

AGENDA.

Ordinary Council Meeting

22 March 2022

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 22 March 2022 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

18 March 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 - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 10.4.4 as ‘the second motion detailed in the report concerns a building permit granted to Southcare Inc. I was a member of the Southcare Board (albeit as a non-voting Board Trainee) between 2017 and 2018.’
- Councillor Stephen Russell – Impartiality Interest in Item 10.4.4 as ‘Elector motions 2 & 3 were raised in the context of DAP application DAP/17/01257 which was determined at DAP meeting MISJDAP/82. I was a sitting Council delegate at this meeting. DAP Regulation 48 (1) states “A DAP member, other than the presiding member, must not publicly comment, either orally or in writing, on any action or determination of a DAP.” As these two motions go to City administrative matters only, then I consider DAP R 48(1) not to be relevant, however I wish to declare an impartiality interest nevertheless.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 22 MARCH 2022

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22 February 2022

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 22 February 2022 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 15 March 2022

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

Attachments

7.2.1 (a): Briefing Notes

7.2.2 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
21 February 2022	Policy for Developers & Lobbyists	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Glenn Cridland, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell
23 February 2022	Collier Park Village Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Carl Celedin, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.
28 February 2022	Challenger Reserve Masterplan Briefing	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Glenn Cridland, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.
28 February 2022	Coode Street Foreshore Engagement Briefing	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Carl Celedin, Glenn Cridland,

		Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.
1 March 2022	Budget Workshop #1	Mayor Greg Milner and Councillors Blake D'Souza, André Brender-A-Brandis, Carl Celedin, Jennifer Nevard, Ken Manolas, Mary Choy, Stephen Russell.

Attachments

Nil.

Officer Recommendation

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

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

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 15 March 2022.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Proposed Four Storey Single House Lot 172 No. 181 Lockhart Street COMO

Location:	11.2021.313.1
Ward:	Como Ward
Applicant:	John Norup - Norup + Wilson
File Reference:	D-22-12942
DA Lodgement Date:	6 September 2021
Author(s):	Alaleh Maghsoudi, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services

Summary

To consider an application for development approval for a four storey Single House on Lot 172, No. 181 Lockhart Street, Como.

This item is referred to Council as the building height exceeds 9.0m and therefore falls outside of the delegation to officers. The building height of the proposed development complies with the maximum height prescribed by the Canning Bridge Activity Centre Plan.

For the reasons outlined in the report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for a four storey Single House on Lot 172, No. 181 Lockhart Street, Como. **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Prior to the submission of a building permit application, a tree protection zone (TPZ) shall be indicated on the plans and implemented during construction until occupancy stage, to protect the trees on site identified for retention, as well as the verge tree at all times, to the satisfaction of the City.
3. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City.
4. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City.
5. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City. Prior to occupation of the dwellings, the endorsed material and finishes schedule shall

- be implemented into the building design and maintained thereafter, to the satisfaction of the City.
6. Prior to the submission of a building permit application, a Construction Management Plan must be submitted to, and approved in writing by the City. The approved Plan shall be implemented and adhered to at all times during the construction stage, to the satisfaction of the City.
 7. Prior to occupation of the dwelling, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover(s), are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City.
 8. Prior to occupation of the dwelling, landscaping areas shall be installed in accordance with an approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City.
 9. Prior to occupation of the dwelling, all visual privacy protection devices to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall be installed to prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structure(s) shall be installed and remain in place permanently, to the satisfaction of the City.
 10. Prior to occupation of the dwellings, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City.
 11. No street tree shall be removed, pruned or disturbed in any way, without prior approval from the City.
 12. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
 13. All fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti and/or be decorated in such a way to reduce the effect of blank facades, in accordance with Requirements 15.1 and 16.1 of the Canning Bridge Activity Centre Plan.
 14. Prior to the submission of a building permit application, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total contribution value of development (maximum \$500,000 contribution) shall be submitted and approved in writing by the City. The approved public art concept shall be to the satisfaction of the City.
 15. Prior to the submission of an occupancy permit application, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
 16. Any external clothes drying areas shall be screened from view from all streets or any other public place.

Note: City officers will include relevant advice notes in the determination notice.

Development Site Details

The development site details are as follows:

Zoning	Centre Canning Bridge Activity Centre Plan Quarter: Mt Henry (Q5)
Density coding	H4 – Residential up to 4 storeys
Lot area	650sqm
Building height limit	Four storey building height limit (Maximum of 16m)
Development potential	Multiple Dwelling, Grouped Dwelling, Single House, Aged or Dependant Person’s Dwelling, Single Bedroom Dwelling, Corner Store, Recreation - Private, Recreation – Public, Residential Building, Home Occupation, Home Office

(a) Background

In September 2021 the City received an application for a four storey Single House at Lot 172, No. 181 Lockhart Street, Como which incorporated previously suggested improvements from the Design Review Panel (DRP). The plans were subsequently reviewed by the DRP in October 2021, at which time the panel provided their support subject to additional changes being made to the plans, including the provision of a landscaping plan. A final set of amended plans were received by the City on 19 January 2022, which addressed the DRP comments as well as amendments requested by City officers.

The site is located within the Canning Bridge Activity Centre Plan (CBACP) in the Mount Henry Quarter (Q5) and is zoned H4. The CBACP, was initially approved by the Western Australian Planning Commission (WAPC) in April 2016 and was later amended and endorsed by the WAPC on 22 September 2020. These amendments introduced Parts 3 and 4 of the R-Codes Volume 2 and other built form changes to Q3, Q4 and Q5, in accordance with Schedule 2 clause 43(1) of the Planning and Development Regulations 2009. The City is to have due regard to the CBACP when considering this application for development approval.

(b) Description of the Surrounding Locality

The site has its frontage to Lockhart Street to the east and is surrounded by single houses as seen in **Figure 1** below. In March 2019 a development application was approved for 30 Multiple Dwellings in a 5 storey building on the neighbouring property to the north, 179 Lockhart Street. The approval is valid until 2023.



Figure 1: Aerial image of the subject site.

(c) Description of the Proposal

The application proposes demolition of the existing single storey dwelling on site and the construction of a four-storey single house. The demolition has already taken place and the site is vacant. The development plans are provided at **Attachment (a)**. The site photographs which show the relationship of the site with the surrounding built environment are provided at **Attachment (b)**.

The following components of the proposed development require a discretionary assessment against Town Planning Scheme No. 6 (TPS6), the Canning Bridge Activity Centre Plan (CBACP), the Residential Design Codes (R-Codes Volume 2) and Council Policy requirements.

R-Codes (Volume 2) Variation

- i. Solar access

Local Planning Policy

- ii. Significant views

The proposal complies with TPS6, CBACP, the R-Codes and relevant Council policies, except for the non-complying aspects identified above, which are discussed below:

(d) Solar access (Affecting southern boundary lots)

Element	Max. Permitted	Proposed
3.2 and 4.1 in respect to solar access,	50%	Lot 200 (No. 183) Lockhart Street, Como: 63%

		Lot 201 (No.16) Canning Parade, Como: 7%
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The proposed development has satisfied the design principles of solar access of the R-Codes and is supported for the following reasons:

- The proposed development scale and floor levels are consistent with those envisaged for the adjoining dwellings to the north and south, therefore the proposed development provides a visually balanced streetscape.
- The adjoining property in winter, will receive direct sunlight throughout the day. The adjoining lot will receive direct sunlight from the east and north-east during the morning, direct sunlight from the west and north west in the afternoons, with north sunlight provided to the upper level during the day.
- The development adequately meets the street setback, lot boundary setbacks and building height requirements under the CBACP.
- The development incorporates shading and glare control to minimise heat and glare by including covered balconies into the design of the building.

(e) Significant Views

Council Planning Policy P350.09 requires the consideration for the loss of significant view from neighbouring properties. The objective of the policy is to give balanced consideration to the reasonable expectations of both existing residents and applicant's proposed new development with regard to a significant view. The elements of the proposal considered in the assessment of impacts on a significant view under Policy p350.09 are:

- i) Setbacks from the street and lot boundaries;
- ii) Floor size;
- iii) Roof form; and
- iv) any other design element that impacts upon views.

The neighbouring properties to the north, south and east currently have views to a portion of the Swan River.

Whilst it is acknowledged that the proposed four storey single house will cause some obstruction of views of the Swan River from the adjoining properties, the extent of obstruction is not considered to be significant, as the adjoining properties will still retain a substantial portion of views of the Swan River. In addition, the proposed four storey single house is compatible with the 16.0 metre height limits identified under the CBACP as well as the guidelines for the style of built form which is expected.

Notwithstanding, the proposed development is considered to meet the relevant discretionary criteria in Council Planning Council Policy P350.9 (Significant Views) and is supported for the following reasons:

- The proposed development has a compliant building height limit and setback requirements to the sides and rear which mitigate loss of views.
- The applicant has proposed a concealed roof to minimise impact on significant views.

(f) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6

In considering an application for development approval, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

(g) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes

In considering an application for development approval the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. An assessment of the proposal against clause 67 is considered through the planning assessment above.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) City of South Perth Canning Bridge Design Review Panel (DRP)

The application was presented to the City's Canning Bridge DRP in October 2021 and the proponent has implemented a range of amendments in response to this feedback. A copy of the DRP minutes from the meeting as well as applicant responses to feedback, can be found at **Attachment (c)**. The panel were supportive of the overall design elements of the application which features a four-storey single house, which contributes to dwelling diversity in the area. Upon review of the plans submitted with the development application in October 2021, the panel were satisfied with the design responses to the feedback however advised their support was subject to additional modifications which were subsequently addressed through amended plans. The amended plans have addressed the 10 principles of design in State Planning Policy 7.0 in a satisfactory manner, as the requested amendment was provided in response to the City's request for further information.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Advertising of Planning Proposals'. All affected individual property owners, occupiers and/or strata bodies along Lockhart Street were invited to inspect the plans and to submit comments during a minimum 21 day period. The City did not receive any submissions during the advertising period.

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This determination has some financial implications, to the extent if the applicant were to appeal a decision, or specific conditions of approval, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage 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.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring

Strategic Implications

An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services.

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Sustainability Implications

Noting the favourable orientation of the lot, the officers observe that the proposed outdoor living areas have access to winter sun. Hence, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all the relevant Scheme, Activity Centre Plan, R-Codes and/or Council Policy objectives and provisions. Where discretions are sought, these are considered to be supportable for the reasons set out in this report. The proposal is considered to improve the amenity of the site and will not have any detrimental impact on adjoining residential properties.

10.1.1 Proposed Four Storey Single House Lot 172 No. 181 Lockhart Street COMO

The proposed single house is within the Four-Storey Building Height Limit for the property and is consistent with the framework outlined in the Canning Bridge Activity Centre Plan. The development is of a bulk and scale visioned for the H4 zone of the CBACP. The solar access is considered appropriate for a building of this size and scale and as more properties redevelop the amenity of the locality will change. The design of the development has been supported by the City's DRP and addresses the CBACP in a satisfactory manner.

The development is supported against the discretionary provisions under the CBACP and proposes a well-resolved design that respects the streetscape and the amenity of adjoining properties. Accordingly, it is considered that the application should be approved subject to conditions.

Attachments

- 10.1.1 (a): Development Plans
- 10.1.1 (b): Site Photographs
- 10.1.1 (c): DRP Comments and Applicant's Response

10.1.2 Endorsement of City of South Perth Youth Plan 2021-2025

File Ref: D-22-12943
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

In October 2021 the City presented its inaugural draft Youth Plan 2021-2025 to Council.

Council subsequently resolved to provide 'in principle' endorsement of the Youth Plan 2021-2025 for the purposes of community and stakeholder consultation.

The consultation process has now been completed, with the feedback reinforcing that the priority areas and actions in the Youth Plan 2021-2025 remain valid and no changes are recommended.

The Youth Plan 2021-2025 is now presented to Council for final endorsement.

Officer Recommendation

That Council endorses the City of South Perth Youth Plan 2021–2025, as shown in **Attachment (a)**.

Background

Some of the current programs, services and facilities for youth include:

- South Perth Youth Network (SPYN)
- WA Youth Week programming
- South Perth Young Writer's Award
- Speak with Confidence Award
- Volunteering opportunities for youth
- Term and school holiday programs through the two libraries and George Burnett Leisure Centre
- Financial support through the Community Funding Program and KidSport Program
- Access to a diverse range of recreational activities on local sporting reserves, community facilities and a skate park.

Whilst local youth currently have access to a number of programs, services and facilities, the City does not currently have a specific youth-focused plan to provide strategic direction on how it should support local youth now or into the future.

In 2020/21 the City engaged the Youth Advisory Council of Western Australia (YACWA) and the South Perth Youth Network (SPYN) to undertake a youth plan project, which led to the development of its inaugural Youth Plan 2021-2025.

The Youth Plan 2021-2025 is intended to respond to the current and emerging needs of our youth who live, study, work, volunteer or spend time in our community.

For the purposes of this document, youth are defined as those aged 10 to 25 years; which translates to 21.7% of the City's population.

The City has recently completed the engagement process, with the Youth Plan 2021-2025 now presented for final endorsement, which is shown as **Attachment (a)**.

Comment

The Youth Plan 2021-2025 is intended to guide the City's decisions on the kind of community programs, services, events, projects and facilities that should be considered for local youth now and into the future. This includes youth who reside, work, volunteer, study and/or recreate in the City.

The Youth Plan 2021-2025 is comprised of 22 actions within four strategic focus areas, namely:

1. Youth Programs and Events
2. Youth Places and Facilities
3. Youth Communication
4. Youth Development

The Youth Plan 2021-2025 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.

Once approved, the Youth Plan 2021-2025 will 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

In October 2021, Council endorsed for the draft Youth Plan 2021-2025 to be advertised for the purpose of community and stakeholder consultation. The feedback period took place between Wednesday 17 November 2021 and Monday 13 December 2021 and stakeholder engagement included:

- Online feedback form
- Hard copy feedback forms, available from the Civic Centre and the South Perth and Manning libraries
- Online poll on Your Say South Perth (YSSP), the City's online engagement platform
- Hard copy polls, delivered to Kensington Senior High School, Kensington PCYC, Marr Moorditj Training Aboriginal Corporation, Perth Creative College and Clontarf Aboriginal College
- Interactive poll activity at City's end-of-year youth event
- Question and answer tool on Your Say South Perth (YSSP), the City's online engagement platform, where participants could ask questions about the project.

Additionally, the City used multiple communication methods to invite feedback about the Youth Plan 2021-2025 including:

- Page on the City's website
- Enewsletter sent to approximately 11,000 email addresses
- Media release sent to Perth Now
- Direct email to past participants and those who subscribed for updates
- Social media campaign, including Instagram
- Posters on display in the libraries, the City's community centres, Civic Centre, Waterford Plaza, all local secondary schools, Kensington Secondary School, Kent Street Senior High School and Kensington PCYC.

Members of the community and stakeholders were asked about the four priority areas and actions within the draft Youth Plan 2021-2025, including:

- Do you like the priority areas and actions?
- Are any actions missing?
- What would you change?

In general, all respondents were supportive of the priority areas and actions within the draft Youth Plan 2021-2025. The proposed youth-focused music and food event and youth maker's market were reported as the most popular actions during the consultation period.

See the Youth Plan Stakeholder Engagement Overview Report shown as **Attachment (b)** for more information.

In summary, no amendments (revisions, deletions or additions) are recommended to the priority areas and actions listed in the draft Youth Plan 2021-2025, prior to finalising the plan.

Policy and Legislative Implications

Nil.

Financial Implications

The Youth Plan is intended to be delivered over a period of five financial years from 2022 to 2026 inclusive. Funds required for the Youth 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.

There are 22 actions within the Youth Plan. Of these, the majority (16 actions or 73%) will be delivered using existing staffing resources, namely the City's Community Development Officer (Youth and Children). No additional City staff resources are being sought to implement the Youth Plan. It is estimated that City officers will spend approximately 12 hours per week (624 hours per annum) implementing the actions. Only six actions (27%) will require some professional external consultation/participation. The City's 2021/22 Budget includes an allocated \$10,000 to implement new initiatives in the Youth Plan.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome
Risk rating	Low
Mitigation and actions	No Action Required

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): City of South Perth Youth Plan 2021-2025
- 10.1.2 (b): Youth Plan Stakeholder Engagement Overview Report

10.1.3 Community Sport and Recreation Facility Fund (CSRFF) - Small Grants Program 2022 - Applications and City Assessment

File Ref: D-22-12945
 Author(s): Patrick Quigley, Manager Community, Culture and Recreation
 Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

Each year the Department of Local Government, Sport and Cultural Industries (DLGSC) calls for applications via its Community Sport and Recreation Facilities Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects.

CSRFF applications must initially be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request its in-principle support for the proposed project/s, including the financial contribution requested by the application under the CSRFF program.

Three applications are presented for the current round of the CSRFF Small Grants Program for 2022 namely:

1. City of South Perth Cricket Facilities Upgrade Project
2. South Perth Cricket Club Practice Nets Upgrade Project
3. Hensman Park Tennis Club Court Resurfacing Upgrade Project

Officer Recommendation

1. That Council approves the City submitting three funding applications to the Department of Local Government, Sport and Cultural Industries via its Community Sport and Recreation Facilities Fund Program, together with comments from the Officer report and the following rankings and ratings:

Applicant	Project	Ranking	Rating
City of South Perth	City of South Perth Cricket Facilities Upgrade Project	1	A
South Perth Cricket Club	South Perth Cricket Club Practice Nets Upgrade Project	2	A
Hensman Park Tennis Club	Hensman Park Tennis Club Court Resurfacing Upgrade Project	3	A

2. That subject to the above application/s being successful with the Department of Local Government, Sport and Cultural Industries, a provisional amount of up to \$52,041 is considered in the City's 2022/23 Budget, as the City's financial contributions to the two projects, as follows:

10.1.3 **Community Sport and Recreation Facility Fund (CSRFF) - Small Grants Program 2022 - Applications and City Assessment**

- a) City of South Perth Cricket Facilities Upgrade Project - \$5,779 (excl. GST);
- b) South Perth Cricket Club Practice Nets Upgrade Project - \$31,164(excl. GST); and
- c) Hensman Park Tennis Club Court Resurfacing Upgrade Project - \$15,098 (excl. GST)

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation under its Community, Sport and Recreation Facilities Fund (CSRFF).

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation.

Three CSRFF categories are offered (see table below for details).

Grant Category	Total Project Cost Range	Standard DSR Contribution	Frequency
Small Grants	\$7,500 - \$300,000	\$2,500 - \$100,000	Bi-Annual
Annual Grants	\$300,001 - \$500,000	\$100,000 - \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,666 - \$2,000,000	Annual

The maximum grant awarded by DLGSC will be no greater than one-third of the project up to a maximum of \$2m. The CSRFF grant must be at least matched by the applicant’s own cash contribution equivalent to one third of the total project costs, with any remaining funds being sourced by the applicant. In some cases, funds provided by DLGSC do not equate to one-third of the project costs and the applicants are advised that they expect to fund any shortfall. The local government is not obliged to contribute funding to the projects. As stated in the CSRFF guidelines, small grants for this round must be claimed in the financial year following the date of approval. Therefore, grant applications in this round must be claimed by 15 June 2023.

CSRFF applications must initially be presented to the relevant local government to request its in-principle support of the project, including the financial contribution requested by the applicant under the CSRFF program.

Comment

Three projects are proposed by the City for the CSRFF Small Grants Program 2022. The estimated project cost, CSRFF grant being sought, and City contribution are as follows:

1. City of South Perth – Cricket Facilities Upgrade Project

CSRFF Grant Sought*	\$12,294 (ex GST)
City’s Contribution	\$5,779 (ex GST)
Australian Cricket Facilities Fund	\$18,811 (ex GST)
Estimated Total Project Cost	\$36,884 (ex GST)

10.1.3 Community Sport and Recreation Facility Fund (CSRFF) - Small Grants Program 2022 - Applications and City Assessment

2. South Perth Cricket Club - Practice Nets Upgrade Project

CSRFF Grant Sought*	\$34,498 (ex GST)
City's Contribution	\$31,164 (ex GST)
Club's Contribution	\$2,832 (ex GST)
Australian Cricket Facilities Fund	\$30,000 (ex GST)
Volunteer Labour	\$5,000 (ex GST)
Estimated Total Project Cost	\$103,494 (ex GST)

3. Hensman Park Tennis Club - Court Resurfacing Upgrade Project

CSRFF Grant Sought*	\$15,098 (ex GST)
City's Contribution	\$15,098 (ex GST)
Club's Contribution	\$14,099 (ex GST)
Volunteer Labour	\$1,000(ex GST)
Estimated Total Project Cost	\$45,295 (ex GST)

CSRFF Assessment Guidelines

Under the CSRFF guidelines, applications must initially be presented to the relevant local government to review and to request its in-principle support of the project, including the financial contribution required by the applicant under the CSRFF program. For this reason, a panel consisting of the Manager Community, Culture and Recreation; Parks Operations Coordinator; Recreation Development Coordinator; and Recreation Development Officer (Clubs & Community) assessed and ranked the applications against the criteria in the table set out below by the DLGSC.

A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The results are summarised in the table below, with the amounts shown being GST exclusive.

Applicant	Project	Ranking	Rating	CSRFF Grant Sought	City's Contribution	Club Contribution	Other	Total Project Cost
City of South Perth	City of South Perth Cricket Facilities Upgrade Project	1	A	\$12,294	\$5,779	\$0	\$18,811 (Australian Cricket Infrastructure Fund)	\$36,884

South Perth Cricket Club	South Perth Cricket Club Practice Netting Upgrade Project	2	A	\$34,498	\$31,164	\$2,832 (Cash) \$5,000 (Volunteer Labour)	\$30,000 (Australian Cricket Infrastructure Fund)	\$103,494
Hensman Park Tennis Club	Hensman Park Tennis Club Court Resurfacing Upgrade Project	3	A	\$15,098	\$15,098	\$14,099 (Cash) \$1,000 (Volunteer Labour)	Nil	\$46,925
			Totals		\$52,041	\$23,930.00	\$48,811.00	\$187,303

City Assessment

1. City of South Perth - Cricket Facilities Upgrade Project

In 2021 the City conducted an audit and assessment of its cricket facilities on local active/sporting reserves, using Cricket Australia's 'Community Cricket Facility Guidelines' as the measuring standard. The audit included both match wickets and practice cricket net facilities. The audit identified varying conditions of the City's cricket facilities. Some facilities were in good condition, whereas other cricket facilities were assessed as requiring future remedial actions. The existing cricket facilities at Comer Reserve in Como, James Miller Oval in Manning and Hensman Reserve in South Perth have been assessed as the highest priority for improvement.

The cricket facilities are mainly used by the South Perth Cricket Club and South Perth Junior Cricket Club, who have a combined membership of 740 players. The cricket facilities are also used by the general public. The specific upgrade works will include: removal of the existing obsolete/inferior synthetic turf on both practice nets and match wickets; concrete leveling works; and installation of new synthetic turf (which has a lifespan expectancy of approx. 10 years).

In summary, the City recommends that this project receives a '1' ranking; and an 'A' rating for the CSRFF Program due to:

- The project aligns with the City's Community Recreation Facility Plan;
- The project will enable the cricket facilities to meet Cricket Australia's 'Community Cricket Facility Guidelines';
- The project is supported by the Western Australian Cricket Association, and it has recently received external funding approval (\$18,811) under the Australian Cricket Infrastructure Fund.

2. South Perth Cricket Club - Practice Nets Upgrade Project

The South Perth Cricket Club is situated at Richardson Park in South Perth, which is on crown land vested to the City for parks and recreational purposes. The clubrooms and associated storage areas are leased to the Club.

The existing cricket practice nets are 30 years old, and do not meet the recommended height and length requirements according to Cricket Australia's 'Community Cricket Facility Guidelines'.

10.1.3 Community Sport and Recreation Facility Fund (CSRFF) - Small Grants Program 2022 - Applications and City Assessment

The project will involve replacement and improvement of the existing cricket practice nets. This project will introduce the use of a canopy providing additional safety for the Club's members. It will also enable the Club to improve safety for the users and encourage further utilisation for their female and junior members.

In 2020/21, the Club had a membership of 190 people and the cricket practice nets are used for approximately 38 hours per week. The Club is responsible for all ongoing maintenance costs over the life cycle of this product.

In summary, the City recommends that the South Perth Cricket Club Practice Nets Upgrade Project receive a '2' ranking; and an 'A' rating for Community Sport and Recreation Facilities Fund due to:

- The project aligns with the City's Community Recreation Facility Plan;
- South Perth Cricket Club submitted a sound application;
- South Perth Cricket Club has demonstrated signs of membership growth and increased participation;
- South Perth Cricket Club has demonstrated it is a sustainable club; and is a good tenant of the City; and
- The project is supported by the West Australian Cricket Association having recently received external funding approval (\$30,000) under the Australian Cricket Infrastructure Fund.

3. Hensman Park Tennis Club Court Resurfacing Upgrade Project

The Hensman Park Tennis Club is situated at 30 Anstey Street, South Perth, and is on crown land vested to the City for parks and recreational purposes. The clubrooms, courts and associated storage areas are leased to the Club.

Three existing tennis courts have developed significant cracks which are now starting to impact play. The project will involve resurfacing of these three tennis courts. It will assist the Club to improve player safety and encourage further utilisation for their members (including females and juniors), and the general public. The upgrade of the courts will enable the Club to continue to host state league competitions, as well as Tennis Australia junior tennis tournaments.

In 2020/21 the Club had a membership of 331 people and the tennis courts are used for approximately 100 hours per week. The Club is responsible for all ongoing maintenance costs over the life cycle of this product. The Club has benefitted from a recent floodlighting upgrade project that involved replacement and improvement of existing lighting on the Club's eight hard courts to LED technology.

In summary, the City recommends that the Hensman Park Tennis Club Resurfacing Upgrade Project receive a '3' ranking; and an 'A' rating for Community Sport and Recreation Facilities Fund due to:

- The project aligns with the City's Community Recreation Facility Plan;
- Hensman Park Tennis Club submitted a sound application;
- Hensman Park Tennis Club has demonstrated signs of membership growth and increased participation; and
- Hensman Park Tennis Club has demonstrated it is a sustainable club; and is a good tenant of the City.

Consultation

Consultation has occurred with the South Perth Cricket Club and the Hensman Park Tennis Club during the development of this report. The City has also undertaken preliminary consultation with the Department of Local Government, Sports and Cultural Industries for the three proposed projects and was advised that all three projects are eligible for funding consideration under the Community Sport and Recreational Facilities Fund.

Policy and Legislative Implications

- Policy P106 Use of City Reserves and Facilities
- Policy P110 Support of Community and Sporting Groups
- Policy P609 Management of City Property

Financial Implications

The total cost for the three proposed projects is estimated at \$187,303. The City’s total contribution to the projects will be \$52,041, proposed to be allocated in the City’s 2022/23 Budget, subject to future Council approval.

Key Risks and Considerations

Risk Event Outcome	<p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome</p>
Risk rating	Medium
Mitigation and actions	<p>The risk of the business interruption will be mitigated by the proposed projects proceeding. If refurbishment of the cricket facilities and tennis facilities is delayed, it could result in further damage/degradation to these community recreational facilities. Additionally, the CSRFF program enables the City to mitigate some of its financial risk, by sharing the costs with the state government and the sporting clubs who are the main beneficiaries of the proposed projects.</p>

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:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

Nil.

10.1.4 Australia Day Event 2022 Evaluation Report

File Ref: D-22-12946
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

This report presents an evaluation report of the City of South Perth's Australia Day event activities held on 26 January 2022.

In this report are financial details for all Australia Day event aspects, which totals \$904,808 in expenditure and \$331,370 in income for 2022 (equating to an overall net cost to the City of \$573,438).

Officer Recommendation

That Council

1. Receives the evaluation report of the City of South Perth's Australia Day event activities held on 26 January 2022.
2. Authorises for the CEO and Mayor to meet with the City of Perth to discuss the City of South Perth's objective to significantly reduce its financial contribution towards the City of Perth's Australia Day Skyworks event.

Background

Australia Day is a nationally recognised public holiday scheduled on 26 January each year.

In the past, the City of South Perth has facilitated a range of activities to enable the local community to participate in Australia Day. This year these activities comprised:

- Morning Activities (7am-9.30am) – Flag Raising, Welcome to Country, Citizenship Ceremony, presentation of Community Citizen of the Year Awards and Big Aussie Breakfast); and
- Afternoon/Early Evening activities (3pm-7.30pm) – provision of entertainment and games for children and their families along the South Perth Foreshore.

The City of South Perth provides event components on the south side of the river as a direct consequence of the evening Skyworks fireworks show held by the City of Perth, including: traffic management, crowd control, COVID-19 event safety, event infrastructure, event activities etc.

This report is provided in the interests of financial transparency, fiscal efficiency and prudence, a strategy in the Council's Strategic Community Plan 2021-2031.

Comment

The City's recent Australia Day event had both positive outcomes and adverse impacts for people in the local community.

Some of the positive outcomes of the Australia Day event were:

- It assisted people in the community to celebrate cultural diversity, including recognising traditional owners. This was achieved through incorporating various cultural awareness elements into the event, such as Welcome to Country; cultural dance/performance; and 'Reflect-Respect-Celebrate-We're All Part of the Story' branding to enable Australians to reflect, respect and celebrate Aboriginal and Torres Strait Islander peoples' histories and cultures.
- Activation of public spaces.
- Improved social connectedness.

Conversely some of the adverse impacts of the Australia Day event were:

- Traffic congestion and temporary restrictions to resident's properties and local businesses.
- Anti-social behaviour.
- High financial cost of a single day event.

People in society have mixed views about celebrating Australia Day. In recent years there has been more debate about whether 26 January is an appropriate day for a National Day of Celebration. Local governments around Australia have different approaches to Australia Day. Recent feedback from Auspire (Australia Day Council of Western Australia) indicated that 120 out of 139 local government authorities in Western Australia delivered an Australia Day event this year, which represents 86% of LGAs across the state. Most of these local governments facilitated smaller events, like citizenship ceremonies and presented Community Citizen of the Year Awards only. Ten local governments facilitated larger-scale community events involving fireworks shows; and a small proportion did not facilitate any Australia Day community events this year.

At the local level, the City's morning activities held on Australia Day attracted approx. 250-300 invited guests/members of the public to become new citizens (or support family/friends becoming new citizens); and/or participate in the Community Citizen of the Year award presentations. Additionally, the City's afternoon/early evening activities attracted a much lower attendance than expected, with an estimated 5,000-10,000 people gathering along the entire length of the South Perth foreshore during the afternoon.

At the time of the fireworks show, the crowd had increased somewhat and was estimated at 60,000-80,000 people on all sides of the river, with approximately half of the attendees (30,000-40,000 people) viewing the fireworks from the South Perth foreshore. In comparison, the total event attendance on the previous date the event was held in 2020 was estimated at 250,000 people, with approx. 106,000 people in attendance on the South Perth foreshore.

The decline in the event attendance this year could be due to a number of factors, such as: safety concerns about COVID-19; hot weather conditions; the following day (27 January) being a school day/work day; or society's mixed views about Australia Day etc.

In recent years the City has noticed a decreasing trend in community attendance to its Australia Day afternoon/early evening activities. Most people are now coming to the foreshore around 6.30pm-7.30pm just before the fireworks show commences to have dinner; and then watch the fireworks before returning home.

Note: The Australia Day fireworks was cancelled in 2021 due to the impacts of the COVID-19 pandemic.

If the City of Perth decides to facilitate the Skyworks event in the future, the City of South Perth will consider any necessary adjustments to its event planning and involvement to accommodate for the crowd participation trends observed over recent years, particularly the lower attendance and the practice of the attendees arriving later. For example, the City could consider reducing the scale/scope of the event infrastructure; reducing/removing the event activities; reducing the duration of the traffic management and road closures etc.

Any future reductions in the scale and scope of the Australia Day event will generate cost benefits for the City, which could be redirected to support the delivery of other community programs, services and projects.

As discussed in the Financial Implications below, the true cost of Australia Day to the City is significant. It is considered that it is in the City's best interests to reduce the costs incurred as a result of the Skyworks event and to this end the Mayor and the CEO should meet with their appropriate counterparts at the City of Perth.

Consultation

Internal consultation has occurred with the City's various Business Units involved in the Australia Day event planning and facilitation. External communication has also occurred with Auspire (Australia Day Council of Western Australia) and the City of Perth regarding this report.

Policy and Legislative Implications

The following are relevant to this report:

- City of South Perth Policy P106 Use of City Reserves and Facilities; and
- Health Department of WA's Guidelines for Concerts, Events and Organised Gatherings.

Financial Implications

The City has a broad involvement in the planning and facilitation of its Australia Day event activities, including:

- Event Coordination – liaising with the event management contractor, City of Perth event staff and event contractors.
- Traffic Management – coordination of traffic management tasks, such as road closures and parking coordination.
- Customer Service - coordination of event customer enquiries and issuing of access permits for residents.
- Marketing - event promotions, communications and media enquiries.
- Activities - coordination of citizenship ceremony/awards, volunteer management and emergency services liaison at Event Command Centre.
- Parks Operations – preparation of multiple event sites, namely: Sir James Mitchell Park, Civic Centre and GBLC parking sites/shuttle bus service; mowing, tree pruning, reticulation management and event site equipment bump-in and bump-out (e.g. temporary matting to assist people in wheelchairs, people with prams).
- Staffing – recruitment of event staff and payroll duties.
- Governance – assisting with preparation of licence agreement for fireworks contractor and governance advice.

10.1.4 Australia Day Event 2022 Evaluation Report

- IT – provision of IT equipment and assisting with solving technical IT issues.
- Stakeholder – assisting with Australia Day event grants and stakeholder communications.
- Building maintenance – undertaking repairs and other building maintenance tasks.
- Environmental Health Services – food vendors, COVID-safe event planning and implementation.
- Nursery – preparation of plants/seedlings for presentation to new Australian citizens.
- Finance – processing new event supplier applications, invoicing of vendors and payment of suppliers.

The tables below outline the expenditure and income associated with the City’s Australia Day event activities in 2022.

Australia Day Event 2022 - Expenditure

Cost Type	Description	Total
Direct Costs	Citizenship ceremony, Citizen of the Year awards, Welcome to Country, event management contractor (Keos Events), entertainment/activities, traffic management, security, event infrastructure & equipment, marketing, cleaning, COVID-19 risk management, event transport (shuttle bus service), miscellaneous (stationery, materials), minor equipment etc.	\$726,721
Internal Costs	Staff time etc.	\$178,087
	Total Expenditure	\$904,808

Australia Day Event 2022 – Income & Reimbursements

Income Type	Description	Total
Grants & Sponsorships	National Australia Day Council Grants (\$300,000 and \$30,000)	\$330,000
Miscellaneous	Vendor Income and Reimbursement from City of Perth for Sir James Mitchell Park turf remediation costs	\$1,370
	Total Income	\$331,370

Key Risks and Considerations

Risk Event Outcome	Project Cost This relates to any project exceeding the project budget. Ranging and exceeding the budget by up to 10% to 30% and over.
Risk rating	Medium
Mitigation and actions	Risk management strategies undertaken by the City to mitigate/minimise the financial impact of the Australia Day event: <ul style="list-style-type: none"> • Optimising event income – the City attempts to maximise event income through sourcing grants to offset the expenditure. • Essential event requirements - the City’s involvement in the event is focussed on essential event requirements only i.e. event management, traffic management, crowd safety/security, waste and infrastructure, customer service and stakeholders communications. • Progress Payments – progress payments (instead of full payments) are made to some event contractors to manage expenditure to suppliers for work completed up to nominated dates. • Cancellation Clauses – event supplier contracts include terms and conditions relating to event cancellation, so that City payments are only made for costs incurred to date.

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

Nil.

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Parking on the South Perth Foreshore

File Ref: D-22-12950
Author(s): Mark Taylor, Director Infrastructure Services
Reporting Officer(s): Mark Taylor, Director Infrastructure Services

Summary

This report identifies a technical solution that will provide City of South Perth ratepayers with an additional hour free parking in the car parks and roadside parking areas along the South Perth foreshore.

Officer Recommendation

That Council:

1. In accordance with 6.12 (1) (b) of the *Local Government Act 1995*, approves the following concessions for an additional hour free parking for City of South Perth ratepayers in the following car parks and roadside parking areas along the South Perth foreshore:

Car Parks

- No 14 - Boatshed Café
- No 16 - Hurlingham Road
- No 15 – Coode Street Boat Ramp
- SPE 3 – Mends Street Jetty
- SPE 4 – Mends Street Jetty
- SPE 11 – South Perth Esplanade
- No 11 – Millers Pool

Roadside Parking

- SPE 1 – South Perth Esplanade
 - SPE 2 – South Perth Esplanade
 - SPE 5 – South Perth Esplanade
 - SPE 6 – South Perth Esplanade
 - SPE 7 – South Perth Esplanade
2. Notes that the parking restrictions for these areas will be amended to 8.00am to 10.00pm Monday to Sunday.

Background

The provision of paid parking during weekends along the South Perth foreshore (SPF), was eliminated following a resolution of Council in May 2019. It soon became evident that parking congestion in the car parks and roadside parking areas along the SPF had become severe on weekends. A series of Councillor workshops were subsequently held to discuss the merits of paid parking in managing traffic and parking demand.

10.3.1 Parking on the South Perth Foreshore

At the final workshop, Councillors agreed to reinstate paid parking along the SPF during weekends with the first hour being free. This was subsequently endorsed by Council in the Fees and Charges Schedule as part of the adoption of the 2021/22 Annual Budget at the June 2021 Ordinary meeting.

During the parking workshops Councillors expressed a desire for the City to offer a further parking benefit to ratepayers. It was agreed that the City would pursue a technology solution to provide ratepayers with an additional hour free. It was also agreed that the City would not enforce paid parking on weekends until the additional benefit for ratepayers was in place.

Comment

The City has reviewed solutions available to provide the additional ratepayer benefit. Parking management company APARC 'pay by plate' parking machines are already in along the SPF and the City has a current contract with that company. It was therefore considered appropriate that the City worked with APARC to advance a technological solution to provide the additional ratepayer benefit. The solution offered by APARC will eventually be web based and similar to that provided to other local authorities across Australia, including the City of Vincent.

City officers have met with the City of Vincent parking team on several occasions to review their approach. The City of Vincent's APARC system applies specifically to issuing parking permits however the system can also be utilised to provide City of South Perth ratepayers with an additional hour free parking at 'pay by plate' parking machines.

The APARC solution will permit ratepayers to provide up to two vehicle registrations and have them authorised by providing proof such as a current rate assessment number. Once authorised and recorded, the vehicle registration(s) will be identified by the 'pay by plate' parking machines along the SPF. When an authorised ratepayer next seeks a parking ticket at these machines the vehicle registration will be recognised as belonging to a ratepayer and will provide an additional hour free parking. A parking ticket will be provided as per normal to be placed on the dashboard of the car for City parking staff to review for compliance.

Summary

As discussed during the workshops, it is recommended to apply an additional hour free parking for ratepayers (following vehicle registration) in the following City car parks and roadside parking areas:

Car Parks

- No 14 - Boatshed Café
- No 16 - Hurlingham Road
- No 15 – Coode Street Boat Ramp
- SPE 3 – Mends Street Jetty
- SPE 4 – Mends Street Jetty
- SPE 11 – South Perth Esplanade
- No 11 – Millers Pool

10.3.1 Parking on the South Perth Foreshore

Roadside Parking

- SPE 1 – South Perth Esplanade
- SPE 2 – South Perth Esplanade
- SPE 5 – South Perth Esplanade
- SPE 6 – South Perth Esplanade
- SPE 7 – South Perth Esplanade

The parking restrictions for these areas will be amended to 8.00am to 10.00pm Monday to Sunday.

Consultation

Councillors have been briefed on the proposed parking arrangements at several workshops.

The City will roll out a communication and education plan to advise and assist ratepayers if they wish to register for the additional hour free parking on the SPF.

Policy and Legislative Implications

The ability of the City to provide an additional benefit to ratepayers is provided for in the *Local Government Act 1995* - S. 6.12 (1) (b) - Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may –

(b) waive or grant concessions in relation to any amount of money.

- City of South Perth Parking Local Law 2017.
- City of South Perth - Parking Strategy 2016.

Financial Implications

The cost of the parking solution to provide an additional hour free for ratepayers along the South Perth foreshore is expected to be up to \$30k, which is proposed to be met under existing budgets.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage 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.
Risk rating	Low

Mitigation and actions

The parking machines along the SPF will still function however will not be offering the additional hour free for ratepayers.

Strategic Implications

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

Strategic Direction: Environment (Built and Natural)
Aspiration: Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome: 3.1 Connected and accessible City
Strategy: 3.1.2 Develop and implement integrated transport and infrastructure plans that consider improved parking management systems and encourage alternative forms of transport

Attachments

Nil.

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments February 2022

File Ref: D-22-12951
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 February 2022 to 28 February 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(435)	\$4,796,419.01
Cheque Payment to Creditors	(5)	\$894.67
Total Monthly Payments to Creditors	(440)	\$4,797,313.68
EFT Payments to Non-Creditors	(73)	\$78,421.31
Cheque Payments to Non-Creditors	(24)	\$13,554.19
Total EFT & Cheque Payments	(537)	\$4,889,289.18
Credit Card Payments	(6)	\$12,120.35
Total Payments	(543)	\$4,901,409.53

Officer Recommendation

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

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 February 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.

10.4.1 Listing of Payments February 2022

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	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 time lines 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 February 2022

10.4.2 Monthly Financial Statements- February 2022

File Ref: D-22-12952
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

1. That Council notes the Financial Statements and report for the month ended 28 February 2022.

Simple Majority

2. Adopt the increase in the City’s capital expenditure budget of \$19,092 for the Como Croquet Club Lawn Playing Surface Renovation Project, funded from municipal funds.

Absolute Majority

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. 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 2021/22 budget adopted by Council on 22 June 2021, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

Comment

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.

COVID-19 now in conjunction with the war in Ukraine continues to cause havoc, with a significant impact on world economic activities. In Western Australia Omicron is well and truly out in the community and case numbers continue to rise along with hospitalisation figures. The above factors contribute to very uncertain economic circumstances with the Consumer Price Index in Western Australia at 5.7% (December quarter) trending much higher than initial estimates.

In framing the Annual Budget 2021/22, the City considered the current economic environment and the impact of COVID-19, it may well be that the impact of ending Western Australia’s isolation, Omicron and the war in Ukraine has unforeseen budgetary outcomes.

As Western Australia remains at risk the State Government continues to extend the emergency period initially enacted 30 March 2020. Premier Mark McGowan relaxed Western Australia's boarder restrictions on 3 March 2022.

The Legislated Budget Review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 22 February 2022. Budget Review entries have been processed, budget phasing was also revised as part of the review evidenced by the lower year-to-date (YTD) variances between revised budget and actual results.

Actual income from operating activities for February year-to-date (YTD) is \$69.45m in comparison to budget of \$69.36m, favourable to budget by 0.13% or \$91k. Actual expenditure from operating activities for February is \$50.42m in comparison to budget of \$50.86m, favourable to budget by 0.88% or \$447k. The February Net Operating Position of \$19.04m was \$538k favourable in comparison to budget.

Actual Capital Revenue YTD is \$1.05m in line with budget. Actual Capital Expenditure YTD is \$4.35m in comparison to the budget of \$4.37m.

As in previous years, there have be a number of Capital projects that required Budget adjustments during the midyear review process. One project, the Como Croquet Club Lawn Playing Surface Renovation Project was unintentionally omitted. Pursuant to Council resolution 23 March 2021 CSRFF Small Grants Applications 2021, community groups supported by the City applied to the Department of Local Government, Sport and Cultural Industries via its Community Sport and Recreation Facilities Fund (CSRFF) for funding to assist with sport and recreation infrastructure projects. The inclusion of this item in the budget was subject to the grant being awarded to the club, the club was successful. The City's contribution to the project amounts to \$19,092 and should have been included in the budget during the midyear review process.

Cash and Cash Equivalents amounted \$63.81m, slightly lower than the prior year comparative period. Payment and spending trends are similar to previous years. 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).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.46% 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 February 2022 the City held 22.48% 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 time lines 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 Policy P700 Developers and Lobbyists

File Ref: D-22-12953
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

At its meeting held 28 September 2021, Council resolved that a report be prepared within six months on options to mandate public disclosure by Councillors of persons who have offered or provided donations or assistance to elected members. This report provides information on a preferred approach and recommends Policy P700 Developers and Lobbyists be approved.

Officer Recommendation

That Council adopts Policy P700 Developers and Lobbyists as contained in **Attachment (a)**.

Background

In September 2021, Council resolved that a report be prepared and provided to council in the next six months on amendments to the Code of Conduct, to mandate public disclosure by elected members of the identity of persons, in particular developers, who have offered or provided donations or assistance to the elected members / elected member candidates and associated matters such as a requirement to disclose with specificity what has been offered or given to the member / candidate.

Comment

Developers and their associates regularly conduct lobbying activities with government officials for the purpose of representing the interests of themselves or others in relation to:

- A government decision;
- A planning application; or
- The exercise by a Government official of their official functions.

The management of lobbyists and developers in politics has received considerable attention across Australia and resulted in numerous anti-corruption investigations. For example, in Western Australia alone there have been numerous Corruption and Crime Commission (CCC) investigations such as the Report on the Investigation of Alleged Public Sector Misconduct Linked to the Smiths Beach Development at Yallingup, the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons, and the Report on the Investigation of Alleged Misconduct Concerning Rezoning of Land at Whitby.

The significance of lobbying Elected Members has also resulted in numerous government publications, legislative changes, codes of conduct and registers being developed.

In New South Wales there is the *Lobbying of Government Officials Act 2011* and the Independent Commission Against Corruption (ICAC) has published a brochure titled “Lobbying local government councillors”. In this brochure, the ICAC states that:

“councillors should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision. Suspicions of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in council decision-making and adversely affect a councillor’s reputation.

Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways councillors can help ensure transparency whilst being lobbied. These include:

- *documenting meetings with proponents*
- *generally conducting meetings in official locations such as council premises*
- *having other people present during meetings*
- *inviting applicants who have approached them for a meeting to discuss a significant development to write to council seeking a meeting with all councillors and relevant staff*
- *providing copies of information presented during lobbying meetings to council officers for consideration and assessment (if required), distribution to other councillors and filing as part of council’s records*
- *asking people who have requested a meeting to put their arguments in writing*
- *making a declaration at a council meeting about lobbying activities they have been engaged in that are not part of council’s formal processes.”.*

In June 2021, it was reported that the ICAC had recommended 29 amendments to legislation to better manage lobbying including the prohibition of secret communications between lobbyists and government officials to safeguard public interest and prevent corruption and undue influence.

To demonstrate transparency in West Australian local governments, a number of legislative obligations have been implemented. For example, WA local governments are required to maintain and publish certain registers to their website for public inspection in accordance with the *Local Government Act 1995* (Act). This includes an Elected Member Fees and Allowances Register, an Elected Members and CEO Gift Register, Contributions to Travel Register, and a Minor Breaches Register.

The Department of Local Government, Sport and Cultural Industries have also published an operational guideline – Elected Members’ Relationship with Developers. In addition, there are other government publications to assist in promoting transparency and demonstrate accountability and promote integrity such as the Public Sector Commission’s *Contact with Lobbyists Code* and the *Integrity Strategy for WA Public Authorities* which relates to local governments.

The Public Sector Commissioner stated:

“Integrity is a non-negotiable to Western Australians that public authorities act in the interest of the community each and every day through the decisions we make and the actions we take.

Operating with integrity means using our powers responsibly for the purpose and in the manner for which they were intended. It means acting with honesty and transparency; and making reasoned decisions without bias by following fair and objective processes.

It also means preventing and addressing improper conduct, disclosing facts without hiding or distorting them, and not allowing decisions or actions to be influenced by personal or private interests.

Earning and maintaining community trust is essential for us to deliver the services that families, individuals, businesses and industry need for them to prosper – and for the State to grow.

We know that any breach of that trust has wide implications. The impact on our work and reputation affects us all. We know that integrity goes beyond just legislative compliance – it is about doing the right thing”

Other WA local governments have gone beyond the guiding documents and developed policies to further promote integrity and transparency and to demonstrate to their district that their Council is committed to acting ethically.

For example, in 2016 the City of Vincent issued a discussion paper titled ‘Raising the Bar – New Transparency Reforms for WA local government’. This paper provided a number of recommendations including the establishment of a register to record Councillor communications with developers and a publicly available register detailing that contact. The City of Vincent has since created a policy “Council Member Contact with Developers” and a public register.

Other Councils have also created a similar policy. For example, the Town of Cambridge, the Town of Bassendean and the City of Bayswater have developed policies and/or registers relating to dealing with developers.

Therefore, the City developed a draft policy, P700 Developers and Lobbyists, based on a number of other existing local government policies across Australia which provided a clear process for elected members to demonstrate accountability and address perceptions of influence. On Monday 21 February 2022, a workshop was held with Councillors on this draft policy. Given the discussion at this workshop, Elected Members were requested to provide further feedback on the draft policy by Sunday 6 March 2022.

Revised Policy P700 Developers and Lobbyists **Attachment (a)**, reflects the feedback received and is now presented for adoption.

Consultation

Elected Members have been consulted.

Policy and Legislative Implications

Section 2.7(2)(b) of the *Local Government Act 1995* – the Council determines the local government’s policies.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage 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.
Risk rating	Medium
Mitigation and actions	Can be managed by specific policies and through regular monitoring

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): Policy P700 Developers and Lobbyists

10.4.4 Electors' General Meeting 2020/21

File Ref: D-22-12954
Author(s): Bernadine Tucker, Manager Governance
Vicki Lummer, Director Development and Community Services
Reporting Officer(s): Garry Adams, Director Corporate Services
Vicki Lummer, Director Development and Community Services

Summary

This report allows Council to consider the outcome of the Electors' General Meeting held Tuesday 8 February 2022.

Officer Recommendation

1. That the minutes of the 2022 Electors' General Meeting held Tuesday 8 February 2022 and contained in **Attachment (a)** be received.
2. That Council **NOTES** the decisions made at the 2022 Electors' General Meeting held Tuesday 8 February 2022 as outlined in the body of this report.

Background

The Electors' General Meeting was held at 6pm on Tuesday 8 February 2022 in the City of South Perth Council Chamber. There were approximately 20 members of the public present.

Comment

In accordance with Section 5.33 of the *Local Government Act 1995*, Council is required to consider any decisions that result from the meeting.

There were three motions moved by electors as follows:

Motion 1

"Moved: Mr Warwick Boardman of Unwin Crescent, Salter Point

Seconded: Mr Stephen Kelly of Pether Road, Manning.

That the Annual Report for the City of South Perth for the year 2020/21, the 2020/21 Annual Financial Statements and the 2019/20 Auditor's Report, be accepted.

The Motion was put and declared CARRIED"

Motion 2

"Moved: Dr Paul de Torres,

Seconded: Mr Philip Ariti

That the current building permit for stage one of the development site at that list of blocks that covers Lot 10 be revoked.

The Motion was put and declared CARRIED."

Motion 3

“Moved: Dr Paul de Torres,

Seconded: Ms Leonie Kelly

A Motion of no confidence in the function of the planning department of the City of South Perth.

The Motion was put and declared CARRIED.”

In relation to Motion 2, it is advised that Building Permits are issued in accordance with the *Building Act 2011* and the Building Regulations 2012. This legislation does not allow for the revocation of a permit.

In relation to Motion 3, it is advised that the City’s planning department comprises a team of highly qualified, professional and hard working urban planners, who on a daily basis deal with complex planning matters affecting ratepayers properties in the City. Decisions and recommendations made by the department will inevitably cause disappointment and upset some residents, however, respect and courtesy is expected at all times.

Consultation

In accordance with Section 5.29 of the *Local Government Act 1995*, an advertisement was placed in the Southern Gazette on 20 January 2022, in the Peninsula Magazine that was circulated week commencing Monday 17 January 2022 on the City’s website and on all notice boards in the City’s Administration Centre and Libraries.

Policy and Legislative Implications

Section 5.27 of the *Local Government 1995* states that a general meeting of electors is to be held once every financial year to consider the contents of the annual report for the previous year, and consider other general business. Section 5.29 of the *Local Government Act 1995* states that local public notice must be given. Section 5.33 of the *Local Government Act 1995* states that all decisions made at an electors’ meeting are to be considered at a Council meeting.

Financial Implications

Advertising costs were incurred and taken from the 2021/22 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	Report compiled following completion of the minutes and sent to the next ordinary council meeting.

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):	Electors' General Meeting Minutes
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10.4.5 Review of Council Delegation DC607

File Ref: D-22-12955
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. A review of Council Delegation DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements has been reviewed with major changes being proposed.

Officer Recommendation

That in accordance with Section 5.46(2) of the *Local Government Act 1995*, Council **ADOPT** the changes to Delegation DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements to the Chief Executive Officer as shown in **Attachment (a)**.

Absolute Majority required

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer (the CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its Delegations at least once every financial year. In accordance with this requirement, a review of Council Delegation DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements has been undertaken and proposed amendments were presented to the Audit Risk and Governance Committee held on Tuesday 8 March 2022. At that Committee meeting, the officer recommendation to accept the changes was lost. As there was no Committee resolution, and given the feedback discussed at this meeting, further amendments have been made to Delegation DC 607 and is now presented to Council for adoption.

Comment

Under clause 11 of the Local Government (Functions and General) Regulations 1996, the City is to publicly invite tenders if the contract is expected to be more than \$250,000. As the current Delegation DC607 gives the CEO authority to accept tenders to a maximum value of \$250,000, this in effect, is not a delegation as the City does not invite tenders for amounts under \$250,000. A delegation is only necessary if Council wishes for the CEO to accept tenders for an amount in excess of \$250,000. Therefore, it is recommended that clause (a) of the Powers and Duties be removed. The conditions are also amended accordingly.

Given this change, the delegation will only relate to E-Quotes and Common Use Agreements. Therefore, it is proposed that delegation DC607 be renamed to Acceptance of E-Quotes and Common Use Agreements.

Consultation

Consultation has occurred with officers of each of the relevant business units and has been discussed with Members of the Audit, Risk and Governance Committee.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Part 4 of the Local Government (Functions and General) Regulations 1996.

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	Yearly reviews in place

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: 4.3.4 Maintain a culture of continuous improvement

Attachments

- 10.4.5 (a): Delegation DC607

10.4.6 Revocation of Delegations DC601 and DC608

File Ref: D-22-12957
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. A review of Council delegation DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report and DC608 Acceptance of Contract Variations Relating to Tender Approved by Council has been reviewed with a recommendation that both delegations be revoked.

Officer Recommendation

1. That in accordance with Section 5.46(2) of the *Local Government Act 1995*, delegation DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report be **REVOKED**.
2. That a policy on a Long-Term Financial Plan be developed and presented to Council by 30 June 2022.
3. That in accordance with Section 5.46(2) of the *Local Government Act 1995*, delegation DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council be **REVOKED**.
4. That a policy on Acceptance of Contract Variations Relating to Tenders Approved by Council be developed and presented to Council by 30 June 2022.

Absolute Majority required

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer (the CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its Delegations at least once every financial year. In accordance with this requirement, a review of Council Delegation DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report and DC608 Acceptance of Contract Variations Relating to Tender Approved by Council has been undertaken.

Both delegations were presented to the Audit Risk and Governance Committee held on Tuesday 8 March 2022 where officers recommended both delegations be revoked. However, at that Committee meeting, the officer recommendation to revoke the delegations was not passed. As there was no alternate Committee recommendation and given the requirement to comply with legislation regarding delegations, both delegations are presented to Council for revocation.

Comment

DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report

Section 5.56 of the Act requires that a local government is to plan for the future and that any plans made under that section comply with Regulations. These Regulations (Local Government (Administration) Regulations 1996 – Regulation 19C, 19DA, 19DB and 19D) require that each local government prepares a strategic community plan and a corporate business plan and that they are to be adopted by Council (by absolute majority).

Having a long term financial plan is not a requirement of the Act or Regulations. However, it is part of the suite of documents recommended in the Department of Local Government's Integrated Planning and Reporting Framework and Guidelines - September 2016. Given it is not a requirement of the Act or Regulations, there is no power Council can delegate to the CEO. If Council is of the mind to prescribe a process by which a long term financial plan can be formally adopted by Council, the most appropriate way to do this would be via a Council policy.

This delegation also authorises the CEO to prepare the City's annual budget in accordance with section 6.2 of the Act and Part 3 of the Local Government (Financial Management) Regulations. However, it is a requirement under legislation that an annual budget be prepared. The preparation of the budget is an administrative task that is undertaken by the administration in conjunction with Elected Members through a number of workshops. As such, there is no power to be delegated to the CEO and given the adoption of the plan requires an absolute majority of Council, delegating this to the CEO is prohibited by Section 5.43 of the Act.

Further, this delegation authorises the CEO to prepare the Annual Financial Report for the preceding financial year in accordance with section 6.4 of the Act and Part 4 of the Local Government (Financial Management) Regulations. However, as above, it is a requirement under legislation that an Annual Financial Report be prepared. This is an administrative function that already falls within the responsibility of the CEO and hence, Council do not have the ability to delegate this task.

The delegations provided in DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report are administrative functions that are the responsibility of the City's administration and Council has the responsibility to adopt the Annual Budget and Annual Financial Reports. As such, it is recommended that delegation DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report be revoked.

To ensure clarity and transparency in the long term financial planning for the City, it is recommended that a Council policy regarding the adoption of a Long-Term Financial Plan be presented to Council by 30 June 2022.

DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council

On the 22 June 2021 Council passed resolution no. 0621/110 in relation to the Waterbird Refuge Contract Variation, which approved additional expenditure in relation to that contract. This was necessary in response to variations submitted by the contractor due to latent conditions.

10.4.6 Revocation of Delegations DC601 and DC608

Part four of this resolution directed that the Chief Executive Officer undertake a review of Delegation DC608. The City, as part of this review, sought legal advice that is summarised below:

The delegation is intended to address situations where:

- (a) a contract has been entered into pursuant to an invitation to tender process as determined by Council
- (b) subsequent to the contract being entered into a variation to the contract becomes necessary (for instance due to latent conditions)

The delegation purports to delegate the following authority to the CEO:

In accordance with Part 4 of the Local Government (Functions and General) Regulations 1996 authority is conferred on the delegate to accept:

- (a) Aggregate total of contract variations relating to tenders approved by Council to a maximum value of 15% of the contract value or \$100,000, whichever is lesser (exclusive of GST).

This delegation is subject to the following conditions:

Acceptance of the contract variation is conditional upon the Chief Executive Officer being satisfied that:

- (a) The contract enables the contract to be varied, and the variation is in accordance with variation provisions of the contract;
- (b) Additional goods or services that were not, or could not have been, foreseen at the time the contract was executed;
- (c) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; and
- (d) Sufficient funds are available in the appropriate capital or operating budget to meet the additional cost.

Variation of a contract for the supply of goods or services, subsequent to entry into the contract, is regulated by regulation 21A of the Local Government (Functions and General) Regulations 1996, which provides:

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

Accordingly, a variation of an existing contract is permitted where “the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract”.

In circumstances where a variation of contract was required in order to address latent conditions on a site, it is considered that a variation would be permissible under Regulation 21A as the variation would be necessary in order for the goods or services to be supplied and the variation would not change the scope of the contract.

In those circumstances, and the circumstances as described in the conditions of the delegation, it is not considered that a delegation of authority would be required as a variation of this nature would fall within the CEO's functions under section 5.41 as it would be necessary to:

- (1) cause the relevant council decision (to award the original tender) to be implemented (s. 5.41(c)); and
- (2) manage the day to day operations of the City (in implementing/administering the contract) (s. 5.41(d)).

The variation would be effected by the local government acting through the CEO in the exercise of his functions. As the amount of the variation (in terms of consideration) would be determined by the terms of the contract (in relation to latent conditions etc) there would also be in effective terms no discretion to be exercised.

In discussion with City lawyers, it was indicated that the delegation inhibits the CEO to effectively perform his functions as per Section 5.41 of the Act, as indicated above, that is to cause the relevant council decision to be implemented and manage the day to day operations of the City. It also creates additional administrative burdens on the City and Council and creates risk for the City in terms of its contractual obligations and potential delays to projects whilst Council approval is sought. A copy of this legal advice is included at **Confidential Attachment (b)**.

As the CEO is responsible for the implementation of Council decisions, in effect no discretion is to be exercised (Section 5.41 of the Act) and limitations imposed by the Local Government (Functions and General) Regulations 1996 Section 21A provide for very specific requirements with respect to variations. Other types of variations are simply not allowed under legislation as that would effectively constitute a new contract to be formed and would require the initiation of the procurement process. Any variation will be subject to budget availability and/or budget variation approval by Council.

Given the legal advice received, it is recommended delegation DC608 Acceptance of Contract Variations Relating to Tender Approved by Council be revoked. However, to ensure transparency, it is recommended that a policy on Acceptance of Contract Variations Relating to Tenders Approved by Council be developed and presented to Council by 30 June 2022.

Consultation

Consultation has occurred with officers of each of the relevant business units and has been discussed with Members of the Audit, Risk and Governance Committee.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Section 5.56 of the Act

Part 5 of the Local Government (Administration) Regulations 1996

Financial Implications

Nil.

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	Medium
Mitigation and actions	Legal advice obtained.

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: 4.3.4 Maintain a culture of continuous improvement

Attachments

- 10.4.6 (a): DC601 Preparation of Long Term Financial Plan, Audit Plan, Annual Budget and Annual Financial Report and DC608 Acceptance of Contract Variations Relating to Tender Approved by Council
- 10.4.6 (b): Confidential legal advice (*Confidential*)

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Compliance Audit Return

File Ref: D-22-12958
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides the City's response to the Department of Local Government, Sport and Cultural Industries 2021 Compliance Audit Return.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Aswin Kumar

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Adopts the Department of Local Government, Sport and Cultural Industries Compliance Audit Return for the period 1 January 2021 to 31 December 2021 as contained in **Attachment (a)**; and
2. Authorises the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

The City is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sport and Cultural Industries distributed a Compliance Audit Return for the period 1 January 2021 to 31 December 2021 which focused on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

Comment

The 2021 Compliance Audit Return contained the following compliance categories:

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;

10.5.1 Compliance Audit Return

- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;
- Official Conduct;
- Optional Questions; and
- Tenders for Providing Goods and Services.

Each section of the 2021 Compliance Audit Return was completed by the relevant business unit.

Consultation

The 2021 Compliance Audit Return was circulated to the relevant Business Unit Managers.

The Compliance Audit Return was also audited by the City's auditors who advised that: -

The process that the City has followed in compiling the Return has been appropriate and in line with the requirements set by regulation 13 of the Local Government (Audit) Regulations (1996) and Local Government Act (1995).

Paxon's review noted that the Return that has been completed by the City does not require any adjustments.

The internal audit review of the 2021 Compliance Audit Return can be found at **Confidential Attachment (b)**.

Policy and Legislative Implications

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the completed 2021 Compliance Audit Return is to be reviewed and the results presented to Council. Following Council's adoption, the 2021 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage 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.age
Risk rating	Low
Mitigation and actions	The City has strong controls in place for the Compliance Audit Return

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

10.5.1 (a):	City of South Perth Compliance Audit Return 2021
10.5.1 (b):	Internal Audit Review of the 2021 Compliance Audit Return <i>(Confidential)</i>

10.5.2 Annual Review of Council Delegations

File Ref: D-22-12959
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. The Terms of Reference of the Audit Risk and Governance Committee include responsibility for reviewing the City's Delegations.

A review of the Council Delegations has been completed and is now presented to the Audit, Risk and Governance Committee for consideration and referral to Council for adoption.

COMMITTEE RECCOMENDATION

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes that in accordance with Section 5. 46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (a)** have been reviewed with 'no changes' being proposed:

DC102	Community Funding Program
DC115	Granting Fee Waiver – City Reserves and Facilities
DC376	Infringement Notices under the Building Regulations 2012
DC401	Graffiti Vandalism Act – Local Government Functions
DC603	Investment of Surplus Funds
DC607B	Non Acceptance of Tenders
DC609	Leases and Licences
DC616	Write-off Debts
DC642	Appointment of Acting CEO
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Law
DC684	Sealed Documents
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions – Development Applications
DC690	Town Planning Scheme 6

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

2. Notes that in accordance with Section 5. 46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (b)** have been reviewed with 'minor changes' being proposed:

DC370	Approve or Refuse Granting of a Building Permit
-------	-------------------------------------------------

DC371	Approve or Refuse Granting of A Demolition Permit
DC372	Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the <i>Building Act 2011</i>
DC375	Issue or Revoke Building Orders
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC602	Authority to Make Payments from the Municipal and Trust Funds
DC612	Disposal of Surplus Property
DC664	Dogs – Local Government Functions
DC665	Cats – Local Government Functions
DC677	<i>Bush Fires Act 1954</i> – Local Government Functions

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Absolute Majority required

** Items 3 and 4 of the Officer recommendation were lost and are the subject of additional reports within this agenda.*

Officer Recommendation

That the Audit, Risk and Governance Committee recommends to Council that it:

- Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (a)** have been reviewed with 'no changes' being proposed:

DC102	Community Funding Program
DC115	Granting Fee Waiver – City Reserves and Facilities
DC376	Infringement Notices under the Building Regulations 2012
DC401	Graffiti Vandalism Act – Local Government Functions
DC603	Investment of Surplus Funds
DC607B	Non Acceptance of Tenders
DC609	Leases and Licences
DC616	Write-off Debts
DC642	Appointment of Acting CEO
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Law
DC684	Sealed Documents
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions – Development Applications
DC690	Town Planning Scheme 6
- Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or

City Officers as shown at **Attachment (b)** have been reviewed with 'minor changes' being proposed:

DC370	Approve or Refuse Granting of a Building Permit
DC371	Approve or Refuse Granting of A Demolition Permit
DC372	Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the <i>Building Act 2011</i>
DC375	Issue or Revoke Building Orders
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC602	Authority to Make Payments from the Municipal and Trust Funds
DC612	Disposal of Surplus Property
DC664	Dogs – Local Government Functions
DC665	Cats – Local Government Functions
DC677	<i>Bush Fires Act 1954</i> – Local Government Functions

3. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegation to the Chief Executive Officer as shown at **Attachment (c)** has been reviewed with 'major changes' being proposed:

DC607	Acceptance of Tenders/E-Quotes/Common Use Agreements
-------	------------------------------------------------------

4. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer as shown at **Attachment (d)** have been reviewed and it recommends to Council that they be revoked.

DC601	Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report
DC608	Acceptance of Contract Variations Relating to Tender Approved by Council

Absolute Majority required

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer (the CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its Delegations at least once every financial year.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate and whether legislative amendments or organisational changes necessitate any revisions to the text.

Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Delegations were forwarded to the relevant officers from each business unit who reviewed the appropriateness of the existing Delegations and if there was a need for any additional delegations.

No Changes

As a result of this review, the delegations listed below and at **Attachment (a)** have no changes, therefore no explanatory notes have been provided.

- DC102 Community Funding Program
- DC115 Granting Fee Waiver – City Reserves and Facilities
- DC376 Infringement Notices under the Building Regulations 2012
- DC401 Graffiti Vandalism Act – Local Government Functions
- DC603 Investment of Surplus Funds
- DC607B Non Acceptance of Tenders
- DC609 Leases and Licences
- DC616 Write-off Debts
- DC642 Appointment of Acting CEO
- DC678 Appointment of Authorised Officers
- DC679 Administer the City’s Local Law
- DC684 Sealed Documents
- DC685 Inviting Tenders or Expressions of Interest
- DC686 Granting Fee Concessions – Development Applications
- DC690 Town Planning Scheme 6

Minor Changes

As a result of this review, the delegations listed below and at **Attachment (b)** are considered to have minor changes which are highlighted in red text. As these changes are considered to be minor administrative changes no explanatory notes have been provided.

- DC370 Approve or Refuse Granting of a Building Permit
- DC371 Approve or Refuse Granting of A Demolition Permit
- DC372 Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
- DC373 Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
- DC374 Appoint Authorised Officers for the purposes of the *Building Act 2011*
- DC375 Issue or Revoke Building Orders
- DC511 Partial Closure of a Thoroughfare for Repair or Maintenance
- DC602 Authority to Make Payments from the Municipal and Trust Funds
- DC612 Disposal of Surplus Property
- DC664 Dogs – Local Government Functions
- DC665 Cats – Local Government Functions
- DC677 *Bush Fires Act 1954* – Local Government Functions

Major Changes

DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements

As a result of this review, Delegation DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements and at **Attachment (c)** is presented with major changes.

The amendment increases the authority of the CEO to accept tenders and also purchases undertaken through the Western Australian Local Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or arrangements (CUA).

The rationale for the proposed amendments are:

- Expedites the timeline for the City to undertake a Tender/eQuote process through to contract award, which will bring about shorter timeframes to delivery of projects, with the estimated time saved between 4 to 8 weeks.
- The proposed increase enables the City to be a more nimble and fast-acting entity, improving our presence with the market to acquire goods and services promptly. It may also result in a higher number of tender submissions
- As the City's tender register is published on the website all tenders are visible which provides transparency and accountability, all tenders (\$250k and above) as per legislation are visible.
- Legislation details at what level a tender process need to be undertaken being the \$250k, not the acceptance level.
- CUA/WALGA – both of these entities have already undertaken a robust procurement process to appoint contractors to their various arrangements. As due diligence has already been undertaken, the procurement risk to the City is reduced.
- An analysis of other Local Governments indicated that they have higher delegated values for the acceptance of Tenders. Examples are Cities of Canning (\$750k), Melville (\$550k), Fremantle (\$500k), Perth and Swan (\$1m).

Revoke

As a result of this review the delegations listed below and at **Attachment (d)** are no longer considered to be required and revocation is recommended.

DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report

The preparation of an Annual Budget, Annual Financial Report and Plan for the Future (including informing documents such as the Long Term Financial Plan) is mandated by the *Local Government Act 1995* (the Act). This is an administrative function that is the responsibility of the City's administration and Council has the responsibility to adopt these documents. The Annual Budget and the Plan for the Future must be adopted by an '*absolute majority*' of Council.

As section 5.43 of the Act prohibits the delegation of any decisions of Council that require an '*absolute majority*' this delegation is regarded as superfluous, and revocation is recommended.

DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council

On the 22 June 2021 Council passed resolution no. 0621/110 in relation to the Waterbird Refuge Contract Variation which approved additional expenditure in relation to that contract, this was necessary in response to variations submitted by the contractor due to latent conditions.

Part four of this resolution directed that the Chief Executive Officer undertake a review of Delegation DC608. The City, as part of this review sought legal advice; a summary of which is as follows:

The delegation is intended to address situations where:

- (a) a contract has been entered into pursuant to an invitation to tender process as determined by Council
- (b) subsequent to the contract being entered into a variation to the contract becomes necessary (for instance due to latent conditions)

The delegation purports to delegate the following authority to the CEO:

In accordance with Part 4 of the Local Government (Functions and General) Regulations 1996 authority is conferred on the delegate to accept:

- (a) Aggregate total of contract variations relating to tenders approved by Council to a maximum value of 15% of the contract value or \$100,000, whichever is lesser (exclusive of GST).

The delegation is subject to the following conditions:

Acceptance of the contract variation is conditional upon the Chief Executive Officer being satisfied that:

- (a) The contract enables the contract to be varied, and the variation is in accordance with variation provisions of the contract;
- (b) Additional goods or services that were not, or could not have been, foreseen at the time the contract was executed;
- (c) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; and
- (d) Sufficient funds are available in the appropriate capital or operating budget to meet the additional cost.

Variation of a contract for the supply of goods or services, subsequent to entry into the contract, is regulated by regulation 21A of the Local Government (Functions and General) Regulations 1996, which provides:

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

Accordingly, a variation of an existing contract is permitted where “the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract”.

10.5.2 Annual Review of Council Delegations

In circumstances where a variation of contract was required in order to address latent conditions on a site, it is considered that a variation would be permissible under Regulation 21A as the variation would be necessary in order for the goods or services to be supplied and the variation would not change the scope of the contract.

In those circumstances, and the circumstances as described in the conditions of the delegation, it is not considered that a delegation of authority would be required as a variation of this nature would fall within the CEO's functions under section 5.41 as it would be necessary to:

- (1) cause the relevant council decision (to award the original tender) to be implemented (s. 5.41(c)); and
- (2) manage the day to day operations of the City (in implementing/administering the contract) (s. 5.41(d)).

In effect, then the variation would be effected by the local government acting through the CEO in the exercise of his functions. As the amount of the variation (in terms of consideration) would be determined by the terms of the contract (in relation to latent conditions etc) there would also be in effective terms no discretion to be exercised.

In discussion with City lawyers it was indicated that the delegation inhibits the CEO to effectively perform his functions as per Section 5.41 of the Act, as indicated above, that is to cause the relevant council decision to be implemented and manage the day to day operations of the City. It also creates additional administrative burden on the City and Council.

As the CEO is responsible for the implementation of Council decisions, in effect no discretion is to be exercised (Section 5.41 of the Act) and that limitations imposed by the Local Government (Functions and General) Regulations 1996 Section 21A provides for very specific requirements with respect to variation, other types of variation are simply not allowed under legislation as that would effectively constitute a new contract to be formed and would require the initiation of the procurement process. Any variation will be subject to budget availability and/or budget variation approval by Council.

Consultation

Consultation has occurred with officers of each of the relevant business units.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Financial Implications

Nil.

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	Yearly reviews in place.

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

- 10.5.2 (a): No change
- 10.5.2 (b): Minor amendments
- 10.5.2 (c): Major amendments
- 10.5.2 (d): Revoke

10.5.3 Annual Policy Review

File Ref: D-22-12960
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies. The annual review of a number of City policies are now presented for the consideration of the Committee and referral to Council for adoption.

COMMITTEE RECOMMENDATION

Moved: Councillor Mary Choy
Seconded: Councillor Ken Manolas

That the item relating to Annual Policy Review be deferred to the next Audit, Risk and Governance Committee meeting.

CARRIED (6/3).

For: Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Mr Aswin Kumar.

Against: Mayor Greg Milner, Councillor Stephen Russell and Ms Shona Zulsdorf.

Officer Recommendation

That the Audit Risk and Governance Committee recommends to Council that it:

1. Notes that the following policies having been reviewed with 'no changes' except for updating the year of the City of South Perth Community Strategic Plan where required being proposed:

- P101 Public Art and Art collections
- P102 Community Funding Program
- P104 Community Awards
- P105 Cultural Services and Activities
- P106 Use of City Reserves and Facilities
- P107 Access and Inclusion
- P108 Honorary Freeman of the City
- P110 Support of Community and Sporting Groups
- P112 Community Advisory Groups
- P113 Community Gardens
- P116 Installation, use and Management of Closed Circuit Television (CCTV) and other Monitoring Technology
- P117 Library Services Programs
- P118 Library Collection Development
- P119 City of South Perth Local History Collection
- P204 Chemical Use

- P206 Urban Forest
- P208 Ecologically Sustainable Building Design
- P354 Stormwater Drainage Requirements for Proposed Buildings
- P361 Street Addressing
- P402 Alfresco Dining
- P403 Charity Clothing Bins on City Managed Land
- P610 Collier Park Village – Financial Arrangements
- P630 Workplace Health and Safety
- P637 Employee Separation Payments
- P639 CEO Recruitment, Performance and Termination
- P648 Motor Vehicles
- P649 Mayoral Vehicle
- P665 Use of Council Facilities
- P668 Mayoral Portraits
- P669 Elected Member Continuing Professional Development
- P672 Agenda Briefings, Concept Forums and Workshops
- P673 Audio Recording of Council Meetings
- P674 Management of Corporate Records
- P675 Legal Representation
- P677 State Administrative Tribunal
- P687 Development of Council Owned Land
- P689 Application for Planning Approval Applicants Responsibility
- P692 Sustainability
- P693 Retiring Elected Member Gift
- P695 Risk Management
- P696 Related Party Transactions
- P697 Financial Hardship Assistance
- P698 Attendance at Events

2. Adopts the following revised policies with minor amendments in **Attachment (a)**:

- P103 Stakeholder Engagement
- P202 Energy Conservation
- P203 Ground Water Management
- P205 Tree Preservation
- P207 Natural Areas
- P209 Shade Structure
- P211 Water Sensitive Urban Design
- P212 Waste Management
- P213 Phytophthora Management
- P311 Subdivision Approval – Early Release from Conditions
- P353 Crossings/Crossovers
- P356 Electricity Substations
- P357 Right-of-Way (ROW) Maintenance and Development
- P358 House Numbers on Kerbs
- P401 Graffiti Management
- P501 Paths – Provision and Construction
- P502 Cycling Infrastructure
- P510 Traffic Management Warrants
- P511 Road Thoroughfare Infrastructure Management
- P605 Purchasing
- P607 Tenders and Expressions of Interest

- P611 Pre-Qualified Supplier Panels
- P613 Capitalisation & Valuation of Fixed Assets
- P624 Media Communications
- P625 Equal Employment Opportunity

3. Adopts the following revised policies with major amendments in **Attachment (b):**

- P210 Street Verges
- P603 Investment of Surplus Funds
- P609 Management of City Property
- P667 Elected Member Entitlements
- P680 Electronic Agendas
- P688 Asset Management
- P694 Fraud and Corruption Prevention

4. Revokes the following policy in **Attachment (c):**

- P661 Complaints

Absolute Majority Required

In line with contemporary organisational models, the policy framework aligns policies and delegations to the City's Strategic Directions.

During the review process, policies are considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The policy review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The policy review may identify a need to revise the policy, or it may determine that no change is needed. The nature of the change, whether minor or major, is noted in the Comment section below. Minor changes usually consist of minor typographical or grammatical corrections or revisions due to minor legislative amendments. Major change will consist of significant revision to the content of the policy due to changes in the operational environment or because of more substantial legislative change.

All Policies that have been listed with 'no changes' will have the year of the City of South Perth Community Strategic Plan 2021-2031 updated as per Council Resolution Number 1221/259 from its meeting held 14 December 2021. These Policies can be found on the City of South Perth [website](#).

The Director Development and Community Services advises that the City's Planning Policies are not considered in this review. As Council has been previously advised, the City's Strategic Planners will review all of the existing local planning policies as part of the preparation of the policy framework for draft Local Planning Scheme 7. This will take place later this year and early 2023. Where appropriate policies will also be reviewed as required in line with amendments to planning legislation and ongoing implementation requirements.

Comment

Minor Changes

The Policies listed below are considered to have only minor administrative changes. These policies are included in **Attachment (a)**.

P103	Stakeholder Engagement
P202	Energy Conservation
P203	Ground Water Management
P205	Tree Preservation
P207	Natural Areas
P209	Shade Structure
P211	Water Sensitive Urban Design
P212	Waste Management
P213	Phytophthora Management
P311	Subdivision Approval – Early Release from Conditions
P353	Crossings/Crossovers
P356	Electricity Substations
P357	Right-of-Way (ROW) Maintenance and Development
P358	House Numbers on Kerbs
P401	Graffiti Management
P501	Paths – Provision and Construction
P502	Cycling Infrastructure
P510	Traffic Management Warrants
P511	Road Thoroughfare Infrastructure Management
P605	Purchasing
P607	Tenders and Expressions of Interest
P611	Pre-Qualified Supplier Panels
P613	Capitalisation & Valuation of Fixed Assets
P624	Media Communications
P625	Equal Employment Opportunity

Major Changes

The policies listed below and at **Attachment (b)** are considered to have major changes to content. The content changes have been highlighted. A small summary explaining the changes has been provided.

P210 Street Verges

The Infrastructure Reinstatement Requirements section of this policy has been removed as it is duplicated in Policy P511 Road Thoroughfare Infrastructure Management.

P603 Investment of Surplus Funds

This policy has a slight amendment to allow a minimum of 70% instead of 80% of the portfolio to be invested in Standard & Poor rating A-1, and a maximum of 30% instead of 20% in Standard & Poor rating A-2 short term. The amendment will allow the City greater flexibility to achieve better investment returns because the smaller A-2 banks typically offer better returns than the larger A-1 banks. A-1 banks are defined as follows “**has strong capacity to meet its financial commitments**. It is rated in the highest category by Standard & Poor's. Within this category, certain obligors are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitments is extremely strong”. A-2 banks are defined as “**has satisfactory capacity to meet its financial commitments**. However, it is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in the highest rating category”.

P609 Management of City Property

This policy has been reviewed and updated to simplify and clarify application as follows:

- Lease Timeframes – most of the lease agreements granted by Council to sporting clubs and community groups in recent years have been for 21 year terms (instead of the traditional 5 year agreement, with a 5 year renewal option), therefore amendments have been made to reflect current practice.
- Amalgamation of Tenant Categories – there is no need for the policy to distinguish between sporting clubs, not-for-profit kindergartens and community groups. These groups are similar in terms of their operation capacities (including the ability to generate income and to pay rent/outgoings etc.).

P667 Elected Member Entitlements

This policy has been updated to reflect legislative updates in terms of reporting.

P680 Electronic Agendas

The Data Usage section in this policy has been updated following a move from Telstra to Optus where the shared data plan is larger. The Treatment of the Device on Cessation of Service has also been amended to align with the Management Practice M643 ICT Asset Management and Disposal.

P688 Asset Management

This policy has been amended to better reflect:

- A commitment by the City and continual improvement in the management of asset management
- A stronger directive to set strategic direction for asset management
- Improved communication throughout the organisation
- Referencing ISO 55001
- A stronger framework of asset management within the objectives listed

P694 Fraud and Corruption Prevention

This policy has been updated to remove references to outdated practices and documents and updated to reference current documents, processes and practices.

Policy to be revoked

The policy listed below and at **Attachment (c)** is recommended to be revoked for the reasons detailed:

P661 Complaints

The City's Councillor Code of Conduct guides decisions, actions and behaviours of council members, elected and unelected committee members and candidates in the local government elections, with all complaints received being managed in accordance with policy P699 Councillor Code of Conduct.

The City values complaints as they provide feedback on our operations which allows us to continuously improve. The City's Employee code of Conduct sets standards of behaviour that employees, volunteers, contractors and agency staff are to observe in relation to their conduct. The code is based on the City's values being Accountable, Respectful, Supportive and Unified.

Administrative complaints received in relation to services provided by the City and or alleged behaviour of employees, volunteers and/or contractors will be processed in accordance with legislative requirements, the City’s Customer Service Charter and best practice guidelines provided by Ombudsman WA.

It is therefore recommended that the complaints management policy be revoked.

Consultation

The policies are considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City’s Directorates.

Policy and Legislative Implications

The reviewed and new policies are consistent with the *Local Government Act 1995*, relevant legislation and guidelines and other City documents.

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	Yearly review of all policies.

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

- 10.5.3 (a): Revised policies with minor amendments
- 10.5.3 (b): Revised policies with major amendments
- 10.5.3 (c): Revoked policy

10.5.4 Strategic Risk Register

File Ref: D-22-12961
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents the Strategic Risk Register for Council's adoption.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Councillor Blake D'Souza
Seconded: Ms Shona Zulsdorf

That the Audit, Risk and Governance Committee recommends to Council that it endorses the Strategic Risk Register as contained in **Confidential Attachment (a)**.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

The Council is responsible for the strategic direction of the City. The City's Audit, Risk and Governance Committee (ARGC) is a Committee of Council in accordance with the *Local Government Act 1995* (the Act) and is responsible for providing guidance, assistance and oversight to the Council, in relation to matters which include risk management.

The responsibility of the ARGC in relation to the risk management program includes overseeing the strategic risk management process and ensuring that the administration has a robust and structured process for identifying and managing strategic risks.

In addition, the City has an internal Risk Management Committee to coordinate the City's risk management activities. The internal Risk Management Committee updates the City's Risk Registers and has responsibility for identifying and monitoring risks and assists in developing and recommending treatments for agreed priority risks. The Committee meets quarterly to conduct a review on identified risks and associated risk treatments, includes membership from across all directorates and reports to the Executive Management Team (EMT). In August 2019, an updated Operational Risk Register and the existing Strategic Risk Register were endorsed by the EMT.

On 18 November 2019, City officers presented the Strategic Risk Register to the ARGC for noting. At that meeting, the Officer Recommendation was lost.

On 11 February 2020, the City held a Risk Management Workshop with Councillors and external Committee Members on the City's Risk Management Framework and discussed the City's risk ratings, risk registers and proposed Risk Management Policy. The workshop was facilitated by a consultant from LGIS, the City's insurer. The consultant advised those in attendance that the City had a robust framework and appropriate Registers.

10.5.4 Strategic Risk Register

All risks continued to be monitored to ensure adequate strategies were in place, so residual risks were effectively managed.

The Strategic Risk Register was updated by the City's internal Risk Management Committee, predominantly in response to COVID, and presented to the June 2020 Audit, Risk and Governance Committee for adoption. However, the Committee decided to defer consideration of the item pending a further workshop which was subsequently endorsed by Council on 23 June 2020.

Following this, the City organised for RSM Australia to review the City's Strategic Risk register and to conduct two workshops with Elected Members and the external members of the Audit, Risk and Governance Committee. The first workshop occurred on 10 August 2020 and the second workshop did not occur until 31 August 2021 due to the presenter being unavailable.

Following these workshops, RSM Australia provided the City with the notes from the workshop on 24 November 2021.

Comment

The strategic Risk Register, as contained in **Confidential Attachment (a)**, has been updated to reflect the risks raised by the Elected Members and external members at these two workshops and is presented for adoption.

Consultation

Elected Members and the external members of the Audit, Risk and Governance Committee were consulted on the Strategic Risk Register.

Policy and Legislative Implications

Policy P695 Risk Management

Local Government (Audit) Regulations 1996 – 17(1)(a)

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	Medium
Mitigation and actions	Processes and controls generally operating as intended.

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:	4.3.4 Maintain a culture of continuous improvement

Attachments

10.5.4 (a):	Strategic Risk Register (<i>Confidential</i>)
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10.5.5 Audit Register Progress Report

File Ref: D-22-12962
Author(s): Rose Jordan, Integrated Planning Advisor
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee.

Officer Recommendation AND COMMITTEE RECOMMENDATION

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

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

The confidential Audit Register lists internal and external audit findings, describes the progress of implementing improvements and percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

Comment

It is important to note that the Audit Register contained in **Confidential Attachment (a)** counts actions and totals by "Finding #". Each finding may have more than one "Recommendation" and associated "Agreed Management Action", previously counted as **one** action. This can mean that some Recommendations within an Action will be completed (100%) and some will not. Only when all assigned Recommendations/Agreed Management Actions are marked as 100% complete will the Audit, Risk and Governance Committee (ARGC) approve the Finding for closure.

10.5.5 Audit Register Progress Report

As requested, following the September 2020 ARGC meeting, the Audit Register has been formatted to ensure clarity with:

1. Each finding that has more than one agreed management action is represented with double lines around that entire finding;
2. Each finding that is to be closed (100% for all agreed actions) is represented by a purple “Closed Tally” column on the right and numbered; and
3. All findings that are being recommended to close by the ARGC (100%) are filtered to the end of the register.

The ARGC is requested to recommend to Council to note the progress and officer comments. In addition, it is recommended all findings marked as complete (100%) in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings.

It is requested to note the Audit Register in **Confidential Attachment (a)**.

A review of the Strategic Internal Audit Plan (SIAP) by management and the City’s Internal Auditor, Paxon has been undertaken.

The new SIAP will be presented at the Audit, Risk and Governance Committee Meeting to be held 8 March 2022.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO’s duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2021/22 financial year, and it is anticipated that a budget of a similar amount is to be adopted each year. Officers’ effort to undertake the improvements and report on progress has not been estimated.

The External Audit function (WA Auditor General) has a budget of \$65,000 for the audit of the 2020/21 Annual Financial Statements, undertaken and incurred during the 2021/22 financial year.

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	Medium
Mitigation and actions	<p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC.</p>

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

- 10.5.5 (a): Audit Register Progress Report - 2nd Quarter Report FY22
(Confidential)

10.5.6 Endorsement of Internal Audit Plan

File Ref: D-22-12963
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report has been prepared to consider the Strategic Internal Audit Plan 2021/22 to 2025/26. The revised Strategic Internal Audit Plan will assist in establishing the annual work plans and annual budget. It is intended that the plan will be updated each year.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mayor Greg Milner
Seconded: Ms Shona Zulsdorf

That the Audit, Risk and Governance Committee endorses the Strategic Internal Audit Plan 2021/22 to 2025/26 as contained in **Confidential Attachment (a)**.

CARRIED (9/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

Internal audit is an independent assurance and consulting activity designed to add value and improve organisational operations. It is a management tool that should help reduce risk (where appropriate), improve the business, and provide assurance that appropriate governance, risk management and control arrangements are in place and working effectively.

Internal Audit, undertaken by Paxon is different to the External (Financial Statements) Audit undertaken by the Office of the Auditor General (OAG). The External Audit attests the values contained in the Annual Financial Statements and Notes, to a materiality level, for an external audience (the general public). However, given good systems and processes are required to produce Financial Statements, the OAG will consider the findings, improvements and reporting by the Internal Auditor (Paxon) as part of their analysis when undertaking their External (Financial Statements) Audit.

The new Strategic Internal Audit Plan **Confidential Attachment (a)** has been developed to maximise the efficiency and effectiveness of the City's internal audit function. The plan allocates resources to business areas subject to events and assessment of risk that may adversely affect the achievement of City objectives. It is intended that the plan is reviewed on an annual basis to ensure it maintains its relevance to current operations and aligns with the risks being faced by the City.

Comment

In developing the plan, City Management and Paxon Group have considered the City’s financial constraints, various project timeframes (i.e. 1System project), organisational capacity to support the Internal Audit work, as well as developing and implementing the Audit findings/recommendations.

Detailed within the plan are the objectives of the indicative reviews to be carried out in the first year of the plan together with the risks that the review is aiming to address. As the plan progresses, further scoping of the reviews due to be undertaken in the next year will be carried out.

In reviewing the SIAP each year, the Committee may wish to have a greater emphasis placed on certain areas or wish to alter the year in which an area will have an Internal Audit. In addition, the SIAP may be amended to allow for changes in circumstances or priorities. As described above, alterations to a plan should be mindful of financial constraints, various project timeframes and the organisational capacity to support the undertaking of Internal Audits and then develop/implement the Audit recommendations.

Consultation

No external consultation has occurred.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with the Local Government (Financial Management) Regulations 5 (CEO’s duties as to financial management) and the Local Government (Audit) Regulations 17 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$40,000 for the 2021/22 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. In addition to the payments to Paxon Group, there is a significant cost (officer time) in assisting the Auditors during the Audit, then designing/implementing recommendations and regular reporting of the progress against the 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 organisation
Risk rating	Low
Mitigation and actions	Strategic Internal Audit Plan developed with consideration as to risks, statutory requirements and contemporary internal audit practices.

10.5.6 Endorsement of Internal Audit Plan

	Scoping of audits and audit services are provided by firm with appropriate expertise. Plan includes the use of expertise relevant to each audit.
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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

10.5.6 (a): Strategic Internal Audit Plan 2021/22 - 2025/26 (*Confidential*)

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Carl Celedin for the period 29 March 2022 to 1 April 2022 inclusive.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 POLICY P402 ALFRESCO DINING - FAST TRACKING AND FEE WAIVER

File Ref: D-22-12582
Author(s): Vicki Lummer, Director Development and Community Services
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Ordinary Council Meeting held 22 March 2022.

Notice of Motion Recommendation

That Council:

1. Approves the relaxation of the requirements and guidelines of policy P402 Alfresco Dining, on a case by case basis, in order to allow alfresco dining to take place outside businesses, subject to adequate footpath width always being maintained for safe unobstructed pedestrian access along footpaths, as determined by the City.
2. Authorise the CEO to fast-track alfresco dining applications, within 14 days of receipt, subject to all necessary information being received.
3. Endorse a variation to the 2021/22 adopted Fees and Charges Schedule to waive the application and associated fees for alfresco dining for the remainder of the current financial year.
4. Request the CEO to make contact with local hospitality businesses to advise them of the initiative once endorsed.

Background

Councillor Mary Choy submitted a Notice of Motion regarding Policy P402 Alfresco Dining – Fast Tracking and Fee Waiver. The reasons for the motion given are as follows:

- “1. At a Special Council Meeting in April 2020, Council endorsed the Local Community Response and Relief Package in response to the COVID-19 crisis, which included a suite of measures to assist local ratepayers during the pandemic.*
- 2. At the June 2020 Ordinary Council Meeting, Council endorsed relaxation of the requirements and guidelines of policy P402 Alfresco Dining, on a case by case basis, in order to allow alfresco dining to take place outside local businesses. Alfresco fees and trading permit fees were also waived until 31 January 2021.*
- 3. With the pandemic’s increased momentum in Western Australia this year, outdoor dining options for residents and visitors alike have gained popularity. Alfresco dining doesn’t just enable hospitality venues to trade safely and sustain their operations during the continuing impacts of the COVID-19 pandemic, but can make significant contributions to the visual appeal and atmosphere of public and private spaces within the City. Enabling local hospitality businesses to expand their dining services will create more active vibrant streets, increasing the likelihood of repeat visitation and increased spending in the area.*

12.1 Policy P402 Alfresco Dining - Fast Tracking and Fee Waiver

All of this ensures our local businesses not just continue to survive but continue to thrive, whilst meeting community expectations when social restrictions are in effect.

4. *The City's applicable fees for alfresco dining, which as outlined in the 2021/22 Fees and Charges Schedule start at between \$150-\$250 for the initial application and then \$60 per chair (excl. GST), is an extra expense for local hospitality businesses during an already difficult period, which some simply cannot afford to take up.*
5. *Our local business ratepayers need to see their Council continuing to respond to their needs with these types of initiatives offering targeted support during difficult economic times. Around [enter number of applicable businesses – admin to advise] stand to benefit from this relaxing, fast tracking and fee waiver measure.”*

Comment

An officer's report addressing the Notice of Motion will form part of the April Council Agenda Briefing Agenda to allow Councillors to make an informed decision.

Attachments

Nil.

12.2 EFFICIENCY OF CITY OPERATIONS

File Ref: D-22-12606
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Ken Manolas submitted the following Notice of Motion prior to the Ordinary Council Meeting held 22 March 2022.

Notice of Motion Recommendation

The CEO to evaluate the efficiency of City operations and how savings can be achieved to reduce expenditure, without reducing services to the community or the maintenance of the existing City's assets. A report to be presented to Council in 3 months.

Background

Councillor Ken Manolas submitted a Notice of Motion regarding the efficiency of City operations. The reasons for the motion given are as follows:

"To ensure the City is operating as efficiently as possible without reducing services to the community or the maintenance of existing City's assets."

Comment

An officer's report addressing the Notice of Motion will form part of the April Council Agenda Briefing Agenda to allow Councillors to make an informed decision.

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 February 2022 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS: 22 MARCH 2022

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

15. MEETING CLOSED TO THE PUBLIC

16. CLOSURE

APPENDIX

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 22 February 2022

Councillor Blake D'Souza	Responses provided by: Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p>This refers to numbers 15 and 17 Redmond Street in Salter Point. These were granted temporary use by the City as display homes. I understand these approvals are now expired. In the intervening time, locals have had to put up with a lot of traffic and noise, that comes with display homes in the middle of a quiet area.</p>	
1. What are the consequences of breach or noncompliance with this temporary approval?	The approvals for Nos. 15 and 17 Redmond Street have now expired and the landowners have been asked to undertake remedial action to either cease the temporary land use or to lodge a retrospective development application to continue the use.
2. If the city is contemplating retrospective development applications and approval. Will this come back to Council and will residents be consulted for their input?	The use of Display Home is a use that is not listed in the Local planning Scheme. For this reason any application will be advertised for comment. If no submissions of objection are received, the application will be determined under delegated authority.

<p>Councillor André Brender-A-Brandis</p>	<p>Responses to questions 1 and 2 provided by: Mark Taylor – Director Infrastructure Services</p> <p>Responses to questions 3 and 4 provided by: Garry Adams – Director Corporate Services</p>
<p>1. A follow up question with regard to trees, it would probably need to be taken on notice but was there any indication as to the number of applications that we have received over the last two calendar years of the requests to remove street trees as part of development applications?</p>	<p>The City’s records are in financial years 2020/21 and 2021/22.</p> <p>The trigger for a street tree review occurs when a development application’s proposed crossover is 3m or closer to an existing street tree.</p> <p>In 2020/21 the City reviewed 93 trees and in 2021/22 the City has so far reviewed 47.</p>
<p>2. Of those applications to remove street trees, how many of those have been approved by the administration over the two year period, 2020 and 2021 years?</p>	<p>Over those two years the City removed 22 trees. In each case, the applicant paid the assessed amenity value of the tree plus removal and replacement costs.</p> <p>A further six trees required pruning and in each case this cost was met by the applicant</p> <p>If a replacement tree cannot be planted directly in front of the property the City will endeavour to plant a tree on nearby street verge or park</p>
<p><i>[Preamble]</i></p> <p>Questions in regard to the ageing of debtors.</p>	
<p>3. Just with regard to a previous question regarding the ageing of the debtors, in particular the 30 June balance which is just under \$4m in the graph. Just wondering if there was any ageing analysis performed on the debtors at all?</p>	<p>As previously explained in a response provided on the HUB (Memorandum to Councillors 18 February 2022), at the agenda briefing session 15 February 2022 and Ordinary Council Meeting 22 February 2022 there is no risk that attaches to these debts as they are in terms of the <i>Local Government Act</i> a charge against the land. It was also clarified that set up of these types of analysis reports within the City’s rates system (Authority) is not standard with reference to a traditional age analysis most people are accustomed to and that a report would have to be constructed. To construct a report presented the City with data challenges and as such some minor differences have been left unreconciled.</p>

The information provided is the best available information, given as indicated above the City's Authority system does not allow for these types of reports in its standard configuration and staff spent a considerable amount of time to collect and collate information from various different reports to obtain the requested information.

Below is a schedule depicting:

- The cumulative year end outstanding balance
- Adjusted for payments received in advance
- Cumulative outstanding balance at year end (excluding pensioner deferred amounts) as a % of that years rate revenue
- Aged amount per year.
- Notes

Year	2012/13	2013/14	2014/15	2015/16	2016/17#	2017/18#	2018/19#	2019/20 [^]	2020/21 [^]
Cumulative Total per Age Analysis	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
	\$727	\$625	\$730	\$844	\$1,192	\$2,099	\$2,581	\$2,950	\$2,448
*Credit balance adjustment (payment in advance)							-\$412	-\$455	-\$530
Total Rates outstanding after adjustment	\$727	\$625	\$730	\$844	\$1,192	\$2,099	\$2,993	\$3,405	\$2,978
Less pensioner deferrals	\$426	\$449	\$463	\$469	\$465	\$526	\$572	\$596	\$610
Total outstanding less deferrals	\$300	\$176	\$266	\$375	\$727	\$1,573	\$2,422	\$2,809	\$2,368
Outstanding less deferrals as % total rates	1%	1%	1%	1%	2%	4%	6%	7%	6%
Total Rate Revenue	\$26,936	\$28,575	\$31,294	\$32,904	\$34,607	\$36,046	\$37,493	\$38,275	\$38,303
Non-cumulative aged amount per year	\$314	\$63	\$94	\$110	\$170	\$598	\$736	\$889	\$4

* Credit balance accounting treatment correctly changed 2018/19, 19/20 & 20/21

Management at that time did not regard debt collection a priority (balances also include credit balances in 16/17 & 17/18)

[^] COVID 19 Council Resolution hold on debt collection but Management performed soft collection in 2020/21

4. Does that include infringement parking debtors as well and is there any indication as to the amount of infringement debtors in that total?

Infringement debtors are not included in Rates they are included in Sundry Debtors. Total infringement debtors (parking and animals) amounted to \$150k (\$529k less \$379k provision for bad debts).