

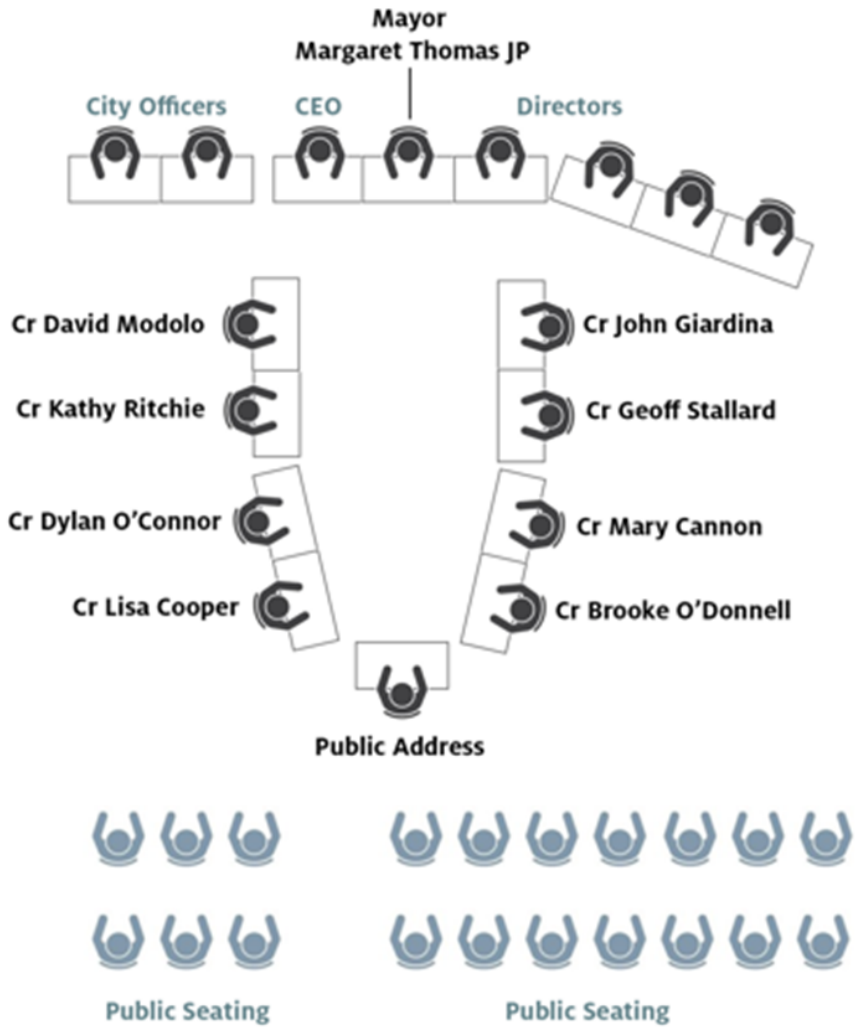


Ordinary Council Meeting

MINUTES

Tuesday 25 June 2024

Council Chambers Seating Plan



INDEX

1. Official Opening.....	4
2. Attendance, Apologies and Leave of Absence Previously Approved	4
3. Public Question Time	5
4. Petitions/Deputations	6
5. Applications for Leave of Absence	6
6. Confirmation of Minutes from Previous Meeting	6
7. Announcements by the Member Presiding Without Discussion	7
8. Matters for Which the Meeting may be Closed	8
9. Disclosure of Interest.....	9
10. Reports to Council.....	10
10.1. Development Services Reports	10
10.2. Asset Services Reports	10
10.2.1. RFT 2401 Provision of Supply and Lay Minor Asphalt - Award of Tender	10
10.2.2. e-Quote 2024-03 Food Organics Garden Organics (FOGO) Processing Services.....	15
10.2.3. Kalamunda Environmental & Sustainability Advisory Group - Community Appointments.....	25
10.3. Corporate Services Reports	30
10.4. Community Engagement Reports.....	30
10.4.1. Community Engagement Review 2023	30
10.4.2. Community Bushfire Preparedness Plan - Season Overview 2023/2024.....	35
10.5. Office of the CEO Reports	40
10.6. Chief Executive Officer Reports	40
10.6.1. Monthly Financial Statements to 31 May 2024.....	40
10.6.2. Debtors and Creditors Reports for the month of May 2024.....	48
10.6.3. Rates Debtors Report for the Period Ended 31 May 2024	55
10.6.4. Delegations from the Council to the Chief Executive Officer - 2024 Review.....	60
10.6.5. Development Approval Reconsideration - (Commercial Kitchen) at Lot 316 (No.29) Foxton Boulevard, High Wycombe	64
11. Motions of Which Previous Notice has been Given	68
12. Questions by Members Without Notice	68
13. Questions by Members of Which Due Notice has been Given.....	68
14. Urgent Business Approved by the Presiding Member or by Decision.....	68
15. Meeting Closed to the Public	69
16. Tabled Documents	70
17. Closure.....	70

1. Official Opening

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

2. Attendance, Apologies and Leave of Absence Previously Approved

Mayor

Margaret Thomas JP (Presiding Member)

Councillors

South East Ward

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo

Kathy Ritchie

Members of Staff

Chief Executive Officer

Anthony Vuleta - Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Freya Ayliffe - A/Director Community Engagement

Gary Ticehurst - Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Chris Thompson - Manager Waste & Fleet Services

Regan Travers - Manager Approval Services

Dale Coyne - Coordinator Waste Services

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 2

Members of the Press Nil.

Apologies Nil.

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 Diane English - Questions Taken on Notice 28 May 2024

Q1. What is the date of the last time the Department of Transport responded when they were asked to consider the interface along Sultana Road West?

A1. The Department of Transport are not an approval authority for the upgrade or interface of Sultana Road West.

The Department of Transport were invited to make a submission when the Forrestfield / High Wycombe Industrial Area - Stage 1 was initiated for rezoning to Industrial Development, and also when the 'Stage 2' and 'Stage 3' High Wycombe South areas were rezoned to Urban Development. The City's records do not show that submissions were lodged by the Department of Transport on either proposed amendment.

Q2. The City says it concludes the question about 50% of the cost is beyond the scope of the Council's consideration for the DCP for Stage 1.

Did the City get a legal Opinion or advice from the WAPC or DPLH in reaching this conclusion?

A1. This supplementary question relates to Public Question Time item 3.1.2, Question and Answer No. 4 to the Ordinary Council Meeting Minutes dated 28 May 2024. The question and answer was as follows:

Q4 A Community Submission for the DCP for High Wycombe South sets out why landowners in High Wycombe South are not required to pay 50% of the cost for the upgrade of Sultana Road West to RAV 4 standard. Refer pages 6 and 13 of that Submission. The amount of \$1,263,137.13 should be added into the DCP for Stage 1 at this Review. Councillors received their copy on 6 May 2024

A4 This question is beyond the scope of the Council's consideration under item 10.1.2 Forrestfield High Wycombe Industrial Area: Development Contribution Plan: 2023 Annual Review – Final Adoption. A response will be provided to submissions when the Draft Amendment 113 to Local Planning Scheme No. 3 – Residential Precinct Development Contribution Plan is presented to the Council.

The question above refers to a submission lodged as part of the advertising of draft amendment 113 to Local Planning Scheme No. 3 –

High Wycombe South development Contribution Plan, which was not the subject of the Council's consideration on 28 May 2024. The City did not obtain legal advice or advice from Western Australian Planning Commission or Department of Planning, Lands and Heritage in relation to this matter. This was deemed unnecessary as the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 outline the City's obligations to consider and respond to submissions.

3.2. Public Question Time

3.1 Jen Browne-Cooper, Kalamunda

Q. How can a compassionate community like kalamunda and local councils cooperate to provide shelter for people sleeping rough? I would like to meet with anyone interested to discuss options.

A. The A/Director Community Engagement advised the City has a policy to address the issue of people sleeping rough and is in the process of reviewing the City's Health Plan which has a focus on how the City can assist in this area. The City works with external agencies, such as the Rapid Relief Team, to assist persons sleeping rough.

4. Petitions/Deputations

4.1 Nil.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 69/2024

That the Minutes of the Ordinary Council Meeting held on 28 May 2024, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Kathy Ritchie**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

7. Announcements by the Member Presiding Without Discussion

I would like to extend a warm welcome to our new CEO, Anthony Vuleta. Anthony brings a wealth of experience and a track record of significant achievements. His innovative approach and dedication to enhancing community services have been widely recognised. City staff, the Executive Team, and Council look forward to working collaboratively with him to continue delivering outstanding services and projects for our community.

Earlier this week, I was informed of a wonderful tribute to our late CEO, Rhonda Hardy, through the announcement of the inaugural Australian Local Government Women's Association WA Women in Local Government Awards. Nominations close on 12 July, and I encourage City Executives and Managers to nominate a deserving team member who has made significant contributions to our community.

As we move into the cooler months, I'd like to share some of the exciting developments happening in our City:

Construction has started on the addition of female change rooms and a Universal Accessible Toilet at Ray Owen Reserve. These new facilities reflect our commitment to inclusivity and support the needs of our expanding football and cricket clubs.

We are making significant progress at Hartfield Park with schematic designs, providing more detailed floor plans for the Stage 2 projects. These designs will lead to final floor plans and specifications, allowing us to consider calling Tenders for Construction soon.

Last week, the new EV charging station at the Kalamunda Library came online, supporting greener transportation options for our community.

I'm delighted to announce that the first anniversary celebrations of the Forrestfield Library at the Hawaiian's Forrestfield Shopping Centre are being finalised. If you can visit the library next week, you'll be able to join the fun.

Earlier in the month, I had the pleasure of attending the "High Tea for a Cause" event organised by People Who Care. This fantastic community event was dedicated to supporting vulnerable families. The group donates household goods and furniture, helping displaced families start over in a

new home after leaving domestic crises. It was inspiring to see such dedication to creating compassionate and caring neighbourhoods.

Let's continue to work together to make Kalamunda a place we're all proud to call home.

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.2.1 RFT 2401 Provision of Supply and Lay Minor Asphalt - Award of Tender – **Confidential Attachment** - RFT 2401 - Minor Asphalt Evaluation

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."

- 8.2 Item 10.2.2 e-Quote 2024-03 FOGO Processing Services – **Confidential Attachment** - TER 2024-03 FOGO Processing

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."

- 8.3 Item 10.6.2 Debtors and Creditors Reports for the month of May 2024 – **Confidential Attachments** - Creditor Payments for the Period ended 31 May 2024 and Corporate Credit Card Payments 27 March to 26 April 2024 - (Confidential)

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

- 8.4 Item 10.6.5 Development Approval Reconsideration - (Commercial Kitchen) at Lot 316 (No.29) Foxtton Boulevard, High Wycombe

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.1.1 Nil.

9.2. Disclosure of Interest Affecting Impartiality

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

9.2.1 Nil.

10. Reports to Council

10.1. Development Services Reports

No reports presented.

10.2. Asset Services Reports

10.2.1. RFT 2401 Provision of Supply and Lay Minor Asphalt - Award of Tender


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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Maintenance
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A

Attachments	Nil
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Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> <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>
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TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
 Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When 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 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.

Strategy 3.2.3 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of tender RFT 2401 for the supply and lay minor asphalt for road maintenance and minor projects.
2. It is recommended that the Council accept the tender from Merger Contracting Pty Ltd T/A J&M Asphalt, ABN 46 091 240 354 as per the Schedule of Rates set out in the Confidential Attachment 1 to this report. The estimated expenditure within this contract is \$500,000 (ex GST) per annum with an initial term of three years and two further one year extensions at the City of Kalamunda's (City) discretion.

BACKGROUND

3. The City sought to engage a suitable and experienced contractor for the provision of supply and lay of minor asphalt complementary to maintenance and minor capital works projects being conducted on roads.
4. The services proposed primarily require profiling existing road pavement and laying of asphalt. There is also a provision to prepare traffic management plans (TMPs) and provide traffic controllers (TCs) for this work.
5. Due to the larger scale of some maintenance work required, a suitable contractor for the supply and laying of minor asphalt is necessary to undertake work that is outside the internal staff resources and capacity. This provision also allows the City to attend to works that need to be undertaken outside the City's normal operational hours.

DETAILS AND ANALYSIS

- 6. The City undertakes maintenance or minor capital works in roads throughout the City’s jurisdiction. Due to road classifications, posted speed limits, volume of traffic and number of heavy vehicles travelling on a particular road, maintenance of that road can only be taken at night or the weekend.
- 7. In some instances, due to resources available, the volume of work required is outside the City’s internal staff capacity, hence requires a contractor to carry out the work.
- 8. The City issued RFT 2401 through its E-Tendering Portal and an advertisement in the West Australian newspaper on Wednesday 13 March 2024. Receipt of Tender submissions closed at 2.00pm AWST Wednesday 10 April 2024.
- 9. One submission was received, and an Evaluation Panel was convened of suitably qualified City Officers to assess the tender submission received.
- 10. The Tender submission was assessed for to ensure compliance as set out in the tender invitation. Following meeting the compliance requirements, the submission was then assessed against the qualitative criteria as set out in the tender invitation.
- 11. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	25%
Key Personnel Skills & Experience	25%
Tenderer’s Resources	20%
Work Health and Safety	25%
Local Benefits	5%

- 12. The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.
- 13. The sole tender submission received met the required QPM of 60% and met the price assessment. Therefore, the submission met all requirements of the procurement process and is the best value for money outcome for the City.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

16. The use of minor asphalt works under this contract will form part of approved annual budgets in Infrastructure Services and capital works projects.

RISK MANAGEMENT

- 17.

Risk: Contractor unable to attend to urgent work in a timely manner, which increases safety risk.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
a)	Embedding contractual mechanisms to ensure response to emergency situations has been agreed to.	
b)	Capacity of the organisation to respond was assessed as part of the qualitative assessment.	

Risk: The Contractor fails to provide skilled and experienced personnel and equipment to fulfil the requirements of the contract leading to low quality work produced.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
c)	Personnel and equipment to respond was assessed as part of the qualitative assessment.	
d)	Start up meeting will be held with the contractor to outline City's expectation for timely attendance of the site and quality of work.	
e)	Contract will be managed to ensure the requirements of this contract are met and communication with contractor will be held if and when required.	

CONCLUSION

18. The delivery of Tender RFT 2401 The Supply and Lay Minor Asphalt will assist the City with maintenance of the road network and delivery of minor capital works projects. The City is satisfied that the recommended tenderer has the capability, capacity, along with experience to provide the City with the required minor asphalt work services.

Voting Requirements: Simple Majority

RESOLVED OCM 70/2024

That Council ACCEPT the tender RFT 2401 The Supply and Lay of Minor Asphalt from Merger Contracting Pty Ltd T/A J&M Asphalt, ABN 46 091 240 354 as per the Schedule of Rates set out in the Confidential Attachment 1, for an initial term of three years and two further one-year extensions at the City of Kalamunda's discretion.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Dylan O'Connor**

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

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.2.2. e-Quote 2024-03 Food Organics Garden Organics (FOGO) Processing Services

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

Previous Items	OCM 95/2020; OCM 199/2020; OCM 128/2022
Directorate	Asset Services
Business Unit	Waste & Fleet
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	1. Community engagement report FOGO [10.2.2.1 - 29 pages]
Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> <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

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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 eQuote 2024-03 Food Organics Garden Organics (FOGO) Processing Services.
2. FOGO 3rd Bin roll out is planned to commence in the first week of September 2024. To enable this, a FOGO Processing Service needs to be in place to prepare the facility for receiving the City's FOGO.
3. It is recommended that Council ACCEPT the eQuote 2024-03 FOGO Processing Services submitted by Resource Recovery Group, ABN 28 965 675 752 of 9 Aldous Place, Booragoon, WA 6154 as per the schedule of rates set out in the Confidential Attachment 1 to this report.
4. The FOGO processing eQuote marks initiation of the final phase of its implementation project, consistent with strong community support and realising Council's Kalamunda Advancing 2031 Strategic Community Plan.

BACKGROUND

5. The State Government released its Waste Avoidance & Resource Recovery (WARR) Strategy in February 2019 which had two Headline Strategies that impacted Local Government:
 - “1. A consistent three bin kerbside collection system, which includes separation of food organics and garden organics from other waste categories, to be provided by all local governments in the Perth and Peel region by 2025 and supported by State Government through the application of financial mechanisms.
 2. Implement local government waste plans, which align local government waste planning processes with the Waste Avoidance and Resource Recovery Strategy 2030.”

6. Council at its 23 June 2020 Ordinary Council Meeting (OCM) adopted the City's Waste Plan which included the introduction of a 3rd Bin FOGO kerbside collection service. Council also adopted at that meeting the following Default Bin set up for FOGO in line with the Waste Authorities Better Practice FOGO kerbside collection guidelines:

7.



- a) fortnightly 240L Yellow Lidded Recycling Bin;
b) weekly 240L Lime Green Lidded FOGO Bin;
c) fortnightly 140L Red Lidded General Waste Bin;
d) opt-in availability at no extra cost to the resident of a 360L Recycling Bin;
and
e) specific circumstances where the default system for residents is problematic to be treated on a case by case basis
8. As a member at that time of the Eastern Metropolitan Regional Council (EMRC) Council at its 27 October 2020 OCM resolved to:
- “CONFIRM that the City of Kalamunda will provide its Food Organic / Garden Organic waste to the Eastern Metropolitan Regional Council for processing subject to an acceptable outcome to the City of Kalamunda of the Eastern Metropolitan Regional Council Food Organic / Garden Organic Tender process.”*
9. The EMRC FOGO Processing Tender after a period of 18 months was cancelled by the EMRC in December 2022. Council concurrently withdrew from the EMRC with effect on 1 July 2023.
10. The City of Kalamunda's (City) Community Engagement Survey (Attachment 2) undertaken back in May 2020 and reported to Council at its 23 June 2020 OCM proved there was 86% support for Council moving to FOGO, with Council subsequently committing to FOGO and a Communications Plan being developed. Since committing to a 3rd Bin FOGO back in 2020 Council has created strong community support for FOGO's introduction through its FOGO communications.

11. To encourage carbon abatement activities, the Australian Government provides incentives called Australian Carbon Credit units (ACCU's). The system by which waste generators segregate compostable materials from other waste streams at source is defined as Source Separated Organics (SSO's), which is applicable to FOGO.

Projects under the SSO's method can earn ACCU's because they separate their organic waste from other waste, reducing the amount to landfill. The City made its application on 9 November 2023 to the Clean Energy Regulator to have its Kalamunda Food Organics and Garden Organics Composting Project (FOGO 3rd Bin project) considered to be eligible for ACCU's.

The Clean Energy Regulator advised on 30 May 2024 that it has approved the City's application for registration of a project under Section 27 of the *Carbon Credits Act (Carbon Farming Initiative) Act 2011*.

DETAILS AND ANALYSIS

12. The eQuote 2024-03 FOGO Processing Services was issued through the E-Tendering Portal through the WALGA Preferred Supplier Panel Contract (SP 007) Waste & Energy on Friday 12 April 2024.
13. Over the last three (3) years the City's General Waste Bin service has generated on average around 19,500 tonnes of putrescible municipal kerbside waste per annum. Based upon the experiences of other Local Governments who have introduced FOGO, the City can expect a split of around 50/50 FOGO/General Waste initially before the FOGO volume increases. These values informed the expected tonnes to be disposed of as part of the eQuote assessment.
14. The eQuote was assessed on the rate whereby the City has Legal Right to the ACCU's, following the approval of the project by the Clean Energy regulator.
15. An Evaluation Panel was convened of suitably qualified City Officers to assess the eQuotes received.
16. eQuotes were assessed in a staged process of firstly checking for compliance to matters set out in the eQuote invitation.

17. The City added to its normal Compliance Criteria for the contract the following:
- a) The capabilities to process up to 10,000 tonnes of FOGO Material from the City's Lime Green Lidded Bins per annum.
 - b) The facility (processing site) must be able to provide evidence of DWER licence to accept all material collected from the City's Lime Green Lidded (FOGO) 240Ltr MGB's.
 - 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 Processing Facility can receive waste five days per week plus Public Holidays.
 - e) Evidence of a contemporary billing system that aligns with provided weighbridge dockets.
 - f) The Contractor must be able to provide in a timely manner all the data required to enable the City to meet its reporting requirements for its Kalamunda Food Organics Garden Organics Compositing "Project" to ensure it always retains its exclusive legal right to all Australian Carbon Credit Units (ACCU's) for this source separated Organic Waste (SSOW) project by the Clean Energy Regulator under the *Carbon Farming Initiative Act 2011*.

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

18. A Compliant eQuote submission was received from:
- a) Resource Recovery Group
19. FOGO Processing Services was determined based on the selection criteria, to indicate the ability of the eQuoter to satisfactorily deliver its services. An acceptable qualitative score that would indicate the ability of the eQuoter 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.
20. The compliant eQuote was assessed on their eQuote Schedule of Rates pricing, based on price per tonne processing rate.

21. The eQuote submission received that met the compliance criteria was assessed against the following Qualitative Criteria due to the nature of the service requested.

Qualitative Criteria	Weighting
Relevant Experience & Safety	20%
Key Personnel & sub Contractors Skills & Experience	15%
eQuoters Resources	15%
Methodology – Understanding of the Operational Requirements and Plans to deliver the Service	40%
Environmental Responsibility	10%

The eQuote submission 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)	79.5%	1

This was then advanced to the price assessment stage, based on price per tonne processed as per the table below:

Company Name	Ranking based upon Price per Tonne Processed
Resource Recovery Group (RRG)	1

The City then needed to consider any other costs that affected 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 eQuoters processing pricing schedule and the transportation costs to the Facility will vary depending on the location of the nominated facility. In this case however, the nominated facility was in the lowest transport cost category with the nominated facility only being some 13kms from the City Boundary and 22kms from the City's Administration Office which was used as a central point in comparison of distances. Therefore, there was no need to consider against facilities in other transport categories.

Company Name	Total Cost of Contract Ranking
Resource Recovery Group (RRG)	1

22. The eQuote 2024 -03 Evaluation Report is provided as Confidential Attachment 1 to this report.
23. The recommended eQuoters submission best satisfied the City's requirements by:
- a) Meeting or exceeding the qualitative assessment benchmark
 - b) Proven capacity and capability to provide FOGO Processing Services for the City;
 - c) Hold the applicable licence to be conforming to carry out the FOGO Processing Services requested in this contract;
 - d) Providing the best value for money assessment in the following way:

$$\text{Tendered Price} + \text{Estimated Transport Cost} + \text{Other Factors} = \text{Total Cost of Contract}.$$
24. The Evaluation Panel recommends the City ACCEPT the Schedule of Rates pricing for ensuring best value for money .
- Recommendation as follows:
- That Council **ACCEPT** the eQuote 2024-03 FOGO Processing Services submitted by:
- a) Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon WA 6154
- as set out in Confidential Attachment 1.
- That Council **NOTE** that proceeding with this recommendation necessitates variations to Waste Services Management Contract with Cleanaway Pty Ltd.

APPLICABLE LAW

25. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.
26. Section 27 of the *Carbon Credits Act (Carbon Farming Initiative) Act 2011*.

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

- 28. When considering the financial impact of this contract on the City's operational budgets, it should be noted that the eQuote cost and existing transport contracts were considered to inform a net position (Total Cost of Contract).
- 29. The anticipated annual spend on FOGO Processing services over the life of this contract may vary from year-to-year dependent on:
 - a) % of FOGO material processed annually
 - b) Changes in government fees notably the Landfill Levy
 - c) Annual CPI increases
 - d) Levels of Contamination in FOGO material delivered
- 30. The use of FOGO Processing 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.
- 31. This FOGO Project will earn ACCU's (one ACCU represents one tonne of carbon dioxide equivalent) which are a tradeable financial product and can be traded or sold on the secondary market or to the Australian Government. This project will earn ACCU's over a 13 year period.

SUSTAINABILITY

- 32. The City's Waste Plan June 2020 included as its first action the introduction of 3rd bin FOGO for kerbside collection service along with 16 other waste actions to meet the State's 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

33.	Risk: The City accepts an eQuote FOGO Processing Services, and the Contractor is unable to fulfil their contractual requirements.		
	Consequence	Likelihood	Rating
	Critical	Unlikely	High
	Action/Strategy		
	<ul style="list-style-type: none"> a) Validation of the eQuoter'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. 		

34.

Risk: That the City is unable to engage the preferred eQuoter on 1 July 2024 to allow for a smooth introduction of the FOGO Service as planned to the community from the first week of September 2024.		
Consequence	Likelihood	Rating
Critical	Possible	High
Action/Strategy		
<p>a) If the Officer recommendation is resolved by Council, the City can deliver this new service as planned to commence the first week of September 2024.</p> <p>b) The City could continue its existing kerbside service without FOGO until such time that Council resolves to proceed with a recommendation as a result of this eQuote Process and would need to negotiate with its current contractors the high costs associated in delaying the roll out and undertake a significant community engagement process.</p>		

CONCLUSION

- 35. The delivery of eQuote 2024-03 FOGO Processing 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 and meet its Waste Plan & Local Environment Strategy outcomes pertaining to reducing the volume of waste sent to Landfill.
- 36. The City is satisfied that the recommended eQuoter having the demonstrated experience, the capability, capacity, along with experienced staff and resources available to provide the City with the required FOGO Processing Services.
- 37. It is recommended that Council award eQuote 2024 -03 as set out in the Recommendation clause of this report.

Voting Requirements: Simple Majority

RESOLVED OCM 71/2024

That Council:

- 1. ACCEPT the eQuote 2024-03 FOGO Processing Services submitted by:
 - a) Resource Recovery Group ABN 28 965 675 752 of 9 Aldous Place, Booragoon WA 6154 for Schedule of Rates as set out in Confidential Attachment 1.

2. ACKNOWLEDGE the City's success in its application to the Clean Energy Regulator in respect to Carbon Credit Units (ACCU's)
3. NOTE that following contractual award, the City of Kalamunda FOGO 3rd Bin project is planned to commence roll-out in the first week of September 2024; and,
4. NOTE that proceeding with this recommendation necessitates variations to the Waste Services Management Contract 2022-01 with Cleanaway given the City has made its final investment decision in respect to its FOGO Project.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Kathy Ritchie**

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

Against: **Cr David Modolo**

CARRIED (8/1)

10.2.3. Kalamunda Environmental & Sustainability Advisory Group - Community Appointments

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

Previous Items	OCM 187/2023
Directorate	Asset Services
Business Unit	Asset Services
File Reference	3.009047
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Advisory Group and Management Committees [10.2.3.1 - 1 page] 2. Governance 13 - Appointment of Community Members [10.2.3.2 - 6 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 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.

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.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider community member nominations for the Kalamunda Environmental and Sustainability Advisory Group (KESAG) for the term of 2024-2025.
2. The City of Kalamunda (City) has developed a very clear and relevant vision 'Connected communities, valuing nature and creating our future together.' Advisory groups assist the City in achieving this vision.
3. Additional members to fill the group's vacancies were sought through readvertising in early 2024.
4. This report recommends that Council endorse membership for KESAG for the period June 2024 to October 2025 as set out in Attachment 1.

BACKGROUND

5. Advisory groups and Management committees provide an effective collaborative forum between the City and the community.
6. The City of Kalamunda currently has the following Advisory and Management Groups:
 - a) Disability and Carers Advisory Group
 - b) Kalamunda Arts Advisory Group
 - c) Kalamunda Environmental and Sustainability Advisory Group
 - d) Kalamunda Economic and Tourism Development Advisory Group
 - e) Strategic Sport and Recreation Group
 - f) Ray Owen Management Committee
 - g) Lesmurdie Library Management Committee
 - h) Hockey and Tee Ball Advisory Committee

DETAILS AND ANALYSIS

7. The purpose of each of the City of Kalamunda Advisory groups and Management committees is outlined in their respective terms of reference.
8. At the December Ordinary Council Meeting, three (3) community members were nominated and accepted. Since this time, one (1) community member has withdrawn their application. Through advertising, the City received an additional four (4) nominations.

9. The following table showcases the positions available, and nominations received for each of the Groups seeking community representation.

Group Name	Nominations Received	Positions Available
Kalamunda Environmental and Sustainability Advisory Group –	6	6

10. The City assessed all nominations received in accordance point 4.2 of the Governance 13 – Appointment of Community Members to Advisory Groups and Reference Groups Policy (as per Attachment 2).

APPLICABLE LAW

11. *Local Government Act 1995.*

APPLICABLE POLICY

12. Policy 13: Appointment of Community Members to Advisory Groups and Reference Groups.

STAKEHOLDER ENGAGEMENT

13. The City originally called for nominations for the 2023 Advisory groups and Management committees from 13 October 2023 to 13 November 2023. Nominations for KESAG were extended until 15 February 2024 due to vacancies.
14. An Advisory Group page calling for nominations was hosted on the City's EngageHQ website, linking to separate dedicated Advisory Group pages (one for each group). The dedicated pages explained the process, linked to Terms of Reference, downloadable Nomination Forms, a Policy document and provided the opportunity to nominate online.
15. Hard copy nomination forms, promotional posters and flyers were distributed to all City Buildings, for example libraries.

FINANCIAL CONSIDERATIONS

16. Advisory groups and management committees will be operating in line with current budget and resourcing allocation.

SUSTAINABILITY

- 17. The City calls for nominations every two (2) years to ensure opportunity for new representatives and to ensure the Group structure is sustainable.

RISK MANAGEMENT

18.	Risk: Reputational risk where an Advisory group’s goals do not align with the City’s objective and strategies.	
	Consequence	Likelihood
	Possible	Moderate
	Rating	
	Medium	
	Action/Strategy	
	Provide guidance to all the members at the first meetings to communicate the City’s strategic plan and objectives to ensure the Group understands its role and works within its Terms of Reference.	

CONCLUSION

- 19. The City recommends endorsement of Kalamunda Environmental and Sustainability Advisory Groups nominations in accordance with Attachment 1.

Voting Requirements: Simple Majority

RESOLVED OCM 72/2024

That Council:

- 1. ENDORSE successful nominees for the Kalamunda Environmental and Sustainability Advisory Group as per Attachment 1.
- 2. NOTE the City of Kalamunda will write to all nominees and advise of the outcome for the Kalamunda Environmental and Sustainability Advisory Group.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lisa Cooper**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.3. Corporate Services Reports

No reports presented.


10.4. Community Engagement Reports

10.4.1. Community Engagement Review 2023

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

Previous Items	OCM 101/2022
Directorate	Community Engagement
Business Unit	
File Reference	
Applicant	Community Engagement
Owner	City of Kalamunda
Attachments	1. 2023 Community Engagement Report [10.4.1.1 - 51 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

Objective 1.1 - To be a community that advocates, facilitates 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 1.2 - To provide a safe and healthy environment for community to enjoy.

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

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.

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 to provide an overview of community engagement campaigns conducted in 2023.
2. The 2023 community engagement overview showcases the breadth of methodology and campaigns undertaken.
3. The recommendation is to receive the Community Engagement Overview for the 2023 Calendar year.

BACKGROUND

4. The City of Kalamunda (City) undertakes a review of Community engagement annually, by undertaking post campaign evaluations.
5. Each engagement campaign also has a comprehensive Community Engagement report published, with verbatim results, along with a summary of all communications and promotion undertaken by the City during the campaign.
6. 'Community engagement' is used as an umbrella phrase to include informing, consultation, engagement, and empowering activities. The City of Kalamunda engages through the IAP2 Spectrum of Public Participation which identifies 5 subcategories of engagement.

Inform	Consult	Involve	Collaborate	Empower
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7. The core values outlined by IAP2 for community engagement are:
- a) The public should have a say in decisions about actions that could affect their lives.
 - b) Public participation:
 - i. includes the promise that the public's contribution will influence the decision.
 - ii. promotes sustainable decisions by recognising, and
 - iii. communicating the needs and interests of all participants, including decision makers
 - iv. seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
 - v. seeks input from participants in designing how they participate.
 - vi. provides participants with the information they need to participate in a meaningful way.
 - vii. communicates to participants how their input affected the decision.

DETAILS AND ANALYSIS

8. In 2023, the City had a total 46 projects open for public comment. These projects spanned a wide variety of the City's services, policies, and community issues, including planning proposals, policy development, environmental initiatives, City facility and amenity consultations, and road safety awareness programs.
9. The total visits to the engagement portal was 41,109, up from 38,700 in 2022.
10. The max visitors per day was 942, up from 718 in 2022.
11. Pop-up booths, direct mailouts, workshops and opportunities for dialogue continue to be very popular.
12. All engagement projects are supported with an integrated marketing campaign, to ensure maximum reach across a diverse range of audiences in our community, regardless of whether they are online, at home or face-to-face in the public domain (such as shopping centres or at City events).

Top Engaged Projects

13. The City received nominations for 10 Local Government award programs in 2023 for its outstanding community engagement projects. Notably, the City won the prestigious Compassionate Community Award from Palliative Care WA in November 2023.

Award	Project	Award Category
Palliative Care WA Awards 2023	Compassionate Communities	Compassionate Commur (Winner)
Local Government Professionals Community Development Awards	Stirk Park Redevelopment	Innovative Partnership A
Local Government Professionals Honour Awards	Stirk Park Skate Park	Connecting Communities
Local Government Professionals Honour Awards	Urban Forest Strategy	Environmental Leadershi Sustainability
Planning Institute Awards 2023	High Wycombe South	Strategic Planning Projec
Planning Institute Awards 2023	Urban Forest Strategy	Climate Change and Resi
Planning Institute Awards 2023	Urban Forest Strategy	Community Wellbeing ar
Planning Institute Awards 2023	Urban Forest Strategy	Stakeholder Engagemen
IPWEA Awards 2023	Reactivating Central Mall – Kalamunda’s Beating Heart	Best Public Works Projec
Aware Super Warlang Award 2023	GROW Kalamunda	Workplace Wellbeing

APPLICABLE LAW

14. *Local Government Act 1995*

APPLICABLE POLICY

15. Service 5 – Communication and Engagement

STAKEHOLDER ENGAGEMENT

16. This report provides an overview of stakeholder engagement undertaken in 2023.

FINANCIAL CONSIDERATIONS

17. All community engagement is undertaken within approved budget parameters.

SUSTAINABILITY

18. Community engagement is critical to the City in terms of sustainability.

RISK MANAGEMENT

19.	Risk: Community engagement practices not reviewed resulting in missed opportunity to appropriately manage community engagement.	
	Consequence	Likelihood
	Significant	Unlikely
	Rating	
	Medium	
	Action/Strategy	
	Ensure engagement reports prepared for each project, with an annual review of all engagement undertaken.	

CONCLUSION

24. Local governments that inform, consult, collaborate with, and listen to their local communities empower their communities to be engaged and participate in their own governance. This makes for healthy democracies and involved citizens.

Voting Requirements: Simple Majority

RESOLVED OCM 73/2024

That Council RECEIVE the Community Engagement Overview for the 2023 calendar year.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Brooke O'Donnell**

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

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.4.2. Community Bushfire Preparedness Plan - Season Overview 2023/2024

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

Previous Items	
Directorate	Community Engagement
Business Unit	Community Health & Safety
File Reference	
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Bushfire Compliance Season Summary Report 2023 2024 02 [10.4.2.1 - 22 pages] 2. Fire Hazard Reduction Notice 2024/2025 [10.4.2.2 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

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 outcomes of the fire hazard and compliance assessments undertaken by the City of Kalamunda (City) during the 2023/2024 fire season, through the administration of the city's Fire Hazard Assessment Plan 2023/2028 (The Plan).
2. The comprehensive bushfire hazard inspection program aims to evaluate bushfire readiness and compliance against the Fire Hazard Reduction Notice (Notice) on privately owned land within the City.
3. Overall, the 2023/2024 City's bushfire compliance inspections outcomes indicate an improvement in compliance in comparison to previous seasons.

BACKGROUND

4. Bushfire prevention and preparedness planning is critical to the implementation of the City's strategic objective to provide a safe and healthy environment for the community to enjoy.
5. Pursuant to Section 33 of the *Bush Fires Act 1954*, the City issues a Fire Hazard Reduction Notice each year to put measures in place to prevent the outbreak, spread or extension of bush fires.
6. In support of the Notice, the City prepared a 5-year Fire Hazard Assessment Plan. The purpose of the Plan is to outline the City's approach regarding education and enforcement of the Notice and embodies a fair and equitable approach to managing bushfire risks, incorporating strategies to ensure both compliance and preparedness.
7. The current Plan is due for a comprehensive review prior to the start of the 2028 season.

DETAILS AND ANALYSIS

8. The Plan was implemented this year by a team of experienced full time Community Bushfire Preparedness Officers that specialise in Emergency Management & Fire Compliance, these Officers are also authorised Fire Control Officers (FCO) under the *Bush Fires Act 1954*. It is essential to understand that while our Officers hold FCO status, their duties are limited to compliance related matters, and they do not respond to fires.
9. This adept and seasoned team collaborates with the community year-round, not only conducting fire hazard inspections but also executing various emergency management tasks to enhance general community preparedness and build resilience to several identified local risks which are identified within the City's Local Emergency Management Arrangements (LEMA).
10. Key performance outcomes from the 2023/2024 season include:
 - a) 2,508 extreme, high and medium-risk Individual Land parcels were inspected
 - b) 3,011 overall assessments were completed
 - c) 2,124 properties were assessed as compliant on the first inspection which equates to 84.69% of all assessments
 - d) 314 work orders were issued
 - e) 29 Infringements were issued for non-compliance's to the Notice
 - f) 132 properties were inaccessible on first inspection
 - g) 129 inaccessible properties were followed up and later inspected leaving 3 properties not assessed.
 - h) 195 lifetime variations to the Notice were approved
 - i) 22 grazing variations to the Notice were approved
 - j) 37 permits to burn were issued
 - k) 32 Illegal (Fires) were reported and attended to by City authorised Fire Control Officers resulting in 6 infringements being issued.
 - l) 33 total fire bans were declared by the Department of Fire & Emergency Services
11. It is also positive to note that a sizeable percentage of properties inspected were compliant with the Notice on the first inspection, with less than 13% of assessments resulting in a formal work order being issued. Out of the 314 work orders issued on follow up, 285 were compliant and 29 remained non-compliant
12. A detailed breakdown based on property size, suburb and type of issue can be found in attachment 1.

APPLICABLE LAW

- 13. *Bush Fires Act 1954*

APPLICABLE POLICY

- 14. N/A

STAKEHOLDER ENGAGEMENT

- 15. The Fire Hazard Assessment Plan and Notice have been prepared in consultation with the Department of Fire and Emergency Services (DFES) and the Bushfire Advisory Committee.
- 16. Further engagement has also occurred several Community Working Groups.

FINANCIAL CONSIDERATIONS

- 17. Provision for the proposed 2024/2025 Fire Hazard Assessment program and Notice have been allocated in the 2024/2025 operational budget.

SUSTAINABILITY

- 18. The City’s implementation of the five-year Fire Hazard Assessment Plan which is implemented throughout the entire year includes a comprehensive community pre-season educational plan and is a key initiative in ensuring the City and its residents are better prepared for the risks and dangers that accompany a changing and drying climate.

RISK MANAGEMENT

19.	Risk: Failure to implement the FHA Plan may result in increased, unmanaged fuel loads leading to increases in uncontrolled fire events.		
	Consequence	Likelihood	Rating
	Major	Almost certain	Extreme
	Action/Strategy		
	Through introducing the Notice each year and the implementation of the FH Assessment Plan, the City will reduce the impact of a catastrophic fire event in the most high-risk areas.		

20.

Risk: Failure to prepare the community for bushfires, may result in significant reputational and financial damage.		
Consequence	Likelihood	Rating
Significant	Likely	High
Action/Strategy		
By City staff implementing the Plan as its intended, will reduce the risk to its reputation preventing widespread criticism from community and media representees.		

CONCLUSION

21. The City is using the Notice and Plan as an opportunity to engage with the community and educate residents on how to prepare and protect their properties. The implementation of the assessment plan is one of the City's largest face-to-face interactions with the community.

Voting Requirements: Simple Majority

RESOLVED OCM 74/2024

That Council:

1. NOTE the outcomes of the 2023/24 season Fire Hazard Assessment Plan.
2. ENDORSE the City of Kalamunda Fire Hazard Reduction Notice 2024/2025.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.5. Office of the CEO Reports

No reports presented.


10.6. Chief Executive Officer Reports

10.6.1. Monthly Financial Statements to 31 May 2024

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Statement of Financial Activity for eleven months ended 31 May 2024 [10.6.1.1 - 1 page] 2. Statement of Net Current Funding Position as at 31 May 2024 [10.6.1.2 - 1 page] 3. Statement of Financial Position as at 31 May 2024 [10.6.1.3 - 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
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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 provide Council with the Statutory Financial Statements for the period ended 31 May 2024.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the Mid-Year budget review adopted by the Council on 27 February 2024 for the 2023/2024 financial year and minor amendments subsequently to the reporting date.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month of May 2024, which comprise:
 - a) Statement of Financial Activity by Nature for the period ended to 31 May 2024.
 - b) Net Current Funding Position, note to financial report as of 31 May 2024.
 - c) Statement of Financial Position for the period ended to 31 May 2024.

BACKGROUND

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

DETAILS AND ANALYSIS

6. The Act requires the Council to adopt a percentage or value to be used in reporting variances against the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the eleven months ended 31 May 2024

7. This Statement reveals a net result surplus of \$19,983,663 compared to the budget for the same period of \$4,338,498 resulting in a variance of \$15,645,167. This is largely due to a net lower expenditure of \$2,601,451 in operating activities and lower expenditure of \$12,668,331 in investing activities (excluding depreciation costs).

Operating Revenue

8. Total Revenue including rates is over budget by \$1,572,095. This is made up as follows:
- a) Rates generation is trending along the budget with a minor variance of \$209,883 emanating from higher interim rating revenue.
 - b) Operating Grants, Subsidies and Contributions are over the budget by \$380,752. The variance is attributable to the timing of operating grants receipt.
 - c) Fees and Charges are over budget by \$277,416. The variance is attributable to;
 - i. Waste Management Fees are higher than budget by \$68,568.
 - ii. Statutory Planning Services development fees are above budget by \$80,439.
 - iii. Hartfield Park Recreation Centre Fee & Sales are above budget by \$53,052.
 - iv. Development Engineering Fees is over budget by \$44,807.
 - d) Interest income is over budget by \$582,073. The variance is attributed to the higher interest rates available and the lower capital works expenditure which has resulted in a higher-than-expected cash balance available for investment.
 - e) Other Revenue is above budget by \$37,954, and the variance is mainly due to Environmental Health Services compliance activities which are higher than budget by \$27,242.
 - f) Ex-Gratia Rates Revenue is over budget by \$83,827 mainly due to receipt of Dampier Bunbury Gas Pipeline Project rates in May 2024 which was budgeted in June 2024.

Operating Expenditure

9. Total expenditure is over budget by \$1,129,929. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$481,662 which is due to vacant positions across several business units noting that some of

the variance could also be due to leave provision adjustments passed as part of year end entries.

- b) Materials and Contracts are under budget by \$1,065,142. The variance is mainly due to the timing of building maintenance and infrastructure maintenance costs and lower waste contractor costs.
- c) Utilities are under budget by \$105,578, the major contributor to this variance is \$53,688 under spend on utilities by Parks and Reserves facilities.
- d) Depreciation, although a non-cash cost, is tracking over budget by \$2,833,739 due to increases in book value of infrastructure assets related to the recent revaluation. No adjustment was made in the budget at Mid-Year Budget Review as it is a non-cash adjustment which has no impact on the closing position.
- e) Interest expense is tracking below the reportable variance threshold whereas Insurance expenses are slightly over budget.
- f) Other expenditure is under budget by \$63,908. The variance is mainly a timing difference due to \$60,500 budgeted for Donations to Community Groups not yet spent.

Investing Activities

Non-operating Grants and Contributions

- 10. The non-operating grants and contributions is over budget by \$1,203,741. This is mainly due to the timing difference of receipts of grants for capital works projects and the project delivery. It is expected that there will be a significant carry over of grants in line with the lower Capital spend trajectory.

Capital Expenditure

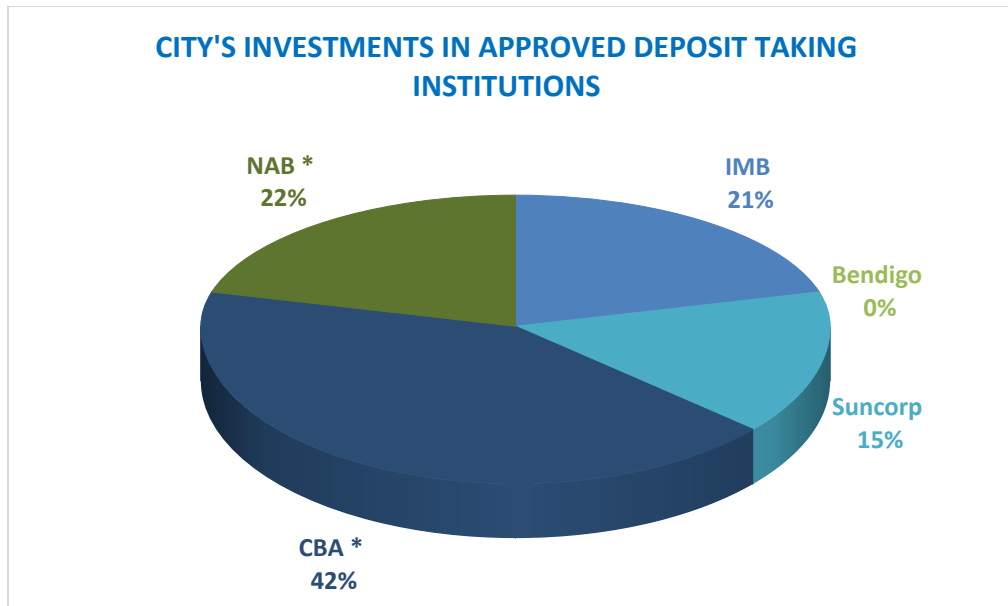
- 11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$11,415,976. The project delivery is expected to pick-up speed in the last month of the year with several R2R projects assigned to be completed in the coming month however as a whole of programme view, it should be noted that there will be an increase in carry forward requests for the Annual Budget 2024/25.

Financing Activities

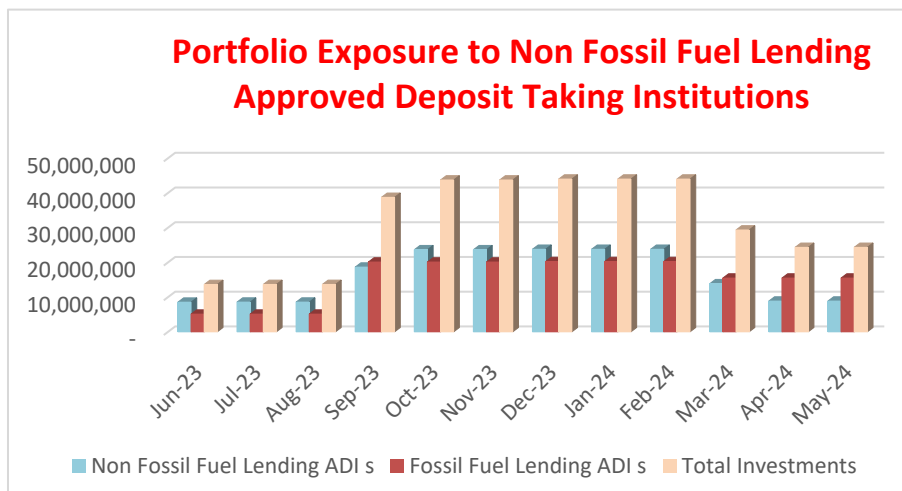
- 12. The amounts attributable to financing activities show a variance of \$375,384 which is mainly due to the developer contributions and year-end reserves and lease adjustment entries yet to be passed.

Statement of Net Current Funding Position as of 31 May 2024

- 13. The commentary on the net current funding position is based on a comparison of May 2024 to the May 2023 actuals.
- 14. Net Current Assets (Current Assets less Current Liabilities) total \$40.6 million. The restricted cash position is \$25.0 million which is slightly lower than the previous year’s balance of \$26.2 million.
- 15. The following graph indicates the financial institutions where the City has investments as of 31 May 2024. It is noted that the CBA holding is higher than current threshold of 30% allowed which is a result of maturity of deposits in other approved deposit institutions (ADI’s). This is unavoidable as the maturities are not all aligned with a specific date to ensure that operational cashflows are considered.



*Financial Institutions with Investments in the Fossil Fuel Industry



16. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$3.1 million.
17. Sundry debtors have decreased from \$930,897 to \$244,947 of which \$93,417 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
18. Receivables Other represent \$1.7 million including:
 - a) Emergency Service Levy receivables \$0.5 million.
 - b) Receivables Sanitation \$0.6 million.
19. Provisions for annual and long service leave have decreased by \$159,563 from 4.4 million to \$4.3 million when compared to the previous year. Year end provision adjustments are yet to be completed which could impact the closing position.

APPLICABLE LAW

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

APPLICABLE POLICY

21. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

24. The City’s financial position continues to be closely monitored to ensure it is operating sustainably and to allow for future capacity. The 2023/24 Capital Works progress will be scrutinised and carry forwards will be identified with the April 2024 results to assist in formulating the 2024/25 Annual Budget.

SUSTAINABILITY

Social Implications

25. Nil.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT

28.

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

29.

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

CONCLUSION

30. The City's Financial Statements as at 31 May 2024 reflect the audited surplus carried forward from 2022/2023.

Voting Requirements: Absolute Majority

RESOLVED OCM 75/2024

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 31 May 2024 which comprises:

- a) Statement of Financial Activity (Nature or Type) for period ended 31 May 2024 (Attachment 1).
- b) Net Current Funding Position, note to financial report as of 31 May 2024 (Attachment 2).
- c) Statement of Financial Position as of 31 May 2024 (Attachment 3).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)



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

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the Period ended 31 May 2024 - (Public) [10.6.2.1 - 14 pages] 2. Corporate Credit Card Payments 27 March to 26 April 2024 - (Public) [10.6.2.2 - 2 pages] 3. Summary of Debtors for the month of May 2024 [10.6.2.3 - 2 pages] 4. Summary of Creditors for month of May 2024 [10.6.2.4 - 1 page]
Confidential Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the Period ended 31 May 2024 – (Confidential) 2. Corporate Credit Card Payments 27 March to 26 April 2024 – (Confidential)

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with details of payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of May 2024.
2. The report provides details of payments made from the Municipal and Trust Fund Accounts for the month of May 2024. It also includes details of employee purchases via purchasing cards for 27 March to 26 April 2024.
3. It is recommended that Council receive the list of:
 - a) payments made from the Municipal and Trust Fund Accounts for the month of May 2024,
 - b) payments made by employees via purchasing cards from 27 March to 26 April 2024.
The above two lists are in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and
 - c) the outstanding debtors and creditors report for the month of May 2024.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Funds must occur monthly.
6. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)
If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared;
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment

- d) Sufficient information to identify the payment.

DETAILS AND ANALYSIS

Debtors

- 7. Sundry debtors as of 31 May were \$244,947. This includes \$94,518 of current debts and \$1,101 unallocated credits (excess or overpayments).
- 8. Invoices over 30 days total \$60,435, debts of significance:
 - a) Kalamunda & District Netball Association, \$35,000, Court Resurface;
 - b) Municipal Workcare, \$12,975, Workers Compensation;
 - c) Department of Education, \$6,409, KPAC Shared Expenses; and
 - d) City of Stirling, \$4,164. LSL Reimbursement.
- 9. Invoices over 60 days total \$9,461, debts of significance:
 - a) Municipal Workcare, \$8,033, Workers Compensation.
- 10. Invoices over 90 days total \$81,633, debts of significance:
 - a) Dept of Education, \$43,919, Kostera Oval – Debt amount being queried.
 - b) Archetype Design Studio, \$25,256, JDAP Fees: and
 - c) Private Citizen, \$9,281 Fire Break – Reimbursement – referred to the City's debt collection to pursue the outstanding amount.

Creditors

- 11. Payments totalling \$4,068,575.66 (excluding payroll) were made during the month of May 2024. 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	Amount (\$)
Australian Taxation Office	PAYG payments	439,660.82
Cleanaway	Waste / recycling & bulk bin disposal services fees	405,341.98
Western Australian Treasury Corporation	Repayments of loan nos. 214, 216, 231-239 & 245	293,139.08
Beaver Tree Services	General tree services / under powerlines pruning for various locations	258,072.56

City of Cockburn	Disposal of general waste from the weekly residential waste collection	254,043.46
Kompan Playscape Pty Ltd	Supply, Delivery & Installation of Play Equipment for Magnolia Reserve	203,041.30
Aware Super Pty Ltd	Superannuation contributions	192,590.10
Synergy	Power charges	162,585.03
Carabiner Architects Pty Ltd	Design Services - Hartfield Park Master Plan Stage 2	95,153.04
OCE Corporate Pty Ltd - Office Cleaning Experts	Cleaning services / consumables for various locations	61,208.82
Contraflow	Traffic management for various locations	59,315.04

These payments total \$2,424,151.23 and represent 60% of all payments for the month.

Payroll

13. Net salaries (excluding taxes, superannuation and other deductions) are paid in fortnightly cycles. A total of \$1,330,056.06 was paid in net salaries for the month of May 2024.
14. Details are provided in Attachment 1/Confidential 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 2024.

Cell 9		Amount (\$)
Date	Description	
9/05/2024	City of Kalamunda - for Project Management Costs January 2024 - March 2024	10,632.00

APPLICABLE LAW

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

RESOLVED OCM 76/2024

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts from the month of May 2024 (Confidential Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from 27 March to 26 April 2024 using Corporate Purchasing Cards (Confidential Attachment 2) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13A).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 3-4) for the month of May 2024.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr John Giardina**

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

Against: **Nil**


CARRIED UNANIMOUSLY (9/0)

10.6.3. Rates Debtors Report for the Period Ended 31 May 2024

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report May 2024 [10.6.3.1 - 3 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

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

2. The City of Kalamunda (City) levied rates for 2023/2024 on 1 July 2023 totalling \$43,709,067, with prior year outstanding rates of \$2,363,869 and interim rates of \$777,792 resulting in total rates collectable at 31 May 2024 to be \$46,850,728. Collections to date stand at \$43,073,222.
3. It is recommended that Council receive the Rates Debtors Reports for the month ending 31 May 2024 (Attachments 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. A total of 24,219 notices were issued on 14 July 2023. This consisted of 20,710 mailed rates notices, and 3,509 of eRates notices (14% take-up saving more than \$5,000 in postage and printing).
6. As of 31 May 2024, rates Levied and collectable for the 2023/2024 Financial Year, (including interim rates of \$777,792) is a total \$45,802,003 (excluding deferred rates), with collections standing at \$43,073,222 This represents a collection rate of 94.04%.
7. A total of 8,612 ratepayers have taken up an instalment option (option 2 & 3 represented in the table below). This is an increase from 2022/2023 where 8,130 chose an instalment option. The first instalment due date was 18 August 2023. A total of 1,045 ratepayers have chosen to pay via direct debit, a significant increase from 350 in 2022/2023. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,732
Option 3 on Rate Notice	Four instalments	6,880
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	941

Direct Debit	Payment to be received by April 2024	104
Total	Ratepayers on payment options	9657

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

- 17.

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

CONCLUSION

- 18. The current year collection rate is 94.04% compared to 96.16% last year. The City continues to effectively implement its rate collection strategy.
- 19. As a consequence of a greater percentage of people opting for Instalments and payment arrangements, initial cashflow was delayed this year. With the finalisation of the instalment option in February, cashflow is now tracking positively.

Voting Requirements: Simple Majority

RESOLVED OCM 77/2024

That Council RECEIVE the Rates Debtors Report for the Period ending 31 May 2024 (Attachment 1).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

10.6.4. Delegations from the Council to the Chief Executive Officer - 2024 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. Register of Delegations from Council 2024 - Draft
[**10.6.4.1** - 74 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 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 2023. The current delegations must be reviewed by 30 June 2024.

DETAILS AND ANALYSIS

7. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
8. Whilst no change is proposed to the level of authority delegated to the CEO, changes have been made to the format of the Planning and Building delegation format.
9. **Planning Delegations**
In the interests of transparency and accountability, the current delegation PLN1 has been expanded to four (4) separate delegations to clearly articulate and specify the actual power and duty being delegated.
10. **Building Delegations**
Similar to the Planning Delegations, current delegation BLD1 has been expanded to eight (8) separate delegations to clearly articulate and specify the actual power and duty being delegated.

Additionally, the *Building Act 2011* has been amended to provide for the CEO to subdelegate and therefore all delegations are now direct to the CEO.

As a consequence, current delegations BLD 2 and BLD3 have been removed from the Register as these involve "Authorisations" as this can now be done by the CEO.

APPLICABLE LAW

- 11. *Local Government Act 1995.*
Building Act 2011
Planning and Development Act 2015
Planning and Development (Local Planning Schemes) Regulations 2015

APPLICABLE POLICY

- 12. Nil

STAKEHOLDER ENGAGEMENT

- 13. All Directorates have been consulted on the appropriateness and adequacy of the current delegations.

Whilst no changes in the level of delegated authority are proposed, the delegations in the Planning and Building area have been revamped to clearly articulate the actual powers being delegated.

- 14. Public consultation is not considered necessary with respect to this issue.

FINANCIAL CONSIDERATIONS

- 15. None directly from this report.

SUSTAINABILITY

- 16. Nil.

RISK MANAGEMENT

17.	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

18. 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

RESOLVED OCM 78/2024

That Council:

1. NOTE the review of the delegations.
2. ADOPT the delegations detailed in the draft City of Kalamunda Delegations Register 2024 (Attachment 1).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)


10.6.5. Development Approval Reconsideration - (Commercial Kitchen) at Lot 316 (No.29) Foxtton Boulevard, High Wycombe

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"

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

Previous Items	OCM 123/2023, OCM176/2023
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	T Kandel
Owner	T Kandel & S Neupane
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

RESOLVED OCM 80/2024

That Council APPROVE the application for the proposed Use Not Listed (Commercial Kitchen) at Lot 316 (29) Foxtton Boulevard, High Wycombe subject to the following:

Planning Conditions

1. Pursuant to Schedule 2 (Deemed Provisions), Clause 72 of the Planning and Development (Local Planning Schemes) Regulations 2015, the development subject of this approval is approved for a period of two years from the date of this approval expiring 24 months after commencement of operations (i.e issuance of Food Licence), subject to the following scenarios. At the conclusion of the 24 months the City will issue correspondence advising that:
 - i) No valid planning objections have been received during the initial 24-month period of operation and the time limited clause has no further effect with operations being able to continue thereafter without any time limit to the approval, or:
 - ii) Valid planning objections have been received during the initial 24-month period of operation but have been subsequently addressed and resolved by the Applicants to the satisfaction of the City. In these circumstances the City will also advise that the time limited clause has no further effect with operations being able to continue thereafter without any time limit to the approval, or:
 - iii) Valid planning objections have been received during the initial 24-month period of operation that are unresolved, or cannot be resolved to the satisfaction of the City. In these circumstances the City will also advise that the approval has ceased.
2. The use not listed (commercial kitchen) is only permitted to operate between 7:00am and 7:00pm Monday to Friday, 9am to 4pm Saturday and 10am to 4pm Sundays and Public Holidays.
3. The development being carried out in accordance with the plan(s)/drawings(s) and document(s) (including any recommendation made) listed below, including any amendments to those plans as shown in red.

Drawing No	Title	Date	Prepared By
A01	Site Plan	June 2002	Tulasi Kandel
A01	New Floor Plan	15/05/2023	Tulasi Kandel
10.00580R-01	Acoustic Assessment	07/09/2023	Acoustic Consultants Australia
N/A	Final Updated Operational Management Plan	June 2024	City of Kalamunda

4. Prior to occupation of the development, all car parking areas must meet the following requirements:
 - i. The provision and maintenance of a minimum of 2 car parking spaces, shall be designed, constructed sealed, kerbed, drained and line marked in accordance with the Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking Facilities, Part 1: Off street carparking.
 - ii. Vehicle parking, manoeuvring and circulation areas must be suitably constructed, sealed, kerbed, drained and line marked to the specification and satisfaction of the City of Kalamunda and Australian Standard AS AS2890.
5. All parking associated with the development must be contained on site.
6. A maximum of four staff are permitted at any one time for the duration of the development, to the satisfaction of the City of Kalamunda.
7. Prior to occupation of the development the applicant must implement all recommendations set out in the Acoustic Report prepared by Acoustics Consultants Australia dated the 7 September 2023. The implementation of the recommendations must occur for the duration of the development, to the satisfaction of the City of Kalamunda.
8. A maximum of six deliveries are permitted to occur each week for the duration of the development, to the satisfaction of the City of Kalamunda.

Planning Advice Notes

In addition to the conditions, the Applicant must have regard to the following:

- a) All development must comply with the provisions of Council's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
- b) Prior to occupation of the site the landowner may need a permit from the City's Building services.
- c) The landowner is advised that the food premises must comply with the *Food Act 2008 and Food Standards Code*. Further advice on these requirements is available from the City's Health Department. The application must be approved prior to the storage and preparation of food to the public.

d)

e) The landowner is reminded of their obligations to comply with the “Land and development sites and impacts on air quality a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia”, prepared by the Department of Water and Environmental Regulation.

Moved: **Cr O'Connor**

Seconded: **Cr Giardina**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

11. Motions of Which Previous Notice has been Given

12. Questions by Members Without Notice

12.1 Cat Directive (Cr Cannon)

Q. Can I please have information about the directive for cats to remain on the owners property and not wonder?

A. The Cat Local Law revised addition initially did include a provision for cats to be controlled on their owners properties. When presented to the Joint Standing Committy for review the City was advised this section was required to be removed due to conflict with the Cat Act. The Cat Act does not allow for provision of this nature to be made or enforced. The City was required to remove this provision from its Local Law as there was a risk the City would be left without a Cat Local Law. The City has written to the Parliament of WA and the Department of Local Government to lobby to have the Cat Act review and has been advised this will occur in 2024.

12.2 Upkeep of Verges (Cr Cannon)

Q. When in the season does the City undertake verge clean up.

A. An indicative verge maintenance program will be provided.

12.3 Maida Vale Reserve Flooding (Cr O'Connor)

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

A. Taken on notice.

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

13.1 Water Licencing – Cr Cooper

Q. Will the City of Kalamunda consider writing to the minister to request the the state government resolve the issue of groundwater being taken by commercial water bottling companies on behalf of its residents?

A. The City is not aware of any existing groundwater being taken by commercial water bottling companies. Department of Water and Environmental Regulations (DWER) are the responsible state agency to ensure WA's water resources are planned, managed and developed to meet community needs. There is limited water related data available in the Darling Scarp. This has been identified as a gap in the context of

agricultural needs, through the Pickering Brook and Surrounds Sustainability and Tourism Strategy.

DWER issue water licences and permits in accordance with the Rights in Water and Irrigation Act 1914. Given much of the Darling Scarp is not within a proclaimed groundwater supply area, bores do not typically require a licence from DWER to access ground water. The City has a role through the development application process to ensure water resources are a considered and would usually refer matters to the appropriate agency, DWER, for advice if a proposal was received.

City officers can write to the Minister at the request of Council should City of Kalamunda residents wish to take this action.

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

14.1 Nil.

15. Meeting Closed to the Public

15.1 RESOLVED OCM79/2024

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

Moved: **Cr Mary Cannon**

Seconded: **Cr Dylan O'Connor**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

The Meeting closed to the public at 7:09pm. All members of the public gallery left the Meeting and all elected members and staff remained.

RESOLVED OCM 81/2024

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Mary Cannon**

Seconded: **Cr Geoff Stallard**

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

Against: **Nil**

CARRIED UNANIMOUSLY (9/0)

The Meeting reopened to the public at 7:27pm. All members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

Public Agenda Briefing Forum 11 June 2024

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:30pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2024.