

MINUTES

Ordinary Council Meeting

22 November 2022

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 22 November 2022 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

25 November 2022

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjuk kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

Our Guiding Values



Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 22 November 2022.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.03pm.

Councillor Glenn Cridland was authorised to attend the meeting via telephone in accordance with regulation 14C and 14CA of the Local Government (Administration) Regulations 1996.

Councillor Glenn Cridland declared that he was able to maintain confidentiality during the meeting in accordance with regulation 14CA(5) of the Local Government (Administration) Regulations 1996.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Como Ward
Manning Ward
Manning Ward
Moresby Ward
Moresby Ward
Mill Point Ward

Councillor Carl Celedin
Councillor Glenn Cridland (via audio link)
Councillor Blake D'Souza
Councillor André Brender-A-Brandis
Councillor Jennifer Nevard
Councillor Stephen Russell
Councillor Mary Choy

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
Director Infrastructure Services
Manager Finance
Manager Governance
Governance Coordinator
Governance Officer

Mr Mike Bradford
Mr Garry Adams
Ms Vicki Lummer
Ms Anita Amprimo
Mr Abrie Lacock
Ms Bernadine Tucker
Ms Toni Fry
Mr Morgan Hindle

Gallery

There were four members of the public present.

4.1 APOLOGIES

- Councillor Ken Manolas

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.1.1 as ‘some of the nominees are known to me.’
- Councillor Glenn Cridland – Impartiality Interest in Item 10.1.1 as ‘some of the nominees are known to me.’
- Councillor Carl Celedin – Impartiality Interest in Item 10.1.1 as ‘I know many of the nominees personally.’
- Councillor Mary Choy - Impartiality Interest in Item 10.1.1 as ‘some of the nominees are known to me.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.1.1 as ‘some of the nominees are known to me.’
- Mayor Greg Milner – Impartiality Interest in Item 15.1.1 as ‘I participated in discussions regarding this matter.’
- Councillor Mary Choy - Impartiality Interest in Item 15.1.1 as ‘the parties are known to me.’
- Councillor Jennifer Nevard - Impartiality Interest in Item 15.1.1 as ‘the parties are known to me.’
- Councillor André Brender-A-Brandis - Impartiality Interest in Item 15.1.1 as ‘confidential.’
- Councillor Blake D’Souza - Impartiality Interest in Item 15.1.1 as ‘the parties are known to me.’
- Councillor Stephen Russell - Impartiality Interest in Item 15.1.1 as ‘the parties are known to me.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 22 NOVEMBER 2022

The Presiding Member opened Public Question Time at 6.08pm.

Written questions were received prior to the meeting from:

- Peter Scott of Como.
- Cecilia Brooke of South Perth.

The questions and responses can be found in the **Appendix** of these Minutes.

There being no further questions, the Presiding Member closed Public Question Time at 6.16pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 25 October 2022

Officer Recommendation AND COUNCIL DECISION

1122/184

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Blake D'Souza

That the Minutes of the Ordinary Council Meeting held 25 October 2022 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

7.1.2 Special Council Meeting Held: 1 November 2022

Officer Recommendation AND COUNCIL DECISION

1122/185

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

That the Minutes of the Special Council Meeting held 1 November 2022 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

Officers of the City/Consultants and invited third party guests provided Council with an overview of the following matters at Concept Briefings and Workshops:

Date	Subject	Attendees
24 October 2022	Recreation and Aquatic Facility Briefing	Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas, Mary Choy.
31 October 2022	Access and Inclusion Plan Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Ken Manolas.
31 October 2022	Coode Street Node Engagement Plan Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Ken Manolas.
14 November 2022	Collier Park Village Briefing 1	Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas, Mary Choy.
16 November 2022	Councillor Roles and Responsibilities Workshop 1	Mayor Greg Milner and Councillors Glenn Cridland, Carl Celedin, André Brender-A-Brandis, Jennifer Nevard, Ken Manolas.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 15 November 2022

Officers of the City presented background information and answered questions on Items to be considered at the November Ordinary Council Meeting at the Council Agenda Briefing held 15 November 2022.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

1122/186

Moved: Councillor Carl Celedin

Seconded: Councillor André Brender-A-Brandis

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 15 November 2022

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS/AWARDS PRESENTED TO COUNCIL

The Presiding Member read out the following:

“The City was awarded three Planning Awards for Excellence from the Planning Institute Australia WA at the beginning of November:

- *In the category of Strategic Planning Project, for the South Perth Activity Centre Plan*
- *In the category of Improving Planning Processes, for the Public Benefits Contribution Scheme in the South Perth Activity Centre Plan and the;*
- *WA Minister for Planning Award, for the Public Benefits Contribution Scheme in the South Perth Activity Centre Plan*
- *The City received a commendation in the category of Community Wellbeing and Diversity for the “Making Space For Culture” project.*

Well done team.”

8.3 DEPUTATIONS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Presiding Member advised that Item 15.1.1 – Councillor Code of Conduct was a new report.

The Presiding Member also advised that Item 10.4.2 Monthly Financial Statements was updated between the Agenda Briefing and the Ordinary Council Meeting to reflect the actual results received for the Collier Park Golf Course.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 15 November 2022 with the exception of 15.1.1.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.4.3 City of South Perth Penalty Units Amendment Local Law 2022
- 10.4.4 Corporate Business Plan 2022/23 – 2025/26
- 10.4.5 Revocation – Councillor André Brender-A-Brandis – Council Caretaker Policy
- 15.1.1 Councillor Code of Conduct

The Presiding Member called for a motion to move the balance of reports by Exception Resolution.

COUNCIL DECISION

1122/187

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Carl Celedin

That the Officer Recommendations in relation to the following Agenda Items be carried by exception resolution:

- 10.1.1 City of South Perth - Auspire Community Citizen of the Year Awards 2023 - Nominations, Assessment and Recommendation
- 10.1.2 City of South Perth Access and Inclusion Plan 2022-2027
- 10.4.1 Listing of Payments October 2022
- 10.4.2 Monthly Financial Statements October 2022

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, Mary Choy and Jennifer Nevard disclosed an Impartiality Interest in Item 10.1.1.

10.1.1 City of South Perth - Auspire Community Citizen of the Year Awards 2023 - Nominations, Assessment and Recommendations

File Ref: D-22-54891
Author(s): Marie Walker, Community Development Officer
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report seeks Council's approval of the award recipients for the City of South Perth - Auspire Community Citizen of the Year Awards 2023.

Officer Recommendation AND COUNCIL DECISION

1122/188

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Carl Celedin

That Council approves the Award recipients for the City of South Perth - Auspire Community Citizen of the Year Awards for 2023, as shown in **Confidential Attachment (a)** in the following categories:

1. Community Citizen of the Year Award – Adult Category
2. Community Citizen of the Year Award - Youth Category
3. Community Citizen of the Year Award – Seniors Category
4. Active Citizenship Award - Community Group or Event Category

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

The Community Citizen of the Year Awards is a state-wide initiative run by Auspire (Australia Day Council of WA). Each local government authority is responsible for promoting the award and selecting winners for their area.

Nominations are encouraged of residents and/or ratepayers of the City of South Perth who have made a community contribution by improving, developing and nurturing the quality of life within the City and for its residents.

There are four categories for nominations:

1. Community Citizen of the Year Award (Adult) - this is open to adult individuals who reside or work primarily within the City of South Perth.
2. Community Citizen of the Year Award (Youth) – this is open to individuals who reside or work primarily within the City of South Perth and are aged under 25 years.
3. Community Citizen of the Year Award (Seniors) - this is open to individuals who reside or work primarily within the City of South Perth and are aged 65 years and over.
4. Active Citizenship Award (Community Group or Event) - this is open to community groups that are based or work primarily within the City of South Perth and/or groups who have produced a local event.

Presentation of the awards will be made at the City’s upcoming Australia Day community event on 26 January 2023. The winner of each category is recognised with a framed certificate and all other eligible nominees receive a certificate of appreciation from the City of South Perth. Nominations were assessed by a panel comprising the City’s Manager Community, Culture and Recreation; Community Development Coordinator; and Community Development Officer against four selection criteria, namely:

1. Significant contribution to the local community;
2. Demonstrated leadership on a community issue resulting in the enhancement of community life;
3. Significant initiative which has brought about positive change and added value to community life; and
4. Demonstrated inspiring qualities as a role model for the community.

Comment

This year a total of 11 nominations were submitted comprising:

- Three nominations for the ‘Community Citizen of the Year – Adult’ category
- Four nominations for the ‘Community Citizen of the Year – Youth’ category
- Three nominations for the ‘Community Citizen of the Year – Seniors’ category
- One nomination for the ‘Active Citizenship - Community Group or Event’ category.

A summary of the nominations, City’s assessment scores and recommendations is attached as **Confidential Attachment (a)**. All nominations were considered to be of high quality, demonstrating the different ways that individuals and groups make significant contributions in the local community; enhancing life opportunities for others and being positive role models in the City of South Perth.

Consultation

The City commenced promotion of the Citizen of the Year Award Program in September 2022. Correspondence was sent to community groups, sporting clubs, schools and volunteer organisations listed in the City’s Community Information Directory. The Award Program was also advertised on the City’s website and through a state-wide campaign by Auspire. Nominations closed on 31 October 2022.

Policy and Legislative Implications

This report relates to Policy P104 Community Awards, whereby the City recognises the important contribution that local individuals make to society.

Financial Implications

Funds are allocated in the City’s 2022/23 Operating Budget for costs associated with the Community Citizen of the Year Award Program.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	Low
Mitigation and actions	The City could potentially face adverse reputational impacts if it didn’t acknowledge local citizenship each year. The City’s Community Citizen of the Year Awards is an effective risk management mitigation strategy as it provides a suitable method of acknowledging the contributions made by local individuals and community groups.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.1 Culture and community
Strategy:	1.1.4 Encourage volunteering that benefits our community

Attachments

- 10.1.1 (a): Community Citizen of the Year Awards 2023 - Summary of Nominations, Assessment and Recommendations (*Confidential*)

10.1.2 City of South Perth Access and Inclusion Plan 2022-2027

File Ref: D-22-54887
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

The City's Strategic Community Plan 2021-2031 includes a range of strategies related to supporting a diverse and accessible community.

The City had a former Disability, Access and Inclusion Plan (DAIP) 2017-2021 that has recently expired.

A new draft Access and Inclusion Plan (AIP) 2022-2027 has been developed by the City to outline how access and inclusion outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future.

The draft Access and Inclusion Plan has a broader scope than the former DAIP and includes access and inclusion actions for all, including people with disability, people from diverse backgrounds and people who are disadvantaged.

The draft Access and Inclusion Plan requires public advertising to invite community and stakeholder comment. The revised draft AIP will then be re-presented to Council for final endorsement.

Officer Recommendation AND COUNCIL DECISION

1122/189

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Carl Celedin

That Council agrees to advertise the draft City of South Perth Access and Inclusion Plan 2022-2027, as shown in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

The City had a former Disability, Access and Inclusion Plan (DAIP) 2017-2021 that has recently expired. Some of the successes of the previous DAIP are outlined below:

1. *Services and events* – People with disability receive the same opportunities as other people to access services and events. Some of the ways this occurred were through the provision of ACROD parking, universal access toilets, AUSLAN interpreters and track matting at local community events like Australia Day, South Perth Sounds Concerts, Sounds in the Park Concerts, Youth Week, and ‘Come and Try’ all abilities events held as part of International Day of People with Disability.
2. *Building and facilities* - People with disability receive the same opportunities as other people to access the City’s civic buildings and community facilities. Some of the ways this occurred were through the installation of ramps, retrofitting or construction of new universal accessible toilets/showers inside local sporting pavilions and community facilities; installation of tactile ground surface indicators at relevant locations (e.g. stairs, ramps, footpaths); and specialised signage (including with braille) inside community facilities to assist blind/vision-impaired people.
3. *Information and communications* – People with disability receive information in a format that enables them to access information as readily as other people. For example, City documents are available in alternative formats upon request including braille, large print, electronic and audio format on CD. Additionally, the City’s website has been designed to meet Level AA of the Web content accessibility guidelines (WCAG 2.0) standard, which is the technical standard developed under the Web Accessibility Initiative of the World Wide Web Consortium (W3C). Information is easily accessible on the City’s website, including via online forms. Furthermore, translating and interpreting services are also available.
4. *Quality of service* – People with disability receive the same level and quality of service from the City staff as other people. For example, the City has a 24-hour day telephone service that is answered by a person. People with a hearing or speech impairment can use the TTY-based telecommunications relay service that converts audio to text. Additionally, the City’s Customer Service Charter identifies our commitment to all our customers in our service principles and our values.
5. *Complaints and safeguarding* - People with disability receive the same opportunities as other people to make complaints. For example, the City has a complaint handling process based on the Australian Standard to ensure that the process meets best practice. A complaint can be lodged using various platforms to make the process simple and accessible for all. For example, by telephone, email, letter/writing or via an online request.
6. *Consultation and engagement* - People with disability receive the same opportunities as other people to participate in public consultation. For example, the City uses multiple community and stakeholder engagement platforms to allow for accessibility, including hard copy surveys or feedback forms, telephone surveys, emails, public meetings and online consultation. Assistance is available for community members to complete surveys and participate in consultation if required. The City uses an online portal called ‘Your Say South Perth’ to optimise public consultation. City’s publications are written in plain language and is designed with larger/readable fonts so information is accessible to everyone. The City also facilitates an Inclusive Community Advisory Group, who are consulted on a regular basis for City projects.

7. *Employment, people and culture* - People with disability receive the same opportunities as other people to obtain and maintain employment. For example, the City's recruitment information/job advertisements include a written statement to encourage applications from people with disability, First Nations people or people from diverse backgrounds. During the recruitment process, candidates are advised that the City can provide reasonable adjustments to help them perform the inherent requirements of the position they have applied for. All new and current employees receive access and inclusion training. The City has a diverse workforce, including employees with disability and employees from various cultural backgrounds. The City offers flexible working arrangements for its employees and provides touch screen laptop computers for easy accessibility (including the ability for employees to work from home on occasions). The City also supplies specialised equipment if required e.g. larger computer monitors for staff who are vision impaired etc.

Comment

Access and inclusion planning was previously focussed on supporting people with disability only, mainly due to the *Disability Services Act 1993* requiring local governments to develop a Disability and Inclusion Plan (DAIP).

Overtime the community need for access and inclusion support has increased within other sections of society, especially for people from diverse backgrounds (e.g. age, gender, sexual identity, socioeconomic etc.); and disadvantaged people (e.g. homeless; unemployed, single parents etc.). Some local governments have responded to this increased community need by developing separate plans for each group in the community, such as Multicultural (Culturally and Linguistically Diverse) Plans, Homelessness Plans, LGBTQIA+ Plans etc. However, the City's approach is to develop a new Access and Inclusion Plan that has a wide scope to provide access and inclusion support for all, including people with disability, people from diverse backgrounds and disadvantaged people.

The draft Access and Inclusion Plan is shown as **Attachment (a)** and is intended to outline how access and inclusion outcomes will be incorporated within the City's community programs, services, projects, events and facilities into the future. The Plan makes provision for supporting people who reside, work, volunteer and/or study in the City. The aim is to make the City more liveable for all by addressing, reducing or removing access and inclusion barriers faced by people in the community. The Plan will again be comprised of seven outcome areas (as legislated), namely:

1. Access to services and participation at events
2. Access to buildings and Facilities
3. Access to information is in appropriate formats
4. Quality of service
5. Opportunity to make complaints
6. Opportunity to participate in public consultation
7. Opportunity to access employment and training with the City

The Plan outlines the proposed actions; the City's level of involvement (Planner, Supporter, Partner, Coordinator and/or Provider); and the recommended timeframe over a five-year period. Measuring the success of the actions will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data.

Following the proposed community and stakeholder consultation period for the draft Plan, it will be reviewed and re-presented to Council for final endorsement. The final Access and Inclusion Plan will then be graphically designed and communicated to the community and associated stakeholders through the City's usual communication channels (website, social media, Peninsula Magazine etc.).

Consultation

The draft Access and Inclusion Plan has been developed following preliminary engagement detailed below:

- Internal Engagement - carried out during March and April 2022 with each City business unit.
- External Engagement - carried out in August and September 2022 and included online engagement via the City's 'Your Say South Perth' engagement portal; hard copy feedback forms distributed within local community facilities; and an online question and answer tool where participants could ask questions about the project. Of the responders, 97% supported the broader scope of the AIP via the seven outcome areas and the City's proposed access and inclusion actions in the draft AIP.
- Councillor briefing held on Monday 31 October 2022

Information about the Access and Inclusion Plan project (including the opportunity to participate) was provided to the community through multiple communication mediums, including Peninsula Magazine, the City's website, the City's Facebook and Instagram pages, Peninsula Snapshot and Peninsula Snapshot Newsletter and Club Spirit Newsletter.

All relevant feedback gathered during the preliminary consultation processes has been incorporated into the draft Access and Inclusion Plan.

A Stakeholder Engagement Overview Report for the Access and Inclusion Plan will be provided when the final AIP is presented for Council endorsement.

Policy and Legislative Implications

The following policies and legislation are relevant to this report:

- Policy P103 Stakeholder Engagement
- Policy P107 Access and Inclusion
- Policy P605 Purchasing
- Policy P625 Equal Employment Opportunity
- *Disability Services Act 1993* (Western Australia, amended 2004)
- Disability Services Act Regulations 2004

Note: The City has consulted with the Department of Communities about the proposed widened scope for its Access and Inclusion Plan. The Department has confirmed its support and acknowledged that it would fulfill the City's legislative requirements for disability access and inclusion planning.

Financial Implications

The Access and Inclusion Plan is intended to be delivered over a period of five financial years from 2022 to 2027 inclusive. Funds required for the Access and Inclusion Plan will be sought using a combination of City funds, external funding and/or contributions from external stakeholders, and will be requested as part of the annual operational budget process for assessment by Council. No additional City staff resources are being sought to implement the Access and Inclusion Plan. The City's 2022/23 Budget includes an allocation of \$25,000 to implement initiatives in the Access and Inclusion Plan.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisationn
Risk rating	Low
Mitigation and actions	The proposed Access and Inclusion Plan will mitigate a potential legislative breach by the City having a plan in place, that will provide operational guidance on optimising access and inclusion of local community facilities, events, programs and services. Without an Access and Inclusion Plan, the City's risk rating for legislative breach would be significantly higher.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.1 Culture and community
Strategy:	1.1.1 Develop and facilitate events, services and programs to respond to community needs and priorities

Attachments

10.1.2 (a): Draft City of South Perth Access and Inclusion Plan 2022-2027

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments October 2022

File Ref: D-22-54879
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 October 2022 to 31 October 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(406)	\$4,868,485.59
Cheque Payment to Creditors	(2)	\$432.75
Total Monthly Payments to Creditors	(408)	\$4,868,918.34
EFT Payments to Non-Creditors	(112)	\$212,313.70
Cheque Payments to Non-Creditors	(33)	\$27,649.08
Total EFT & Cheque Payments	(553)	\$5,108,881.12
Credit Card Payments	(7)	\$18,051.21
Total Payments	(560)	\$5,126,932.33

Officer Recommendation AND COUNCIL DECISION

1122/190

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Carl Celedin

That Council receives the Listing of Payments for the month of October 2022 as detailed in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the CEO is to be prepared each month and presented to the Council at the next Ordinary Meeting of the Council after the list is prepared.

Comment

The payment listing for October 2022 is included at **Attachment (a)**.

The attached report includes a “Description” for each payment. City officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non-Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are directly debited from the City’s bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Consultation

Nil.

Policy and Legislative Implications

Regulations 12 and 13(1) of the Local Government (Financial Management) Regulations 1996. Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Low
Mitigation and actions	Monthly Financial reporting timelines exceeding statutory requirements

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction: Leadership
 Aspiration: A visionary and influential local government that is receptive and proactive in meeting the needs of our community
 Outcome: 4.3 Good governance
 Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

10.4.1 (a): Listing of Payments October 2022

10.4.2 Monthly Financial Statements October 2022

File Ref: D-22-54880
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The monthly Financial Statements are provided within **Attachments (a)–(i)**, with high level analysis contained in the comments of this report.

Officer Recommendation AND COUNCIL DECISION

1122/191

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Carl Celedin

That Council notes the Financial Statements and report for the month ended 31 October 2022.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2022/23 budget adopted by Council on 28 June 2022, determined the material variance amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains only the Original Budget. A Revised (adjusted) Budget has not been presented as no budget adjustments have been approved by Council as at the end of October 2022.

Comment

Following the Council Agenda Briefing of 15 November 2022, this report and attachments have been updated, to reflect the actual results received for the Collier Park Golf Course.

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

The ongoing impact of COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. It has resulted in steep rises in inflation worldwide including Australia. The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year. The September 2022 Perth CPI of 6% (corresponding quarter of the previous year) confirmed the continued inflationary pressure. To curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate, the latest being a further .25% in November. The current cash rate is 2.85%, increases for the last six months amounted to 2.65%, exceeding initial market predictions.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. In Western Australia the State Government have moved to introduce legislation to end the state of emergency initially enacted 30 March 2020 and manage COVID-19 in a different manner as public health measures continue easing.

Actual income from operating activities for October year-to-date (YTD) is \$62.39m in comparison to budget of \$61.55m, favourable to budget by 1.38% or \$849k. Actual expenditure from operating activities for October is \$23.16m in comparison to the budget of \$23.52m, favourable to budget by 1.55% or \$365k. The October Net Operating Position of \$39.23m was \$1.21m favourable in comparison to budget.

Actual Capital Revenue YTD is \$501k compared to a budget of \$301k with a favourable variance of \$200k. Actual Capital Expenditure YTD is \$1,84m in comparison to the budget of \$2,26m, \$413k or 18% favourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there is a number of Capital projects that require a Budget adjustment during the midyear review.

Cash and Cash Equivalents amounted \$83.90m, higher than the prior year comparative period. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates are improving, with banks offering average interest rates of 3.57% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of October 2022 the City held 45.84% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Monthly Financial reporting timelines exceeding statutory requirements

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

- 10.4.2 (a): Statement of Financial Position
- 10.4.2 (b): Statement of Change in Equity
- 10.4.2 (c): Statement of Financial Activity
- 10.4.2 (d): Operating Revenue and Expenditure
- 10.4.2 (e): Significant Variance Analysis
- 10.4.2 (f): Capital Revenue and Expenditure
- 10.4.2 (g): Statement of Council Funds
- 10.4.2 (h): Summary of Cash Investments
- 10.4.2 (i): Statement of Major Debtor Categories

10.4.3 City of South Perth Penalty Units Amendment Local Law 2022

File Ref: D-22-54878
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report proposes that Council, in accordance with section 3.12(4) of the *Local Government Act 1995* (the Act), makes the City of South Perth *Penalty Units Amendment Local Law 2022* which will amend the City of South Perth Penalty Units Local Law 2003. This local law was presented to Council in July 2022 when Council endorsed the amendment process and resolved to give State-wide public notice of the proposed amendment. This report considers the feedback received during this process and recommends the City of South Perth *Penalty Units Amendment Local Law 2022* be made.

Officer Recommendation AND COUNCIL DECISION

1122/192

Moved: Councillor Carl Celedin
Seconded: Councillor André Brender-A-Brandis

That Council, pursuant to section 3.12 of the *Local Government Act 1995*:

1. Makes the City of South Perth Penalty Units Amendment Local Law 2022 as contained in **Attachment (a)**, which prescribes the value of a penalty unit used in conjunction with the modified penalties expressed in City of South Perth Local Laws.
2. Notes the submissions contained in this report.

CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

The City of South Perth Penalty Units Local Law (Local Law) was Gazetted on 20 June 2003. The Local Law prescribes the value of a penalty unit used in conjunction with the modified penalties expressed in the following City of South Perth local laws, to determine the value of an infringement:

- Cats Local Law 2016
- Dogs Local Law 2016
- Parking Local Law 2017
- Public Places and Local Government Property Local Law 2011

- Waste Local Law 2017

Following gazettal in 2003, the Local Law was further amended on 23 December 2003, 17 December 2004, 30 September 2008, 26 February 2010, 13 January 2017 and 13 November 2018. These amendments included various changes such as provisions in Schedule 1 for the Red Bull Air Race, updates to the reference of other local laws and updates to parking zones. The value of a penalty unit in Clause 5 has not changed since the Local Laws inception in 2003.

The City undertook research to determine how the penalty units compare to neighbouring local governments. It was found that on average, the City of Perth and Town of Victoria Park had modified penalties slightly higher than the City's current penalties. For example, the maximum modified penalty for parking was \$225 and \$240 respectively. The proposed increase to the Local Law would increase the City's maximum parking penalty from \$150 to \$195.

At the Ordinary Council Meeting held 26 July 2022, Council endorsed the City commencing the process to review and amend the Local Law. On 25 August 2022, the City gave local public notice that it proposed to amend the Local Law. The submission period for public consultation was open for six weeks and closed on Friday 7 October 2022. Two submissions were received at that time.

Comment

In accordance with the Council resolution from 26 July 2022 and section 3.12(3) of the Act, local public notice of the City's intention to make the new Local Law was advertised in the City's Peninsula Snapshot fortnightly eNewsletter on 24 August 2022, PerthNow Southern on 25 August 2022, and on the City's website and noticeboards. The proposed amendment was to amend clause 5 of the Local Law to increase the current value of a penalty unit from \$10.00 to \$13.00.

A copy of the proposed local law and public notice was also provided to the Minister for Local Government and the Department of Local Government as soon as the notice was given. The City received two submissions and these submissions are provided below.

SUBMISSION	OFFICER COMMENT
<p>Received from a resident in Salter Point:</p> <p>I see that this law is amended fairly regularly. Could it be worded:</p> <p>The value of a penalty unit is amended by deleting the value of "\$10.00" and inserting the value of "\$13.00" and this shall be incremented annually according to the average annual wage.</p> <p>This doesn't prevent the law from being amended in future but might make it less likely to be necessary. As it is a penalty it should be based on ability to pay as much as possible. Obviously other laws using this penalty unit would need to be changed over time to more fully reflect that by possibly having a range for the number of penalty units applying based on a person's assets in relation to the penalty unit.</p>	<p>The drafting suggestions have been noted. However, are not able to be considered as amending the Penalty Units Local Law.</p> <p>This way is unable to be legally enforced.</p>
<p>Received from the Department of Local Government:</p> <p>The amendment is relatively straightforward and no significant legal or drafting issues have been identified. However, some minor drafting suggestions are noted.</p> <p style="text-align: center;"><u>Penalty Units Amendment Local Law 2022</u></p>	<p>The drafting suggestions are minor and do not significantly change the Local Law. The suggestions have been implemented and the Local Law has been</p>

<p>Minor edits</p> <p>The following minor edits are suggested:</p> <ul style="list-style-type: none"> • Clause 1: Change the citation to italics. • Clause 3: The year “2003” can be removed from the citation since the year does not appear to be present in the principle local law’s official titles. • Clause 4: As this clause is only carrying out one amendment, there is no need for paragraphs. The clause can be simplified to read: <p>Clause 5 is amended by deleting “\$10.00” and inserting “\$13.00”.</p>	<p>amended to reflect these drafting suggestions.</p>
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The alterations suggested by the Department of Local Government do not significantly change the Local Law. As these alterations are considered minor, the local law does not need readvertising. In accordance with section 3.12(4) of the Act, the local government may resolve through absolute majority to make a local law that is not significantly different from what was proposed.

The Local Law has been amended to reflect the drafting suggestions from the Department of Local Government and Council may now resolve, through absolute majority decision, to make the Local Law in **Attachment (a)**.

Should Council resolve to make the Local Law as proposed, the City would be required to publish the Local Law in the Government Gazette, provide a copy to the Minister for Local Government, and give local public notice that the Local Law has been made. In addition, the City would be required to provide a copy of the Local Law and an Explanatory Memorandum, prepared in accordance with the Minister’s Local Laws Explanatory Memoranda Directions 2010, to the State Government’s Joint Standing Committee on Delegated Legislation.

The purpose and effect of the proposed local law would be as follows:

Purpose: to make amendments to the City of South Perth Penalty Units Local Law 2003 which prescribes the value of a penalty unit.

Effect: to set the value of a penalty unit, which is to be used in conjunction with the modified penalties expressed in other City of South Perth local laws.

Consultation

The minimum consultation period for a local law is 42 days. The City of South Perth Penalty Units Amendment Local Law 2022 was publicly advertised for 43 days.

Policy and Legislative Implications

Section 3.12 of the *Local Government Act 1995* outlines the procedure and requirements for making amendments to local laws.

Financial Implications

The cost associated with amending the local law is already contained within the approved Governance budget.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Following the requirements of s 3.12 of the <i>Local Government Act 1995</i>

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

10.4.3 (a):	City of South Perth Penalty Units Amendment Local Law 2022
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10.4.4 Corporate Business Plan 2022/23 - 2025/26

File Ref: D-22-54877
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents the Draft Corporate Business Plan 2022/23 – 2025/26 for consideration by Council.

Officer Recommendation

Moved: Councillor Blake D'Souza
Seconded: Mayor Greg Milner

That Council adopts the Corporate Business Plan 2022/23 – 2025/26 as contained within **Attachment (a)**.

Absolute Majority Required

Procedural Motion

Moved: Councillor Stephen Russell
Seconded: Councillor André Brender-A-Brandis

That In accordance with Clause 11.1 (b) of the City of South Perth Standing Orders Local Law 2007 debate on this Item be adjourned to the December 2022 Ordinary Council Meeting.

Reasons for Change

The City previously noted in a related workshop that the Corporate Business Plan would be placed on the Audit, Risk and Governance Committee meeting agenda prior to coming to Council. In order for this to occur and to allow members to ask the views of the independent members then I ask that this Item be deferred to the December Ordinary Council Meeting.

The Presiding Member moved a 5 minute adjournment at 6.28pm to allow the City administration to consult the Standing Orders.

COUNCIL DECISION

1122/193

Moved: Mayor Greg Milner
Seconded: Councillor Blake D'Souza

That the meeting be adjourned for five minutes.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

At 6.34pm the meeting reconvened.

Councillor Stephen Russell withdrew the Procedural Motion and moved the following amendment.

Amendment

1122/194

Moved: Councillor Stephen Russell

Seconded: Councillor André Brender-A-Brandis

That the recommendation be reworded as follows:

That Council adopts the Corporate Business Plan 2022/23 – 2025/26 as contained within **Attachment (a)** and that the Corporate Business Plan be provided to the external members of the Audit, Risk and Governance Committee for their feedback.

Reasons for Change

The City previously noted in a related workshop that the Corporate Business Plan would be placed on the Audit, Risk and Governance Committee meeting agenda prior to coming to Council. In lieu of this, in order to obtain feedback from the independent members then I believe the Corporate Business Plan should be provided to them for their feedback.

The amendment was put and declared CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Amended Substantive Motion and COUNCIL DECISION

1122/195

Moved: Councillor Blake D'Souza

Seconded: Mayor Greg Milner

That Council adopts the Corporate Business Plan 2022/23 – 2025/26 as contained within **Attachment (a)** and that the Corporate Business Plan be provided to the external members of the Audit, Risk and Governance Committee for their feedback.

The amended substantive was put and declared CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

In accordance with the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the regulations), the City of South Perth (the City) has developed an Integrated Planning and Reporting Framework (IPRF). The objective of this framework is to guide the City’s planning and reporting processes to ensure alignment to, and delivery of the community’s expectations.

Section 5.56(1) of the Act states that a local government is to have a "plan for the future", and s5.56(2) states that the plans are to be made "in accordance with any regulations made about planning for the future". Division 3, 19C and 19DA of the regulations require a local government to prepare two documents to address s5.56(1):

- a. A 10-year strategic community plan that identifies the aspirations and objectives of the community in the district (reg 19C).
- b. A four-year corporate business plan that sets out how the local government will respond to the vision, aspirations and objectives identified in the strategic community

A major review of the City of South Perth’s Strategic Community Plan (SCP), which included extensive community engagement was undertaken in 2021/22. Council adopted the City of South Perth SCP 2021-2031 at the 15 December 2021 Ordinary Council Meeting (OCM).

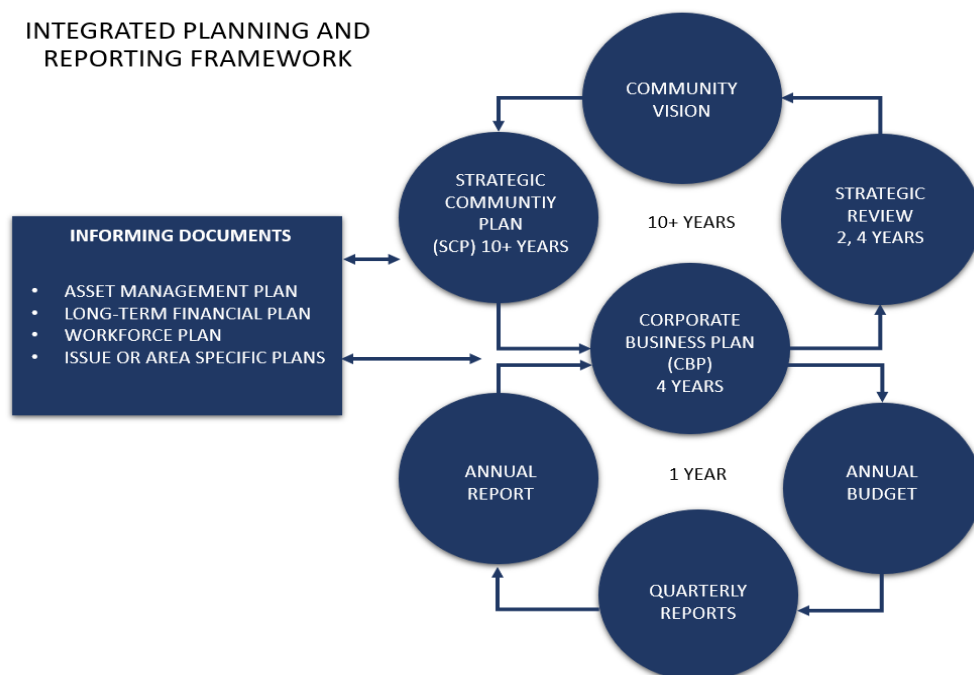
The Corporate Business Plan (CBP) 2020-2024 was adopted by Council at the 23 June 2020 OCM. In accordance with Regulation 19DA(4), the CBP is required to be reviewed annually.

The CBP review for the 2022/23 financial year has been completed.

Comment

The IPRF is the overarching framework that encompasses both the SCP and CBP and the informing documents; such as the Long Term Financial Plan (LTFP), Asset Management Plan and Workforce Plan, that the City is required by legislation to prepare.

The diagram below shows how all the elements of the IPRF connect together to deliver and report on Council priorities which are informed by the community vision and aspirations.



The CBP is the internal business planning tool that translates the SCP into operational requirements for the next four working years. The CBP provides key integration with the other elements of the IPRF including the Annual Budget and the various informing / resourcing plans.

The review of the CBP has been undertaken to align with the 10-year vision and strategic directions within the SCP namely, Community, Economy, Environment (Built and Natural) & Leadership. The CBP also responds to community outcomes and strategies indicated within each of these four strategic directions.

The revised CBP as provided in **Attachment (a)**, depicts the core services, projects and measures of success for the next four years (2022/23 to 2025/26) which have been guided by a comprehensive Business Unit planning process. This Business Unit planning process, whilst not a statutory requirement, is important in supporting the implementation of the CBP and enables prioritisation of workforce, asset, and financial resources through a consideration of each Business Unit services, projects or initiatives for the year.

New additions to the CBP from previous years include an external trends/opportunities summary that supports the City's future planning as identified from benchmarking and relevant sector publications, an update to the Integrated Planning and Reporting Framework section, the reduced duplication and separation of the City's services from the projects sections, with an overview provided of each Business Unit, along with an addition of risk management.

The CBP is structured to align with the strategy level within the SCP, providing integration with the following areas:

1. **Services & Sub-Services:** A listing of the 99 services and sub-services provided by each Business Unit that are aligned to SCP strategies.
2. **Projects:** A listing of the 114 projects planned over the four-year period and aligned to the outcomes in the SCP.
3. **Measures of Success:** A breakdown of the 71 measures of success, otherwise known as Key Performance Indicators (KPI's), that will be used to measure progress of services provided to the community including link to the outcomes in the SCP.

Services & Sub-Services

The City delivers multiple services and programs that are provided to the community at an operational level and support delivery of the SCP. The CBP details these services and sub-services against each Business Unit. The mapping of the services against the strategies was completed through the Business Unit planning process, capturing the services delivered at a high level and ensuring alignment to the strategy level in the SCP, with some services crossing over multiple strategies.

Projects

The Business Unit planning process enables effective project planning for the next four years with a focus on delivering year one of the CBP. The 114 projects identified in the CBP enable the City to operationalise and deliver on the aspirations in the SCP. The projects are provided against each strategic direction with a link to the strategy level and responsible Business Unit. The projects are split into Corporate and Operational project types as described below:

- **65 Corporate Projects** - A Corporate project is a significant project that requires Council oversight. Corporate projects have a moderate to significant budget investment in either capital and/or operational funding. Corporate projects have a

medium to high impact to the community and/or Council resources. Quarterly reporting review requirements are at the Council level.

- **49 Operational Projects** – An Operational project in nature, focuses on internal enhancements to service levels or delivery of ongoing programs to the community, with limited budget and/or resourcing impacts. Operational projects have either no external impact, and/or minor community impact. Quarterly reporting review requirements are at the Executive Management Team level.

Measures of Success (KPI's)

In developing the Measures of Success for the CBP, the objective was to provide measurable, meaningful and robust performance indicators, metrics that were within the control of the responsible Business Unit and that were the most predictive of success in delivering the applicable strategy in the SCP. Wherever possible, indicators and benchmark standards that are currently used in existing plans and/or for statutory reporting (such as financial health indicators) were used to ensure consistency and to streamline reporting.

Quarterly & Annual Reporting

Upon approval of the CBP, the City will commence the quarterly reporting process providing a 6-month update of the actions and KPIs identified in the CBP for delivery in 2022/23 at Quarter 2, which will be presented to the ARGC meeting in March 2023. Quarterly reporting will continue as usual for quarters 3 and 4. The Annual Report will be used to provide a summary of the past planning year highlighting the achievements and summarising the delivery of the CBP.

Annual Review

In accordance with the *Local Government Act*, the CBP is subject to an annual review and reset to drive the annual budgeting process and to continue the alignment of operational requirements to the SCP strategies and outcomes and other informing plans. It is anticipated that the CBP annual review will be provided to the ARGC meeting in June 2023 for Council approval in July 2023. This will realign the quarterly reporting for the new CBP in Quarter 1 2023/24 (July – September 2023).

Consultation

An overview of the IPRF and the draft CBP was presented at a Council Workshop on 17 October 2022 and provided on the Council Hub for review. Internal consultation occurred with the Leadership Team.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Administration) Regulations 1996

Financial Implications

The CBP 2022/23 – 2025/26 will help guide the City's financial planning for the next four years, including integration with the City's Long Term Financial Plan and Annual Budgets.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations.</p>
Risk rating	Medium
Mitigation and actions	Undertake a yearly review of the Corporate Business Plan

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

- 10.4.4 (a): Corporate Business Plan 2022/23 - 2025/26

10.4.5 Revocation - Councillor André Brender-A-Brandis - Council Caretaker Policy

File Ref: D-22-54882
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report is to consider a motion submitted by Councillor André Brender-A-Brandis (and supported by two additional Councillors) to revoke Council Resolution Number 0222/013 Council Caretaker Policy made at the City of South Perth Ordinary Council Meeting held 22 February 2022.

The motion also requests the City to proceed with the development of a draft Council Caretaker Policy for consideration at the Ordinary Council Meeting to be held in February 2022.

Officer Recommendation AND COUNCIL DECISION

1122/196

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Mary Choy

That the motion passed at the Ordinary Council Meeting held 22 February 2022 concerning the Council Caretaker Policy which reads:

“Amendment and COUNCIL DECISION 0222/013

Moved: Mayor Greg Milner
Seconded: Councillor Blake D'Souza

Amendment

That the Officer’s Recommendation be amended as follows:

That a Council Caretaker Policy not be progressed at this time until the outcome of the local government reform process is known and that (in the meantime) the CEO write to the Minister for Local Government to enquire whether the proposed State-wide election caretaker period is intended to be in place prior to the 2023 local government elections.

If the CEO considers that the proposed State Government standardised election caretaker period will not be in place for the 2023 local government elections, that a report on the council caretaker period be presented to Council for consideration.

Reasons

As per the Officer Report. The purpose of the amendment is simply to seek an indication from the State Government as to whether the proposed State-wide election caretaker period is likely to be in place prior to the 2023 local government elections.

CARRIED (5/4).

For: Mayor Greg Milner, Councillors Mary Choy, Blake D'Souza, Ken Manolas and Jennifer Nevard.

Against: Councillors André Brender-A-Brandis, Carl Celedin, Glenn Cridland and Stephen Russell”

be revoked and replaced with:

1. That Council requests the Chief Executive Officer to develop a Council Caretaker Policy based on the WALGA model.
2. That the draft Council Caretaker Policy be circulated for elected member feedback.
3. That Council requests the Chief Executive Officer to present a draft policy, together with a report addressing the feedback received, for adoption at the February 2023 Ordinary Council Meeting.

CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Background

At its meeting held 22 February 2022, Council considered Item 10.4.5 Council Caretaker Policy.

The revocation motion submitted by Councillor André Brender-A-Brandis is, (in accordance with City of South Perth Standing Orders Local Law 2007) is supported by Councillors Mary Choy and Ken Manolas.

Reason for Revocation (provided by Councillor André Brender-A-Brandis)

- a) *This Policy establishes protocols for the purpose of avoiding actual and perceived advantage or disadvantage to a candidate in a Local Government Election, through the use of public resources or decisions made by the Council or administration on behalf of the City during the period immediately prior to an election.*
- b) *This Policy ensures the functions and responsibilities of the City's administration, Elected Members who are candidates in Local Government Elections and other Local Government candidates, are undertaken in a manner that supports a high standard of integrity and fairness during Local Government Elections.*

Comment

Following the resolution passed at the Ordinary Council Meeting held 22 February 2022, the Chief Executive Officer wrote to the Hon John Carey MLA Minister for Housing; Lands; Homelessness; Local Government on 10 March 2022 and the Minister responded on 28 April 2022. He advised that it was his intent that the standard election caretaker period will be modelled on the caretaker conventions in place for State and Federal elections. He did however encourage the City to prepare and adopt a Council Caretaker Policy ahead of the next council elections, noting that some adjustments may be necessary following implementation of the state-wide standard.

10.4.5 Revocation - Councillor André Brender-A-Brandis - Council Caretaker Policy

At the recent Local Government Professionals WA Conference held on November 2 and 3 in Perth, Minister Carey addressed the attendees with regard his Local Government reform agenda. He stated that legislation to enact the first tranche of reforms would be presented to Parliament in early 2023 - and that a standard Council Caretaker Period would be mandated to take effect prior to the next Local Government elections in October 2023.

The exact nature of the proposed Council Caretaker Period is not yet known, therefore Council should be aware that any policy adopted by Council prior to the mandated reforms being enacted may result in changes being required to the Policy.

The administration can action the resolution above for the Ordinary Council Meeting to be held 28 February 2023 if resolved by Council.

Consultation

Nil.

Policy and Legislative Implications

Revoking or changing decisions made at Council meetings is dealt with under Section 5.25(1)(e) of the *Local Government Act 1995*, Regulation 10 of the Local Government (Administration) Regulations 1996 and Part 16 of the City of South Perth Standing Orders Local Law 2007.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Policies are in place to ensure breaches don't occur.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

Nil.

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Mary Choy for the period 8 December 2022 to 18 December 2022, inclusive.
- Councillor André Brender-A-Brandis for the period 5 December 2022 to 31 December 2022, inclusive.

The Presiding Member called for a Motion to approve the Leave of Absence application.

COUNCIL DECISION

1122/197

Moved: Councillor Carl Celedin

Seconded: Councillor Jennifer Nevard

That Council:

1. Approve the Leave of Absence application received from Councillor Mary Choy for the period 8 December 2022 to 18 December 2022, inclusive.
2. Approve the Leave of Absence application received from Councillor André Brender-A-Brandis for the period 5 December 2022 to 31 December 2022, inclusive.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR ANDRÉ BRENDER-A-BRANDIS - FINANCIAL EXPENDITURE

File Ref: D-22-54902
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor André Brender-A-Brandis submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 November 2022.

Amended Notice of Motion Recommendation

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Jennifer Nevard

That a request for additional financial information [(a) to (d)] be provided at the first Budget Workshop for Councillors in 2023;

(a) Advise for the years ended 30 June 2020, 2021 and year-to-date (YTD) January 2023 for;

1. The total cost of temporary (third-party) agency hired staff.
2. Confirm FTE employed for each year by the City.
3. ~~Advise the number (headcount) of agency staff for each year and whether these have been counted in the FTE staff total.~~ Advise an estimate of FTE agency staff working for the City, based on labour costs (at 1, above).
4. Confirm whether all of the above agency hire labour costs are included within Employee Benefits expense or are these included in contractor costs (i.e. supplies and services).
5. Provide an overview of the increases in employee expenditure for the past five years.

(b) Fringe Benefits Taxation (FBT) Benefits Provided and FBT Return Costs

For each of the FBT Years Ended 31 March 2018, 2019, 2020, 2021 and 2022, advise the benefits provide for;

1. The number of car benefits (statutory formula and operating cost method) provided.
2. The Gross Taxable Value of all car benefits provided.
3. The Total Amount of Tax Payable for that 31 March FBT Year.
4. The Total Amount of FBT Tax paid (quarterly instalments, final tax payable amount and including any amendments for prior FBT years) that were paid during the Financial Years, ended 30 June 2018 to 2022.

(c) Recreational Aquatic Facility (RAF) Expenditure (financial years ended 30 June 2019, 2020, 2021, 2022 and YTD January 2023):

1. Advise Inception to date (ITD) expenditure on the RAF.
2. Confirm if the above ITD RAF expenditure includes an allocation of any City overhead costs, and if so, the nature of the overhead costs allocated, and the amount allocated ITD.
3. Confirm if the ITD RAF expenditure includes an allocation of FTE (Employee Benefits) costs, and if so, the amount of staff costs allocated ITD.
4. Confirm the FTE assigned and allocated within the City to support the RAF.
5. Provide a breakdown of expenditure by supplier for each year and a supplier expenditure total from ITD.

(d) Receivables Analysis – as at 30 June 2022 and 30 November 2022;

1. Provide the value and number of parking infringements receivable;
2. Provide the parking infringements total value, for receivable balances of 12 months or less, and the total amount (and number of infringements) greater than 12 months.
3. As at 30 June 2022 only, provide the total value of rates debtors, with aged total values;
 - a. that are overdue 12 months,
 - b. between 12 months and three years and
 - c. greater than three years overdue.

(e) ITD RAF Costs Reporting

The ITD RAF Costs are to be included as a note in the Monthly Management Reports.

Reasons for the Motion:

The information requested is to provide transparency with regards to significant expenditure incurred on the Recreational Aquatic Facility, and major expenditure categories, to assist with early planning for the 2023-24 Budget Process and informed decision makings.

COUNCIL DECISION

1122/198

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor André Brender-A-Brandis be granted an additional five minutes to speak.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Amendment

1122/199

Moved: Councillor Glenn Cridland

Seconded: Councillor Carl Celedin

That the motion proposed by Cr Brender-A-Brandis be modified in the section titled Recreational Aquatic Facility (RAF) Expenditure (financial years ended 30 June 2019, 2020, 2021, 2022 and YTD 2023) by inserting the following:-

- “6 Identify (by estimate if necessary) the expenditure in 1. immediately above that relates to works done and redone and additional services (including additional workshops, re-tendering, communication with tenderers and the State and Commonwealth governments) provided as a result of delays in progressing the RAF as a result of council decisions,
- 7 Identify (by estimate if necessary) the lost value as a result of inflation in the Commonwealth \$20 Million grant funding as a result of construction not commencing 1 July 2022 as initially planned.”

Reasons for Change

The amendment will allow councillors and the public to understand the costs imposed as a result of delays in progressing the RAF flowing from council decisions such as to breach the Commonwealth funding agreement by not appointing a project manager as required and as recommended by the City.

The Amendment was put and declared CARRIED (5/3).

For: Mayor Greg Milner, Councillors Carl Celedin, Glenn Cridland, Jennifer Nevard and Stephen Russell.

Against: Councillors André Brender-A-Brandis, Mary Choy and Blake D'Souza.

Amended substantive motion and COUNCIL DECISION

1122/200

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That a request for additional financial information [(a) to (d)] be provided at the first Budget Workshop for Councillors in 2023;

(a) **Advise for the years ended 30 June 2020, 2021 and year-to-date (YTD) January 2023 for;**

1. The total cost of temporary (third-party) agency hired staff.
2. Confirm FTE employed for each year by the City.

3. Advise an estimate of FTE agency staff working for the City, based on labour costs (at 1, above).
4. Confirm whether all of the above agency hire labour costs are included within Employee Benefits expense or are these included in contractor costs (i.e. supplies and services).
5. Provide an overview of the increases in employee expenditure for the past five years.

(b) Fringe Benefits Taxation (FBT) Benefits Provided and FBT Return Costs

For each of the FBT Years Ended 31 March 2018, 2019, 2020, 2021 and 2022, advise the benefits provide for;

1. The number of car benefits (statutory formula and operating cost method) provided.
2. The Gross Taxable Value of all car benefits provided.
3. The Total Amount of Tax Payable for that 31 March FBT Year.
4. The Total Amount of FBT Tax paid (quarterly instalments, final tax payable amount and including any amendments for prior FBT years) that were paid during the Financial Years, ended 30 June 2018 to 2022.

(c) Recreational Aquatic Facility (RAF) Expenditure (financial years ended 30 June 2019, 2020, 2021, 2022 and YTD January 2023):

1. Advise Inception to date (ITD) expenditure on the RAF.
2. Confirm if the above ITD RAF expenditure includes an allocation of any City overhead costs, and if so, the nature of the overhead costs allocated, and the amount allocated ITD.
3. Confirm if the ITD RAF expenditure includes an allocation of FTE (Employee Benefits) costs, and if so, the amount of staff costs allocated ITD.
4. Confirm the FTE assigned and allocated within the City to support the RAF.
5. Provide a breakdown of expenditure by supplier for each year and a supplier expenditure total from ITD.
6. Identify (by estimate if necessary) the expenditure in 1. immediately above that relates to works done and redone and additional services (including additional workshops, re-tendering, communication with tenderers and the State and Commonwealth governments) provided as a result of delays in progressing the RAF as a result of council decisions,
7. Identify (by estimate if necessary) the expenditure in 1. immediately above that relates to works done and redone and additional services (including additional workshops, re-tendering, communication with tenderers and the State and Commonwealth governments) provided as a result of delays in progressing the RAF as a result of council decisions,

(d) Receivables Analysis – as at 30 June 2022 and 30 November 2022;

1. Provide the value and number of parking infringements receivable;
2. Provide the parking infringements total value, for receivable balances of 12 months or less, and the total amount (and number of infringements) greater than 12 months.
3. As at 30 June 2022 only, provide the total value of rates debtors, with aged total values;
 - a. that are overdue 12 months,
 - b. between 12 months and three years and
 - c. greater than three years overdue.

(e) ITD RAF Costs Reporting

The ITD RAF Costs are to be included as a note in the Monthly Management Reports.

The amended substantive motion was put and declared CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 47)

That a request for additional financial information be provided at the February 2023 Ordinary Council Meeting:

Advise for the years ended 30 June 2020, 2021 and year-to-date (YTD) January 2023 for;

1. The total cost of temporary (third-party) agency hired staff.
2. Confirm FTE employed for each year by the City.
3. Advise the number (headcount) of agency staff for each year and whether these have been counted in the FTE staff total.
4. Confirm whether all of the above agency hire labour costs are included within Employee Benefits expense or are these included in contractor costs (i.e. supplies and services).
5. Provide an overview of the increases in employee expenditure for the past five years.

Fringe Benefits Taxation (FBT) Benefits Provided and FBT Return Costs

For each of the FBT Years Ended 31 March 2018, 2019, 2020, 2021 and 2022, advise the benefits provide for;

1. The number of car benefits (statutory formula and operating cost method) provided.
2. The Gross Taxable Value of all car benefits provided.
3. The Total Amount of Tax Payable for that 31 March FBT Year.

4. The Total Amount of FBT Tax paid (quarterly instalments, final tax payable amount and including any amendments for prior FBT years) that were paid during the Financial Years, ended 30 June 2018 to 2022.

Recreational Aquatic Facility (RAF) Expenditure (financial years ended 30 June 2019, 2020, 2021, 2022 and YTD January 2023):

1. Advise Inception to date (ITD) expenditure on the RAF.
2. Confirm if the above ITD RAF expenditure includes an allocation of any City overhead costs, and if so, the nature of the overhead costs allocated, and the amount allocated ITD.
3. Confirm if the ITD RAF expenditure includes an allocation of FTE (Employee Benefits) costs, and if so, the amount of staff costs allocated ITD.
4. Confirm the FTE assigned and allocated within the City to support the RAF.
5. Provide a breakdown of expenditure by supplier for each year and a supplier expenditure total from ITD.

ITD RAF Costs Reporting

The ITD RAF Costs are to be included as a note in the Monthly Management Reports.

Receivables Analysis – as at 30 June 2022 and 30 November 2022;

1. Provide the value and number of parking infringements receivable;
2. Provide the parking infringements total value, for receivable balances of 12 months or less, and the total amount (and number of infringements) greater than 12 months.
3. As at 30 June 2022 only, provide the total value of rates debtors, with aged total values;
 - a. that are overdue 12 months,
 - b. between 12 months and three years and
 - c. greater than three years overdue.

Background

Councillor André Brender-A-Brandis submitted a Notice of Motion regarding financial expenditure. The reasons given are as follows:

“The information requested is to provide transparency with regards to significant expenditure incurred on the Recreational Aquatic Facility, and major expenditure categories, to assist with early planning for the 2023-24 Budget Process and informed decision makings.”

Comment

The City provides Council with a considerable amount of financial information that enables it to perform its financial oversight function under section 2.7 of the *Local Government Act 1995* (the Act). This information is provided at a level consistent with other local governments and relevant legislation.

Whilst some of the information requested is already provided, or have been provided in the past (ie the RAF expenditure is reported as a separate project every month and FTE is reported in the Annual Report) and can be readily provided at a high level, in many instances the detail being requested, is not consistent with Council's oversight role. In addition, specific information such as number of labour hire staff over four years would require significant time and effort to obtain and would require an officer reviewing invoices across a number of years and across two different financial systems.

It is noted that the elected member initiating this motion was the Manager Financial Services at the City of South Perth as recently as May 2019. Whilst such detailed information may be "of interest" to this elected member, it is not required for any decision making or oversight or governance purpose at this point in time.

The City has realised many efficiencies over recent years and operates within a very constrained resourcing environment, particularly in the finance area where there are a number of unfilled vacancies. The amount of time and effort to gather and collate the information to the level of detail requested in this Notice of Motion will be significant and at this stage is unquantifiable. This activity will place further pressure on the finance area, who is at this stage finalising the financial year end, initiating the midyear budget review, heavily involved in the 1System revenue phase 3b implementation and 1System 2022B upgrade testing.

Consultation

Not applicable

Policy and Legislative Implications

Local Government Act 1995

2.7. Role of council

1. The council —
 - a) governs the local government's affairs; and
 - b) is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to —
 - a) oversee the allocation of the local government's finances and resources; and
 - b) determine the local government's policies.

Financial Implications

It is anticipated that an additional resource will be required to meet this request and for the City to continue to meet its existing priorities. A conservative estimate is that to provide all of the information requested, to the level of detail and in a form that can be easily understood, would have a cost implication of approximately \$5,500. This was not budgeted for.

Key Risks and Considerations

Risk Event Outcome	Not Applicable
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Suggested Alternative Recommendation

1. That due to recognised resourcing constraints, Council does not request the information specified in the Notice of Motion, (other than that referred to in 2 below), but rather, requests the CEO to ensure that any information relevant to budget decisions required of Council is presented as part of the City's 2023 budget workshops for Councillors.
2. Council notes that to date, the City has expended approximately \$1.6million (inclusive of direct staffing costs) on the planning and feasibility for the RAF and that further financial information relevant to future decisions on the RAF be included in the future report to Council regarding RAF Stage One.

Reason for Alternative Recommendation

The information requested is not required for any decision making purpose at this time. The City always provide elected members with financial information and analysis when it is required for Council to carry out its functions and in particular for budgetary purposes.

The significant detail requested is unnecessary to perform any of Council's functions and will require the allocation of significant resources.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the October 2022 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS

- Councillor Stephen Russell
- Councillor Mary Choy
- Councillor Carl Celedin
- Councillor André Brender-A-Brandis

The questions and responses can be found in the **Appendix** of these Minutes.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there is a matter for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the *Local Government Act 1995*.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation AND COUNCIL DECISION

1122/201

Moved: Councillor André Brender-A-Brandis

Seconded: Mayor Greg Milner

That the following Agenda Item be considered in closed session, in accordance with s5.23(2) of the *Local Government Act 1995*:

15.1.1 Councillor Code of Conduct

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

The meeting was closed to members of the public at 7.40pm.

Councillor Glenn Cridland declared that he was able to maintain confidentiality during the meeting in accordance with regulation 14CA(5) of the Local Government (Administration) Regulations 1996.

Mayor Greg Milner and Councillors André Brender-A-Brandis, Blake D'Souza, Mary Choy, Jennifer Nevard and Stephen Russell disclosed an Impartiality Interest in Item 15.1.1.

15.1.1 Councillor Code of Conduct

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

File Ref: D-22-53049
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Officer Recommendation

Moved: Councillor Carl Celedin
Seconded: Mayor Greg Milner

That Council endorses the findings contained within **Confidential Attachment (a)**.

Procedural Motion

Moved: Councillor Stephen Russell
Seconded: Councillor Mary Choy

In accordance with Clause 11.1 (f) of the City of South Perth Standing Orders Local Law 2007 the ruling of the Presiding Member be disagreed with.

LOST (2/6).

For: Councillors Mary Choy and Stephen Russell.

Against: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Glenn Cridland, Blake D'Souza and Jennifer Nevard.

COUNCIL DECISION

1122/202

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Jennifer Nevard

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Stephen Russell be granted an additional five minutes to speak.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

Officer Recommendation

Moved: Councillor Carl Celedin

Seconded: Mayor Greg Milner

That Council endorses the findings contained within **Confidential Attachment (a)**.

LOST (3/5).

For: Mayor Greg Milner, Councillors Carl Celedin and Blake D'Souza.

Against: Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Jennifer Nevard and Stephen Russell.

Councillor Stephen Russell foreshadowed the following alternative motion during debate on the Item.

Alternative Motion and COUNCIL DECISION

1122/203

Moved: Councillor Stephen Russell

Seconded: Councillor André Brender-A-Brandis

That the item be deferred as per the resolution as included within the Confidential Minutes.

CARRIED (6/2).

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Jennifer Nevard and Stephen Russell.

Against: Councillors Carl Celedin and Blake D'Souza.

COUNCIL DECISION

1122/204

Moved: Councillor Mary Choy

Seconded: Councillor André Brender-A-Brandis

That the meeting be reopened to the Public.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Stephen Russell.

Against: Nil.

The Meeting was reopened to the Public at 8.25pm and the motion passed behind closed doors were read out by the Presiding Member.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8:30pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 22 November 2022

1. Mr Peter Scott, Como Received: 21 November 2022	Responses provided by: Mike Bradford - CEO
<p><i>[Preamble]</i></p> <p><i>I have been advised that the City has held meetings with various golf course and leisure management companies with the view to seek their investment in the RAF. I understand that the RAF Business case data has been shared with these companies. I also believe that the companies approached have declined to follow up on any investment opportunity with one party saying that the business case was flawed.</i></p>	
1. Has the CEO or any representative of the City of South Perth met with representatives of either the Belgravia Leisure Group and/or TenGolf to discuss possible investment in the RAF and what was the outcome of those meetings?	<p>Firstly, I would just like to say that I am not sure where you are getting your information but the assertions in your preamble are not correct.</p> <p>The City has conducted a ‘market sounding’ of potential RAF Operators to determine interest in the project, test the assumptions of the RAF Financial and Operational models and the scale of private investment. A probity advisor was appointed to oversee the process to ensure transparency and validity of the process and ensure that future procurement processes aren’t compromised. Companies participating in this process remain subject to strict confidentiality obligations.</p> <p>This type of process is not uncommon for a project of this scale and scope. While the outcome of the market sounding is confidential, I can share with you some broad findings of the market sounding - there was strong interest from potential operators, the assumptions of the RAF Operational and Financial models were validated and there was a willingness to invest in the project.</p>

	In addition, all the companies who participated in the market sounding have expressed an interest in participating in future procurement processes.
2. Has the CEO or and representative of the City of South Perth disclosed the contents of the City's Business Case to these or any other external 3rd parties?	No, the content of the Business Case was not disclosed with any of these third parties. The only third party the Business Case has been disclosed to is the State Government

<p>2. Ms Cecilia Brooke, South Perth Received: 21 November 2022</p>	<p>Responses provided by: Mike Bradford - CEO</p>
<p><i>[Preamble]</i> <i>There has been some commentary about the George Burnett Leisure Centre and when I drive past there, I can't help but wonder why the whole park is not used more, so my questions are:</i></p>	
<p>1. When will the Masterplan for GB reserve be completed?</p>	<p>The GBLC Masterplan is completed in Draft format and awaiting the resolution of the RAF project before it can be finalised.</p>
<p>2. Could you please explain the validity of any assumptions on the future of George Burnett facilities used to justify the RAF when a Masterplan has not been completed? (NB removal of facilities at GB, albeit operating at a loss, would be a great shock for people who use GB facilities).</p>	<p>The facilities at CPGC are at the end of life and GBLC is not fit for purpose. Council has previously decided that the economical way to address this is to build a single, multi-use facility.</p> <p>Collier Park Golf Course was chosen as the site for the RAF as it leverages existing and future market opportunities and is the best location for a multi-use, integrated and financially sustainable facility.</p> <p>A decision has not been made about the future use of GBLC. The City envisages that many of the courses and classes that are conducted at GBLC will be offered at the RAF.</p>
<p>3. What is the scope of works for the \$9m and \$16m (?) cost estimates used for the redevelopment/refurbishment of existing facilities at GBLC and CPGC?</p>	<p>I am not sure where the \$9m and \$16m numbers come from. The Long Term Financial Plan has allocated \$10m and \$10.4m to the refurbishment of the GBLC and CPGC. The City has not undertaken detailed cost estimates or planning for either option but we have done some preliminary estimates and that is the basis of the 10 million dollars there have been a couple of other estimates done that have actually resulted in higher amounts but that's what's in our long-term financial plan.</p>

	<p>The amounts that have been allocated The amounts allocated would provide a 'like for like' replacement and would not reconstitute a significant redevelopment.</p> <p>Refurbishment of GBLC would not address the significant need in the City for indoor playing courts as the amount allocated would only ensure that the existing court would be extended to ensure compliance with competition standards. The City is actively lobbying the State Government to fund the provision of indoor playing courts at the RAF.</p> <p>At the October OCM, Council authorised me to enter into a lease agreement with 'Be Our Guest Holdings Pty Ltd' at the old Manning Library for the purpose of a Community Centre, including a Kiosk and Kitchen. The City envisages that this development will revitalise George Burnett Park and increase overall usage of the site.</p>
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13.1 QUESTIONS FROM MEMBERS taken on notice OCM 25 October 2022

Councillor Stephen Russell	Responses provided by Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>I understand that the Collier Retirement Village residents did not receive support from the City for a cofounding grant for an outdoor fitness venue and this may have been one factor why they were unsuccessful in their application with Lotterywest.</i></p>	
<p>1. Hence to this effect, I am not asking for the reasons why support for cofounding was not given but rather what are the mechanisms for example delegated authority that applications like this and indeed others do not come to Council for decision making?</p>	<p>Each year the City receives many requests for financial support for a range of community recreation facility project proposals. The City undertakes an initial assessment of these proposals to assess alignment to the strategies in the Strategic Community Plan 2021-31 and alignment to the actions/prioritised projects outlined in associated plans, such as the Community Recreation Facilities Plan, Play Space Plan etc.</p> <p>If a community recreation facility proposal demonstrates effective alignment with the above, the City would generally include the project proposal as part of the City’s annual budget process for decision-making/endorsement by Council (or within the long term financial plan for future consideration by Council).</p> <p>In relation to the proposed seniors exercise equipment at Collier Retirement Village, the City did not present it to Council because it was assessed as a lower priority compared to other community recreation facility projects. Seniors exercise equipment has already been installed nearby at Neil MacDougall Park. Furthermore, the Community Recreation Facilities Plan does not make provision for this proposal; and the City’s Play Spaces Plan does not recommend outdoor exercise equipment on local reserves (only district or regional reserves).</p>

13.2 QUESTIONS FROM MEMBERS OCM 22 November 2022

Councillor Stephen Russell	Response to question 1 provided by Mike Bradford – CEO and Berndine Tucker – Manager Governance Response to question 2 provided by Mike Bradford – CEO
<p>1. Does the City have any policy, limitations or expectations for the use of the Mayor livery collar. For example, can the collar only be used by a Mayor in their official capacity when acting on behalf of the City or it's use solely at the discretion of the Mayor?</p>	<p><i>Mike Bradford - CEO:</i> I don't think we have any policy or restrictions that govern the use of the livery.</p> <p><i>Bernadine Tucker – Manager Governance:</i> It's referred to as the Mayoral chain in local government, but we don't have any policy at this local government in relation to the use of the Mayoral chain.</p>
<p>2. I'm assuming the Mayoral chain is the property of the City, is that correct?</p>	<p>Yes.</p>

Councillor Mary Choy	Responses provided by Mike Bradford – CEO
<p>1. Is there no standard protocols? Because I thought things like that were like ceremonial, so I thought there would be some standard protocols even if we don't have a policy, I would imagine most local governments don't have policies would they, around this?</p>	<p>I did take the benefit of googling a couple of things. Most of this is in heritage and history that governs, rather than any specifics, so I think it goes to those. I think some local governments may have policies, City of Perth for example doesn't, but it has a page about history that talks about how it's typically used.</p>

Councillor Stephen Russell	Responses provided by Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>I have a number of questions relating to the media report in regards to overdue pool barrier inspections, where 22% of pools were overdue for inspection (as the end of June).</i></p>	
<p>1. Could the City provide an update with respect to the percentage number of pools still overdue for inspection for November month end?</p>	<p>The percentage of overdue pool inspections currently stands at 12%, so this is a large improvement on the June figure as you can see and it should be noted that overdue inspections are undertaken concurrently with inspections that are currently due.</p>
<p>2. The City has a note on its webpage “Swimming Pools - Safety alert - swimming pool skimmer boxes”, which states that “The City is temporarily unable to undertake Pool Barrier Inspections” Could the City clarify this statement as I understood and obviously from the reduction in the percentage numbers that pool barrier inspections have resumed?</p>	<p>Pool barrier inspections have resumed but due to an oversight, this one remaining reference to the unavailability of officers was left in the section and this has now been removed.</p>
<p>3. Could the City advise what legislation requires the City to undertake pool barrier inspection and if this is inclusive of the <i>Work Health and Safety Act 2020</i>?</p>	<p>The Building Regulations 2012 require the City to undertake pool barrier inspections. The <i>Work Health and Safety Act 2020</i> is a completely separate legislation.</p>
<p>4. Could the City please advise if the overdue pool barrier inspection performance is on the City’s risk register and if so when it was placed on the register.</p>	<p>Pool barrier inspections are not listed on the City’s Risk Register.</p>

Councillor Carl Celedin	Responses provided by Vicki Lummer – Director Development and Community Services
1. Can the City tell us how many of those pools on the register were built before 2001?	Taken on notice

Councillor Mary Choy	Response to question 1 provided by Anita Amprimo –Director Infrastructure Services Response to question 2 provided by Mike Bradford - CEO
1. Are the City and its contractors now up to date with its tree pruning program especially for street trees on verges with overhead power lines?	Taken on notice
2. I note a recent news update on the City’s website dated 16 November 2022, announcing the City has signed new agreements with certain inner city Council’s, which is very good and well done to all involved, I know maintaining strategic relationships are very important. I’m just wondering if there’s any reason that unlike some of those other local governments involved, the agreement in the form of an MOU I believe, does not come before this Council for noting or endorsing, especially since I understand the collaborations focus is on strategic issues impacting local governments with strategic objectives?	MOU’s of that nature are typically operational documents and considered operational documents in the realm of the CEO, in particular where they don’t commit any resources. So there’s no funding or cost commitment, so that’s how we have dealt with them in this City.

<p>Councillor Andre Brender-A-Brandis</p>	<p>Response to question 1 provided by Vicki Lummer – Director Development and Community Services and Mike Bradford – CEO</p> <p>Response to question 2 provided by: Vicki Lummer – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>Just with regard to the pool barrier inspections as well.</i></p>	
<p>1. Was that the result of staffing and resources or was that just additional workload and do we also outsource that work to third party contractors?</p>	<p><i>Vicki Lummer – Director Development and Community Services:</i> Previously we have outsourced it to third party contractors. The overdue inspections were built up into a larger number and we have over time reduced that number significantly.</p> <p><i>Mike Bradford - CEO:</i> To be clear, when we outsourced it to a third party, that’s when the overdue inspections grew to quite a large number.</p>
<p>2. With regard to the overdue barriers that weren’t inspected, were there any that were a higher risk or of concern that we identified or were they all pretty much of the same sort of status?</p>	<p>Taken on notice.</p>

<p>Councillor Mary Choy</p>	<p>Responses provided by Mike Bradford – Chief Executive Officer</p>
<p>1. First of all, with regards to underground power, are there any updates available on the South Perth program please? I think we all received a letter that it was expecting to start in November, but not seen anyone around on the streets starting anything.</p>	<p>Taken on notice.</p>
<p>2. Also going back to the inner-city Council MOU. So I understand that doesn’t normally come to Council, but I’m just wondering whether it might be a good idea for us to get an update considering it is like</p>	<p>I can certainly provide an update through a bulletin article or something like that, but the use of the term strategic, in reality these are quite operational issues. For example, there’s a HR group that works on common practices between the five inner city groups and looking to share resources where we</p>

<p>strategic issues apparently that those inner city Council's are discussing or as part of that MOU, if we can receive some sort of an update?</p>	<p>can. We run a mentoring program across the five local governments, so that's very operational in nature. Another example of the sorts of topics that is the potential collaboration on eScooter hire. Notwithstanding the use of the word strategic, they actually are quite operational matters.</p>
<p>3. I'm just wondering why the Mayor attends then as an elected member if it's operational?</p>	<p>The history behind that inner city working group was when Commissioners had been appointed to the City of Perth, and I think the <i>City of Perth Act</i> was being passed and there's a positive obligation as I recall, under that City of Perth Act for the City of Perth to collaborate with surrounding local governments. It was the City of Perth, I think it was the Chief Commissioner Eric Lumsden, who raised the idea of forming a group of inner-city Mayors and CEOs to, I assume his intent was to satisfy the obligation that the City of Perth had under the <i>City of Perth Act</i>. It was the City of Perth who drove the formation of the group and I suspect that the State Government has a strong interest in it operating in that way.</p>

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These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 13 December
2022

Signed _____
Presiding Member at the meeting at which the Minutes were confirmed