

21. With a current collection rate for the financial year of 96.16% (compared to 95.20% last year), the City continues to effectively implement its rate collection strategy and recognises more ratepayers have chosen to pay their rates via instalments and direct debit options.

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.6.4. Chief Executive Officer - Leave Extension

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 extension of leave arrangements for the Chief Executive Officer.
2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended council:
 - a) Approve leave for the Chief Executive Officer be extended until Monday 31 July 2023; and
 - b) Approve the appoint of the Director of Corporate Services as Acting Chief Executive Officer for the period 30 June to 31 July, 2023.

BACKGROUND

4. Nil.

DETAILS AND ANALYSIS

5. The Chief Executive Officer requires an extension to the current leave arrangements, adopted by Council on 28 February 2023, which are due to expire on 30 June 2023.

APPLICABLE LAW

6. *Local Government Act 1995 Section 5.36.*

APPLICABLE POLICY

7. Nil.

STAKEHOLDER ENGAGEMENT

8. Nil.

FINANCIAL CONSIDERATIONS

9. There are no financial implications arising from this proposal there is sufficient accrued leave.

SUSTAINABILITY

10. N/A

RISK MANAGEMENT

11.	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

12. Nil.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. APPROVE the Chief Executive Officer, Ms Rhonda Hardy, to be on leave until the 31 July 2023 and NOTE the Chief Executive Officer may return prior.
2. APPOINT, pursuant to Council Policy Governance 18 – Appointment of Acting Chief Executive Officer the Director Corporate Services be appointed as the Acting Chief Executive Officer for the period 30 June 2023 to 31 July 2023.
3. Subject to the timing of Point 1, NOTE the Director Corporate Services may resume their substantive position prior to the date prescribed in Point 2.

10.6.5. CEO KPIs Performance July 2022 - June 2023 and Corporate Business Plan

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

Previous Items	OCM 91/2022, OCM 138/2022
Directorate Business Unit	Chief Executive Office
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. CEO KPIs Performance Report July 2021 - June 2022 [10.6.5.1 - 67 pages] 2. CEO KPIs July 2022 - June 2023 [10.6.5.2 - 14 pages] 3. Corporate Business Plan Report April - June 2022 [10.6.5.3 - 78 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 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 request Council approval to defer the Chief Executive Officers (CEO) Performance Review for a period of six months.
2. The CEO is required to prepare a report showing achievement against the performance criteria adopted by Council covering the annual review period from 1 July 2022 to 30 June 2023.
3. The Key Performance Indicators (KPI's) informing the CEO Performance Review were adopted at September 2022 OCM.
4. The CEO commenced Long Service Leave on 16th December 2022 and was unable to return to work in February due to a serious illness. Currently, the return date of the CEO is unknown.
5. This report recommends Council defer the Chief Executive Officer's Performance Review for a period of six months and request the Chief Executive Officer prepare a report for the November 2023 OCM outlining the CEO Review Process and timelines.

BACKGROUND

6. The CEO was appointed to the position with effect from 9 July 2013, with subsequent contract extensions in 2016 and in 2021 a further four-year term was agreed expiring 9 July 2025.
7. It is a requirement of the *Local Government Act 1995* (Act), and the CEO's employment contract, that an annual performance review and salary review take place.
8. In 2021 amendments to the Act were made with respect to the Recruitment, Performance Appraisal and Termination of CEO's, reinforcing the importance of the annual performance appraisal and recommending the appointment of an independent observer to the CEO Performance Review Committee (CEOPRC). Council subsequently appointed Mr Michael Fernie in 2021 as its independent observer.
9. Clause 4 of the CEO's Contract of Employment requires the CEO's performance to be reviewed and determined,
(i) "by reference to the Performance Criteria" and
(ii) "at least annually".

10. The CEO's last performance review period was for the period July 2021 to June 2022 and was presented in September 2022 and approved.

DETAILS AND ANALYSIS

11. Council established a performance framework in 2020, where performance criteria are defined according to the following 7 Key Result Areas:
1. Integrated planning and reporting.
 2. Financial sustainability.
 3. Risk management and good governance.
 4. Identifying future opportunities and challenges.
 5. Delivery of key major projects and initiatives.
 6. City leadership.
 7. Organisational Culture.
12. Each Key Result Area has several criteria and performance measures including targets and stretch targets. In total 28 actionable criteria were agreed between Council and the CEO in July 2021.
13. The CEO has been absent from the City of Kalamunda (City) since 16 December 2022, initially taking personal leave before subsequently taking sick leave as a result of a serious illness. Since the 16th December, the CEO role has been filled via three acting arrangements involving the Director Assets, Director Development Services and Director Corporate Services.
14. If Council were to continue with the current CEO Performance Review Process, the CEO would be required to participate in interviews with the appointed reviewer, work with Elected Members to establish Performance Criteria and the process to be adopted for the 2023/24 year.
15. Given the CEO current health, it is considered prudent for this process to be deferred for a period of six months.
16. The City has sought advice from the Department of Local Government, Sport and Cultural Industries (DLGSC) regarding its options in undertaking the CEO Performance Review. Their advice was that the City may opt to either defer the CEO Performance Review Process or seek Ministerial exemption from undertaking the CEO Review Process for this year.
17. In considering these options, it is considered prudent that the City opt to defer rather than seek exemption from the CEO Review Process.

18. As a result of the CEO's return date being unclear, the City seeks Council approval to defer the CEO Performance Review Process for a period of six months, with a report to Council November 2023 outlining a new CEO Review Process and timelines.
19. Despite the proposed deferral of the CEO Performance Review Process, the City's performance against the Corporate Business Plan will continue to be reported to Council through the Quarterly Progress Report which outlines progress against targets for those actions within the Corporate Business Plan.
20. In addition, monthly financial reporting to Council will continue, and updates on key projects and initiatives will be provided to Council as requested.

21. **PART 2 – DRAFT PERFORMANCE CRITERIA FOR 2023 - 2024 PERFORMANCE PERIOD.**

For the reasons outlined above, it is also considered prudent for the consideration of Draft Performance Criteria for the 2023 -2024 period to be brought to November 2023 OCM for consideration.

APPLICABLE LAW

22. *Local Government Act 1995*
Local Government (Administration) Amendment Regulations 2021
Local Government Legislation Amendment Act 2019.
Contract Law - CEO Contract dated 2021.

APPLICABLE POLICY

23. Council, at the April 2021 Ordinary Council Meeting (OCM), adopted the new City of Kalamunda Standards for Recruitment, Performance Appraisal and Termination of the CEO (Standards) and a revised Policy:

Governance 12: - Recruitment & Selection, Performance Review, Salary Review and Termination of the Chief Executive Officer.

STAKEHOLDER ENGAGEMENT

24. Community expectations will be considered in the process of setting performance criteria for the financial year, particularly through their input into the creation of the Kalamunda Advancing Strategic Community Plan 2031.

The Community will also be engaged in the delivery of key strategies and initiatives within the Corporate Business Plan (2023-2027).

FINANCIAL CONSIDERATIONS

25. Financial requirements for achieving the agreed actions of the CEO performance criteria are considered through the annual budget process.

SUSTAINABILITY

26. The role of the CEO is critical to ongoing sustainability of the City.

The delivery of the Strategic Community Plan and the Corporate Business Plan are key instruments that drive and deliver social, cultural, financial, economic and environmental performance of the City.

RISK MANAGEMENT

27.

Risk: Not completing an annual review of the CEO would constitute noncompliance with the Local Government Act Regulations and would be viewed as not providing support and direction to the CEO.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure Elected members are aware of their regulatory responsibilities when undertaking a performance review to ensure due process is provided to the CEO.		

28.

Risk: The CEO’s Performance Criteria is not based on specific, measurable, achievable, relevant, and timely (SMART) objectives which would put the CEO at a disadvantage.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure the CEO is involved in the development of the criteria and accepts the criteria as being fair and achievable.		

29.

Risk: The CEO's Performance Criteria are misaligned to the City of Kalamunda's Corporate Business Plan and the Annual Budget whereby resources may not be available to achieve misaligned criteria.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
a)	Alignment of the performance review cycle to the financial year cycle	
b)	Key Result Areas aligned to the achievement of the Corporate Business Plan and the Annual Budget.	

CONCLUSION

- 30. The annual review of the CEO's performance is a key role of the Council and needs to be undertaken with due care, procedural fairness, and due diligence in line with the Department of Local Government, Sport, and Cultural Industries regulations 2021.
- 31. The CEO's absence as a result of a serious illness, makes it impractical to undertake the CEO Performance Review in line with the established process.
- 32. It is recommended that the CEO Performance Review is deferred for a period of six months with a report to Council November 2023 outlining a new CEO Review Process and timelines.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. DEFER the Chief Executive Officer's Performance Review for a period of six months.
- 2. REQUEST that the Chief Executive Officer prepares a report for Council November 2023 OCM outlining the CEO Review Process and timelines.

10.6.6. RFT 2304 Disposal of Landfill Services - Award of Tender

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

Previous Items	OCM 175/2017 OCM 172/2022
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality:</u> <i>Local Government Act 1995 s5.23 (c)</i> <i>“a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

Objective 2.3 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 – Implement the City’s Waste Plan aligned to the State Waste Avoidance and Resource Recovery Strategy.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of RFT 2304 Landfill/Green Waste Disposal Services.
2. It is recommended Council accepts the tender(s) from;
 - a) City of Cockburn ABN 27 471 341 209 of 9 Coleville Crescent, Spearwood, WA 6163 for Separable Portion 1 – Disposal of Kerbside Collection Services via Mobile Garbage Bins **and**;
 - b) Eastern Metropolitan Regional Council ABN 89 631 866 056 of 226 Great Eastern Highway, Ascot WA 6104 for Separable Portion 2 – Disposal of General Waste from Walliston Transfer Station via Hook Lift Bins **and**;
 - c) Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon, WA 6154 for Separable Portion 3 – Disposal of Green Waste from the City's Green Waste Skip bin service.

As per the schedule of rates set out in the Confidential Attachment 1 to this report.

It is recommended Council notes that proceeding with this recommendation necessitates variations to Waste Services Management and Hook Lift Transportation Contracts with Cleanaway Pty Ltd.

3. The nature, scale and the duration of these services were such that they were split into three (3) Separable Portions, to attract the maximum number of potential contractors who could make submissions for any or all of the following services listed and provide best value to the City of Kalamunda (City);

Separable Portion 1 – Disposal of Kerbside Collection Services via Mobile Garbage Bins (up to 12 months)

Separable Portion 2 – Disposal of General Waste from Walliston Transfer Station via Hook Lift Bins (3 years plus 2 x 1-year options)

Separable Portion 3 – Disposal of Green Waste from the City's Green Waste Skip bin service (3 years plus 2 x 1-year options)

4. The 2023/2024 budget includes an amount of approximately \$6.7 million dollars in various operational expenditure accounts which incorporate these tendered services and other waste related expenditure.

BACKGROUND

5. The City has been a member of the Eastern Metropolitan Regional Council (EMRC) since 1997, during this time the EMRC have disposed of City landfill material at their Redhill Waste Management Facility. In November 2022, Council made the decision to withdraw from the EMRC on 30th June 2023. It was determined that to ensure best value for its residents that the City seek Tenders for waste disposal services from 1st July 2023.
6. The City also made a commitment to send landfill waste to the Waste to Energy (WTE) Plant in East Rockingham. The WTE Plant was due to be commissioned in late 2022, however construction has been delayed. As a result of this the City is seeking a landfill disposal contract until the WTE facility is ready to receive waste and becomes fully operational which is expected to be in the next 12 months.
7. The City's putrescible class waste (household waste) will be collected from kerbside, by Mobile Garbage Bins (MGB's) and general waste from Walliston Transfer Station (WTS), by hook lift bins. In addition green waste will be coming from the residential green waste skip bin service.
8. All three (3) of these waste categories are currently collected by Cleanaway Pty Ltd and transported to the City's nominated waste disposal facility managed by the EMRC.

The waste tonnages generated during 2021-22 which the City disposed of include;

- 19,508 tonnes of putrescible municipal kerbside waste.
- 1,886 tonnes of general municipal waste from the WTS.
- 2,273 tonnes of green waste from the City's green waste skip bin service.

These values informed the expected tonnes to be disposed of as part of the RFT assessment.

9. As of 1 July 2023, the City is no longer obligated to take its waste to the EMRC. This RFT was advertised to explore what opportunities exist for the City for Landfill/Green Waste Disposal Services from that date until the WTE Plant is operational.

10. The nature, scale and the duration of these services were such that they were split into three (3) Separable Portions, to attract the maximum number of potential contractors who could make submissions for any or all of the following services listed and provide best value to the City;

Separable Portion 1 – Disposal of Kerbside Collection Services via Mobile Garbage Bins (up to 12 months)

Separable Portion 2 – Disposal of General Waste from Walliston Transfer Station via Hook Lift Bins (3 years plus 2 x 1-year options)

Separable Portion 3 – Disposal of Green Waste from the City’s Green Waste Skip bin service (3 years plus 2 x 1-year options)

DETAILS AND ANALYSIS

11. The RFT 2304 Waste Services Management was issued through Tender Link and the West Australian on Wednesday 10 May 2023.
12. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
13. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation.
14. The City added to its normal Compliance Criteria for all three separable portions of the contract the following;

A) Separable Portion 1: The capabilities to process up to 2,000 tonnes of municipal landfill waste per month from kerbside collection.
Separable Portion 2: The capabilities to process around 200 tonnes of municipal landfill waste per month from the WTS.
Separable Portion 3: The capabilities to process around 200 tonnes of green waste per month from the City’s green waste skip bin service.
B) The disposal site must be able to provide evidence of DWER licence to accept putrescible municipal waste.
C) The facility must include a weighbridge that can accurately weigh in metric weight measurements in agreed kilogram increments, that can provide electronic docket system for each load received, showing time and date with truck registration. A copy of the weighbridge calibration certificate must be provided.
D) The facility can receive waste 7 days per week.
E) Evidence of contemporary billing system that align with provided weighbridge dockets.

The Compliance Criteria was evaluated on a “Yes/No” basis, with the compliance assessment completed by the City’s Coordinator Procurement.

One (1) non-compliant submission was received which did not meet the RFT requirements.

An alternate tender was also submitted without a complying tender. This submission did not meet the RFT requirements.

15. Compliant Tender submissions for Separable Portion 1 were received from:

- a) City of Cockburn
- b) Cleanaway Waste Management Limited
- c) Eastern Metropolitan Regional Council
- d) Veolia Pty Ltd

Compliant Tender submissions for Separable Portion 2 were received from:

- a) City of Cockburn
- b) Cleanaway Waste Management Limited
- c) Eastern Metropolitan Regional Council
- d) Veolia Pty Ltd

Compliant Tender submissions for Separable Portion 3 were received from:

- a) City of Cockburn
- b) Eastern Metropolitan Regional Council
- c) Resource Recovery Group

16. Separable Portions 1 and 2 are for landfill services. As such, there is no real subjective qualitative criteria that could be applied to differentiate between different suppliers. Accordingly, the Evaluation Process for Separable Portions 1 and 2 was split into a three-part assessment. This included a review of Compliance Criteria, assessment of Tender Prices received and then by the Total Cost of Contract. The Total Cost of Contract considered the tendered price, estimated transport cost and other factors.

Separable Portion 3 (Green Waste Skip Bins) was determined based on the selection criteria, to indicate the ability of the Tenderer to satisfactorily deliver its services. An acceptable qualitative score that would indicate the ability of the Tenderer to satisfactorily deliver its services, known as a Qualitative Pass Mark (QPM) was set at 60% prior to undertaking the Evaluation Process. The evaluation process was split into three parts: Compliance Criteria review, assessment of the Qualitative Criteria and the assessment of Tenderers Prices received that met or exceeded the predetermined QPM.

17. Separable Portion 1 compliant Tenders were assessed on their Tender Price, based on price per tonne disposed as per the table below:

Company Name	Ranking based upon Price per Tonne Disposed
City of Cockburn	1
Eastern Metropolitan Regional Council (EMRC)	2
Cleanaway Pty Ltd	3
Veolia Pty Ltd	4

The City then needed to consider the disposal costs in its value for money assessment in the following way:

Tendered Price + Estimated Transport Cost + Other Factors = Total Cost of Contract.

Consideration of relevant Total Cost of Contract, including the Tenderers disposal pricing schedule and the transportation costs to the Facility will vary depending on the location of the nominated Landfill/Green Waste facility.

The two (2) cheapest disposal options were assessed through this process. This was due to the significant difference in disposal costs as well as consideration on the proposed locations of the nominated facilities. The transportation costs for these options were quantified through the City's existing Waste Services Management Contract.

Company Name	Total Cost of Contract Ranking
City of Cockburn	1
Eastern Metropolitan Regional Council (EMRC)	2

18. Separable Portion 2 compliant Tenders were assessed on their Tender Price, based on price per tonne disposed as per the table below:

Company Name	Ranking based upon Price per Tonne Disposed
City of Cockburn	1
Eastern Metropolitan Regional Council (EMRC)	2
Cleanaway Pty Ltd	3
Veolia Pty Ltd	4

The City then needed to consider the disposal costs in its value for money assessment in the following way:

Tendered Price + Estimated Transport Cost + Other Factors = Total Cost of Contract.

Consideration of relevant Total Cost of Contract, including the Tenderers disposal pricing schedule and the transportation costs to the Facility will vary depending on the location of the nominated Landfill/Green Waste facility.

The two (2) cheapest disposal options were assessed through this process. This was due to the significant difference in disposal costs as well as consideration on the proposed locations of the nominated facilities. The transportation costs for these options were quantified through the City's existing Hook Lift Transportation Contract.

Company Name	Total Cost of Contract Ranking
Eastern Metropolitan Regional Council (EMRC)	1
City of Cockburn	2

19. The tender submissions received for Separable Portion 3 that met the compliance criteria were assessed against the following Qualitative Criteria due to the nature of the service requested.

Qualitative Criteria	Weighting
Relevant skills and experience to deliver the requirements of the contract.	40%
Demonstrated understanding of operational and plant requirements for bulk verge green waste (skip bins) processing; including Capacity to deliver in accordance with the City schedules	50%
Environmental Responsibility	10%

Of the three tender submissions only two met the required QPM of 60% or above and progressed to the next stage.

Company Name	Qualitative Total Score (Weighted @ 100%)	Qualitative Rank
Resource Recovery Group (RRG)	79%	1
Eastern Metropolitan Regional Council (EMRC)	75%	2

These two (2) were advanced to the price assessment stage, based on price per tonne disposed as per the table below:

Company Name	Ranking based upon Price per Tonne Disposed
Resource Recovery Group (RRG)	1
Eastern Metropolitan Regional Council (EMRC)	2

The City then needed to consider the disposal costs in its value for money assessment in the following way:

Tendered Price + Estimated Transport Cost + Other Factors = Total Cost of Contract.

Consideration of relevant Total Cost of Contract, including the Tenderers disposal pricing schedule and the transportation costs to the Facility will vary depending on the location of the nominated Landfill/Green Waste facility.

Company Name	Total Cost of Contract
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	Ranking
Resource Recovery Group (RRG)	1
Eastern Metropolitan Regional Council (EMRC)	2

20. The RFT 2304 Evaluation Report is provided as Confidential Attachment 1 to this report.
21. The recommended tenderers submissions best satisfied the City's requirements by:
- a) Meeting or exceeding the qualitative assessment benchmark (applicable for Separable Portion 3 only);
 - b) Proven capacity and capability to provide Landfill/Green Waste Disposal Services for the City;
 - c) Hold the applicable criteria to be conforming to carry out the Waste Services requested in this contract;
 - d) Providing the best value for money assessment in the following way:
 - I. Tendered Price + Estimated Transport Cost + Other Factors = Total Cost of Contract.
22. The Evaluation Panel recommends the City undertake the service in Separable Portions for ensuring best value for money .
- Recommendation as follows:
- That Council **ACCEPT** the Tender RFT 2304 Landfill/Green Waste Disposal Services submitted by:
- a) City of Cockburn ABN 27 471 341 209 of 9 Coleville Crescent, Spearwood WA 6163 for Separable Portion 1 – Kerbside Collection Services via Mobile Garbage Bins **and**;
 - b) Eastern Metropolitan Regional Council ABN 89 631 866 056 of 226 Great Eastern Highway, Ascot WA 6104 for Separable Portion 2 – General Waste from Walliston Transfer Station via Hook Lift Bins **and**;
 - c) Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon WA 6154 for Separable Portion 3 – Green Waste from the City's Green Waste Skip bin service as set out in Confidential Attachment 1

That Council **NOTE** that proceeding with this recommendation necessitates variations to Waste Services Management and Hook Lift Transportation Contracts with Cleanaway Pty Ltd.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

25. When considering the financial impact of this contract on the City's operational budgets, it should be noted that the tender cost and existing transport contracts were considered to inform a net position (Total Cost of Contract) across all separable portions. In addition, Separable Portion 1 and 2 also account for the associated waste levies imposed by the State Government as a disincentive to dispose at landfill.
26. The anticipated annual spend on waste services over the life of this contract will vary from year-to-year dependent on:
- a) Timing of WTE processing
 - b) Changes in government fees notably the Landfill Levy
 - c) Annual CPI increases
 - d) Changes in the amount of waste disposed
27. The use of Landfill/Green Waste Services under this contract will form part of approved annual expenditure budgets in Waste Services and Income will be generated through the City's Waste Services Fee.

SUSTAINABILITY

28. The City of Kalamunda Waste Plan June 2020 has actions to meet the States Waste Avoidance Strategy Targets through measures to generate less waste, to recover more value and resources from waste and protect the environment by managing waste responsibly.

RISK MANAGEMENT

29.	Risk: The City accepts a Tender for Disposal of Landfill/Green Waste Services, and the Contractor is unable to fulfil their contractual requirements.		
	Consequence	Likelihood	Rating
	Critical	Unlikely	High
	Action/Strategy		
	a) Validation of the Tenderer’s capabilities to receive the anticipated waste volumes has been assessed as Compliance Criteria. b) DWER licence conditions provides quality assurance on the environmental operating requirements.		

30.	Risk: That the City is unable to engage the preferred Tenderers on July 1 2023 to allow a continuation of waste disposal services to the community.		
	Consequence	Likelihood	Rating
	Critical	Possible	High
	Action/Strategy		
	a) If the Officer recommendation is resolved by Council, the City can continue to provide this service. b) The City could seek to continue existing EMRC arrangements until such time that Council resolves to proceed with a recommendation as a result of this Tender Process.		

CONCLUSION

- 31. The delivery of RFT 2304 Disposal of Landfill/Greenwaste Services will allow the City to carry out its role in the provision of these essential services relating to waste collection and disposal for the health and safety of its residents throughout the City.
- 32. The City is satisfied that the recommended tenderer/s have the demonstrated experience, the capability, capacity, along with experienced staff and resources available to provide the City with the required Waste Management Services.
- 33. It is recommended that Council award RFT 2304 as set out in the Recommendation clause of this report.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. **ACCEPT** the Tender RFT 2304 Landfill/Green Waste Disposal Services submitted by:
 - a) City of Cockburn ABN 27 471 341 209 of 9 Coleville Crescent, Spearwood WA 6163 for Separable Portion 1 – Kerbside Collection Services via Mobile Garbage Bins **and;**
 - b) Eastern Metropolitan Regional Council ABN 89 631 866 056 of 226 Great Eastern Highway, Ascot WA 6104 for Separable Portion 2 – General Waste from Walliston Transfer Station via Hook Lift Bins **and;**
 - c) Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon WA 6154 for Separable Portion 3 – Green Waste from the City's Green Waste Skip bin service as set out in Confidential Attachment 1.

2. **NOTE** that proceeding with this recommendation necessitates variations to Waste Services Management and Hook Lift Transportation Contracts with Cleanaway Pty Ltd.

- 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**
DACAC Minutes 8 May 2023
Public Agenda Briefing Forum Notes 13 June 2023
- 17. Closure**