



Agenda

Ordinary Meeting of Council

Wednesday, 19 January 2022, 6.00pm

CITY OF FREMANTLE
NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday, 19 January 2022** in the Bibbool (Paperbark) Room, located at Walyalup Civic Centre 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Glen Dougall', written in a cursive style.

Glen Dougall
A/Chief Executive Officer

14 January 2022

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CITY OF FREMANTLE

Ordinary Meeting of Council

Agenda

1. Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djingang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leave of absence

There are no previously received apologies or approved leave of absence.

3. Applications for leave of absence

Cr Geoff Graham requests a leave of absence from 14 February 2022 to 20 February 2022 inclusive.

4. Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 15 December 2021:

Andrew Luobikis asked the following questions:

Question 1: FPOL2111-9: Voluntary Goodwill Service Provider Policy ('Tent City' campaign)

1a. Why was the 'tent city' incident not reported to the CCC by the CEO?

Response

The matter was not referred to the CCC by the City as it was not considered to be an issue within the ambit of the CCC. It should be noted that members of the public are also able to refer issues to the CCC and this did not occur either as far as the City is aware.

An internal investigation was undertaken by the CEO into Council process which included the recommendation that the City's policy position be reviewed

1b. Why has the City introduced a new policy related exclusively for this type of event?

Response

The Voluntary Goodwill Service Provider Policy has been introduced as a part of a wider strategy to provide support for people at risk of or experiencing food insecurities, homelessness and other levels of disadvantage. It is aligned with the State Government Strategy to end homelessness, with the role of Local Government articulated as:

- Coordinating volunteer and charity groups through a place-based approach that better meets the needs of people experiencing homelessness;
- Utilising land and assets to create places that are inclusive and can support vulnerable people.

1c. Can you please define 'Persons of Goodwill'?

Response

Goodwill groups are usually non-registered groups i.e. Church groups etc. who want to assist with helping disadvantaged people who are experiencing homelessness by providing food support and other donations.

1d. Under current City policies St Pats is listed as an authorised and supported charity by the City. Why has a new policy been created that appears to endorse unregistered non legal entities to carry out charity work using City assets and resources?

Response

This Policy will inform the development of a registration process. The City's registration process will achieve the role of Local Government as outlined in the State's Strategy and the Food Relief Framework in working towards ending homelessness.

The City recognises partnerships are integral to the reduction in rough sleeping. No single organisation has the resources, skills or solutions to tackle this on their own.

1e. Why was my question about this policy not recorded in the previous minutes?

Response

A statement was made at the previous meeting of Council (24 November 2021) and was acknowledged in the Minutes of that Meeting. No questions were recorded as having been asked during the making of that statement.

1f. What protections are in place to avoid unscrupulous people using this policy for their own gain, or crimes as per Tent City?

Response

This Policy will guide the development of a registration process, where volunteer led groups and organisations operating (or intending to) in the City will need to apply for a permit to operate.

This is a structured process that will provide opportunity for both goodwill and funded homelessness support services to support people with crisis support, and to link people to other social support services that will address the types and cause of their homelessness.

This process will set an expected standard of service delivery that is safe, accessible, collaborative, and closely aligned to the strategic direction of the metro-homelessness sector and most importantly to the needs of people experiencing homelessness and food insecurity.

Question 2: FPOL 2112-8 Request for Sponsorship Winter World 2022-2024

2a. Why is the City supporting a successful private business to the tune of \$180, 000 over 3 years?

Response

The City is sponsoring the event due to the visitation it attracts to the City (over 100,000 people) and the economic benefit and dispersal of foot traffic associated with that visitation. The provision of support is in line with the City's Destination Marketing Strategic Plan and the City's grants and sponsorship policy

2b. Does this set a precedent that all events like the Beer Festival and other music festivals Etc. should be subsidised by ratepayers?

Response

No. Winterworld provides a different and more accessible family based offering as compared to fenced/closed off events such as beerfest and music festivals.

2c. Why did ratepayers not receive rebates or in-kind support over COVID?

Response

Ratepayers who experienced genuine financial hardship during COVID were able to access support in line with the City's financial hardships policy.

2d. Does this event bring in visitors from across Perth and how has this been measured?

Response

It brings visitors from across the entire state. This is measured via postcode data collected from ticket holders, and data collected via marketing campaigns. Results are made available annually via an extensive report provided by the event organiser, which is a condition of the sponsorship.

- 2e.** Why does the City keep using COVID as an excuse to waive fees, rates, and offer in kind support for businesses quite evidently trading very profitably?

Response

COVID remains a significant risk and challenge for the entire world, it has not gone away. The event industry was and continues to be impacted significantly due to COVID restrictions. Large events offer an opportunity to reactivate the City and increase foot traffic after two years of significant decline in tourism visitation due to COVID.

6. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

7. Petitions

Petitions to be presented to council.

Petitions may be tabled at the meeting with agreement of the presiding member.

8. Deputations

8.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

8.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

9. Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 15 December 2022.

10. Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.

11. Reports and recommendations from committees

11.1 Planning Committee 12 January 2022

PC2201-9 LOCAL PLANNING POLICY 2.24: WASTE MANAGEMENT PLANS FOR NEW DEVELOPEMENT – OUTCOMES OF PUBLIC CONSULTATION

Meeting date:	12 January 2022
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Schedule of Submissions2. Revised Draft Local Planning Policy
Additional information:	<ol style="list-style-type: none">1. Advertised draft of Local Planning Policy

SUMMARY

In July 2021, Council resolved to undertake community consultation on a draft local planning policy relating to waste management plans for new developments. This policy was prepared to provide greater clarity and direction to development proponents in preparing applications for development approval, and to support the City's strategic goals relating to waste management.

Consultation on the draft policy was undertaken between September and October 2021. A total of 3 submissions were received, all from private waste management consultants. Submissions expressed support for the objectives of the policy and the greater clarity it provides in relation to the City's expectations and included a number of suggestions for further refinements. Feedback also highlighted the need for further clarity on the City's technical standards and service offering, which have been noted to be included in a future waste management guideline document (which addresses the City's service arrangements and specifications rather than planning requirements).

This report discusses the outcomes of consultation in further detail and outlines modifications proposed in light of this. Officers recommend that Council adopt the local planning policy with minor amendments.

BACKGROUND

In mid-2021 the City prepared a draft local planning policy to guide the preparation of waste management plans to support new development applications in the City of Fremantle. The objectives of the policy were as follows (summarised):

- Waste minimisation – to promote waste to landfill minimisation.
- Amenity – to ensure that waste storage and collection facilities minimise negative impacts.
- Functionality – to ensure that waste collection facilities for development are functional and readily used.
- Safety – to maximise safety of all persons involved in the waste management process.

The draft policy (provided in Additional Information attachment 1) was considered at the Strategic Planning and Transport Committee meeting on 21 July 2021, which resolved as follows:

Council: -

1. *Endorse the draft Local Planning Policy 'Waste Management Plans for New Development' provided in Attachment 1 for the purposes of public consultation.*
2. *In the event of no objections being received during the consultation period, adopt the revised draft Local Planning Policy 'Waste Management Plans for New Development' provided in Attachment 1. (SPT2107-1)*

Consultation on the draft policy has been undertaken and the outcomes of this are the subject of this report. Further background on the development of the draft policy can be obtained via the agenda and minutes from the above-mentioned meetings.

CONSULTATION

Consultation on the draft policy occurred between 24 September and 22 October 2021 (31 calendar days), in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)* and the City's Local Planning Policy 1.3.

Consultation included the following:

- The City directly contacted waste consultants and property developers for their feedback on the policy.
- Notification was placed in two editions of the Fremantle Herald newspaper.
- Information about the policy and scheme amendment was also posted on the City's website.

At the conclusion of the consultation period a total of 3 submissions were received (refer Attachment 1).

OFFICER COMMENT

Overall response to the draft policy was positive. Key submission points and officer responses are outlined below. The major point of feedback related to the inclusion of specific details in the policy document regarding the City's service and associated design requirements. However, officers consider these matters are better addressed through the City's Waste Services Guideline (under development) as many relate to vehicle sizing, service offering and technical specifications which are all subject to change. A number of minor amendments and clarifications have been recommended for inclusion in the final draft policy, as outlined below and in Attachment 2.

Submission	Officer comment
Confirmation of vehicle sizes which can access bin compounds and service pathways.	These matters are best addressed in the Waste Services Guideline as they relate to operational matters which are subject to change as the City reviews its service

	options.
Confirmation of FOGO waste generation rates, this information is not included in the WALGA guidelines.	Preliminary data has been collected suggesting an average FOGO of 30L / 8kg or 45% per dwelling. This will be monitored over time and shared with both applicants and WALGA. WALGA will be encouraged to update its Waste Services Guideline.
The policy should set out clear requirements for safe access, parking and vehicle loading.	Safety objective reinforced. Spacing requirements and details are best addressed in the Waste Services Guideline.
The WALGA waste generation rates could be updated to better reflect the specific waste generation rates tracked by the City of Fremantle.	The City considers that the WALGA rates represent a consistent approach across Perth and should be utilised to minimise confusion. The City is able to consider variations to these generation rates on a case-by-case basis for specific land uses: detail confirming this recommended for inclusion. WALGA will be encouraged to update its Waste Services Guideline.
Requirements in relation to safe internal transfer of waste and recyclables should be specified.	Safety objective reinforced.
Management of bulk waste should be addressed, specifically for Multiple Dwelling developments.	Policy encourages developers to consider bulk waste storage on site for developments, however there are no specific requirements in this regard. The proximity and convenience of the Recycling Centre reduces the pressure for onsite storage.
Specification of the services provided to commercial developments.	This matter will be addressed in the Waste Services Guideline.
The policy should provide clear guidance on the following matters: <ul style="list-style-type: none"> • Is on street or on site collection preferred? • What bins are used by the City for collections. • Should bin stores be provided on the ground floor or basements of properties. • Does the City have requirements in relation to bin chutes. • Are there specific considerations for vehicle stopping points. • Should developers contact designers and developers to discuss their requirements in the 	<p>Some of these matters, such as the bins used by the City will be specified in the Waste Guideline (being operational), while others are not elements which the City has requirements for, such as bin chutes. Generally these elements are at the discretion of a developer.</p> <p>Street collection is currently preferred due to service limitations, costs and liabilities however this is becoming increasingly challenging for higher density development and therefore review of service alternatives is recommended.</p> <p>A suggestion that developers and designers make contact with the City early</p>

early design phase.	in the design phase, whilst not strictly policy content, is proposed to be included in the amended policy.
The 'safety' objective should include staff in commercial buildings.	Safety objective reinforced.
Will a Waste Management Plan be required for Aged Care Facilities, Education, Healthcare facilities?	Yes; more specific confirmation on this requirement proposed to be included.
Timing of waste management plan submission	With development application: additional detail reinforcing this proposed to be included.
The policy should specify both the Multiple Dwelling and Commercial/Industrial WALGA Guidelines to minimise confusion.	Clarification proposed to be included
What bins should be provided for FOGO.	These matters are best addressed in the Waste Services Guideline as they relate to operational matters which are subject to change over time.
The City may wish to be specific about drawings provided such as hard stand bin set out points,	Given the variable scale of development covered by the policy, a more flexible approach is proposed initially, with additional detail able to be requested by the City's Waste team upon request on review of the initial plan if required.
WALGA calculation is by number of bedrooms rather than unit size.	Recommended to be included.
Specifications are needed in relation to the bin store design list.	These matters are best addressed in the Waste Services Guideline given the level of detail they relate to
There are circumstances where the City is unable to provide an adequate service for the development and commercial service providers may provide a better outcome.	The City's understanding is that it is obliged to offer (and therefore development must accommodate) domestic waste service. A review of the services offered by the City is recommended to occur to address this issue.

It is recommended that the Council note the submissions received and adopt the revised policy including suggested modifications to address some of the matters raised in submissions as detailed in the table above.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The procedure for adopting a local planning policy is provided for under Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM PC2201-9

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

1. Note the submissions received on draft Local Planning Policy 2.24 – Waste Management Plans for New Development as detailed in Attachment 1, and advise submitters of the outcomes of the process.
2. In accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceed with adoption of Local Planning Policy 2.24 – Waste Management Plans for New Development, with modifications as shown in Attachment 2.
3. Request that staff continue to liaise with WALGA in relation to waste generation averages (including for FOGO) and provision for this within the WALGA Guidelines.

Carried: 7/0

Mayor Hannah Fitzhardinge, Cr Bryn Jones, Cr Geoff Graham,
Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver

PC2201-10 LOCAL PLANNING POLICY 2.2 – SPLIT DENSITY CODES AND ENERGY EFFICIENCY AND SUSTAINABILITY SCHEDULE REVIEW – OUTCOMES OF CONSULTATION

Meeting date: 12 January 2022
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Attachments: 1. Draft revised Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency Schedule
Additional information: Nil

SUMMARY

The purpose of this report is to consider the outcomes of public consultation on proposed revisions to the City’s Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule.

The City’s Local Planning Scheme No. 4 identifies several areas that are subject to split residential density codes (e.g. R20/25). Clause 4.3.4 of the Scheme sets out specific requirements that must be addressed by applicants seeking to access the higher codes; otherwise the lower codes prevail. The policy is intended to provide further direction on application of this clause, to guide applicants seeking to access the higher codes, and decision-makers in assessing proposals.

A review of the policy was undertaken earlier in the year with changes recommended to increase clarity, reflect advances in technology and reducing costs, recognise significant tree protection as contributing to sustainability outcomes, and to update the format and structure generally.

Consultation on the revised draft was undertaken between October and November 2021 with 1 submission received.

The report recommends that Council proceed with final adoption of the revised policy with minor modifications.

BACKGROUND

Clause 4.3.4 of the City’s Local Planning Scheme No.4 states that:

“Where a site is identified as having a split density coding and is connected to reticulated sewerage, the higher code may only be applied where one or more of the following specific requirements are addressed to the satisfaction of Council:

- (a) a building of cultural heritage significance is retained on the lot,*
 - (b) provision of “low income housing”,*
 - (c) buildings designed in accordance with Council’s energy efficiency and sustainability schedule, and*
 - (d) removal of a non-conforming use.*
- In all other circumstances, the lower of the two Codes prevails.”*

These scheme provisions are supported by Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule (LPP 2.2), which was adopted by Council in 2007 to clarify the specific requirements that applicants need to meet in order to satisfy the scheme provisions to access the higher density codes.

Last year officers identified that due to improvements in technology, and the potential to achieve better conservation and sustainability outcomes, LPP 2.2 would benefit from revision. The maintenance of local planning policies contributes to the advancement of multiple strategic objectives, aligned and transparent decision making, and good governance.

On 15 September 2021, an updated version of the policy was presented to Council's Strategic Planning and Transport Committee and it was resolved that:

“Council endorse the draft Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule, as shown in Attachment 1 with the following additional amendments:

1. *Amend Part B, cl 1 to add an additional subclause "1.4 Specification of solar, electric heat pump or PV-connected electric storage water heaters and electric (non-gas) cooking appliances".*
2. *Amend Part B, cl 2 to add an additional subclause "2.4 Prior to occupation, solely solar, electric heat pump or PV-connected electric storage water heaters and electric (non-gas) cooking appliances to be installed."*

for the purposes of consultation in accordance with the procedures set out in Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Fremantle Local Planning Policy 1.3 Community Consultation on Planning Proposals.” (SPT2109-1)

The revised policy was subsequently advertised for public comment with this report considering the outcomes of that process.

OFFICER COMMENT

As noted above, the policy clarifies the specific requirements that applicants need to meet in order to satisfy the scheme provisions and access the higher density codes. It does this by expanding upon each of the four ‘pathways’ to accessing the higher density codes, and by prescribing an energy efficiency and sustainability schedule to be read in conjunction with clause 4.3.4(c) of the Scheme.

The primary changes to the policy recommended as a result of the review relate to:

- Further clarification of requirements for the heritage pathway.
- Update of the energy efficiency and sustainability schedule (including to increase photovoltaic capacity and recognise significant tree retention as an eligible criterion).
- Introduction of a clear purpose and objectives, consistent with contemporary practice.

Specifically, it was proposed to amend the policy to:

- Revise Part A, clause 1 to require a more thorough heritage conservation proposal.
- Revise Part B, clause 1.1 to require the design and construction of any new dwelling(s) to a Nationwide House Energy Rating Scheme (NatHERS) star rating a minimum of one star in excess of the current energy efficiency requirement of the Building Codes of Australia for class 1A buildings, or an equivalent demonstrating comparable energy efficiency.
- Revise Part B, clause 1.2 to require installation of a 3kW photovoltaic solar panel system (in place of the current 1.5kW requirement)
- Revise Part B, clause 1.3 to provide the option of registering an existing tree on the City's Significant Tree and Vegetation Areas Register and retaining it thereafter, in lieu of providing a water tank or greywater reuse system.
- Revise Part B, clause 1.4 to require the specification of solar, electric heat pump or PV-connected electric storage water heaters and electric (non-gas) cooking appliances.

Following public advertising of the proposed revised policy, one submission was received, from a representative of the Housing Industry of Australia (HIA). The submission expresses concern that the policy seeks to implement building performance measures in a planning document and prescribes outcomes above the Australian Building Codes Board's trajectory for low-energy homes. It also expresses concern that the policy locks developers into using the National House Energy Rating Scheme (NatHERS) pathway to demonstrate energy efficiency requirements. It contends that this can come at the expense of net-zero homes, lifecycle assessments and low carbon building methods, as it favours buildings with a high thermal mass, such as those constructed of double brick or concrete. The submission also includes a copy of the Australian Building Codes Board Intergovernmental Agreement 2020, which agrees to take steps to ensure that all building design, construction and performance is consolidated within the National Construction Code.

The proposed changes to the policy would strengthen the existing policy requirement to design and construct a dwelling to a NatHERS star rating a minimum of one star in excess of the current energy efficiency requirement of the National Construction Code for class 1A buildings, by requiring the submission of the NatHERS assessment at the development application stage. While it is acknowledged that this would be embedded in a planning document and exceeds the current minimum energy efficiency requirement, it must be noted that a version of this provision has been in place since 2014 and is only used as a mechanism to unlock the higher density code, rather than a default increase to the base requirement. The provision is in essence a form of planning gain, ensuring that any new dwellings built to the higher density code achieve an energy efficiency rating in excess of the minimum standard; it is *not* a blanket requirement for all new dwellings in the City.

If it is the case that using solely the NatHERS pathway to demonstrate energy efficiency would be at the expense of net-zero homes, lifecycle assessments and low carbon building methods (a point of industry debate), it would be appropriate to permit other suitably certificated approaches that demonstrate comparable energy efficiency, through a report provided by a suitably qualified professional. It is therefore suggested that Part B, clause 1.1 should be revised to read as follows:

“The dwelling shall be designed and constructed to a Nationwide House Energy Rating Scheme (NatHERS) star rating a minimum of one star in excess of the current energy efficiency requirement of the National Construction Code for class 1A buildings, or an equivalent demonstrating comparable energy efficiency. The energy efficiency rating for the dwelling shall be certified by a suitably qualified and accredited energy assessor using accredited software and shall be provided at the development application stage;”

The approach reflects the more flexible / performance-based approach introduced into Local Planning Policy 2.13 – Sustainable Building Design Requirements when that was reviewed in 2019, noting that most dwelling applicants opt for the simpler NatHERs pathway.

All the key changes proposed are highlighted in red in Attachment 1.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The procedure for amending a local planning policy is provided for under Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

The amended local planning policy was advertised for public comment from 29 October to 22 November (25 days) in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3 – Community Consultation on Planning Proposals. One submission was received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION ITEM PC2201-10

Moved: Cr Bryn Jones

Seconded: Cr Geoff Graham

Council:

- 1. Note the submission received on proposed revisions to the City's Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule.**
- 2. In accordance with Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceed with adoption of Local Planning Policy 2.2 – Split Density Codes and Energy Efficiency and Sustainability Schedule, with modification as shown in Attachment 1.**

Carried: 7/0

**Mayor Hannah Fitzhardinge, Cr Bryn Jones, Cr Geoff Graham,
Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**

12. Reports and recommendations from officers

C2201-1 CEO PERFORMANCE REVIEW COMMITTEE REPORT

Meeting date:	1 December 2021
Responsible officer:	Organisational Development and Change Manager
Decision making authority:	Council
Attachment	<ol style="list-style-type: none">1. Confidential Attachment –CEO Performance Committee Minutes – 1 December 20212. Confidential Attachment –Quarterly KPI Progress Report by Acting CEO
Additional information:	Nil

SUMMARY

This report makes recommendation to Council from the Chief Executive Officers (CEO) Performance Committee in relation to the progress of performance monitoring undertaken by the committee.

This report recommends that Council:

- Receive the minutes of the CEO Performance Committee meeting held on 1 December 2021.
- Receive the Quarterly KPI progress report by Acting CEO which formed a part of the review.

BACKGROUND

The purpose of the Committee is to coordinate and undertake performance review of the CEO on behalf of Council, and report findings and recommendations to Council for consideration in accordance with the Local Government Act 1995.

The Committee is to provide advice and recommendations to the Audit and Risk Management Committee in relation to the following matters;

- Appointment of an independent facilitator to assist Committee to undertake the CEO performance review.
- Develop and review Key Performance Indicators to be achieved by the CEO.
- Annual review of the CEO's performance in accordance with the CEO's Key Performance Indicators.
- Quarterly informal review of the CEO's performance in accordance with the CEO's Key Performance Indicators.
- Review of the CEO's remuneration package.

The Acting CEO's KPIs as outlined in Report from Price Consulting Group were approved by Council on July 2021.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council

- 1. Receive the minutes of the CEO Performance Committee meeting held on 1 December 2021.**
- 2. Receive the Quarterly KPI progress report by Acting CEO which formed a part of the review.**

**C2201-2 RESPONSE TO PETITION – ADVOCACY REQUEST – COVID 19
VACCINATION MANDATE**

Meeting date: 19 January 2022
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil.
Additional information: Info sheet - Mandatory COVID 19 vaccination summary - November 2021

SUMMARY

The purpose of this report is to acknowledge receipt of a community petition presented at the Ordinary Council Meeting on 15 December 2021.

The petition called for the City to form an advocacy position and liaise with the State Government to request that it reconsider its position on COVID 19 Vaccination mandates in Western Australia.

This report recommends that Council does not support forming an advocacy position for this purpose.

BACKGROUND

Responsibility for public health in Australia primarily lies with the States and Territories. In the context of declared public health emergencies, authorities have some coercive powers, including the ability to impose vaccinations.

In Western Australia, COVID 19 vaccinations have been made compulsory, by the State Government, for about 75 per cent of the workforce to apply from 1 January 2022. In response, employers in Western Australia are required to implement the mandatory COVID 19 vaccination policy to ensure health and safety and respond to employee and community concerns.

At the Ordinary Council Meeting held on 15 December 2021 a petition was presented asking Council to advocate with the State Government to request that the Government reconsider its implementation of mandatory vaccination requirements, as follows:

“I present this petition to the City of Fremantle; we ask that the City ask the State Government to reconsider the mandate that is being put upon us.”

The Petition, which included 137 signatures, also made the following statement, above each signature panel:

“I as a Fremantle business owner am against the proposed vaccination mandates on small businesses for employers and employees.”

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Mandated COVID 19 vaccination in Western Australia is a State Government Policy. The City of Fremantle, as with all employers in the State of Western Australian, are obligated to implement the policy as directed. Financial penalties may apply for non-compliance.

CONSULTATION

Nil.

OFFICER COMMENT

While the City recognises and acknowledges the concerns raised by the signatories to this petition, it must also rely on the information provided by the State Government and Chief Medical Officer, specifically information relevant to the petitions request, namely that most hospitality workers understand the necessity for increased vaccination rates to allow the community to build the confidence that hospitality venues can be safely frequented.

“WA’s hospitality sector has been on the frontline when it comes to wearing the impact of COVID-19 since February 2020. In contrast to shutdowns and heavy restrictions, the widespread application of vaccines is our path out of this pandemic.

Whilst a small percentage of the WA community hold concerns about vaccinations, the overwhelming feedback from workers in hospitality understand that it is in our best interests to achieve 90 per cent vaccination rates as quickly as possible.

Most businesses are reporting to us that 95 to 100 per cent of their staff support vaccination.”

The City supports economic viability for the wider hospitality sector and the State Governments requirement for vaccinations, which provide confidence to people visiting the City that they can safely attend businesses, and also that mandatory vaccination is the pathway to the imminent reopening of our borders and the reduction of the need for any further shut down periods.

The State Government has also made the following information, in support of mandatory vaccination, available:

- Getting vaccinated for COVID-19 saves lives and means you’re significantly less likely to wind up in hospital it makes you less likely to catch the disease, and less likely to pass it onto others, especially if they themselves are vaccinated.
- When everyone in a venue or at a major event is vaccinated, it makes it safer for patrons and staff.

- People will be more confident, whether working a shift, or heading to a restaurant with friends, that they have a degree of protection because they are only mixing with vaccinated people.
- If people are vaccinated - it means the kind of public things they enjoy can keep happening safely.

A review of vaccination status for the district of Fremantle, as provided by Commonwealth Department of Health provides the following (as at 9/01/2022);

Western Australia

Data as at:
09 Jan. 2022

Australia's COVID-19
Vaccine Roadmap

State	Statistical Area 3	People aged 15 and over with at least one dose %	% People aged 15 and over fully vaccinated
Western Australia	Albany	>95%	87.2%
Western Australia	Armadale	>95%	87.5%
Western Australia	Augusta - Margaret River - Busselton	>95%	91.0%
Western Australia	Bayswater - Bassendean	93.1%	86.4%
Western Australia	Belmont - Victoria Park	89.8%	83.2%
Western Australia	Bunbury	>95%	90.4%
Western Australia	Canning	>95%	93.7%
Western Australia	Cockburn	94.9%	87.8%
Western Australia	Cottesloe - Claremont	>95%	94.0%
Western Australia	East Pilbara	62.5%	55.6%
Western Australia	Esperance	92.8%	85.9%
Western Australia	Fremantle	>95%	92.2%
Western Australia	Gascoyne	83.1%	75.1%
Western Australia	Goldfields	84.7%	76.9%
Western Australia	Gosnells	94.8%	86.9%
Western Australia	Joondalup	>95%	93.9%
Western Australia	Kalamunda	>95%	89.1%
Western Australia	Kimberley	79.5%	69.9%
Western Australia	Kwinana	91.7%	83.1%
Western Australia	Mandurah	>95%	91.9%
Western Australia	Manjimup	>95%	90.2%
Western Australia	Melville	>95%	94.1%
Western Australia	Mid West	>95%	87.7%
Western Australia	Mundaring	>95%	88.0%
Western Australia	Perth City	94.9%	89.7%
Western Australia	Rockingham	93.3%	85.6%
Western Australia	Serpentine - Jarrahdale	89.7%	81.5%
Western Australia	South Perth	88.8%	84.6%
Western Australia	Stirling	93.4%	87.0%
Western Australia	Swan	>95%	88.1%
Western Australia	Wanneroo	92.9%	84.5%
Western Australia	West Pilbara	59.5%	53.9%
Western Australia	Wheat Belt - North	91.5%	83.8%
Western Australia	Wheat Belt - South	93.5%	86.8%

The Fremantle community is currently 92.2% double dose vaccinated and >95% single dose vaccinated. From these figures it can be assumed the great majority of our community accept the need to vaccinate and have themselves followed the government directive. These statistics suggest that the Fremantle community would unlikely support the premise of the petition.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council does not support the request from the petition received at the Ordinary Council meeting held on 15 December 2021, seeking an advocacy position being made against the State Government's mandatory vaccination policy.

**C2201-3 CITY OF FREMANTLE PARKING LOCAL LAW 2021 – ADOPTION OF
ADDITIONAL UNDERTAKINGS**

Meeting date: 19 January 2022
Responsible officer: A/Director City Business
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to present additional undertakings for the City of Fremantle Parking Local Law 2021 recommended by the Joint Standing Committee on Delegated Legislation (JSCDL) for consideration.

This report recommends that Council adopt the additional undertakings to be presented to the JSCDL.

BACKGROUND

Council at its meeting held Wednesday, 28 July 2021, adopted the City of Fremantle Parking Local Law 2021. As required under the *Local Government Act 1995* (the Act), the local law was published in the WA Government Gazette on 6 September 2021 (issue No. 155) and commenced 14 days following the gazettal date, being 20 November 2021.

A copy of the local law was provided to the JSCDL for consideration and the outcome of their review resulted in various undertakings to be consider by Council for adoption. As recommended, the following undertakings were adopted by Council on 24 November 2021:

Council:

1. *Receive the advice provided by the Joint Standing Committee on Delegated Legislation in relation to the City of Fremantle Parking Local Law 2021, as provided in Attachment 1 (under confidential cover).*
2. *Resolve to adopt undertakings from the Joint Standing Committee on Delegated Legislation that the City will:*
 - 2.1 *Within 6 months, amend the City of Fremantle Parking Local Law 2021 to:*
 - a. *correct the typographical error in clause 1.1*
 - b. *correct the typographical errors in clause 1.5*
 - c. *delete the unnecessary definitions in clause 1.5*
 - d. *correct the incorrect clause references in clause 1.5*
 - e. *amend the definitions of ‘ticket issuing device’ and ‘ticket issuing machine’ in clause 1.5*
 - f. *correct the typographical error in clause 2.3(1)(c)*
 - g. *correct the typographical error in clause 2.5(2)(c)*
 - h. *amend clause 3.11*
 - i. *amend 4.13*

- j. correct the typographical error in clause 5.8*
- k. correct the formatting errors in clauses 5.18-5.20*
- l. amend clause 6.2 to replace the words 'local government' with 'Council'*
- m. correct the typographical error in clause 6.2(a)*
- n. amend the incorrect clause reference in clause 6.14*
- o. insert a full stop at the end of clause 6.15(2)*
- p. insert a definition of 'valve stem reading' for the purposes of clause 7.1(1)(b)*
- q. make all necessary consequential amendments.*

2.2 Until the local law is amended in accordance with undertaking 2.1:

- a. not enforce the local law in a manner contrary to undertaking 2.1;*
- b. any consequential amendments arising from undertaking 2.1 will be made; and*
- c. where the local law is made publicly available, whether in hard copy or electronic form, (including on the City's website), ensure that it is accompanied by a copy of these undertakings.*

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The process for making a Local Government local law, is set out in section 3.12 of the *Local Government Act 1995* (the Act) and the following sections of the Act set out the requirements following adoption of the local law, as summarised below.

3.12(5)	New local law to be published in the Gazette
3.12(6)	Local public notice to be given of the new local law and commencement date
3.12(7)	Explanatory memoranda to be submitted
3.14	Commencement of local law (14 days after the Gazetted date)
3.17	Review by Government (Joint Standing Committee on Delegated Legislation).

CONSULTATION

Nil

OFFICER COMMENT

The undertakings adopted by Council on 24 November 2021 were sent to the JSCDL following the Council meeting and the City have been advised by the Committee Clerk, that additional undertakings should be adopted in regard to information on public access to the Australian Standard 1742.11-2016, as referenced in the definition of 'symbol' in clause 1.5.

Due to copyright laws and significant costs involved making the Australian Standards available for public viewing, it is recommended that the definition of 'symbol' outlined in clause 1.5 be removed. As the term 'symbol' is considered a commonly used term, it is not specifically required to be defined in local law, therefore, removal of this definition will have no significant impact on the local law.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Resolve to adopt an additional undertaking for the City of Fremantle Parking Local Law 2021 that the City will:
 - a. Within 6 months, amend the City of Fremantle Parking Local Law 2021 to remove the definition of 'symbol' in clause 1.5 and reference to 'Australian Standard 1742.11-2016'.****
- 2. Note that until the local law is amended, a copy of the Australian Standard 1742.11-2016 will be made available to view (on request) at the City of Fremantle administration office at the Walyalup Civic Centre.**
- 3. Note that where the local law is made publicly available, whether in hard copy or electronic form, (including on the City's website), the City will ensure that it is accompanied by a copy of the undertakings adopted by Council.**

C2201-4 MONTHLY FINANCIAL REPORT - DECEMBER 2021

Meeting date: 19 January 2022
Responsible officer: A/Manager Finance
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 31 December 2021
Additional information: Nil

SUMMARY

The monthly financial report for the period ending 31 December 2021 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

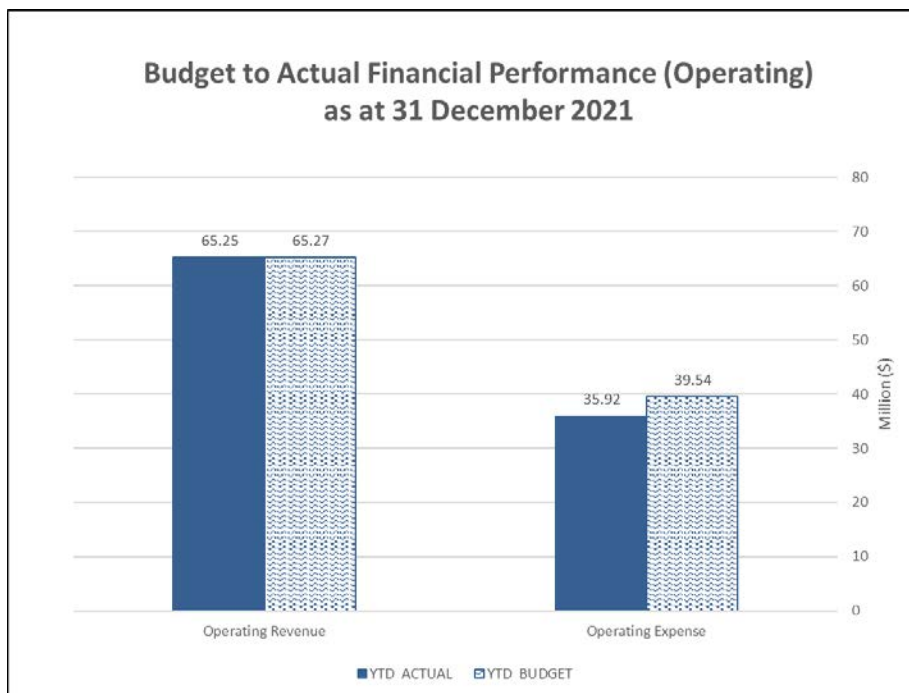
This report provides an analysis of financial performance for December 2021 based on the following statements:

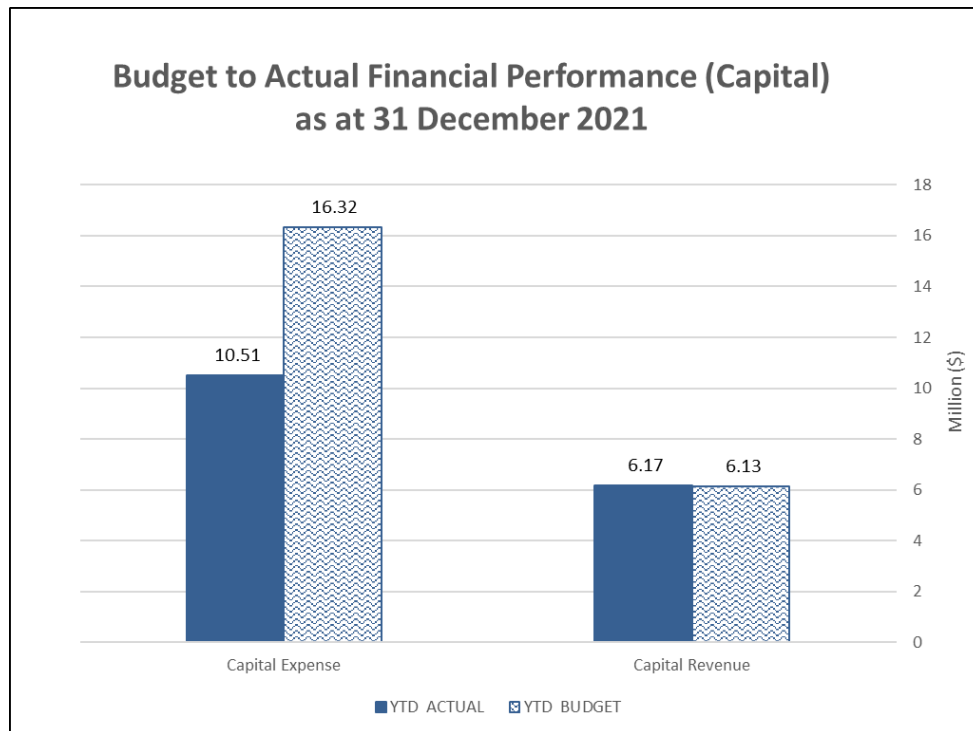
- Statement of Comprehensive Income by Nature & Type and by Program;
- Rate Setting Statement by Nature & Type and by Directorate; and
- Statement of Financial Position with Net Current Assets.

The budget figures in this report represent the Amended Budget. Further, this financial report for the period ending 31 December 2021 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums.

BACKGROUND

The following graph and table provide a high-level summary of the Council’s year to date financial performance as at 31 December 2021.





RATE SETTING STATEMENT BY NATURE AND TYPE - FOR THE PERIOD ENDED 31 DECEMBER 2021

Description	Amended YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance %
Opening Surplus	3.72	11.25	7.52	201.99%
OPERATING				
Rate Revenue	50.21	49.98	(0.23)	(0.46%)
Revenue	15.06	15.27	0.21	1.36%
Expenses	(39.54)	(35.92)	3.62	9.15%
Non-Cash Adj.	4.90	4.91	0.01	(0.96%)
	30.63	34.24	3.61	11.79%
INVESTING				
Capital Revenue	6.13	6.17	0.04	0.72%
Capital Expenses	(16.32)	(10.51)	5.81	35.60%
FINANCING				
Repayment Loans & Leases	(1.00)	(1.30)	(0.30)	29.17%
Reserve Transfers	10.36	7.78	(2.58)	(24.93%)
Total of Investing and Financing activities	(0.83)	2.14	2.97	(357.83%)
Closing Surplus	33.52	47.63	14.10	42.05%

STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE - FOR THE PERIOD ENDED 31 DECEMBER 2021

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Amended Budget as follows:

Income	YTD Amended Budget \$M	YTD Actual \$	Variance \$	Variance %
Revenue				
Rates (including Annual Levy)	50,385,257	50,153,662	(231,595)	(0.46%)
Service Charges	7,192	8,804	1,612	22.41%
Operating Grants, Subsidies & Contributions	2,443,067	2,185,808	(257,259)	(10.53%)
Fees and Charges	11,219,877	11,630,677	410,800	3.66%
Interest Earnings	512,063	494,877	(17,186)	(3.36%)
Reimbursement Income	499,189	536,010	36,821	7.38%
Other Income	205,906	236,007	30,101	14.62%
Total Operating Income	65,272,551	65,245,845	(26,706)	(0.04%)
Expenses				
Expenses	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
Expenses				
Employee Costs	(19,473,228)	(18,098,117)	1,375,111	7.06%
Employee costs - Agency Labour	(168,975)	(801,173)	(632,198)	(374.14%)
Materials and Contracts	(12,047,721)	(9,733,459)	2,314,262	19.21%
Depreciation on Non-Current Assets	(4,900,794)	(4,853,953)	46,841	0.96%
Interest Expenses	(66,343)	(287,841)	(221,498)	(333.87%)
Utility Charges (gas, electricity, water)	(846,972)	(758,157)	88,815	10.49%
Insurance Expenses	(990,261)	(451,083)	539,178	54.45%
Other Expenditure	(1,043,767)	(936,539)	107,228	10.27%
Total Operating Expenses	(39,538,061)	(35,920,322)	3,617,739	9.15%

Further explanation of material variances, excluding rates income and employee variances, is included under officers' comments.

FINANCIAL IMPLICATIONS

This report is provided to enable Council to assess how revenue and expenditure are tracked against the budget. It is also provided to identify any budget issues which the Council should be informed of.

LEGAL IMPLICATIONS

Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement along with an explanation of any material variances to be prepared and presented to an ordinary meeting of the council.

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 31 December 2021 resulted in an additional \$14,098,646 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

Increase in anticipated year to date position

- Increased carry forward funds from FY20/21 of \$7,522,387. This reported opening position is a draft position as presented at the time of preparation of this report and is subject to change on account of the end of year closing journals, accruals etc. A final opening position figure for FY21/22 will be determined upon completion of the City's external audit and reported in the mid-year budget review report to Council;
- Reduced operating expenditure of \$3.62m to YTD budget;
- Reduced capital expenditure of \$5.8m to YTD budget;
- Increase in fees and charges revenue \$410k to YTD budget.

Partially offset by:

Reduction in anticipated year to date position


- Reduction in transfer from Reserves (Capital) of \$2.6m to YTD budget.



Explanation of Material Variances




In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in FY2021/22 for reporting material variances as 10% or \$100,000, whichever is greater (Item C2106-1 refers Council meeting on 23 June 2021).




The material variance thresholds are adopted annually by Council and indicate whether actual expenditure or revenue varies materially from the year to date budget. The following is an explanation of significant operating and capital variances to budget as identified in the Rate Setting Statement by Nature and Type.




The below comments are to be read in conjunction with the Rate Setting Statement in the attached Financial Report:

Description	Variance Amount	Comment
Net current assets at the start of the financial year	7,522,387	
Major Variances:		
Fees and Charges	2,425,327	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Art centre memberships & commissions +\$516k ▪ Car park fees +\$369k ▪ Fremantle Leisure Centre +\$600k ▪ Health licences +\$164k ▪ Property leases +\$712k ▪ Statutory planning fees +\$141k
Other Revenue	4,210,886	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Recovery of Pindan bonds +\$3.67m ▪ Containers for Change income +\$378k not included in the original budget (income associated with this initiative is offset by operational costs).
Expenditure from Operating Activities	858,693	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Employee cost savings.
Capital Grants and Subsidies/Contributions for the development of Assets	(3,311,150)	Accounting variance - grant funds are recorded in accordance with accounting standard AASB 15 Revenue from Contracts with Customers. Under this standard, income is only recognised when contract performance obligations are fulfilled. The reduction in capital grants shown here is offset by reduced capital expenditure on grant funded projects.
Proceeds from Disposal of Assets	(4,964,010)	Variance - due to disposal of Quarry Street not realised in FY20/21 (\$5m). Variance to budget impacted favourably by: <ul style="list-style-type: none"> ▪ Proceeds on disposal of Road Sweeper variance to budget \$20k (\$80k budget v. \$100k actual). ▪ Disposal of Iveco Compactor \$16k, not included in FY20/21 original budget.
Capital Expenditure	6,298,827	Variance - attributed primarily to the following projects: <ul style="list-style-type: none"> ▪ Underspend on Walyalup Koort capital works due to builder liquidation & project delays (\$3.2m); ▪ Fremantle Golf Course project timing variance (\$3.6m); ▪ Fremantle Park Carpark (\$450k); ▪ Arthur Head Wall stabilisation (\$525k); and ▪ Infrastructure Recovery project (\$465k).
Reserve Transfers To - Capital	5,772,519	Variance - attributed to: <ul style="list-style-type: none"> ▪ Disposal of Quarry street was not realised in

Description	Variance Amount	Comment
		FY20/21 and therefore no transfer of funds to reserve as originally budgeted. <ul style="list-style-type: none"> Transfer of \$710k of funds from Trust bank account to Public Open Space Reserve in accordance with revised accounting standards.
Reserve Transfers From - Capital	(2,902,303)	Variance - primarily attributed to an underspend on Walyalup Koort capital works in FY20/21 due to builder liquidation & project delays. Funding of the project from the Investment Reserve did not occur to the level originally budgeted.
General Rates Income	1,186,799	Favourable variance - variance related to FY20/21 Interim rate income budget \$200k v. \$1.4m actual.
Operating Grants, Subsidies and Contribution	(257,259)	 (10.53%)
Major Variances:		
Provide legal aid - vulnerable women	97,359	The city received additional grant funding to deliver legal services for vulnerable women.
Monitor city insurances (excluding workers compensation)	(80,100)	Incorrect budget phasing due to recognition criteria for expenses - Budget to be adjusted at mid year review.
Operate Fremantle arts centre	(107,965)	Timing variance - Delay in receipt of funds. Funds are expected to be received in January 2022.
Coordinate arts centre exhibitions	(197,775)	
Materials and Contracts	2,314,262	 19.21%
Major Variances:		
Collection & Disposal - Domestic - FOGO	240,362	Timing variance – delay in receipt of supplier invoices (Apprx. a two months delay).
Maintain business systems - Other	163,898	Budgeting variance - budget phasing to be adjusted.
Collection & Disposal – Domestic – Residual Waste	155,627	Timing variance – delay in receipt of supplier invoices (Apprx. a two months delay).
Maintain Sports Grounds	127,512	Timing variance – works commenced later than budgeted, budget to be fully utilised in the financial year.
Maintain PC's tablets printers and accessories	108,510	Timing variance – due to delay in equipment delivery.
Operate Fremantle arts centre	105,460	Timing variance – Concerts are scheduled to be held from Jan – May 2022.
Conduct Street art festival	96,379	Timing variance – budget phasing to be adjusted.
Maintain trees – road reserves and car parks	95,957	Timing variance – delay in invoicing, budget expected to be fully utilised in the financial year.
Maintain fixed and wireless network infrastructure	90,953	Timing variance – budget phasing to be adjusted.

Description	Variance Amount	Comment
Domestic – collect & dispose - recycled waste	88,021	Recycling fees charged by SMRC are variable and subject to change quarterly dependent upon the ability to sell the resources. Fees were favourable from Sep - Nov with a reduction of \$20 per tonne.
Conduct South lawn events	81,469	Timing variance – delayed due to COVID restrictions. Budget expected to be utilised in Jan - May 2022.
P-11830 Program – Biennale festival	78,182	Budget to be adjusted as the amount was budgeted under an incorrect GL code.
Maintain Soft Landscaping – Recreation Reserves	72,278	Timing variance – work commenced later than expected, budget to be fully utilised in the financial year.
Maintain corporate GIS system	70,628	Timing variance – annual ESRI GIS software Licence to be paid in the following month.
Sweep suburbs and dispose of tailings	69,977	Accounting variance – required journals will be prepared to transfer the cost to the correct GL.
P-10962 Relocation - Council Administration	69,618	Timing variance – budget to be utilised in the financial year.
Maintain Medians, Verges and Street Gardens	62,471	Timing variance – work commenced later than expected, budget to be fully utilised in the financial year.
Operate car park 31 Fishing Boat Harbour Fremantle	61,929	Timing variance – delayed receipt of rent expense for the car park. Budget is expected to be fully utilised in the financial year.
Maintain Irrigation - Recreation Reserves	61,593	Timing variance – delay in receiving invoices, budget to be fully utilised in the financial year.
Maintain major plant & heavy vehicles - allocated	(31,596)	Accounting variance – required journals will be prepared to correct the Plant Overhead Allocation.
Interest payment Loan 307 Civic & Library Building	(57,235)	Timing variance – budget phasing to be adjusted to reflect accrual based accounting.
Maintain footpaths	(58,948)	Overspent due to an increase in the number of priority maintenance repairs.
Conduct Fremantle festival	(67,139)	Timing variance – budget phasing to be adjusted .
P-10118 Contribution - WAEC elections	(118,638)	Timing variance – Election expenses were incurred earlier than budgeted.
Interest Expenses	(221,498)	 (333.87%)
Interest payment Loan 307 Civic & Library Building	(184,809)	Timing variance – budget phasing to be adjusted to reflect accrual-based accounting.
Insurance Expenses	539,178	 54.45%
Major Variances:		
Monitor city insurances (excluding workers compensation)	322,329	Variance is mainly due to insurance expense being recognised on an accrual basis whereas the budget was prepared on a cash basis.
Maintain Walyalup Civic Centre	40,000	Insurance will be adjusted upon completion of the WCC project.
Other Expenses	107,228	 10.27%

Description	Variance Amount	Comment
Major Variances:		
Support CAT bus service	65,275	Timing variance – delay in receiving invoices.
Support South Fremantle Football Club	50,000	Timing variance – payments are to be released upon management’s approval.
Support the mayor and councillors	46,114	Saving is due to the Mayoral position being vacant in the first quarter of the financial year. The budget will be amended at MYR, if required.
Lead community development directorate	40,850	Budget duplicated - to be adjusted at mid year review.
P-11960 Contribution-Sculpture at Bathers Beach	40,000	Timing variance – budget to be utilised from January.
P-11830 Program - Biennale festival	(78,182)	The budget is reflected under the incorrect GL code and it will be adjusted in the mid year review.
Contribute to the operations of Regional Resource Recovery C	(106,229)	Timing variance – budget phasing to be adjusted
Capital Expense Purchase – Community Land & Buildings	3,551,999	 29.09%
Major Variances:		
P-11843 Design and construct- Markets Building Services	2,270,133	Timing variance – project commencement is delayed. Budget phasing to be adjusted.
P-11829 Design and construct-Kings Square Commercial tenancy	399,194	Timing variance – due to delays with the construction of the WCC. To be spent on commercial & visitor centre fit-outs.
P-10297 Construct-Walyalup Civic Centre and Library (KS)	387,692	Timing variance – budget to be utilised in the financial year.
P-10260 Program - Arthur Head - Wall stabilisation	326,300	Timing variance - project delayed due to material shortages and delays in delivery of materials.
P- 10898 Relocation – AV Equipment & Installation (KS)	291,167	Timing variance – installation is rescheduled to align with the completion of the WCC.
P-11882 Design and construct - Fremantle Golf Course	(222,959)	Timing variance - YTD actual expenditure was higher than budgeted however, the full year budget is to be utilised.
Capital Expense Purchase – Infrastructure Roads	278,513	 44.14%
Major Variances:		
P-11915 Road safety - South Tce - Node 2	234,411	Timing variance – Project work has commenced and it is expected to be completed in March 2022.
P-12059 Road safety - Marine Tce - Intersection	30,000	The project has not yet commenced. Budget to be utilised in this FY.
P-12003 Resurface - MRRG - McCombe Ave (NB&SM)	(122,859)	Timing variance – Project works started earlier than anticipated. Budget to be utilised in full by May 2022.
Capital Expense Purchase – Infrastructure Parks	1,313,889	 58.30%

Description	Variance Amount	Comment
Major Variances:		
P-10295 Design and construct-Kings Square Public Realm Newman	693,174	Timing variance – delay in receiving invoices. Works have been commenced as planned. Budget to be utilised in full in the financial year.
P-11819 Design and construct - Dick Lawrence - Playspace	155,541	
P-10077 Program-Parks-Infrastructure	76,238	Timing variance – delayed in commencing the project. Budget to be utilised in full in the financial year.
P-11912 Design and construct - Coral Park Irrigation Upgrade	75,040	
Program- Infrastructure Recovery	72,573	Budget being reallocated to other projects through budget adjustments in the following months.
Capital Expense Purchase – Infrastructure Other	429,391	 68.56%
Major Variances:		
P-11823 Design and construct-Port Beach coastal adaptation	176,022	Timing variance – delay in receiving invoices. Budget to be utilised in full.
P-12057 Contribution - Westgate Mall courtyard	120,000	The project is behind the schedule due to delays with York Property Group Development.
P11983 - Design and Construct - Leighton Beach Access	42,593	Timing variance – work has commenced, and the budget will be utilised in the next quarter.
Capital Expense Purchase – Furniture & Fittings	115,070	 100%
Major Variances:		
P-11077 Install-Kings Square Network infrastructure Queensgate	34,638	Timing variance – Awaiting the completion of public realm works.
P-10897 Purchase-Wi-Fi network infrastructure	32,032	
Reserve Transfers	(2,583,335)	 (24.93%)
Transfer from Reserve (Restricted) - Capital	2,520,237	Recovery of insurance bonds from builder post liquidation to be transferred to Reserve.

Progress on some capital works projects has begun to slow as the City begins to experience supply chain delays in relation to materials as a consequence of COVID-19. Officers continue to monitor for any issues that may result in delayed delivery and for any potential carry forwards to 2022-23. Capital revenue has been largely unaffected however it is anticipated that reserve fund transfers may not occur in 2021-22 as had been forecasted. Transfers will continue to be processed as costs are realised.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receives the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 31 December 2021.

C2201-5 STATEMENT OF INVESTMENTS – DECEMBER 2021

Meeting date: 19 January 2022
Responsible officer: A/Manager Finance
Decision making authority: Council
Attachments: 1. Investment Report – 31 December 2021
Additional information: Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 December 2021 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 31 December 2021, as provided in Attachment 1.

The investment report provides a snapshot of the City’s investment portfolio and includes:

- **Portfolio details as at December 2021;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month;**
- **Investing activities for the month;**

BACKGROUND

In accordance with the Investment Policy adopted by Council, the City of Fremantle (the City) invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds in appropriately rated and liquid investments, until such time as the City requires the money for expenditure.

The City has committed to carbon neutrality and to this end seeks to ensure its financial investments consider the reduction of fossil fuels and our One Planet Fremantle Strategy.

To this end the City will review and manage its investment portfolio to identify financial institutions which support either direct or indirect support of fossil fuel companies and has limited these investments in these institutions to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date, actual investment interest earned is \$104,009.35 against a year-to-date budget of \$109,604.00 and a full year adopted budget of \$200,000.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.42% for the month of 31 December 2021. The City's actual portfolio return in the last 12 months is 0.35%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.03% (refer Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards which are overviewed by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 December 2021 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 31 December 2021

At period end, the City's investment portfolio totalled \$52.33m. The market value was \$52.38m, which takes into account accrued interest.

The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$ 9.83m
Term Deposits (> 3 months)	\$42.50m
TOTAL	\$52.33m

Of which:

Unrestricted cash	\$47.47m
Restricted cash (Reserve Funds)	\$ 4.85m
TOTAL	\$52.33m

The current amount of \$47.47m held as unrestricted cash represents 61.0% of the total adopted budget for operating revenue (\$77.76m)

2. Portfolio counterparty credit framework (as at 31 December 2021)

The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020. The recently adopted counterparty credit framework is as below.

Counterparty credit framework

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

The following graphs provide details of the funds invested at the end of this month as per the City's investment portfolio relative to the threshold allowed by the investment policy.

Portfolio Credit Framework Limits As At 31 December 2021

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	5,783,699.00	11.05%	100.00%	11.05%	88.95%	0.00%
Tier 2	29,041,703.68	55.50%	60.00%	92.50%	7.50%	0.00%
Tier 3	17,500,000.00	33.44%	35.00%	95.54%	4.46%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
	52,325,402.68					

Values used in the above calculations exclude interest for term deposits and other simple interest securities



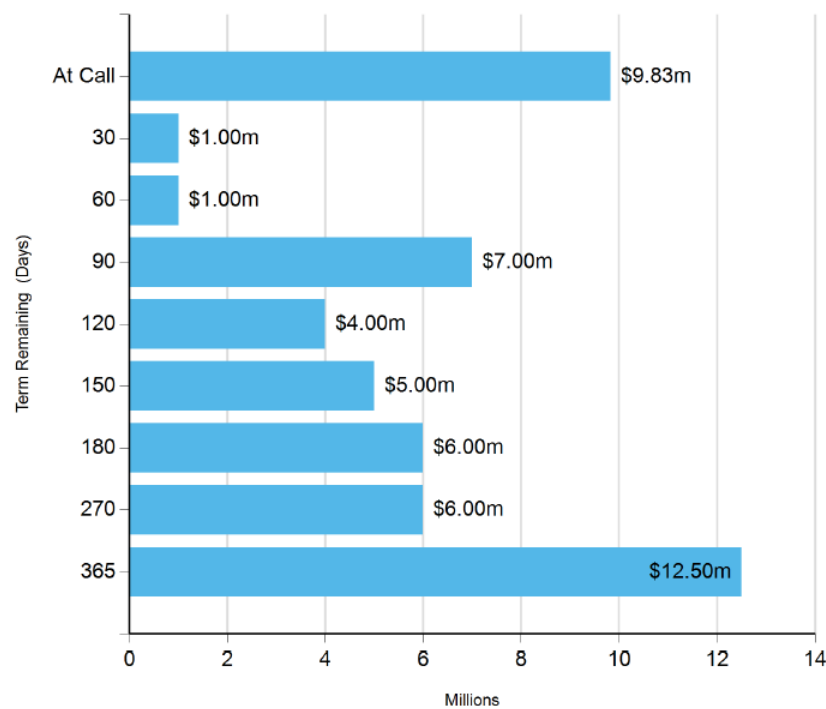
As reported in the above graphs at 31 December 2021, the portfolio was compliant with the issuer trading limit (Attachment 1).

3. Portfolio Liquidity Indicator (as at 31 December 2021)

The below graph provides details on the maturity timing of the City’s investment portfolio. Currently, all investments will mature in one year or less.

Investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.

Face Value by Term Remaining

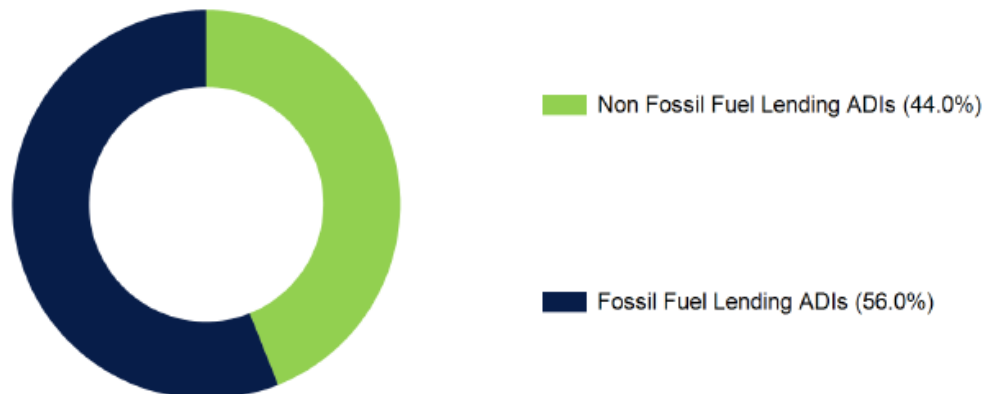


4. Portfolio Summary by Fossil Fuels Lending ADIs (as at 31 December 2021)

At the end of this month, \$23m (44.0%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel lending ADI’s).

In order to address the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to tier 3 and tier 4 categories to allow some greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase in the percentage invested in “Green Investments”. However, it has been challenging for the City to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits.

**Fossil Fuel vs
Non Fossil Fuel
Lending ADI**



5. Interest Income for Matured Investments (For 1 December 2021 to 31 December 2021)

During the month of December 2021 interest income earned from matured investments was \$13,739.04 (refer Attachment 1 point 9).

6. Investing Activities (For 1 December 2021 to 30 December 2021)

During the month of December 2021, one (01) term deposit investment was renewed for a total of \$0.5m.

Full details of the institution invested in, interest rate, number of days and maturity date are provided in the attached report (Attachment 1).

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receives the Investment Report for the month ending 31 December 2021, as provided in Attachment 1.

C2201-6 SCHEDULE OF PAYMENTS DECEMBER 2021

Meeting date: 19 January 2022
Responsible officer: A/Manager Finance
Decision making authority: Council
Attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically

Additional information: Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending December 2021, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of December 2021, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$13,083,272,75 in payments were made this month from the City's municipal and trust fund accounts

LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*

- (iii) *sufficient information to identify the transaction; and*
- (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending December 2021 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$10,326,070.27
Purchase card transactions	\$ 57,691.58
Salary / Wages / Superannuation	\$ 2,699,510.90
Other payments (<i>as outlined in Attachment 1</i>)	Nil
Total	\$13,083,272.75

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending December 2021.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$13,083,272,75 for the month ending December 2021, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending December 2021, as contained within Attachment 2.**

13. Motions of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

14. Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

15. Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

16. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

C2201-7 CODE OF CONDUCT - DIVISION 3 COMPLAINT INVESTIGATION 01/2021

Meeting date: 19 January 2022
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Investigation Report
Additional information: Nil

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- the personal affairs of a person.

C2201-8 CODE OF CONDUCT - DIVISION 3 COMPLAINT INVESTIGATION 02 - 2021

Meeting date: 19 January 2022
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Investigators Report
Additional information: Nil

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- the personal affairs of a person.

17. Closure