



Public Agenda Briefing Forum

Notes

12 August 2025

INDEX

1. Official Opening.....	3
2. Attendance, Apologies and Leave of Absence	3
3. Declarations of Interest	4
4. Announcements by the Member Presiding Without Discussion	4
5. Public Question Time	4
6. Public Statement Time	4
7. Public Submissions Received in Writing	4
8. Petitions Received.....	4
9. Confidential Items Announced But Not Discussed	5
10. Reports to Council.....	6
10.1. Development Services Reports	6
10.2. Asset Services Reports	6
10.2.1. RFT 2504 Scott Reserve Pavilion Reconstruction - Award of Tender	6
10.2.2. Food Organics and Garden Organics (FOGO) Services	14
10.3. Corporate Services Reports	20
10.3.1. eQuote 2025-02 Microsoft Licensing Renewal.....	20
10.4. Community Services Reports	26
10.4.1. Bush Fire Brigades Local Law 2025	26
10.5. Office of the CEO Reports	32
10.5.1. Elected Member Communication and Contact with Staff Policy - Review.....	32
11. Closure	37

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

Mayor

Margaret Thomas JP

Councillors

South East Ward

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper

Dylan O'Connor (Presiding Member)

North Ward

David Modolo

Kathy Ritchie

Members of Staff

Chief Executive Officer

Anthony Vuleta - Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Luke Ellis - Director Community Services

Gary Ticehurst - Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Rhonda Bowman - Manager Governance

Rory Smith - Manager Asset Delivery

Chris Thompson - Manager Waste & Fleet

Administration Support

Sarah de Jong - Executive Assistant to the DDS

Molly Rogers-Thomson - Executive Officer - CEO

Emma Morgan - Executive Assistant to the DCS

Members of the Public 11

Members of the Press Nil.

Apologies Cr John Giardina

Leave of Absence Previously Approved Nil.

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matter 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*.)

3.2.1 Nil.

3.2. 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.

3.2.1 Cr Lisa Cooper declared an Interest Affecting Impartiality on Item 10.2.1 RFT 2504 Scott Reserve Pavilion Reconstruction - Award of Tender

Reason: Cr Cooper working as a relief Electorate Officer in the office of the Hon Stephen Price MLA.

4. Announcements by the Member Presiding Without Discussion

4.1 Nil.

5. Public Question Time

5.1 Public questions will be allowed and received following the presentation of the report.

6. Public Statement Time

6.1 Public statements will be allowed and received following the presentation of the report.

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1 Nil.

9. Confidential Items Announced But Not Discussed

- 9.1 Item 10.2.1 RFT 2504 Scott Reserve Pavilion Reconstruction - Award of Tender – **Confidential Attachment** – RFT 2504 Scott Reserve Pavilion Reconstruction

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

- 9.2 Item 10.5.1 eQuote 2025-02 Microsoft Licensing Renewal – **Confidential Attachment** - e Quote 2025-02 Tender Evaluation Report

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

10. Reports to Council

10.1. Development Services Reports

No reports presented.

10.2. Asset Services Reports

10.2.1. RFT 2504 Scott Reserve Pavilion Reconstruction - Award of Tender

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

Interest Affecting Impartiality: Cr Lisa Cooper

A presentation on the Scott Reserve project was provided by the Manager Asset Delivery, Rory Smith.

Councillors requested clarification on whether local sporting clubs had been engaged to ensure the project aligns with their needs and has their support.

The Manager Asset Delivery Services confirmed that regular consultation had been conducted with both club representatives and general users of the facility. He advised that the outcomes were collectively agreed upon by all parties involved.

Councillors expressed appreciation to the Scott Reserve user groups for their contributions and input into the project.

Further clarification was sought regarding the process for incorporating public art, in accordance with the City's Planning Policy 28.

The Manager Asset Delivery Services advised that the public art contribution remains within the project budget. However, the final determination will occur during the design phase and will be considered as part of the overall project delivery process.

Questions/Statement from the Public

Mr Frank Scardifield of Maida Vale representing the Scott Reserve user groups, provided a statement in support of the report. He acknowledged the City's engagement with local user groups throughout the process, noting that while it was understood not every individual need could be fully met, the outcome reflects a balanced approach. The final design is broadly supported by the user groups and remains within the allocated budget.

Previous Items	OCM 251/2018; OCM 100/2020; OCM 122/2022; OCM 182/2023; OCM 158/2024
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	3.0103146; AD-TEN-005
Applicant	N/A
Owner	N/A

Attachments 1. Revised Scott Reserve Master Plan July 2025
[**10.2.1.1** - 1 page]

Confidential Attachment Reason for Confidentiality: Local Government Act 1995 s5.23 (c)
"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."

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.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of the award of RFT 2504 - Redevelopment of Scott Pavilion – Scott Reserve in High Wycombe.
2. The City of Kalamunda (City) issued a Request for Tender seeking to engage a commercial building contractor to undertake the design and construction of the Redevelopment of Scott Pavilion – Scott Reserve.
3. It is recommended Council accept the tender from AE Hoskins Building Services ABN 14 941 679 801 for the works for a lump sum price of \$4,981,817.24 (excluding GST).

BACKGROUND

4. Council endorsed the revised Scott Reserve Master Plan (SRMP) at the Ordinary Council Meeting held in December 2023 (OCM 182/2023). The Master Plan provides a strategy to guide development in a sustainable manner to maximise opportunities for active and passive recreation for the community. The new Scott Reserve Pavilion was a key project identified within the SRMP.
5. Through the 2021 State Election, the City was successful in securing a \$2 million grant through Department of Local Government, Sport and Cultural Industries (DLGSCI) towards the new Scott Reserve Pavilion. At the August 2023, OCM Council (122/2022) approved a co-contribution through a \$2m loan. During this time the City also secured a \$50,000 grant from the Western Australian Football Commission (WAFC), \$40,000 from Cricket Australia and a further \$1.3m from the Community Sporting and Recreation Fund (CSRFF) towards the project. An additional contribution from Municipal Funds of \$ 136,575 equates to a total current budget of \$5,526,575 allocated to this project.
6. This project was tendered in 2024; however, the project was cancelled due to a substantial high cost of prices received.

At the Ordinary Council Meeting held in December 2024 (OCM 158/2024), Council resolved to:

- a) Cancel the tender for RFT 2408 – Scott Reserve Pavilion.
- b) Establish a Scott Reserve Facility Improvement Working Group.

7. The City and the Improvement Working Group held several meetings and reached agreed outcomes to review the design and to initiate a design and construct tender (AS4902) with a Maximum Guaranteed Price of \$5m.
8. The City, in consultation with the Improvement Working Group, investigated the project and identified approximately \$2m in possible savings through design simplification and standardisation across the City facilities.
9. The City, in consultation with the Improvement Working Group, identified a Design and Construct procurement methodology as the most likely to be effective in the mitigating cost escalation and encourage Contractors to leverage advantage where possible.
10. As the building design changes have led to an overall reduced pavilion footprint (requested by the Improvement Working Group), resultant minor changes to the Scott Reserve Master Plan components have been identified:
 - a) Retain and extend the turf cricket wicket block, rather than relocate
 - b) Replace the existing green keeper storage facility; and
 - c) Retain the existing playground.

DETAILS AND ANALYSIS

11. The City issued RFT 2504 Redevelopment of Scott Pavilion – Scott Reserve through Tenderlink on Wednesday 11 June 2025. The Tender advertising closed at 2.00pm AWST Tuesday 8 July 2025. Four Tenders were received by closing date.
12. Tender submissions were received from:
 - a) AE Hoskins Building Services
 - b) Barna Construction (WA) Pty Ltd
 - c) BE Projects
 - d) Castle Projects
13. An Evaluation Panel of suitably qualified City Officers convened to assess the tenders received.
14. Tenders were assessed in a staged process of firstly checking compliance to matters set out in the tender invitation. Compliant tenders were then assessed against the Qualitative Criteria. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	25%
Key Personnel Skills and Experience	20%
Tenderer's Resources	20%
Demonstrated Understanding of Required Works	30%
Local Benefits	5%

15. The qualitative assessment for each Tender submission was completed by Panel members on 15 July 2025.

The summary assessment outcome in ranked order is detailed in the following table below:

Company Name	Qualitative Total Score (Weighted @ 100%)	Rank	Status
AE Hoskins Building Services	64.50%	1	PASS
Barna Construction (WA) Pty Ltd	55.00%	2	FAIL
BE Projects	52.00%	3	FAIL
Castle Projects	49.50%	4	FAIL

This assessment demonstrates that only one of the four (4) Tenderers exceeded the required Qualitative Pass Mark (QPM) of 60%, with three Tenderers being eliminated from further assessment.

16. The one preferred Tender submission met the required QPM and advanced to the price assessment stage of the evaluation process as noted in the following table.

Tenderer	Tendered Price (Excl. GST)	Rank
AE Hoskins Building Services	\$4,981,817.24	1

APPLICABLE LAW

17. A price assessment was then undertaken for the remaining tender to ensure compliance and best value for money outcome for the City.

18. The recommended tender best satisfied the City's requirements in terms of:
- meeting the qualitative benchmark;
 - proven capacity and capability to undertake the works;
 - satisfying reference checks from previous clients;
 - satisfying independent financial reference checks; and
 - best value for money outcome.
19. The Panel recommends AE Hoskins Building Services be the preferred Tenderer for its lump sum price of \$4,981,817.24 (excluding GST).

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

21. The Budget provided for these works is \$5,526,575.00. The total anticipated project cost inclusive of professional fees including project contingency is \$5,526,129.27
22. The following table provides a breakdown of the total project cost to progress this work.

No	TASKS / DETAILS	COST
1	Construction Cost	\$4,981,817.24
2	Contingency	\$238,970.86
3	Artwork (1%)	\$49,818.17
4	Community Events	\$5,000.00
6	Costs Spend to Date	\$250,523.00
	Total Project Cost Estimate	\$5,526,129.27
	Current Budget Allocated	\$5,526,575.00

23. The breakdown of funding is shown in the table below.

Grant funding for the Scott Reserve Pavilion and Grant deadline		
Funding	Value	Grant Deadline
Municipal	\$136,575	
Loan	\$2,000,000	
DLGSCI	\$2,000,000	February 2025 (ext. pending)
CSRFF	\$1,300,000	May 2026
WA Football Commission	\$50,000	December 2026
Cricket AU	\$40,000	May 2026
Total	\$5,526,575	

24. The construction of Scott Pavilion will commence in April 2026 and will be completed in April 2027.

SUSTAINABILITY

25. **Social Implications**

Investment in Scott Reserve with updated sporting and recreational facilities increases the City's assets, provides benefits to the local community, improves community safety and enhances the user and player experiences for their training and competitions.

26. **Economic Implications**

The implementation of this project will assist in providing local benefit to local businesses with possible benefits of employment opportunities. It may provide increased economic activity to the High Wycombe community during the construction phase.

27. **Environmental Implications**

No environmental Impacts.

RISK MANAGEMENT

28.

Risk: Delays result in not meeting Grant body deadlines.		
Consequence	Likelihood	Rating
Major	Possible	Medium
Action/Strategy		
Regular quarterly reports to DLGSCI, the main funding group have been notified and briefed on all reports. This shall be transparent to the Grant body with project construction updates. Contractor to provide monthly program updates and report potential delays immediately once construction begins.		

CONCLUSION

29. It is recommended that Council award RFT 2504 as set out in the Recommendation of this report.
30. It should be noted that minor amendments to the Scott Reserve Master Plan have been made, viewable in Attachment 1 and will be made available on the City Website.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACCEPT the tender for the construction of Scott Pavilion at Scott Reserve, High Wycombe (RFT 2504) from AE Hoskins for the works for a lump sum price of \$4,981,817.24 (excluding GST) PLUS any necessary contract variations up to the value of the approved adopted project budget (\$5,526,575.00).
2. NOTE the amendments to the revised Scott Reserve Master Plan concept as per Attachment 10.2.1.1.

10.2.2. Food Organics and Garden Organics (FOGO) Services

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

A presentation on FOGO Services was provided by the Manager Waste and Fleet, Chris Thompson.

Councillors acknowledged the ongoing hardship experienced by many families in the City as a result of the current general waste regime.

Councillors requested clarification on the proposed recommendation to exempt residents from fees for an additional general waste bin where a medical certificate is provided. Concerns were raised regarding the fairness of determining which medical conditions are deemed eligible for the exemption.

The Manager Waste and Fleet clarified that under the proposed process, the medical certificate need not to include details of the condition. A registered medical practitioner need only confirm that an additional bin is required due to waste generated by the condition. No personal medical information will be sought and all applications accompanied by such a certificate will be accepted without further inquiry.

Councillors sought clarification on whether the proposed changes are in line with State Government requirements and whether they might impact grant funding received to support FOGO implementation.

The Manager Waste and Fleet confirmed the changes will not negatively affect the grant, which was to be utilised by July 2025, with final acquittal due the following year. He noted that the grant has already been acquitted and accepted by the Waste Authority.

Councillors requested statistics on the number of residents who have applied for additional bins since the introduction of FOGO.

The Manager Waste and Fleet provided the following data:

- Additional Recycling (240L) bin requests: 47
- Additional FOGO (green-lidded 240L) bin requests: 43
- Exceptional circumstances (medical or other) requests: 82

These are in addition to the 339 requests referenced in the report.

Councillors requested an update on contamination concerns and how the City's FOGO contamination rate compares to other local governments.

The Manager Waste and Fleet advised that a pre-implementation audit was conducted to establish a baseline, with a 12-month post-implementation audit scheduled for November. While formal comparative data is not yet available, preliminary feedback from the FOGO processor and Cleanaway has been positive. Invoices and processor commentary indicate a current contamination rate between 1–3%.

Councillors also asked why the City has not considered increasing the size of red-lidded general waste bins or collection frequency to weekly collection.

The Manager Waste and Fleet explained that prior to FOGO's rollout, the Waste Authority issued kerbside service guidelines based on best practice for reducing landfill. The City's approach aligns with these guidelines and with the successful implementation by other local governments. Increasing bin size or collection frequency would incur significant additional costs. The City's intent is to encourage proper use of FOGO services, with support available for those who genuinely require additional capacity.

Previous Items	OCM 95/2020; OCM 199/2020; OCM 128/2022; OCM 71/2024; OCM 154/2024
Directorate	Asset Services
Business Unit	Waste & Fleet Services
File Reference	3.010460
Applicant	N/A
Owner	N/A
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 (e.g. accepting tenders, adopting plans and budgets)
	Information	For Council to note
	Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to further consider the Food Organics and Garden Organics (FOGO) options presented to a February 2025 Councillor Strategic Briefing session.

BACKGROUND

2. The FOGO 3rd Bin roll out commenced in the first week of September 2024 and was implemented over a period of eight weeks.
3. Since the introduction FOGO, up to 31 May 2025, the system has diverted 8,124 Tonnes of General Waste from Landfill.
4. At the Ordinary Council Meeting (OCM) held on 26 November 2024 a Notice of Motion was adopted directing the Chief Executive Officer to investigate and report back to Council through a Strategic Briefing by the end of February 2025 in respect to all options in which the City could change the FOGO system.
5. At its Strategic Briefing Session held on the 18 February 2025, 11 options were presented in respect to potential changes to the FOGO system and Councillors subsequently provided feedback in respect to all the options.

DETAILS AND ANALYSIS

6. The Notice of Motion specified the following options to be investigated:
 - a) *Increase size of General Waste Bin (Red) everyone & Opt In*
 - b) *Increase frequency of General Waste Bin (Red)*
 - c) *Opt out of Skip bin in exchange for Additional General Waste Bin (Red)*

With Officers adding additional options of:

- d) Lid swaps for FOGO and General Waste Bin (Red) everyone & Opt In
 - e) Adjust fee of Additional General Waste Bin (Red), Compassionate & Medical Grounds
 - f) Cloth Nappy or/& Menstrual Products Subsidy
7. The options investigated took into account the need to uphold the City's contractual terms and conditions.

8. Some options were incorporated as part of the 2025/26 Budget in respect to FOGO:
 - a) Reduced the annual cost of additional bins.
 - b) The City has allowed for each household to be able to collect two rolls of caddy liners free of charge now from several locations and shortly.
 - c) 2 x 25ltr bags of FOGO Compost also free of charge to be available from Walliston Transfer Station and Little Loads High Wycombe. The date of commencement will be advertised when stock has arrived, this is anticipated to be in approximately 6 weeks time.
9. Two of the options presented to Councillors and recommended are detailed in this report are:
 - a) Waive the fees for an Additional Red Lidded 140Ltr General Waste Bin in exceptional circumstances where a medical certificate is provided signed by a Medical Practitioner supporting the need for additional waste capacity.
 - b) Introduce a cloth nappy rebate/subsidy of 50% up to \$100 per eligible household to assist with the purchase of either baby or adult nappies and accessories upon receipt of proof of purchase.
10. It should be noted in addition to the options presented, fees applicable for the additional red lidded bin in exceptional circumstances were reduced in the 2025/26 Budget to \$70 for a once off establishment fee and then an ongoing annual fee of \$80.
11. Since the introduction of FOGO, to date, the City has only received 82 applications for exceptional circumstances, it is estimated from these around half would be eligible for the proposed fee free situation.
12. In respect to the nappy subsidy, young children (less than 4 years of age) represent approximately 2% of the population and it is assumed based on figures from other local governments that offer Nappy subsidies that around 300 applications could be expected.

APPLICABLE LAW

13. Section 3.57 of *Local Government Act 1995*.
Part 4 of the *Local Government (Functions and General) Regulations 1996*.
Waste Avoidance and Resource Recovery Act 2007 (WARR Act).

APPLICABLE POLICY

14. Nil

STAKEHOLDER ENGAGEMENT

15. For the FOGO Roll Out and implementation, a communication engagement and education package was developed using the 'WasteSorted' communications toolkit, noting the importance of consistent state-wide communications and taking into account the following key messages:
 - a) clearly explaining the system – why, when, how it will be implemented; and
 - b) which materials can go in each kerbside bin; this generated considerable engagement with the community particularly via social media.
16. Five Cloth Nappy Workshops held by the City with engagement with those in young family situations showed support for such a program to assist them in being able to do the right thing.

FINANCIAL CONSIDERATIONS

17. In respect to the two options presented the expected cost of the fee free additional bin on medical grounds is \$6,000 per annum loss of income and \$18,000 per annum ongoing extra servicing costs and in respect to the Nappy Subsidy \$30,000 per annum, the cost of both of these can be funded through the City's 2025/26 Waste Budget such as through its Waste Education initiatives.

SUSTAINABILITY

18. 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.
19. Waste awareness campaigns have raised the community's understanding of the predominant role they play in minimising waste and to date their positive actions have resulted in a significant reduction in the amount of waste going to Landfill.

RISK MANAGEMENT

20. **Risk:** The City fails to implement changed behaviours and successful alternate waste management streams leading to continued unnecessary use of landfill and the ensuing poor environmental outcomes.

Consequence	Likelihood	Rating
Significant	Almost Certain	High
Action/Strategy		
Development and implementation of new waste management processes coupled with effective community education		

CONCLUSION

21. Whilst the Community has embraced the 3rd Bin FOGO program, these proposed changes will help towards meeting some family needs by reducing the costs associated with additional bins and nappies.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. APPROVE a one-off cloth nappy subsidy of 50% up to \$100 to eligible households to assist families with the cost to changing to cloth nappies and reducing the quantity of general waste.
2. WAIVE the fees for an Additional Red Lidded 140Ltr General Waste Bin collected fortnightly in exceptional circumstances where a medical certificate is provided signed by a Medical Practitioner supporting the need for additional waste capacity.

10.3. Corporate Services Reports

10.3.1. eQuote 2025-02 Microsoft Licensing Renewal

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

No further questions sought from Councillors or Member of the Public.

Previous Items	
Directorate	Corporate Services
Business Unit	Information, Communications and Technology (ICT) Services
File Reference	
Applicant	
Owner	
Confidential Attachments	1. City of Kalamunda eQuote Evaluation Report eQuote 2025-02 Provision of Microsoft Licensing
	<u>Reason for Confidentiality:</u> 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."

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 consider the acceptance of a Tender for the renewal of the Microsoft Licencing Agreement for a period of three (3) years.
2. The City of Kalamunda's (City) current Microsoft Software Licensing Agreement Contract is due to expire 30 November 2025 and under the City's Purchasing and Procurement Policy is required to go to market for a new Microsoft Software Licensing Agreement.
3. The City is heavily reliant on the Microsoft Windows Operating System, Microsoft Office Productivity Suite and Microsoft Azure Cloud Platform to deliver mission-critical services to the public, and as such requires a Licensing Agreement with a suitably qualified and experienced business partner.
4. It is recommended Council accept the tender submitted by Insight Enterprises Australia Pty Ltd, ABN 470 586 456 77 of Level 11, 201 Kent Street Sydney NSW 2000 in the total sum of \$1,278,187 (excluding GST) for eQuote 2025-02 on 15 May 2025 on the WALGA Panel contract - PSP001-024 Microsoft Open Licenses and Cloud Solution Providers. This is in accordance with WALGA Contract Terms and Conditions and as per their Schedule of Rates submission dated 28 May 2025.

BACKGROUND

5. The City has reached the end of its current Microsoft Software Licensing Agreement, which is provided through a Microsoft Licence Solution Provider, in this instance Insight Enterprises Australia Pty Ltd.
6. The City currently has Microsoft Windows computers in use by City staff, and the City's applications, data storage with access and security provided by Microsoft servers and hosted in a remote data centre. These services are essential to the day to day business of the City.

7. Microsoft products are used to provision almost all City ICT services and are used to secure digital assets, on desktop computers, allowing City staff to print, send email and to use the City's Enterprise Resource Planning software (ERP).
8. The Microsoft E5 license product provides the fundamental back bone of the City's Cyber Security platform.
9. The City must renew its Licencing Agreement with Microsoft in order for the City to continue to use Microsoft products legally.

DETAILS AND ANALYSIS

10. Microsoft does not contract directly with its customers, therefore, the City must maintain an agreement with a certified Microsoft reseller, which administers the contract and compliance with the contract on behalf of Microsoft.
11. The City engaged the services of the current partner to provide a Microsoft licencing specialist prior to going to tender to ensure the City was licenced for the correct software and for the appropriate number of licences. These services were used to develop the bill of materials for Microsoft licence tender.
12. The establishment of a Microsoft Licencing Agreement provides the City with access to discounted Microsoft software at a rate which has been negotiated by the Western Australian Local Government Association (WALGA).
13. The City issued eQuote 2025-02 on 15 May 2025 on the WALGA Panel contract - PSP001-024 Microsoft Open Licenses and Cloud Solution Providers. The Tender closing date was advised as no later than 2.00pm AWST Thursday 29 May 2025.
14. Tender submissions were received from:
 - a) Crayon Australia Pty Ltd
 - b) Data#3 Limited
 - c) Insight Enterprises Australia Pty Ltd
15. An Evaluation Panel was duly appointed by the Director Corporate Services of suitably qualified City officers to assess the tenders received.
16. Only two (2) of the three (3) Tenderers exceeded the required qualitative pass mark (QPM) of 60%, with one Tenderer being eliminated from further assessment.

17. A price assessment was then undertaken for the two (2) conforming eQuote submissions that met the QPM to determine the best value for money outcome for the City.
18. The tender evaluation report is provided as Confidential Attachment 1 to this report.
19. The recommended tenderer best satisfied the City's requirements in terms of:
 - a) Relevant Experience
 - b) Performance as a Microsoft Licensing Partner
 - c) Price
20. The Evaluation Panel has recommended Insight Enterprises Australia Pty Ltd as the preferred Tenderer for its total sum of \$1,278,187 (excluding GST) to undertake the provision of Microsoft licences.
21. The benefits in maintaining a Microsoft Licensing Agreement are that the City:
 - a) Can better manage cashflow by spreading payments over a three year term instead of a single upfront payment and can effectively manage its budget as pricing is locked in for the three year term.
 - b) Is able to automatically access the latest software and technologies as they become available.
 - c) Simplifies licensing compliance and reduce the risk of non-compliance as all licences are managed from a single portal and with the assistance of the Microsoft Licence Solutions Partner.
 - d) Can use one Microsoft licence for up to 5 devices such as a laptop and tablet or phone and a home computer, providing greater flexibility for staff to access their data.
 - e) Is not tied into specific versions of software and can develop or change services without technology being a limiting factor.
 - f) Microsoft cloud services are certified by the Australian Department of Defence to hold classified data.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

24. Nil.

FINANCIAL CONSIDERATIONS

25. The provision of \$420,000 is included in the FY2025/26 ICT Services budget with allocations for future years in the Long-Term Financial Plan (LTFP).

SUSTAINABILITY

26. Nil.

RISK MANAGEMENT

27.	Risk: The City will be legally non-compliant with Microsoft if the City fails to renegotiate the licensing agreement before expiry.		
	Likelihood	Consequence	Rating
	Likely	Moderate	Medium
	Action/Strategy		
	Accept the eQuote 2025-02 15 May 2025 on the WALGA Panel contract - PSP001-024 Microsoft Open Licenses and Cloud Solution Providers. Award tender to Insight Enterprises Australia Pty Ltd to renew the Microsoft Licensing Agreement.		

28.	Risk: City services to the community could be interrupted if the Microsoft Licensing Agreement expires.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Inform Microsoft of licensing decision delay and seek temporary licenses to allow the City to continue to provide services.		

CONCLUSION

29. The key drivers for maintaining a Microsoft Licensing Agreement are that the City is reliant on Microsoft operating systems to provide services internally and to the public. The E5 license product provides the fundamental back bone for the City's Cyber Security platform. The agreement offers the City flexibility in licensing, and discounted software.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender submitted by Insight Enterprises Australia Pty Ltd ABN 470 586 456 77 of Level 11, 201 Kent Street Sydney NSW 2000 in accordance with WALGA Contract Terms and Conditions and as per their Schedule of Rates submission dated 28 May 2025. The total value of the award over a three (3) year period is estimated at \$1,278,187 excluding GST and inclusive of estimated currency and CPI increases over the life of the Contract.

10.4. Community Services Reports

10.4.1. Bush Fire Brigades Local Law 2025

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

No further questions sought from Councillors or Member of the Public.

Previous Items	OCM 2025/65
Directorate	Community Services
Business Unit	Community Health & Safety
File Reference	
Applicant	
Owner	
Attachments	<div><div>1.</div><div>Final Draft - Bush Fire Brigades Local Law 2025 - Marked Up [10.4.1.1 - 8 pages]</div></div> <div><div>2.</div><div>Final Draft - Bush Fire Brigades Local Law 2025 [10.4.1.2 - 9 pages]</div></div>

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 for Council to consider the outcome of submissions received on the draft City of Kalamunda Bush Fire Brigades Local Law 2025 as shown at Attachment 1.
2. The statutory process commenced on 27 May 2025 at the Ordinary Council meeting when Council resolved to give public notice of its intention to make the new Local Law and seek submissions on the proposal.
3. It is recommended Council note the submissions received and make the proposed City of Kalamunda Bush Fire Brigades Local Law 2025

BACKGROUND

4. The City is required to undertake a review of local laws every eight years in accordance with the LG Act.
5. The existing by-law relating to the *Establishment, Maintenance and Bush Fire Brigades 1991* requires updating, and replacement of the local law is recommended.
6. Several amendments to legislation relating to bush fire brigades, as well as guidelines from the Joint Standing Committee on Delegated Legislation (JSCDL) advising local laws should not duplicate provisions available in overarching legislation, warrant the replacement of the local law.
7. The objective of this approach is to not duplicate provisions that already exist in legislation and only address matters that must be dealt with as prescribed in section 43 of the BF Act.

DETAILS AND ANALYSIS

8. On 27 May 2025 council received the draft City of Kalamunda Bush Fire Brigades Local Law 2025 and resolved to advertise for public comment.
9. The draft Bush Fire Brigades Local law 2025 was advertised for public comment for the duration of the statutory advertising period (not less

than six weeks after the notice was given) and submissions closed on 25 July 2025.

10. One submission was received from the Department of Fire and Emergency Services (DFES) and one was received from the leadership team of the Kalamunda Volunteer Bush Fire Brigade. Details of the submissions and relevant Administration comments are included below:

Clause	DFES Submission	Administration Comment
1.4	Consideration to the suitability of having 'Elected Officer within definitions of both 'Bush Fire Brigade Member' and 'Bush Fire Brigade Officer'.	Administration believes this is adequately covered already.
4.5	While there are Captains functions detailed within clause 4.5, the City may wish to further or separately delineate the duties of Lieutenants (and any other members not included in the Proposed Law, such as Secretary or Treasurer).	Not supported. These roles support the Captain in discharge of their duties as per the local law.
	Consideration to including a provision relating to ensuring DFES is notified of registrations as per section 41(2a) of the <i>Bush Fires Act 1954</i> .	Not supported. This is already provided for in the BF Act and should not be replicated in the local law.
	<p>Consideration of closer alignment to the WALGA 'model law' which has been consistently accepted by the JSCDL including, but not limited to consideration of the following matters which have been omitted from the Proposed Law:</p> <ul style="list-style-type: none"> Rules Governing the Operation of a Bush Fire Brigade as a Schedule. Aspects of Part 5 (Meetings of Bush Fire Brigade), Part 7 (General and Administrative matters) and Part 8 	The draft proposed local law is based on comparable local laws that have passed the scrutiny of the JSCDL. The matters highlighted by DFES in their feedback will be covered in the Brigades Operating Procedures. These are matters that may be updated frequently. If they were included in the local law, the local law would need to go through the statutory approval process each time a change was required.

	(Notices and Proxies) of the Rules. <ul style="list-style-type: none"> • Objection rights under clause 2.11 of the Rules. • Part 4 (Types of Bush Fire Brigade Membership) and chain of command details. 	
	Check formatting throughout the document.	Formatting in the draft local law has been reviewed and amended where required.
Clause	Leadership Team Kalamunda VBFB Submission	Administration Comment
4.5(1)(c)	Review points (i), (ii) and (iii) as they don't make sense (especially (ii)).	This clause has been amended for clarity.
5.2(1)	Change wording from 'may make an application' to 'shall make an application' as it is a requirement to make an application, not an option.	This clause has been amended to replace 'may' with 'shall'.

11. As a result of the change made to Clause 4.5 following the submission from the leadership team at the Kalamunda Volunteer Bush Fire Brigade, this Clause no longer includes reference to Elected Officers.
12. In response to the submissions received, some minor changes have been made to the draft Bush Fire Brigades Local Law 2025. These changes are shown in mark up in Attachment 1 and do not alter the intent of any section of the draft local law as provided for public consultation.
13. Administration recommends that Council make the Bush Fire Brigades Local Law 2025 as contained at Attachment 2. The agenda and minutes of the Ordinary Council Meeting at which the local law is considered must include the purpose and effect of the proposed local law, which are set out below:

Purpose:

The purpose of this local law is to provide for the establishment, organisation and maintenance, administration, and funding of bush fire brigades in the City of Kalamunda.

Effect:

The effect of this local law is that bush fire brigades will be organised and managed to comply with changes in the law and operational practice.

14. Once a local law is gazetted, it is referred to the Joint Standing Committee on Delegated Legislation (JSCDL) for consideration. Where the JSCDL finds that a local law is not consistent with its terms of reference, an amendment or repeal may be required. The draft proposed local law is also based on comparable local laws that have passed the scrutiny of the JSCDL.

APPLICABLE LAW

15. *Local Government Act 1995*
Section 3.12: Procedure for making local laws
Bush Fires Act 1954
Section 41: Bush fire brigades

APPLICABLE POLICY

16. Nil.

STAKEHOLDER ENGAGEMENT

17. The City's Chief Bush Fire Control Officer and the Bush Fire Advisory Committee were consulted and endorsed the draft local law.
18. As required, the draft local law was advertised for public comment on the City's website, in the local newspaper, on the City's social media platforms and on notice boards at the Administration Building and Libraries. Public comment was invited for a period of seven weeks.
19. A copy of the draft local law was provided to the Department of Local Government and DFES for feedback.

FINANCIAL CONSIDERATIONS

20. The cost for gazettal of the local law and subsequent advertising will be met from the current operating budget.

SUSTAINABILITY

21. This local law will enable bush fire brigades to manage and comply with changes in the law and operational practice. It supports resilient, compliant and well-coordinated emergency response efforts.

RISK MANAGEMENT

22.

Risk: The existing bylaw is outdated and no longer remains fit for the purpose of the contemporary operation of bush fire brigades.

Consequence	Likelihood	Rating
Moderate	Unlikely	Low

Action/Strategy

Council endorses a new City of Kalamunda Bush Fire Brigades Local Law.

CONCLUSION

23. Submissions received on the draft Bush Fire Brigades Local Law 2025 have been considered resulting in some minor changes that do not alter the intent of the original draft.

24. It is recommended that Council make the proposed City of Kalamunda Bush Fire Brigades Local Law 2025.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. ADOPT by absolute majority in accordance with section 3.12(4) of the *Local Government Act 1995*, the Bush Fire Brigades Local Law 2025 as set out in Attachment 2.
2. NOTE the purpose and effect of the local law being:
Purpose
The purpose of this local law is to provide for the establishment, organisation and maintenance, administration, and funding of bush fire brigades in the City of Kalamunda.
Effect
The effect of this local law is that bush fire brigades in the City of Kalamunda will be organised and managed to comply with changes in the law and operational practice.

10.5. Office of the CEO Reports**10.5.1. Elected Member Communication and Contact with Staff Policy - Review**

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

Councillors acknowledged and thanked the Manager Governance for the timely review and preparation of the policy.

Previous Items	OCM 2025/100
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none">1. Governance 1 Elected Member Communication and Contact with Staff - Marked Up v 2 [10.5.1.1 - 6 pages]2. Governance 1 Elected Member Communication and Contact with Staff - Final [10.5.1.2 - 4 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.

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

EXECUTIVE SUMMARY

1. Following a Notice of Motion at the June Ordinary Council Meeting, Administration have reviewed Governance 1: Elected Member Communications and Contact with Staff policy.
2. The revised policy has been prepared consistent with the current approach to communication with Elected Members and Administration with consideration for the draft Communications Agreement.
3. It is recommended that Council adopt the revised policy.

BACKGROUND

4. At its meeting held on 24 June 2025, Council resolved (OCM 2025/100) to request the Chief Executive Officer (CEO) to:
 1. Review the Council Policy, Governance 1: Elected Member Communication and Contact with Staff
 2. Present a revised draft policy to Council at the August Ordinary Council Meeting 2025 for council consideration for adoption.
5. The current policy was reviewed and adopted in October 2021 and was due for review in October 2023.

DETAILS AND ANALYSIS

6. Through the current *Local Government Act 1995* reforms, regulations relating to a communications agreement have been prepared by the Department of Local Government. It is intended that agreements will be required to be made between the Council of a local government and the CEO.

7. Consultation has recently ended however indications are that this agreement will be required to be made following the 2025 Local Government Ordinary Election. The intention of this agreement will be to set out minimum expectations for formal communications between Elected Members and employees of local governments.
8. The City's existing Governance 1: Elected Member Communication and Contact with Staff policy is similar to the proposed communications agreement with the intention to set out how Elected Members can seek information from Administration outside of the regular meeting structure.
9. Although the existing policy is predominantly fit for purpose, it has been reviewed and aligned to some of the information included in the draft Communications Agreement provided for consultation through the reform process.
10. The overall intent of the policy has not changed. A summary of the changes are as follows:
 - a) The policy statement includes general principles around communication between the Elected Members and the CEO, consistent with the draft Communications Agreement but not dissimilar to the intention of the existing policy.
 - b) 'Exceptions' have been removed and amended to 'nominated employees'. This is consistent with the wording of the draft Communications Agreement. There is no change to who the Elected Members can communicate with.
 - c) Information that may be requested has been specified and requirements for that have also been included.
 - d) The policy states what information is not required to be provided, consistent with the draft Communications Agreement.
 - e) Timeframes for acknowledgements and responses to requests for information have been specified, consistent with the current approach.
 - f) Information relating to who will receive the response to a request for information has been included. This provides some clarity to what is in the existing policy and is consistent with the draft Communications Agreement.
 - g) A definition of administrative matters has been included, consistent with the draft Communications Agreement.
11. Attachment 1 provides a marked up version of the reviewed policy, showing changes that have been made. Attachment 2 provides a draft final version of the policy.

APPLICABLE LAW

12. *Local Government Act 1995*

APPLICABLE POLICY

13. Governance 20 – Code of Conduct Complaints Management

STAKEHOLDER ENGAGEMENT

14. The existing policy and draft Communications Agreement from the Department of Local Government were discussed with Elected Members at a Governance briefing on 8 July 2005.

FINANCIAL CONSIDERATIONS

15. Nil.

SUSTAINABILITY

16. Nil.

RISK MANAGEMENT

- 17.
- | | | |
|---|-------------------|---------------|
| Risk: Without a clear policy, unauthorised communication between Elected Members and Administration could occur and result in a breach of the Code of Conduct. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| Ensure a policy is in place providing clear direction on the communication that can take place between Elected Members and Administration. | | |

CONCLUSION

18. In summary, Council are requested to adopt the reviewed policy Governance 1 – Elected Member Communication and Contact with Staff.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the revised Governance 1: Elected Member Communication and Contact with Staff Policy as contained at Attachment 2.

11. Closure

There being no further business, the Presiding Member declared the meeting closed at 6:54pm