

Agenda

Ordinary Meeting of Council

Wednesday, 24 November 2021, 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, 24 November 2021** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in blue ink, appearing to read 'Glen Dougall', enclosed within a large, loopy oval shape.

Glen Dougall
A/Chief Executive Officer

19 November 2021

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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 djinang 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

[Insert any known apologies or previously approved leaves of absence OR]
There are no previously received apologies or approved leave of absence.

3. Applications for leave of absence

Mayor, Hannah Fitzhardinge requests a leave of absence from 24 December 2021 to 8 January 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

There are no responses to public questions taken on notice at a previous meeting.

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 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.

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 27 October 2021.

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 3 November 2021.

Nil

11.2 Finance, Policy, Operations and Legislation Committee 10 October 2021.

FPOL2111-6 BUDGET AMENDMENTS - OCTOBER 2021

Meeting date: 10 November 2021
Responsible officer: Acting Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2021/22 budget account numbers as detailed below in accordance with the Budget Management Policy.

This report recommends that Council approves the required budget amendments to the adopted budget for 2021/22 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy, this report provides details of proposed amendments to the 2021/22 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

1. Consider an additional purpose or grant acceptance or release of quarantined funds.
2. Reflect any expenditure above the budget amount agreed by the CEO in the previous month and adjust other accounts to accommodate the value of these.
3. Make amendments to the carried forward budget to reflect the final position at the end of the financial year.

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

The Council is required to prepare and adopt, by Absolute Majority, an annual budget for its municipal fund by 31st August each year.

Section 6.8 (1) and (2)

The Council cannot incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in the annual budget (known as an 'additional purpose') except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government.
- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the mayor or president in an emergency.

Where expenditure has been incurred.

(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and

(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council.

Local Government (Financial Management) Regulations 1996:

Regulation 33A

A formal review of the annual budget is to be presented and adopted by Council, by Absolute Majority, between 1st January and 31st March each year.

CONSULTATION

There are no community engagement implications as a result of this report.

OFFICER COMMENT

The following amendments are proposed to be made to the adopted/revised budget for 2021-22.

1. Budget amendments for proposed expenditure for an additional purpose or release of quarantined funds.

The proposed budget amendments below are for expenditure for an additional purpose to be determined by the Council as required by S6.8 (1) (b) of the Act. The decision will amend the budget by creating a new budget account number to accommodate that proposed expenditure, and by transferring the required funds from one or more existing accounts to the new account.

Item	Account #	Account Details	2021/22 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	
1.1	Demolition of Stevens Scoreboard - Item not included in the adopted budget due to an oversight. Funds to be released from the infrastructure recovery budget to carry out these works.					
Exp	300170.1606	Program-Infrastructure Recovery	(227,126)		10,000	(217,126)
Exp	300xxx.1606	Demolish - Stevens Reserve Scoreboard			(10,000)	(10,000)

1.2	Additional grant funding to be received from the Department of Justice to respond to increased demand for services arising from the Covid19 pandemic and provide assistance for vulnerable women resulting from a variation to the 2021/22 funding agreement of the Fremantle Community Legal Centre. Additional funds to contribute towards staff and administration costs.					
Inc	100447.4320	Provide legal aid – family relationships	89,481	47,745		137,226
Exp	100447.xxxx		(158,182)		(47,745)	(205,927)
Inc	100550.4320	Provide Legal aid – Vulnerable Women		111,670		111,670
Exp	100550.6823				(111,670)	(111,670)

2. Budget amendments for proposed expenditure for a purpose identified within the budget for which there are insufficient funds allocated.

Chief Executive Officer (CEO) has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there are insufficient funds allocated, where:

- The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount; and
- There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

The budget amendments below are to reflect any expenditure above the budget amount agreed by the CEO during the previous month, and to adjust other accounts to accommodate the value of those.

Item	Account Details	Account #	2021/22 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	
2.1	Increase the scope of the Leisure Centre Shade Sail project to include additional works to upgrade the lighting around the 50m pool. The existing lighting was mounted on structurally unsound poles. New lighting that meets current standards is required to operate the 50m pool late in the day. Additional works to be funded from savings identified from other capital projects related to Leisure Centre.					
Exp	300189.1606	P-11965 Purchase - Leisure Centre - Disinfectant System	(50,000)		19,000	(31,000)
Exp	300193.1606	P-11968 Purchase - Leisure Centre - Pool blankets	(94,000)		30,000	(64,000)
Exp	300203.1606	P-11982 Design and construct - Arts Centre - Sewer	(70,000)		16,000	(54,000)

Item	Account Details	Account #	2021/22 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	
Exp	300260.1606	P-12045 Design and construct - Leisure Centre - Shade sail	(150,000)		(65,000)	(215,000)

3. Carried forward projects estimate budget amendments.

The proposed budget amendments to the FY 2021/22 budget as shown below, are related to prior year capital projects not completed as anticipated.

Item	Account Details	Account #	2021/22 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Amended Budget
				Income	(Expenditure)	
3.1	The Revealed Exhibition: New & Emerging WA Aboriginal Artists, is delivered by the Fremantle Arts Centre by way of a fully funded State Government grant. It is proposed that commission earned during the 2021/22 financial year by the FAC from the sale of Aboriginal artworks be reinvested into the welfare of Aboriginal Artists.					
Exp	100415.6822	Coordinate arts centre exhibitions - contract expense Artists	(71,400)		(35,000)	(106,400)
Inc	100415.4431	Coordinate arts centre exhibitions - Commission Earned		35,000		35,000

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2111-6
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

Council approves the required budget amendments to the adopted budget for 2021/22 as outlined below:

Item	Account #	Account Details	2021/22 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Amended Budget
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Exp	100447.xxxx		(158,182)		(47,745)	(205,927)
Inc	100550.4320	Provide Legal aid – Vulnerable Women		111,670		111,670
Exp	100550.6823				(111,670)	(111,670)

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Inc	100415.4431	Coordinate arts centre exhibitions - Commission Earned		35,000		35,000

**Carried: 6/1
For**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda**

**Against
Cr Marija Vujcic**

Additional Officers Comment

The following budget amendment has been withdrawn and will be reconsidered following development of a Fremantle Arts Centre Commission Policy for Council consideration.

3. Carried forward projects estimate budget amendments.

The proposed budget amendments to the FY 2021/22 budget as shown below, are related to prior year capital projects not completed as anticipated.

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Inc	100415.4431	Coordinate arts centre exhibitions - Commission Earned		35,000		35,000

AMENDED OFFICERS RECOMMENDATION

Council approves the required budget amendments to the adopted budget for 2021/22 as outlined below:

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Exp	100447.xxxx		(158,182)		(47,745)	(205,927)
Inc	100550.4320	Provide Legal aid –		111,670		111,670
Exp	100550.6823	Vulnerable Women			(111,670)	(111,670)

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Exp	100415.6822	Coordinate arts centre exhibitions—contract expense—Artists	(71,400)	-	(35,000)	(106,400)
Inc	100415.4431	Coordinate arts centre exhibitions—Commission Earned	-	35,000	-	35,000

FPOL2111-7 VENUE SUPPORT – ON MY FEET SUBSIDY REQUEST

Meeting date: 10 November 2021
Responsible officer: Manager Community Development
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to seek Council's approval to waive all fees associated with the ongoing hire of Princess May Park as requested by the not-for-profit organisation, On My Feet.

This report recommends that Council waive all fees associated with the hire of Princess May Park by On My Feet for bookings from 18 November 2021 to 29 December 2022.

BACKGROUND

The Grants and Sponsorships Policy adopted by Council on 12 May 2021, provides a consolidated approach to the management of financial assistance requests across the City's multiple funding streams. Funding requests that sit outside the policy scope, are to be submit to Council for assessment and approval consideration.

The not-for-profit organisation, On My Feet are seeking 100% subsidy for the hire of Princess May Park for their Exercise Group Program. The booking request is for use of the park weekly for two hours per Thursday morning (7- 9am) until the end of 2022. As per the Venue Support grants community organisations are only eligible to apply for in-kind support of up to 50% for the cost of hire.

The On My Feet program is targeted at people experiencing and at risk of homelessness. Aiming to increase their mental wellbeing through physical activity and social cohesion.

Prior to the adoption of the Grants and Sponsorship Policy the City provided full subsidy to On My Feet for Fremantle Park in 2020/21 financial year.

FINANCIAL IMPLICATIONS

On My Feet have requested for an ongoing booking – 18 November 2021 to 29 December 2022, total hire fees \$1,923.40, no income will be received into the Parks account 100655.4461.

The breakdown of fees listed below.

Financial Year	Booking	Subsidy Request	Income Loss
Year 1 2021/22 (Nov to June 2022)	2hrs per week 33 weeks \$16.30 p/hr Total booking \$1,075.80	100%	\$1,075.80
Year 2 2022/23 (proposed estimate on current fees) (July to Dec 2023)	2hrs per week 26 weeks \$16.30 p/hr Total booking \$847.60	100%	\$847.60
		Total	\$1,923.40

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil.

OFFICER COMMENT

On My Feet is a volunteer run organisation working to improve the lives of vulnerable people in the community, with a emphasis on those experiencing homelessness. Collaborating with other key agencies such as St Patrick's Community Support Centre, On My Feet deliver free weekly sessions that incorporate physical exercise and social interactions.

Whilst this request sits outside the Venue Support Policy, this program provides a valuable contribution for the Fremantle community wellbeing.

The Exercise Group Program provides increased community benefit for both the participants and the volunteers leading the program. There are up to 20 people participating per session. Participants are also provided with the opportunity for further ongoing programs and trainings specific to improving social connections and their health and wellbeing.

The City plays a vital role in developing the capacity of community organisations that seek to increase the social and physical inclusion of disadvantaged members of the community. As per the Grants and Sponsorship Policy, it will be requested that the City be appropriately acknowledged for the support and an evaluation report completed.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2111-7 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council waive all fees associated with the hire of Princess May Park by On My Feet for bookings from 18 November 2021 to 29 December 2022.

Carried: 7/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda; Cr Marija Vujcic**

FPOL2111-8 ADOPTION HOMELESSNESS ACTION PLAN 2021-2023

Meeting date: 10 November 2021
Responsible officer: Manager Community Development
Decision making authority: Council
Attachments: 1. Draft Homelessness Action Plan 2021-2024
Additional information: Nil

SUMMARY

The purpose of this reports is for Council to consider adopting the Homelessness Action Plan 2021-2024.

The development of a homelessness action plan contributes to the achievement of the City's Community Safety and Crime Prevention Plan 2019-2024. Addressing action 1.2.7- create a homelessness plan/strategy for the City of Fremantle.

The Homelessness Action Plan 2021- 2024 (HAP) is an informing strategic document, developed to guide the City's response to homelessness. The prioritised actions provide a framework to respond to the complex challenges of homelessness. The scope of actions will:

- a) Direct evidence-based advocacy to increase investment in local services and resources to meet the needs of people in Fremantle.**
- b) Support and coordinate the delivery of initiatives that provide opportunity for active participation community connection and resilience.**
- c) Build a greater understanding in the broader community of the roles, responsibilities, and priorities in responding to homelessness and its impacts.**

This report recommends that Council adopt the Homelessness Action Plan 2021-2024.

BACKGROUND

The City is seeking to establish a formalised plan to address homelessness in the community. The development of the Homelessness Action Plan 2021-2024 is also a direct achievement outcome of the City's Community Safety and Crime Prevention Plan 2019-2024.

Housing and homelessness are complex issues that are the core responsibility of the State and Federal Governments. The City supports *All Paths Lead to a Home: Western Australia's 10 Year Strategy on Homelessness 2020-2030*, and the adopted housing first initiative as a key priority by the state government.

The Strategy sets out a vision for Western Australia where everyone has a safe place to call home and is supported to achieve stable and independent lives. The Strategy sets out a ten-year vision for all levels of government, the community sector and the wider community can work together in Western Australia towards ending homelessness.

The Strategy clearly outlines the role of local government:

- a) Making information on local services and supports available and accessible.
- b) Ensuring Rangers and front-line staff are informed and supported to interact with people experiencing homelessness and, where appropriate, refer them to local services.
- c) Working with Police to support and refer people experiencing homelessness to local services and supports.
- d) Coordinating volunteer and charity groups through a place-based approach that better meets the needs of people experiencing homelessness.
- e) Utilising land and assets to create places that are inclusive and can support vulnerable people.

The visibility of people forced to sleep rough on our streets was amplified through the global pandemic. This anecdotal feedback has been evidenced through the State Strategy and suggests that the number of people who are experiencing homelessness in the community is increasing. Currently in Fremantle there are 172 people experiencing homelessness, according to the By Name List (September 2021).

FINANCIAL IMPLICATIONS

Some of the priority actions in the plan will have budget implications.

These will be considered as part of the project identification, annual budget development and long-term financial planning processes.

Currently the City supports the following provision of services per annum:

Provider/Program	2021/2022 Expenditure
Library Connect	\$42,000
20 Homes 20 Lives	\$43,200
Nyoongar Patrol	\$30,000
Imagined Futures	\$10,000
Outreach Map	\$5,000
Total	\$130,200

LEGAL IMPLICATIONS

Nil.

CONSULTATION

The City is actively involved in Fremantle based working groups with local and state agencies to continually advocate for place-based resources and services to address homelessness in the Fremantle community through the Imagined Futures District Leadership Group (formerly known as South West Metropolitan Partnership Forum SWMPF) and the establishment of the Imagined Futures Housing and Homelessness Interagency Strategic Group.

Consideration to develop this plan has included the following key stakeholders:

- WA Police
- Department of Communities
- St Patrick's Community Support Centre
- Foundation Housing
- Freo Street Doctor
- Homeless Health Care Connect
- WACOSS
- Cana Community
- Red Cross

OFFICER COMMENT

The City of Fremantle set the vision for Fremantle to be a compassionate city that cares for the wellbeing of our people and the environment we share, through the Strategic Community Plan 2015-2025.

The Homelessness Action Plan 2021-2024 sets out the City's commitment to respond to the impact of extreme social exclusion – homelessness. The plan's three-year timeframe is intended to keep actions current and achievable to meet community need in an evolving social landscape.

Ending homelessness requires a whole of community approach with coordinated and integrated strategies and responses. Integral to the reduction of people at risk of or experiencing homelessness is partnerships. The City is committed to continue working with key sector stakeholders through the delivery of the Homelessness Action Plan over the next three years.

The visibility of people forced to sleep rough on our streets was amplified through the global pandemic. This anecdotal feedback has been evidenced through the State Strategy and suggests that the number of people who are experiencing homelessness in the community is increasing.

People do not choose to enter homelessness. There are many contributing factors that force a person to enter homelessness all of which are complex and nuanced to individual circumstance.

A person is considered to be experiencing homelessness- as defined by the Australian Bureau of Statistics (ABS), if they do not have suitable accommodation alternatives and their current living arrangement:

- Is in a dwelling that is inadequate
- Has no tenure, or if their initial tenure is short and not extendable
- Does not allow them to have control of space for social relations.

The Homelessness Action Plan has been developed around the following key focus areas:

Focus area 1 – Accessible information

Develop and maintain accessible information to support decision making and connection to key services. We aim to increase the community awareness and understanding of social vulnerabilities, homelessness.

Focus area 2 – Support and assist

We will work to support people who are sleeping rough and experiencing homelessness in the City.

Topic 3 – Advocate

We will continue to advocate for the right resources and services be made available in Fremantle for greater impact in the reduction of homelessness across the continuum.

Ending homelessness requires a whole of community approach with coordinated and integrated strategies and responses. The City is determined to work with key stakeholders in improving the capacity of the community and reducing homelessness to functional zero.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2111-8
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council adopt the Homelessness Action Plan 2021-2024, as provided in Attachment 1.

Carried en bloc: 7/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda; Cr Marija Vujcic**

FPOL2111-9 VOLUNTARY GOODWILL SERVICE PROVIDER POLICY

Meeting date: 10 November 2021
Responsible officer: Manager Community Development
Decision making authority: Council
Attachments: 1. Voluntary Goodwill Service Provider Policy
Additional information: Nil

SUMMARY

This report addresses Council's decision in the Council item C2101-5 – Issues relating to the Pioneer Park camp out from the Ordinary Council Meeting held on 24 February 2021.

Included in that decision is that consideration be sought on the development of a policy for social service groups providing service to 'at risk' persons in Fremantle, on Council controlled property, to ensure they are delivered appropriately.

Policy adoption is the first phase in the official coordination of volunteer goodwill service delivery, the second phase will see the development of the registration process – guidelines and conditions of operation.

This report recommends that Council adopt the Voluntary Goodwill Service Provider Policy, as provided in Attachment 1, and notes a registration process and guidelines will be developed through a co-design/consultation approach.

BACKGROUND

Outreach providers and goodwill voluntary services are an important element within the range of services provided to people facing disadvantage, including people experiencing homelessness in the City of Fremantle.

The policy addresses the need for a policy for social service groups providing service to 'at risk' persons in Fremantle on council-controlled property to ensure they are delivered appropriately, to facilitate collaboration between the city and goodwill service providers and to support positive community outcomes.

Policy adoption is the first phase of official coordination of these volunteer goodwill group. The second phase is the development of a registration procedure and guidelines outlining conditions of operation. A co-designed/consultation approach with key stakeholders, service providers and people with lived experience will be undertaken to best inform this process.

Currently voluntary goodwill providers are operating at the Beach Street carpark in a precinct model at the City's request. This is a temporary location with limited infrastructure, the final phase will determine the most appropriate site for the service to best meet the needs of the people requiring the service, the provider and the City.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

During February and March 2021, City officers conducted one-on-one consultations with key stakeholders involved with the Pioneer Park camp out to discuss opportunities as well as further collaboration. The key stakeholders included:

- WA Police
- Department of Communities
- St Patrick's Community Support Centre
- Ruah Community Services
- Uniting WA

These discussions confirmed the need for a regulatory framework (e.g., policy) that was fair and equitable to all, as well as the need for greater collaboration and communications.

Following policy adoption, a registration process will be developed through a co-designed/consultation approach, including these key stakeholders, service providers and people with lived experience.

OFFICER COMMENT

The Voluntary Goodwill Service Provider Policy has been developed to guide the facilitation of the delivery of effective and responsible service provision through a place-based approach that best meets the needs of the community.

The adoption of this policy will inform a formalised registration process to govern the coordination of service providers - the Registration of Voluntary Goodwill Service Provider Guidelines. The approach to this development will be through a co-design/consultation process with key stakeholders, service providers and people with lived experience. It is a collaborative cross organisational approach that involves the community safety, parks, waste and community development teams.

The proposed policy objectives include:

- a. Provide a clear regulatory framework for the administration of goodwill service providers
- b. Support the provision of access to basic amenities such as food and ablutions in a safe and respectful environment that protects users' dignity.
- c. Strengthen relationships between charitable goodwill community groups and homeless service support organisations in Fremantle to reduce community need.

- d. Remove the duplication of service delivery and over servicing that can inadvertently entrench people in crisis support.
- e. Educate volunteer goodwill groups about how they can best support people to access services with the aim to exit homelessness.
- f. Provide a risk management framework that seeks to maintain the safety of the users, the providers, and the wider community.

Service providers that are seeking approval are to meet standards of operations including, a clear prescribed role in relation to other agencies, cooperation with the City, appropriate insurances, and the adherence to standards for health and safety. All approved providers will be required to complete quarterly evaluation reporting.

The Voluntary Goodwill Service Provider Policy supports the coordination of the safe and responsible delivery of essential services to people 'at risk' in the Fremantle community. It provides a place based response to meet community needs while ensuring the City discharges its duty of care. The policy aligns with key actions drafted in the City's Homelessness Action Plan 2021-2024 and with the role of local government as outlined in the State Government's strategy to end homelessness.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2111-9 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Adopt the Voluntary Goodwill Service Provider Policy, as provided in Attachment 1.**
- 2. Note the registration process will be developed through a co-designed/consultation approach, including key stakeholders and people with lived experience.**

Carried en bloc: 7/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda; Cr Marija Vujcic**

**FPOL2111-10 ORGANISATIONAL COUNCIL POLICY REVIEW – COMMUNITY
DEVELOPMENT AND ECONOMIC DEVELOPMENT AND
MARKETING**

Meeting date: 10 November 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Amended policies
Additional information: Nil

SUMMARY

A key role of Council is to make policies to guide its decision making, as specified in clause 2.7 of the *Local Government Act 1995*. Council has 81 policies, a number of which have not been reviewed for some time. A staged review of all policies has commenced to ensure that these continue to represent the position of Council and to identify desirable and / or necessary updates. The purpose of this report is to consider policies relating to the Community Development and Economic Development and Marketing business units, as part of this review.

This report recommends that Council adopt the recommendations listed in the table included in the 'officer comment' section of this report, noting that the following policies are recommended for deletion:

1. Investments: property and other non-current assets
2. Private apartment investment

BACKGROUND

Policies are (in their ideal form) clear, simple statements of how an organisation plans to conduct its services, actions or business. In local government policies reflect the leadership and decision-making role of Council and are a way for Council to give expression to preferred solutions to problems or matters of concern. Policies are in turn a guide for officers and elected members when making decisions, although they are not procedural in nature. They are implemented by way of administration policies, procedures and processes.

This report is part of a program where a number of reports will be presented to Council over the next 12 months, to update the City's Policies. The purpose of this program is to simplify the City's policies and create stronger alignment across the City's Divisions.

Clause 2.7 of the *Local Government Act 1995* make provision for Council to adopt policies to guide its decision making. These exist in addition to strategies, action plans, budgets, operational policies and procedures, and instruments (including policies) adopted under the *Planning and Development Act 2005*.

Council has approximately 81 policies (not including those made under the Planning and Development Act), a number of which have not been reviewed for some time.

As part of its general administration and in the interests of good governance, a staged review of policies has commenced to ensure that these continue to represent the position of Council and to identify any desirable / necessary updates. The proposed approach is to undertake a preliminary review of policies by area to establish whether a policy is:

1. Current, requiring no amendments.
2. Largely current, requiring minor updates only.
3. Requiring minor updates and future review
4. Not current, recommended for deletion.
5. Requiring future review.

OFFICER COMMENT

A review of the 10 policies sitting under the Community Development and Economic Development and Marketing Teams has been undertaken and recommendations are included below.

The regular review and update of Council Policy contributes to Council's objective to "*maintain high standards of corporate governance*" (Strategic Community Plan) and addresses the auditor recommendation to:

"Introduce a periodic City-wide policy review to:

- minimise the risk of policies becoming outdated;
- ensure consistency of formatting between policies; and
- promote culture where employees bring all proposed policy amendments to the attention of council."

Policies considered to be current, no amendments recommended:	
1. Acquisition and disposal of property	Adopted: 22/02/2017 Last Reviewed: -
This policy is still current. The template will be updated.	Recommendation: Adopt as unchanged.
2. Film friendly city	Adopted: 28/08/2019 Last Reviewed: -
This policy is still current. The template will be updated.	Recommendation: Adopt as unchanged.
3. Lease agreements for Council properties	Adopted: 22/02/2017 Last Reviewed: -
This policy is still current. The template will be updated.	Recommendation: Adopt as unchanged.
4. Leasing of City property in a competitive manner	Adopted: 22/02/2017 Last Reviewed: -
This policy is still current. The template will be updated.	Recommendation: Adopt as unchanged.

5. Grants and sponsorship	Adopted: 26/05/2021 Last Reviewed: -
This policy was adopted recently.	Recommendation: Adopt as unchanged.
6. Nyoongar acknowledgement	Adopted: 23/11/2020 Last Reviewed: -
This policy was adopted recently.	Recommendation: Adopt as unchanged.
7. Recreation	Adopted: 23/11/2011 Last Reviewed: -
The Community Sport and Recreation Facilities (CSRf) Plan will supersede this policy.	This policy will be recommended for deletion when the Plan is adopted.

Policies that are largely current, recommended for minor amendment:		
Diverse and affordable housing		Adopted: 25/05/2011 Last Reviewed:
This policy elaborates on Council's position on facilitating diverse and affordable housing. Minor updates to reflect changes to documents and agencies listed, to better reflect Council's role and to identify an additional opportunity are recommended.		Recommendation: Adopt policy with the following minor amendments:
Section	Change	Reason
Objective	Replace reference to Strategic Plan 2010 with 'Strategic Community Plan 2015-2025'	Reflect current document
Definitions	Replace reference to Department of Housing with 'Department of Communities'	Reflect current agency name
Definitions	Amend explanation of affordable housing to confirm that this is for people experiencing housing stress who 'may' (or may not) have applied for public housing.	Recognition that housing affordability is a growing issue and can affect people who have not applied for public housing.
Objective	Replace words "Council intends to..." with "Council wishes to..."	Recognises that Council has pursued many of the policy actions listed already.
Research and Cooperation	Delete reference to establishing affordable housing targets. Insert word 'periodically' before commitment to monitor affordability and diversity of housing.	Recognises that the City has relatively little influence over housing affordability. Establishment of targets is consequently not recommended as the best allocation of resources.

		Monitoring performance periodically (such as through planning scheme reviews) allows review of status and refinement of response from time to time.
1. Research and Cooperation	Replace words “liaison” and “cooperation” with “liaise” and “cooperate” and replace reference to “managing affordable housing projects” with “facilitating affordable housing projects”.	Wording correction. Term ‘facilitate’ better reflects secondary role of the city in housing projects.
2. Facilitation of affordable and diverse housing through the planning system	Replace commitment to “Consider amendments to the local planning scheme and local planning policies to:...” with “Maintain provisions in the planning framework to:...”	Reflects the fact that provisions have been introduced into both the planning scheme and policy framework
Subclause 2.2	Replace word “ensure” with word “encourage” and “is” with “being” in relation to the provision of a percentage of affordable housing in large developments	Reflects limitations of Council’s capacity to require this in many circumstances, and corrects wording.
3. Direct Use of City land and assets for affordable housing	Replace word “City” with “public” in the title	Recognises that state and Crown land may contribute to affordable housing
3. Direct Use of City land and assets for affordable housing	Delete first sentence about reviewing the City’s land holding to identify land which might be used for affordable housing	This task has been complete. Disposal of a city-owned site in the West End included a requirement for inclusion of affordable housing.
3. Direct Use of City land and assets for affordable housing	Replace word “enable” with “consider” in relation to the provision of affordable in the redevelopment of City-owned sites such as the Knutsford Street Depot and Lefroy Road Quarry	Reflects subsequent investigation which identifies some other considerations which may (or may not) limit the suitability of this option on some sites.
3. Direct Use of	Add additional sentence: “Consider supporting temporary use of surplus public land and	Reflects further

City land and assets for affordable housing	reserves in suitable locations to accommodate low cost housing pending requirement for its longer term reserved purpose”	opportunities to realise policy objectives through use of public land, an example being the “My Home” project in North Fremantle.
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Policies considered not current/obsolete, recommended for deletion:	
1. Investments: property and other non-current assets	Adopted: 11/02/2002 Last Reviewed: 28/12/2007
This Policy is considered to be obsolete, and references outdated procedures and actions.	Recommendation: Delete policy.
2. Private apartment investment	Adopted: 25/03/2020 Last Reviewed: -
The City is no longer in a position to provide this support.	Recommendation: Delete policy.

Copies of each policy in their current form are available on the City’s website, and any proposed amendments to policies are shown in the above table and are shown in the attachment to this report with red and green text, indicating red for removal and green for inclusion.

All final policies will also be updated in line with current City templates and any spelling, formatting or grammatical inconsistencies will be corrected.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Clause 2.7 of the *Local Government Act 1995* make provision for Council to adopt policies to guide its decision making.

CONSULTATION

Consultation is not statutorily required or considered necessary for the minor amendments made during this part of the review.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required

COMMITTEE RECOMMENDATION ITEM FPOL2111-10
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Adopt the following policies as unchanged:**
 - a. Acquisition and disposal of property**
 - b. Film friendly city**
 - c. Lease agreements for Council properties**
 - d. Leasing of City property in a competitive manner**
 - e. Grants and sponsorship**
 - f. Nyoongar acknowledgement**
 - g. Recreation**
- 2. Adopt the minor amendments to the policies below (as shown in attachment 1):**
 - a. Diverse and affordable housing**
- 3. Delete the following policies:**
 - a. Investments: property and other non-current assets**
 - b. Private apartment investment**

Carried en bloc: 7/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda; Cr Marija Vujcic**

FPOL2111-11 ADOPTION OF ACCESS AND INCLUSION PLAN 2021-2025

Meeting date:	10 November 2021
Responsible officer:	Manager Community Development
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Access and Inclusion Plan 2021-2025 Community Engagement Report Final2. Access and Inclusion Plan 2021-2025
Additional information:	Nil

SUMMARY

The purpose of this report is for Council to consider adopting the Access and Inclusion Plan 2021-2025 and receive the community feedback report as provided in the Community Engagement Report.

The City's 2016-2020 Access and Inclusion Plan has been reviewed and through an evaluation and community engagement process the new Access and Inclusion Plan 2021-2025 has been developed.

To ensure compliance with legislative requirements, once adopted the Access and Inclusion Plan 2021-2025 (AIP) is to be submitted to the Department of Communities (Disability Services) by December 2021.

The newly developed AIP is a strategic guiding document that aims to actively address barriers faced by people with disability and people from diverse communities. Achieved through prioritised actions that work to accomplish the seven legislative outcomes.

Three key focus areas provide a framework for the proposed priority actions that will work to achieve the seven legislated outcomes and the City's additional outcome eight. These include:

1. Diverse, inclusive and thriving communities
2. Accessible places and spaces
3. Equitable access to City services

The report recommending adoption of the Access and Inclusion Plan 2021-2025 was deferred through committee decision at the Finance, Policy, Operations and Legislation Committee (FPOL) on 8 September 2021, with a request that further engagement be undertaken with the LGBTQIA+ community and people from culturally and linguistically diverse (CaLD) backgrounds. This additional consultation has been undertaken and is reflected in the update to outcome eight and its purpose of incorporation in the Access and Inclusion Plan.

BACKGROUND

The Disability Services Act 1993 (amended 2004) requires local government authorities to develop and implement a (Disability) Access and Inclusion Plan. The (D)AIP assists public authorities to develop strategies and implement improvements to access and inclusion across seven legislated outcome areas. The City has a statutory obligation to review the Plan every five years.

The City's current Access and Inclusion Plan 2016-2020 was adopted at the Ordinary Council Meeting of 25 November 2015. Since that date regular progress reporting has been provided to the Department of Communities (Disability Services), outlining the City's success in achieving the set outcomes.

The subsequent development of the new Access and Inclusion Plan 2021-2025 was delayed due to the restrictions and impacts of the COVID-19 pandemic.

The AIP works to benefit people with disability, the elderly, young parents, the LGBTQIA+ community and people from culturally and linguistically diverse (CaLD) backgrounds. The continuation of the plan's identification as Access and Inclusion reflects the commitment to supporting people with disability and the promotion of the value of a diverse and inclusive community.

FINANCIAL IMPLICATIONS

Some of the priority actions in the plan will have budget implications.

These will be considered as part of the project identification, annual budget development and long-term financial planning processes.

LEGAL IMPLICATIONS

The Disability Services Act 1993 (amended 2004) requires state and local government authorities to develop and implement a Disability Access and Inclusion Plan.

Under the Act public authorities must include a report about Disability Access and Inclusion Plan implementation in their annual report each year.

- Disability Services Act 1993 (amended 2004);
- Equal Opportunity Act 1994;
- Disability Discrimination Act 1992 (Commonwealth);
- Carers Recognition Act 2004; and
- The Disability (Access to Premises Buildings) Standards 2010.

CONSULTATION

Stage One, planning and awareness community consultation commenced in 2019 with the formation of the Access and Inclusion Plan Working Group, comprising of people with disability, community members and disability sector employees. Awareness and promotion of the Working Group included:

- Print and online media channels (E-newsletters, social media, Newsbites)
- Direct communication with stakeholders

Stage two was a broader stakeholder and community engagement to identify the barriers faced by Fremantle residents and visitors, and the opportunities to improve City services and facilities. This engagement was conducted under the direction of an external consultant in conjunction with City officers.

Engagement methods included:

- Workshops for community members and City staff
- Online engagement (My Say Freo, 360 page visits)
- Hard copy surveys and comment boards in public places
- Survey assistance session at the Fremantle Library
- Working group meetings

Stage three, consultation on the draft plan sought feedback and improvement on the draft actions through:

- Review by the Access and Inclusion Working Group
- Online engagement (My Say Freo)
- Drop-in session at Fremantle Library

The consultation was advertised in the local newspaper, via the City's e-newsletter (Freo Weekly and This is Business) and media release.

The level of engagement from the wider community was significantly impacted as result of the delay and extended length of process of the project due to the COVID-19 pandemic. It is important to note that the Working Group was actively engaged throughout the process and thoroughly consulted with. They provided positive feedback at the last working group meeting, with their changes already reflected in the draft development stage.

Engagement input is provided as Attachment 1.

Additional consultation was subsequently undertaken by City staff with key community representatives from the CaLD and LGBTQIA+ communities outside of the broader community engagement process. This included:

- Distribution of the draft AIP directly to stakeholders for comment
- Face to face consultation and discussion

OFFICER COMMENT

The Access and Inclusion Plan 2021-2025 builds upon the work already achieved by the City. Working to progress and improve physical access to City buildings and facilities, equitable access to City services, events, mainstream information and for all people with disability to be provided with the same opportunities to be included and active participants in community life.

Key achievement highlights from the City's current Access and Inclusion Plan 2016-2020, include:

- Disability Awareness Staff Training Model – Induction for all new City employees includes compulsory disability awareness training.

- Leighton for All Project – Successful partnership project that obtained grant funding to improve the access to Leighton Beach through beach matting, beach wheelchair, beach walker and a sensory tent for events, project to be completed.
- Buster the Fun Bus Sensory Sessions – Implementation of new sensory specific sessions to allow for children and parents with sensory challenges to participate in a smaller, quieter group, with a supported and sensory sensitive atmosphere.
- Walyalup Civic Centre Design – Through cross-organisational collaboration the new Civic Centre has been designed to allow for optimal access and inclusion. For example, a charging station, Changing Place facility, accessible signage, and audio loops in meeting room.

The Access and Inclusion Plan 2021-2025, is a strategic guiding document, developed to reflect the broader range of community members that benefit from an inclusive and accessible community and built environment.

The AIP 2021-2025 plan aligns to the strategic imperatives identified in the City of Fremantle's Community Strategic Plan. Through the strategic focus area 'health and happiness' the City aims to create a physical and social environment where it is easy for people to lead safe, happy and healthy lives.

It seeks to address and respond to barriers that prevent people from participating fully in the community on an equal basis. Working to remove these barriers creates equality and offers people with disability and from diverse communities more independence, choice and control.

The AIP acknowledges that there is a need for an intentional starting point in acknowledging and addressing the barriers that are experienced by people from CaLD backgrounds and people from the LGBTQIA+ communities in Fremantle. The incorporation of outcome eight in the plan is an intentional starting point for the City to work towards the improved strategic representation of Fremantle's diverse and marginalised communities and actions required in removing these barriers and challenges.

The framework of focus areas and priority actions were informed by key findings captured through the community consultation process. Actions where the City has direct control or influence to achieve the legislated outcomes have been prioritised. The three focus areas are:

Focus Area 1: Diverse, inclusive and thriving communities

- Accessing services and events
- Create a connected and inclusive City that actively, embraces and celebrates diversity

Focus Area 2: Accessible places and spaces

- Accessing buildings and facilities

Focus Area 3: Equitable access to City services

- Accessing information from the City
- Equitable access to City customer service
- Accessible complaints processes
- Equitable participation in City consultation
- Employment opportunities with the City

A further detailed implementation action plan will be developed as an operational working document in collaboration with key staff from across the organisation. The City will convene specific disability reference groups with community members and stakeholders for project specific engagement and consultation. This will drive achievement of the AIP 2021-2025 and will accompany an internal working group with key staff from various City business units; demonstrating the City's commitment to the whole of organisation approach in addressing and improving access and inclusion.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

Cr Archibald moved the Officer's Recommendation with minor amendments to the Access and Inclusion Plan 2021-2025 provided in Attachment 2.

COMMITTEE RECOMMENDATION ITEM FPOL2111-11 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Receive the community feedback as provided in the Community Engagement Report in Attachment 1.**
- 2. Adopt the Access and Inclusion Plan 2021-2025, as amended and provided in Attachment 2.**
- 3. Submit to Department of Communities (Disability Services) by December 2021.**

Carried 7/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda; Cr Marija Vujcic**

Reason/s for change

The Access and Inclusion Plan 2021-2025 provided in Attachment 2 (of the meeting attachments) was amended by the officer to include the City's commitment to building an inclusive, diverse and cohesive community. The key outcomes of the Plan are based on identified disability and diverse community priorities.

Note: The amended Access and Inclusion Plan 2021-2025, is provided as Attachment 2 in the Minutes Attachments.

**FPOL2111-12 ELECTED MEMBER MOTION – CR ADIN LANG - AMENDMENT OF
CITY OF FREMANTLE CAT MANAGEMENT LOCAL LAW 2020**

Meeting date: 10 November 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil

ELECTED MEMBER SUMMARY

Cats continue to pose a huge challenge to our local native animals and biodiversity, even with the City of Fremantle Cat Management Local Law in place. To protect our natural environment, the issue of cats and their impact on the environment ought to be further considered. In addition to the threats cats pose to our native wildlife, the health of individual free-ranging cats across our city should also be considered.

Since the City of Fremantle embarked on the management of domestic cats, there has been constant dialogue with the Western Australian State Government on the matter while they reviewed the Cat Act 2011. In the most recent correspondence with the Minister for Local Government, John Carey, it has been made clear there will be no revisions to the Cat Act 2011 and therefore no mechanism to enforce curfews or confinement to private property – even though this is supported by the Western Australian Community and would protect wildlife and individual cat health.

An amended Cat Management Local Law would focus on expanding cat prohibited areas beyond our natural bushland areas, to include other refuges for wildlife such as verge gardens, median strips, and street trees. Other City managed assets like roads would also be included as prohibited areas to help protect the safety of individual cats who are at risk of being struck by vehicles.

TIMELINE

May 2019 - The Department of Local Government, Sport and Cultural Industries (the department) has commenced a statutory review of the Cat Act 2011 (Cat Act).

June 2019 the WA State Government declared feral cats a pest to protect vulnerable native wildlife from extinction.

November 2019 - The Department of Local Government, Sport and Cultural Industries (the department) has produced a report from the statutory review of the Cat Act 2011 (Cat Act), including findings:

“It has been suggested that the Cat Act should contain provisions about confining cats to premises and the number of cats allowed so that the same rules apply across the State and local governments do not have to make their own local laws about these matters.

Seventy-three per cent of respondents supported the confinement of cats to the owner’s property. It should be noted that among cat owners, there was only 49 per cent support, with 39 per cent of cat owners opposing cat confinement.”

May 2020 - Fremantle Council has adopted a new local law to protect native wildlife from predation by cats.

July 2021 - Minister Carey confirms there will be no changes made to the Cat Act 2011 (attached).

COMMUNITY CONSULTATION

During the City of Fremantle advertising period 21 November 2019 to 19 March 2020, the My Say Freo page was visited by 105 people and 78 made submissions.

Key findings:

- 67 people stated that they support the local law as proposed.
- 28 people want the local law to introduce even further restrictions. This included suggestions that cats should be prohibited from roaming outside of their property altogether, that night curfews should be applied, and suggestions of other places to include in the cat prohibited areas.
- 3 people did not support the proposed local law. The reasons for this included a belief that it would duplicate existing legislation, and that the decision should be up to the cat owner.

OFFICER COMMENT

The purpose of the *Cat Act 2011* (the Act) was to introduce measures to reduce the large number of stray cats being euthanised each year; encourage responsible cat ownership; and provide for better management of the unwanted impacts of cats on the community and environment.

The Department of Local Government, Sport and Culture Industries provide the following advice on their website, in regard to cat local laws:

A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- *the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter; and*
- *there appears a sufficient need for additional regulation in that area.*

Through the integrated planning process, the community may advise that there is a need for particular areas of cat control. It is then a matter of deciding that if you need cat control, what exactly you do need.

For some local governments the Act and Cat Regulations 2012 may provide sufficient powers for the control of cats without the need for a local law. Others may find targeted education campaigns and policies in particular areas may be all that is needed to supplement the legislation.

A number of local governments including the City of Fremantle have made local laws, making it an offence for Cats to be in 'prohibited areas' to enable them to issue a fine if a cat is found in one of these areas. The City of Fremantle currently has 12 Cat Prohibited Areas.

The City implemented a feral animal control program, which is designed to capture domestic cats should they be present in the areas identified in the Cat Local Law. All natural areas are surveyed twice per year to monitor feral animal activity and target areas with specific treatments. This information is enhanced with the City's camera trap fauna monitoring and for cats specifically. The City also includes natural areas where cats are known to frequent or where residents have reported nuisance cats. Trapping for cats occurs for a period of up to 14 days where cats are being targeted. The approximate existing annual cost for the feral animal control program is estimated to be up to \$27,000 per year.

Should the Cat Management Local Law be amended, Council must consider the potential impact on the resources of the City. By increasing areas as prohibited areas, the onus will fall on the City to 'police' the issue rather than addressing it through the feral animal control and other educational programs already in operation.

COMMITTEE RECOMMENDATION ITEM FPOL2111-12

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council supports the process of amending the City of Fremantle Cat Local Law to expand cat prohibited areas to all City owned and managed property unless the cat is on a lead or contained.

Carried: 7/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Frank Mofflin,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Fedele Camarda, Cr Marija Vujcic**

11.3 Audit and Risk Management Committee 17 November 2021.

ARMC2111-1 APPOINTING AN INDEPENDENT MEMBER TO THE AUDIT AND RISK MANAGEMENT COMMITTEE

Meeting date:	17 November 2021
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. Report to Executive Leadership Team - Audit and Risk Management Committee External Member – Summary of nominations and recommendation (<i>confidential attachment under separate cover</i>)
Additional information:	1. Audit and Risk Management Committee Terms of Reference

SUMMARY

For Council to consider appointing an independent member of the Audit and Risk Management Committee.

BACKGROUND

In accordance with the Audit and Risk Management Committee Terms of Reference, the appointment of an independent member to the Audit and Risk Management Committee is made following a public notice period calling for applicants/expressions of interest.

A public notice was placed in the Fremantle Herald on the 11 September 2021. The notice was also placed on noticeboards at the City's Administration Building and Library for the duration of the notice period, from 1 September 2021 until 30 September 2021.

The City received six applications for the independent member position on the Audit and Risk Management Committee.

The Executive Leadership Team reviewed all six applications, and following this review is recommending the appointment of Mr Phillip Draber to the position of independent member of the Audit and Risk Management Committee. The Executive Leadership Team concluded that Mr Draber's skills, qualifications and experience most closely aligned to the requirements of the position.

FINANCIAL IMPLICATIONS

The independent member of the Audit and Risk Management Committee may be reimbursed a maximum of \$250 per meeting in accordance with the Terms of Reference for that Committee.

LEGAL IMPLICATIONS

Part 7 of the *Local Government Act 1995* requires that all local governments establish an audit committee.

CONSULTATION

A public notice was placed in the Fremantle Herald on the 11 September 2021. The notice was also placed on the City's website and noticeboards at the City's Administration Building and Library for the duration of the notice period, from 1 September 2021 until 30 September 2021.

OFFICER COMMENT

There is no legislative requirement to appoint an independent member to an audit committee, however, it is customary and best practice within the industry. The City of Fremantle has adopted a term of reference requiring an independent member.

"The Local Government Act requires that an audit committee is to consist of a minimum of 3 members and in that situation, all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members.

Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the council. If a council considers it appropriate, the whole council can be appointed to the audit committee.

If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee."

DLPSC Operational Guideline 9: The appointment, function and responsibilities of audit committees.

During a previous review of the Chief Executive Officer's systems and procedures, the City's auditor found that the process for determining the recommended candidate for the independent member position on the Audit and Risk Management Committee should be reviewed. A process was developed and adopted as suggested, and this new process for advertising and review was implemented.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Council appoint Mr Phillip Draber as the independent member of the Audit and Risk Management Committee for a term of two years until the next local government ordinary election.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

To amend the recommendation in two parts, to read as follows;

Council: ~~appoint Mr Phillip Draber as the independent member of the Audit and Risk Management Committee for a term of two years until the next local government ordinary election.~~

- 1. Request that the Chief Executive Officer, Presiding Member and Deputy Presiding Member of the Audit and Risk Management Committee interview current applicants and provide a recommendation to Council for consideration before the February meeting of the Committee.**
- 2. Approve an amendment to the committee's terms of reference, membership clause, to include a reference to two independent members.**

Amendment carried: 5/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome

Reason for change:

The State Government has recently announced reforms for WA local governments, which include the proposed requirement for audit committees to consist of mostly independent members. To demonstrate its support, the Committee is recommending the appointment of two independent members, following an interview process to ensure a thorough evaluation of each applicant.

COMMITTEE RECOMMENDATION ITEM ARMC2111-1 **(Amended officer's recommendation)**

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

Council:

- 1. Request that the Chief Executive Officer, Presiding Member and Deputy Presiding Member of the Audit and Risk Management Committee interview current applicants and provide a recommendation to Council for consideration before the February meeting of the Committee.***
- 2. Approve an amendment to the committee's terms of reference, membership clause, to include reference to two independent members.***

Carried: 5/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome

ARMC2111-2 CITY OF FREMANTLE RISK MANAGEMENT FRAMEWORK

Meeting date: 17 November 2021
Responsible officer: A/Chief Executive Officer
Decision making authority: Council
Attachments: 1. Risk Management Framework
Additional information: Nil

SUMMARY

To consider the adoption of the revised Risk Management Framework (RMF), including an updated Risk Management Policy for the City of Fremantle.

This report recommends that Council adopt the revised RMF including an updated Risk Management Policy (intended to replace the previous Risk Management Policy) as shown in attachment 1.

BACKGROUND

The City has undertaken a review of its risk framework over recent months to ensure it remains relevant and to improve the agility in managing risks and level of appetite for risks in various situations. The intention of the revised framework is to provide greater clarity for the organisation in assessing and managing risks, also to consider the impact of risk profiles both positive and negative and provide clarity of roles of the organisation and Council.

The revised framework considers strategic and operational outcomes along with projects.

The current framework and policy were adopted by council in July 2017, and one previously before that in 2013.

FINANCIAL IMPLICATIONS

There are no direct additional financial implications in relation to the adoption of the revised risk framework.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Key internal stakeholders have been consulted, including the executive management, management team and elected members.

Two workshops have been held with elected members and several with senior management.

OFFICER COMMENT

A risk can be defined as an uncertainty about the future. The proposed framework is provided to enable greater flexibility and agility in the workplace and for the organisation. It considers risk and opportunity in an equal context to allow for outcomes to be considered as much as the consideration of any barrier. It considers people and social needs as much as financial and compliance.

The City of Fremantle (the City) has a '**vision**' which is articulated in its Strategic Community Plan (SCP)¹. The plan envisages Fremantle as "*a destination city*:"

- *A city that is clever and creative, inspiring and inclusive*
- *A city that welcomes and celebrates all people and cultures*
- *A city that encourages innovation, prosperity and achievement*
- *A compassionate city that cares for the wellbeing of our people and the environment we share*
- *A city that thrives on diversity, that dares to be different."*

To effectively work toward this vision, the City commits to the proper identification, analysis, assessment and treatment of risk through a robust risk management framework (RMF). This ensures all risks are effectively managed and controlled. To determine our risk appetite the following criteria has been applied:

ALARP	Risk is reduced to 'As Low As Reasonably Practicable'. There is no appetite for any breaches of controls or standards.
Low	Some appetite for low risks in this area however no appetite for substantive risks at any time.
Moderate	Moderate levels of risk are subject to there being a full understanding of the potential benefits and risks, the required authorisation is obtained, and the controls are adequate, in place and effective.
High	Higher levels of risk subject to there being a full understanding of the potential benefits and risks, the required authorisation is obtained, and the controls are excellent, fully in place and effective.

The RMF provides the framework to adequately control risks through people, systems and processes. It will establish the process for determining who owns risks and where the control process is at.

Further implementation of the framework will establish suitable treatment action plans and the ability to identify emerging themes to ensure the organisation is suitably placed to manage these identified risks.

Once the modified framework is adopted by Council, further workshops will be held with the organisation to embed its use and development of associated systems and processes to ensure it is adequately maintained.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

1. Adopt the City of Fremantle Risk Framework including an updated Risk Management Policy, as shown in attachment 1.
2. Approve the deletion of all previous Risk Management Frameworks and/or policies.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

To amend part 1, to read as follows:

Council:

1. Adopt the **amended** City of Fremantle Risk Framework including an updated Risk Management Policy, as shown in attachment 1, **and amended for the following;**

Replace part 2.3 as follows

~~“Set the direction for the performance and conformance of The City Establish~~
the expected risk management performance and conformance levels of the
City, including the risk appetite and tolerance levels (*in consultation with the*
CEO)

~~Provides a measure of assurance that the RMF, principles and processes are~~
~~being appropriately conducted through robust reviews of the risk register~~
Provides assurance and advice to Council as to whether the RMF, principles
and processes are being appropriately conducted

~~Ensures the content of the RMF and those risk assessments have been~~
~~robustly challenged~~ **Ensure the content of the RMF and risk registers are**
contemporary and robust.”

Amendment carried: 5/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome

COMMITTEE RECOMMENDATION ITEM ARMC2111-2
(Amended officer's recommendation)

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

Council:

- 1. Adopt the *amended* City of Fremantle Risk Framework including an updated Risk Management Policy, as shown in attachment 1, *and amended for the following*;**

Replace part 2.3 as follows

“Establish the expected risk management performance and conformance levels of the City, including the risk appetite and tolerance levels (in consultation with the CEO)

Provides assurance and advice to Council as to whether the RMF, principles and processes are being appropriately conducted

Ensure the content of the RMF and risk registers are contemporary and robust.”

- 2. Approve the deletion of all previous Risk Management Frameworks and/or policies.**

Carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

ARMC2111-3 WALYALUP CIVIC CENTRE – PROJECT UPDATE

Meeting date: 17 November 2021
Responsible officer: Director Infrastructure
Decision making authority: Council
Attachments: 1. Risk Register Summary (November)
Additional information: Nil

SUMMARY

This report provides a progress update with works at the Walyalup Civic Centre. The report also covers any current risks or issues and provides a summary of costs as they relate to the building construction contract, this includes costs and works associated with the Liquidation of Pindan Pty Ltd and the City's subsequent delivery model.

This report recommends that Council receive the project update and note the progress, management of current issues, program / timing and costs.

BACKGROUND

Following the Pindan Construction Pty Ltd liquidation event (19 May 2021), the City have been delivering the construction works project through a Contractor Management arrangement with the CDI Group.

This arrangement included the City directly employing four of the Pindan site project team. This was felt to be a critical move to ensure project continuity and preserve construction knowledge and contractor relationships.

FINANCIAL IMPLICATIONS

The City has continued to actively manage costs associated with the delivery of the construction works. A 'Work Breakdown Structure' (WBS) was developed and implemented to separate and track costs associated with original works delivery, associated works and costs and also costs resulting from the liquidation event.

In accordance with the high-level summary table, officers have now commenced the final account process with contractors and suppliers.

The total value of works including retentions will be \$46,127,340; however, this is inclusive of adjustments and other variations which are funded from separate budgets as per the breakdown below:

WCC Forecast to Complete (*whole)	\$46,127,340.29
PSUM Deductions & Variation Adjustments	-\$199,304.40
William Street Verge Works (Carriageway kerbs/drainage)	-\$30,552.50
Town Hall basement – waterproof tanking (Western Power Area)	-\$47,486.86
Tenancy Works (Visitor Centre)	-\$239,864.41
Total Forecast (WCC – contract scope)	\$45,610,132.12

WCC - High level Construction Works Summary		
Original Contract Works		
Contract Sum:		\$41,461,128
Approved/Certified Variations		\$1,155,706
Adjusted Contract Sum (inc. certified variations)		\$42,616,834
<i>Adjusted Contract - to include Liquidation Costs</i>		
Paid to date (to contractors) - @ November 11 2021		\$43,319,884
Paid - Retentions to PBA		\$1,010,040
Retention held (post 19 May 2021)	\$46,288	
Remaining works (to be paid)		\$1,280,208
FORECAST - Construction Project Works :		<u>\$45,610,132</u>
Available Construction Budget		
Initial Contract	\$	41,461,128
Contingency - 5% (\$600k Ddt'd - moved to Town Hall works)	\$	1,500,000
Changing Places (Grant)	\$	150,000
Total	\$	43,111,128
Insurance Bonds		\$3,600,000
Other bond (Street trees etc)		\$96,000
Construction Works Budget	\$	46,807,128
Post 19 May - Delivery Spend (associated costs)		\$940,073
balance		\$256,923

LEGAL IMPLICATIONS

Nil.

CONSULTATION

The project team have continued to actively engage with key stakeholders through the delivery stage of the project.

OFFICER COMMENT

Works progress on site has continued to be challenging as a result of the prolonged and heavy wet weather and also the impacts of COVID on both the materials supply and labour markets.

A number of the original subcontractors have struggled to maintain a site presence and are struggling financially as a result of the impacts of COVID; however, the site team have successfully managed to retain the workforce and maintain works momentum.

Key progress / works areas – as of Friday November 5.

- Roof – steel works complete.
- Steel works
 - The consultant (Stantec) has completed their inspection / testing and the final completion certificate has been issued.
- External Facades / windows
 - Installation complete / high pressure testing complete.
 - Some minor snags listing as outstanding works – due to missing capping pieces (supply delay).
- Soffits and canopies
 - Installation complete – testing complete
 - Horizontal louvres – require control reprogramming
- Glazing / doors complete, except:
 - Loading door to rear of Town Hall on William Street.
- Mechanical / Electrical / HVAC and Hydraulic Services
 - Complete, commissioned, balanced and tested.
- Deep clean completed in all internal areas
 - Second clean underway.
 - Third clean arranged for w/c November 8.
- Solar Panels – complete
- Town Hall fire suppression works complete.
- FESA / fire inspections / testing complete.

Works to all internal areas are complete - excluding:

- The 'North-Eastern' courtyard – supply issue with floor pedestals (due Monday Nov 8).
- The loading bay area.
- The Visitor Centre area – separate works for fit-out now commenced, target completion December.
- Tenancy areas – including the third floor.

On this basis, the project team have progressed all inspections, testing and statutory approvals sign-off. Subsequently a partial occupancy certificate was approved on Friday 29 October.

This has allowed the City to take possession of these internal areas and commence the fit-out preparations.

The Facilities Management (FM) team are now on site, they are actively engaged with the project team and are progressing through the system training and handover process. Whilst this occurs, the project team will continue minor snagging and finishing works and cleaning internally. Their main focus is now to complete the external works, this predominately includes:

- Final mesh panel installation and fixings.
- Flashings (decorative) to elevations.
- External lighting – include configuration and testing.
- William Street – loading bay area, including stone cladding and loading bay door.
- Paving's, street lighting and street furniture.
- Site clearance and site clean.

It is anticipated that the courtyard, loading bay and external areas will be complete for w/c 15 November and the final occupancy certificate in place.

Service opening is planned for Monday 22 November. Staff / EM occupation will increase through the induction process with an anticipated move completion by early December.

Key Risks / Issues:

- Site labour
 - Labourers are increasingly difficult to engage and retain in the (current labour market), however, resources have been brought in and CDI have been successful in supporting / resourcing in this area.

Health and Safety

- Regular independent Health and Safety inspections have continued with no significant issues being raised.
- The last independent Health and Safety inspection was completed 27 October, no major issues raised.
- The most recent ad-hoc work safe inspection (1 November) found no issues of note.

Risk management

- The Risk Register continues to be reviewed and has been updated and is included in appendix 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM ARMC2111-3
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

Council note and receive the updated report to the Audit and Risk Management Committee and note the current project status.

Carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

ARMC2111-4 PURCHASING POLICY EXEMPTIONS OCTOBER 2021

Meeting date: 17 November 2021
Responsible officer: Manager Asset Management
Decision making authority: Council
Attachments: 1. Purchasing Policy Exemption Details July 2021 to October 2021
Additional information: Nil

SUMMARY

The purpose of this report is to inform Council of purchases made by the City that were exempt to the requirements of the purchasing policy, during the period July to October 2021.

This report recommends that Council receive the Purchasing Policy Exemptions report for July to October 2021.

BACKGROUND

At the Ordinary Meeting of Council of 25 November 2020, Council adopted a new purchasing policy. The policy contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and policy exemptions.

Under this policy all exemptions used by the City are to be reported to the Audit and Risk Management Committee.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

July 2021

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$75,895.00 for the month of July 2021.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$12,395.00
Original Equipment Manufacturer (OEM) Exemption	\$7,500
Sole Source of Supply Exemption	\$56,000
Total	\$75,895.00

Details regarding individual exemptions can be found in attachment 1.

August 2021

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$111,694.90 for the month of August 2021.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$15,040.00
Original Equipment Manufacturer (OEM) Exemption	\$39,404.9
Specialist Consultancy	\$21,250.00
Sole Source of Supply Exemption	\$36,000.00
Total	\$111,694.90

Details regarding individual exemptions can be found in attachment 1.

September 2021

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$596,425.54 for the month of September 2021.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$2,500.00
Sole Source of Supply Exemption	\$593,925.54
Total	\$596,425.54

Details regarding individual exemptions can be found in attachment 1.

October 2021

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$39,635.00 for the month of October 2021.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$21,995.00
Subscription (excluding software)	\$17,640.00
Total	\$39,635.00

Details regarding individual exemptions can be found in attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM ARMC2111-4 **(Officer's recommendation)**

Moved: Cr Su Groome

Seconded: Cr Frank Mofflin

Council receive the information report on purchasing policy exemptions for July to October 2021.

Carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

ARMC2111-5 OVERDUE DEBTORS REPORT AS AT 31 OCTOBER 2021

Meeting date:	17 November 2021
Responsible officer:	A/Manager Finance
Decision making authority:	Council
Attachments:	1. Summary of Overdue Debts above Threshold (<i>confidential attachments under separate cover</i>)
Additional information:	Nil

SUMMARY

This debtors report with a confidential attachment is provided to the Audit and Risk Management Committee together with details of overdue debts that exceed a threshold value of \$10,000.

This report recommends that Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 October 2021.

BACKGROUND

The report provides details to the Audit and Risk Management Committee (ARMC) on overdue debtors. The following information is provided on a quarterly basis:

- The amount of total debt outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- The value of debt that is in excess of ninety (90) days overdue and the combined value of those debt(s) which exceed \$10,000.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above per debtor, must be reported to the Audit and Risk Management Committee.
- A confidential report containing the individual debtor information in relation to the outstanding debtors exceeding 90 days with a combined value exceeding \$10,000 with comments, background, and a comparison to the previous quarters report.
- Debtor day ratio - the average number of days required for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

It is a requirement that annual financial statements include an allowance for impairment of receivables owed to the local government to be recognised as a cost to the budget in the year in which the impairment is made.

As at the year ending 30 June 2021 an amount of \$79,031 was held as an allowance for impairment of receivables. As at the 31 October 2021, the current allowance held as impairment is \$79,031 with no debts being written off in the 2021/22 financial year. During this financial year the following reportable write-offs and waivers have been processed against this account:

Total Write-offs	NIL
Total Waivers	<u>NIL</u>
	NIL

Since the last report, no occurrences of delegated authority to waive or write off debts valued at \$1,000 or above per debtor by officers has occurred. Currently no debtor has been identified for potential write-off/waiver.

Summary of Sundry Debtor's Debts Written-off

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

Summary of Rates Debtors Debts Written-off

PID No.	Name	Amount	Business Unit	Delegated Officer or Council
	TOTAL	NIL		

Summary of Sundry Debtor's Debts Waived

Debtor Name	Amount Waived Excl GST	Description
TOTAL	NIL	

LEGAL IMPLICATIONS

Section 6.12 (1) (c) of the *Local Government Act 1995* provides authority for the Council to write off outstanding monies.

In accordance with section 5.42 and 5.44 of the *Local Government Act 1995* the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to 50,000 per account where in the opinion of the Chief Executive Officer all other reasonable avenues of recovery have been exhausted.
- Directors and Managers have various sub-delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to 20,000 per account where in the opinion of the Director or Manager all other reasonable avenues of recovery have been exhausted.

All records of the uses of this delegated authority, to waive or write off debts valued at 1,000 or above per debtor, must be reported to the Audit and Risk Management Committee.

Any amount in excess of 50,000 is to be written off by Council resolution. A council resolution authorising the write-off of any bad debt does not prevent Council from reinstating the debt if the future circumstances change and the debt becomes collectable.

CONSULTATION

Nil.

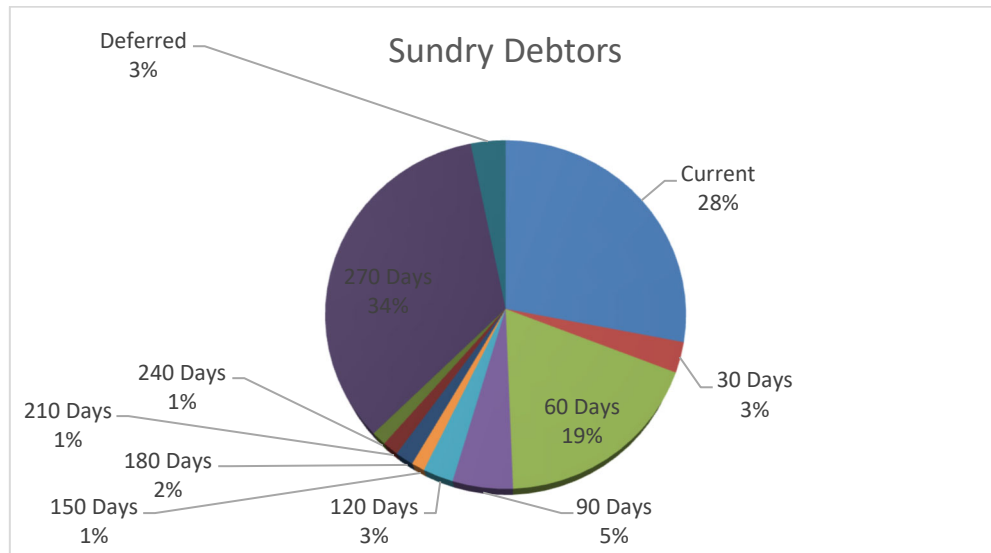
OFFICER COMMENT

The total of debtors outstanding as at 31 October 2021 is \$995,035. A breakdown of aged debt for the current period compared to prior year for the same period is tabled below.

Period Ending December	Current	30 Days	60 Days	90+ Days	Total
July 21 – October 21	28%	3%	18%	51%	100%
	279,084	28,275	183,900	503,777	995,036
July 21 – October 21 Excl. Commercial Properties	27%	1%	27%	45%	100%
	171,219	5,992	171,116	282,217	630,544
July 20 – September 20*	432,911	301,939	51,254	149,558	935,662

**Prior year reporting presented quarterly*

Of the total debt balance, the amount outstanding for 90+ days is \$503,777 or 51%. Below is a graph of the aged debt balances as at 31 October 2021.



Compared to the report of overdue debtors as at 30 June 2021, presented to Audit and Risk Management Committee at the 18 August 2021 meeting, the total value of outstanding debtors has increased by \$103,000.

Outstanding debt over 90 days has increased from 488k at the end of the previous quarter to 504k. The number of overdue debtors above the reporting threshold of \$10,000 and 90 days remains at 9 with a total value of \$451,247 and of this, \$32,131 is deferred and subject to an agreed payment arrangement to secure payment in full by 30 June 2023.

In accordance with delegated authority, any debts over 50,000 will be submitted to Audit and Risk Management Committee for approval and all recorded use of delegated authority by Chief Executive Officer, Directors and Managers will be reported to Audit and Risk Management Committee.

The confidential attachment contains debtor information in relation to the \$451,247 of outstanding debtors exceeding 90 days with a combined value exceeding 10,000 with comments and background.

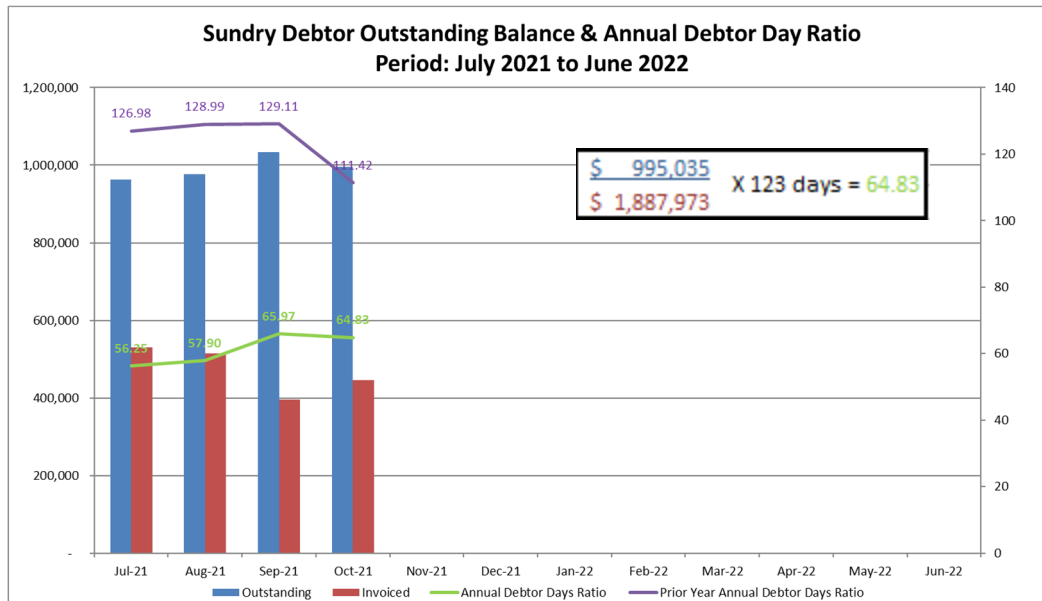
Debtors Outstanding

The debtor day ratio measures how quickly cash is being collected from debtors. The longer it takes for an organisation to collect, the greater the number of debtor days.

The calculation of the ratio considers the total amount outstanding at the end of the period over the total amount invoiced to that period for the financial year by the total number of days from 1 July to the end of the period. See calculation in graph below.

Prior financial year information is presented together with the current financial year as a comparative to demonstrate the City's ability to collect funds owed to the City when due.

At July 2021, \$892,055 of invoices raised prior to 2021/22 were outstanding resulting in outstanding debt exceeding the amount invoiced during July 2021.



At reporting date, the debtor day ratio was 64.83 an increase from the prior reporting period. Of outstanding debt, 28% related to current invoices that were not yet due.

Key Performance Indicators

The Audit and Risk Management Committee recommended a performance measure be included to provide a reporting date 'snapshot' of performance against agreed indicators.

Internal debt management procedures have been reviewed resulting in officers engaging with debtors earlier where an amount is considered to have an increased risk of default. Upon review of debt levels over prior financial years, officers consider reasonable and recommend the following targets against which to report.

Key Performance Targets				
Current	30 Days	60 Days	90 Days	Total
80%+	<= 10%	<=5%	<=5%	100%

Mtg 1 - July 2021 to October 2021				
Aged Debt Category	Current	30 Days	60 Days	90 Days
Target	80%	10%	5%	5%
Value	279,084	28,275	183,900	503,777
Percentage	28.05%	2.84%	18.48%	50.63%
Performance				
	Target achieved		Target exceeded	

Mtg 1 - July 2021 to October 2021

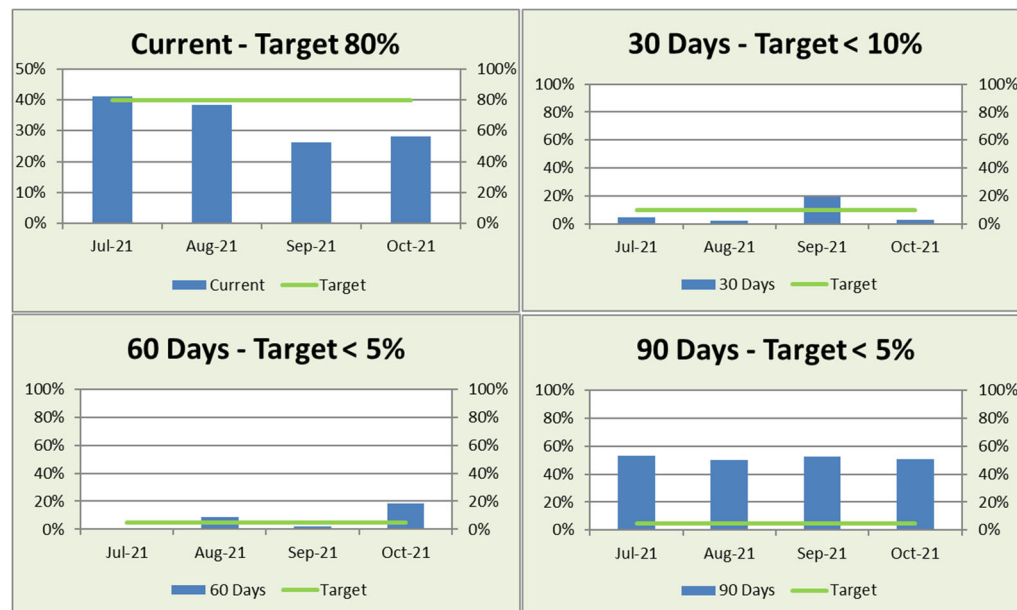
Aged Debt Category	Commercial Properties (%)	Others (%)
Current	11%	17%
30 Days	2%	1%
60 Days	1%	17%
90 Days	22%	28%

Of total overdue debt, Commercial Properties account for 36% (\$256,625) and 86% (\$221,559) of these debts extend 90 days & beyond. Deferred payment arrangements are currently in place for \$32,131 or 13% of total overdue Commercial Property debts.

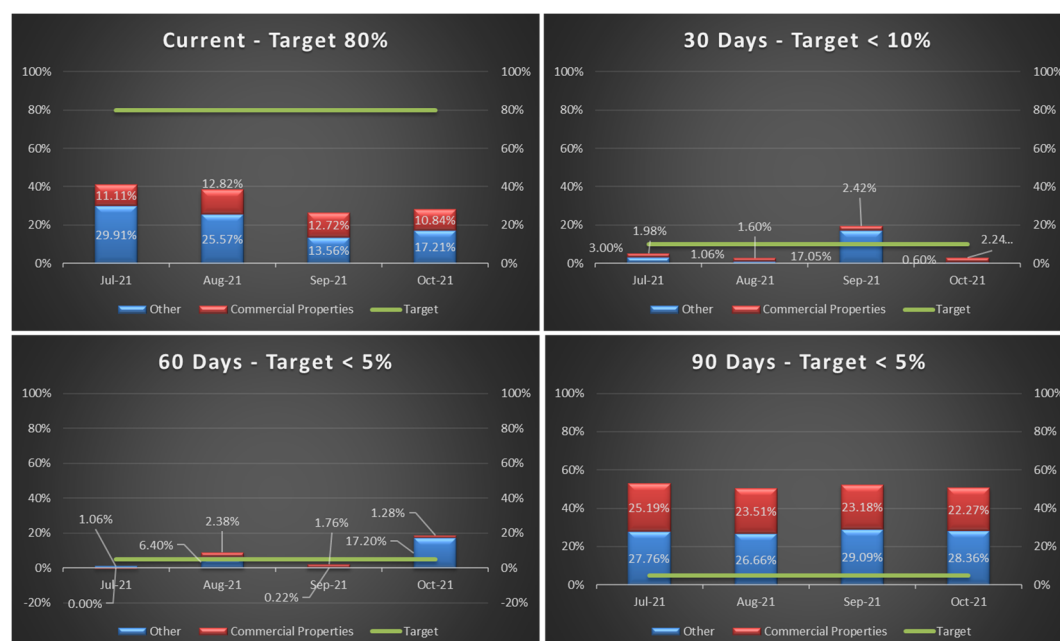
Of the non-deferred debt 90 days & beyond, 75% (\$166,155) relates to debtors included in the confidential attachment. City officers continue to liaise with all commercial tenants to provide assistance, including payment arrangements, where appropriate.

The following charts demonstrate performance against the recommended target for each aged debt category by period to reporting date for this financial year.

Summary by total debtors by days



Summary by debtor type by days



Impact of COVID on Commercial Property

In response to COVID-19, the State Government created legislation and guidelines aimed at protecting commercial tenants who may have been subject to financial duress as a result of the pandemic.

The City adhered to the legislation and guidelines in order to support its commercial tenants and opted to provide rent waivers in cases where tenants could demonstrate financial loss as a result of COVID-19.

During the emergency period (April 2020 – September 2021) landlords were required to provide waivers of up to 100%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.

During the recovery period (October 2020 – March 2021) landlords were required to provide waivers up to 50%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.

The total amount waived for commercial properties relating to COVID-19 during both the emergency period and recovery period was **\$656,975**.

After waivers the City invoiced a total of **\$492,579** for commercial properties.

To date, of the \$492,579 only **\$32,131** remains outstanding a reduction, since the prior reporting period, of \$19,027 (4%), with all debtors currently successfully paying this back via direct debit arrangements.

As at 1 April 2021 all COVID-19 waiver arrangements came to an end and 100% of normal rent is now payable.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 October 2021.

AMENDMENT

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Su Groome

To add a part 2, to read as follows;

2. **Request that a report be brought back to the Audit and Risk Management Committee on an approach to the recovery of debt from debtor 2091788.**

Amendment carried: 5/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome

COMMITTEE RECOMMENDATION ITEM ARMC2111-5

(Amended officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

Council:

1. **Receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value exceeding \$10,000 as at 31 October 2021.**
2. ***Request that a report be brought back to the Audit and Risk Management Committee on an approach to the recovery of debt from debtor 2091788.***

Carried: 5/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome

ARMC2111-6 TENDERS AWARDED UNDER DELEGATION OCTOBER 2021

Meeting date: 17 November 2021
Responsible officer: Manager Asset Management
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and committees, during the period July 2021 to October 2021.

This report recommends that Council receive the report on tenders awarded under delegation between July 2021 and October 2021.

BACKGROUND

Tenders awarded by the City are awarded under the following delegations, approved at Council on 8 July 2021:

Delegated Authority	Amount of Delegation
Finance, Policy Operations and Legislation Committee (FPOL)	\$500,000+ (if within budget)
CEO	Up to \$500,000
Directors	Up to \$500,000

Items identified under 'Officer Comment' of this report detail tenders awarded under delegation.

FINANCIAL IMPLICATIONS

All tenders were awarded within budget approved at Council on 8 July 2021.

LEGAL IMPLICATIONS

All tenders awarded met the requirements of Regulations 11A – 24AJ of the *Local Government (Functions and General) Regulations 1996* and S3.57 of the *Local Government Act 1995*.

Under delegation 2.11 Expressions of interest and tenders or the City's Delegated Authority Register, the Chief Executive Officer is required to report the use of this delegation to the Audit and Risk Management Committee.

CONSULTATION

Nil.

OFFICER COMMENT

Below is a list of tenders awarded under delegation between July 2021 and October 2021.

July 2021

Tender Description	Awarded By	Contractor(s)	Contract Value
FCC570/21 - Natural Areas Weed Control	CEO Delegation	South East Regional Centre for Urban Land Care (SERCUL	\$384,900

August 2021

Tender Description	Awarded By	Contractor(s)	Contract Value
FCC581/21 - Sand Screening and Remnant Seawall Removal Works	CEO Delegation	Egan Civil Pty Ltd	\$204,270

September 2021

Nil

October 2021

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM ARMC2111-6 **(Officer's recommendation)**

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

Council receive the report on tenders awarded under delegation between July 2021 and October 2021.

Carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Fedele Camarda, Cr Su Groome**

12. Reports and recommendations from officers

C2111-1 CITY OF FREMANTLE PARKING LOCAL LAW 2021 – ADOPTION OF UNDERTAKINGS FROM THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Meeting date: 24 November 2021
Responsible officer: A/Director City Business
Decision making authority: Council
Attachments: 1. Confidential Attachment – Letter from the Joint Standing Committee on Delegated Legislation
Additional information: Nil

SUMMARY

The purpose of this report is to present the response and undertakings from the Joint Standing Committee on Delegated Legislation (JSCDL) in regard to the City of Fremantle Parking Local Law 2021.

This report recommends that Council receive the response provided by the JSCDL in relation to the City of Fremantle Parking Local Law 2021, as provided in Attachment 1 (under confidential cover) and to adopt the undertakings from 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 is provided in Attachment 1 and has been summarised in this report. As requested by the JSCDL, this information has been provided under confidential cover as it contains information of a confidential and privileged nature.

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

The City's local law was provided to the JSCDL for consideration.

OFFICER COMMENT

As required under section 3.17 of the *Local Government Act 1995*, the adopted Parking Local Law was provided to the Joint Standing Committee on Delegated Legislation (JSCDL) for consideration. The Local Law was considered by the JSCDL at its meeting on 10 November 2021. As a result, the JSCDL resolved to write to the City to advise of a number of issues that require the City's attention prior to it being forwarded to the Legislative Council for final consideration.

The issues raised by the JSCDL included typographical errors, amendments to the use of Council and the Local Government, and clarification of definitions and terminology used within the local law. The undertakings from the JSCDL, require a resolution of Council in the form as outlined in the officer's recommendation and is to be reported back to the JSCDL in writing before 29 November 2021.

Should the undertakings be adopted by Council, the City will make the required amendments to the local law as outlined in the officer's recommendation (within 6 months from the date of the Council resolution) and commence the local law process again before being forwarded to the JSCDL for further consideration. Adoption of this resolution will enable the local law to remain in force until a determination is made by the Legislative Council.

Should Council not wish to adopt the officer's recommendation to adopt the undertakings from the JSCDL, the JSCDL may recommend to the Legislative Council to disallow the City's local law.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

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.

**C2111-2 APPOINTMENT OF MEMBERS TO THE METRO INNER-SOUTH
JOINT DEVELOPMENT ASSESSMENT PANEL**

Meeting date: 24 November 2021
Responsible officer: Manager Development Approvals
Decision making authority: Council
Attachments: 1. Local Government Member Nomination form
Additional information: Nil

SUMMARY

Joint Development Assessment Panel (JDAP) members are nominated for a two (2) year term. The City of Fremantle's current local government members are Councillor Andrew Sullivan and Councillor Rachel Pemberton. The City's alternate members are Councillor Bryn Jones and Councillor Jenny Archibald. The term of appointment of current JDAP members expires on 26 January 2022. Prior to this date the City is required to nominate four (4) DAP members for appointment by the Minister for Planning.

This report recommends that Council nominate a total of four elected members, two being alternate members, to serve as the local government representatives for the City of Fremantle on the Metro Inner-South JDAP.

BACKGROUND

The Metro Inner-South JDAP members are nominated by Council for approval by the Minister for Planning. The current term of appointment expires on 26 January 2022, and nominations are currently being sought for the 2022-2024 term.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report.

LEGAL IMPLICATIONS

There are no legal implications identified as a result of this report.

CONSULTATION

There was no consultation undertaken for this report.

OFFICER COMMENT

Elected members are given the opportunity to express a preference to nominate for these positions, however final approval of nominations will be made by the Minister for Planning.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council

1. Nominates _____ and _____ as the representatives of the City of Fremantle on the relevant Joint Development Assessment Panel and nominates _____ and _____ as the alternate Joint Development Assessment Panel local government members for the term commencing 27 January 2022 and ending 26 January 2024.
2. That the Minister for Planning be informed of the above nominations via the form included in Attachment 1.

C2111-3 MONTHLY FINANCIAL REPORT - OCTOBER 2021

Meeting date: 24 November 2021
Responsible officer: A/Manager Finance
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 31 October 2021
Additional information: Nil

SUMMARY

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

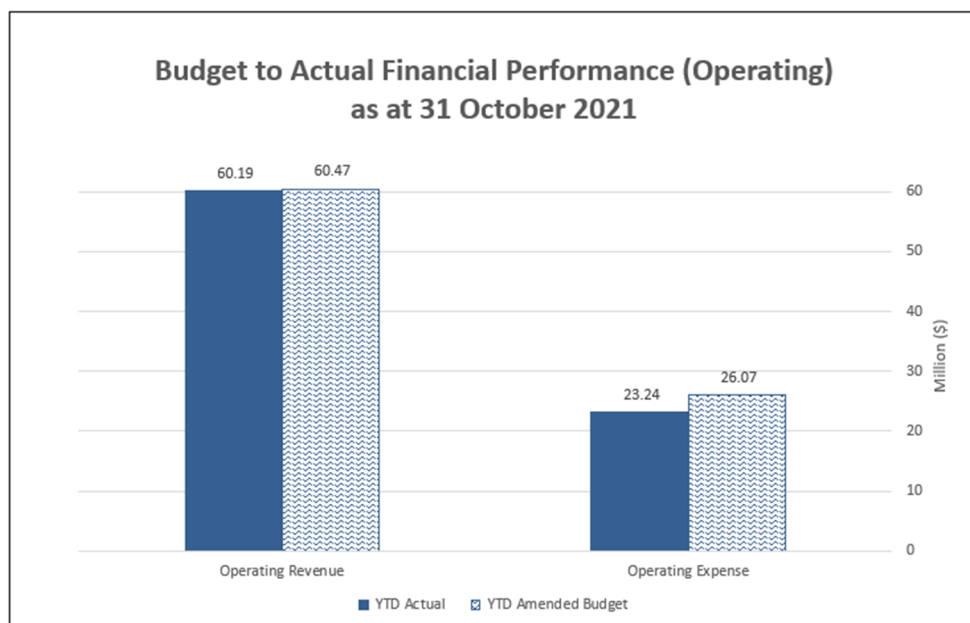
This report provides an analysis of financial performance for October 2021 based on the following statements:

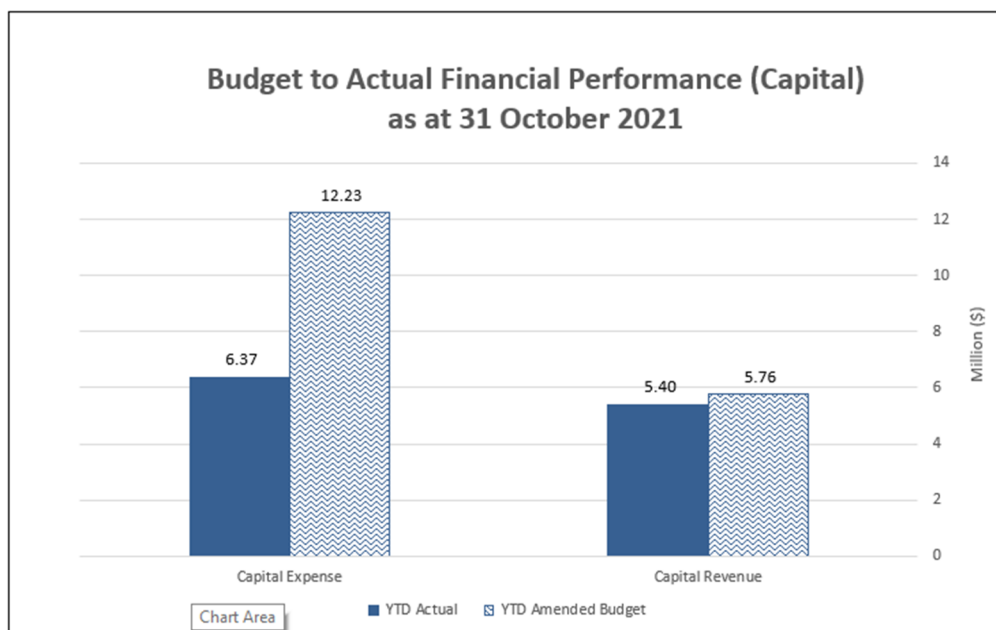
- Statement of Comprehensive Income by Nature & Type and by Program;
- Rate Setting Statement by Nature & Type and by Directorate; and
- Statement of Financial Position with Net Current Assets.

The budget amendments adopted at the Ordinary Council Meeting held on 27 October 2021 (Report # M-C2110-3) have been included in this report. The budget figures in this report represent the Amended Budget. Further, this financial report for the period ending 31 October 2021 is prepared considering accrued interest on borrowings (loans) and the 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 October 2021.





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

Description	Amended YTD Budget	YTD Actual	Variance	Variance
	\$M	\$M	\$M	%
Opening Surplus	3.72	11.25	7.52	201.99%
OPERATING				
Rate Revenue	50.17	50.03	(0.14)	(0.29%)
Revenue	10.30	10.16	(0.13)	(1.35%)
Expenses	(26.07)	(23.24)	2.83	10.84%
Non-Cash Adj.	3.28	3.39	0.11	1.9%
	37.68	40.34	2.67	7.09%
INVESTING				
Capital Revenue	5.76	5.40	(0.36)	(6.29%)
Capital Expenses	(12.23)	(6.37)	5.86	47.96%
FINANCING				
Repayment Loans & Leases	(0.96)	(0.65)	0.31	32.66%
Reserve Transfers	9.21	4.63	(4.58)	(49.77%)
Total of Investing and Financing activities	1.78	3.01	1.23	113.48%
Closing Surplus	43.18	54.60	11.41	26.43%

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

As detailed in the Statement of Comprehensive Income by Nature and Type operating income and expenses have mainly varied to the Amended Budget in the following categories:

Income	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
Revenue				
Rates (including Annual Levy)	50,351,923	50,205,348	(146,575)	(0.29%)
Service Charges	7,192	8,804	1,612	22.41%
Operating Grants, Subsidies & Contributions	2,005,113	1,337,001	(668,112)	(33.32%)
Fees and Charges	7,196,689	7,697,172	500,483	6.95%
Interest Earnings	427,449	422,835	(4,614)	(1.08%)
Reimbursement Income	344,123	376,272	32,149	9.34%
Other Income	145,288	144,449	(839)	(0.58%)
Total Operating Income	60,477,777	60,191,882	(285,895)	(0.47%)
Expenses				
Expenses				
Employee Costs	(12,990,967)	(11,865,236)	1,125,731	8.67%
Employee costs - Agency Labour	(109,720)	(525,225)	(415,505)	(378.70%)
Materials and Contracts	(7,552,487)	(6,055,749)	1,496,738	19.82%
Depreciation on Non-Current Assets	(3,280,746)	(3,343,090)	(62,344)	(1.90%)
Interest Expenses	(57,317)	(196,243)	(138,926)	(242.38%)
Utility Charges (gas, electricity, water)	(566,657)	(434,420)	132,237	23.34%
Insurance Expenses	(770,650)	(298,882)	471,767	61.22%
Other Expenditure	(740,582)	(523,315)	217,267	29.34%
Total Operating Expenses	(26,069,126)	(23,242,160)	2,826,966	10.84%

Further explanation of material variances, excluding rates income and employee variance, 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 October 2021 resulted in an additional \$11,413,447 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 closing position figure for FY20/21 (which leads to opening position of FY21/22) will be determined upon completion of the City's external audit and reported in a future budget review report to Council;
- Increased fees and charges revenue \$500k to YTD budget;
- Reduced operating expenditure of \$2.8m to YTD budget;
- Reduced capital expenditure of \$5.87m to YTD budget.

Partially offset by:


Reduction in anticipated year to date position

- Reduction in transfer from Reserves (Capital) of \$4.5m to YTD budget.
- Reduced operating grants, subsidies & contributions \$668k 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	Permanent variance - Favourable variance primarily attributed to increased: <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
Net current assets at the start of the financial year cont.		
Other Revenue	4,210,886	Permanent variance - This favourable variance is 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 operation costs).
Expenditure from Operating Activities	858,693	Permanent variance - Favourable variance largely related to 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)	Permanent 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	Permanent variance - Attributed primarily to the following projects: <ul style="list-style-type: none"> ▪ Walyalup Koort capital works delayed 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	Permanent variance - Attributed to: <ul style="list-style-type: none"> ▪ Disposal of Quarry street was not realised in FY20/21 and therefore no transfer of funds to reserve as originally budgeted.





Description	Variance Amount	Comment
		<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)	<p>Permanent variance - Primarily attributed to an underspend on Walyalup Koort capital works in FY20/21 due to builder liquidation & project delays.</p> <p>Funding of the project from the Investment Reserve did not occur to the level originally budgeted.</p>

Description	Variance Amount	Comment
Operating Grants, Subsidies and Contribution	(668,112)	▼ (33.32%)
Major Variances:		
Conduct arts centre marketing activities	(53,940)	Timing variance - Delay in receipt of funds. Funds are expected to be received by the City during November.
Monitor city insurances (excluding workers compensation)	(54,422)	2021/2022 membership insurance credit is less than anticipated. Budget to be adjusted at mid year review.
P-11980 Design and construct - Western Power Streetlight LED	(60,000)	Delay in receipt of the grant. Budget phasing to be adjusted at mid year review.
P-12031 Program - Reveal Aboriginal Artist 2022	(75,000)	Timing variance - Delay in receipt of funds. Funds are expected to be received by the City in November.
Maintain Roads	(99,760)	Timing variance - Delay in receipt of funds. Funds are expected to be received in December, 2021.
Operate Fremantle arts centre	(107,906)	Timing variance - Delay in receipt of funds. Funds are expected to be received by the City in November.
Coordinate arts centre exhibitions	(197,775)	
Materials and Contracts	1,496,738	▲ 19.82%
Major Variances:		
Administer the emergency services levy (ESL)	150,000	Timing variance – Invoice will be settled in the coming weeks.
Maintain Sports Grounds	99,127	Timing variance - Delay in invoicing, budget expected to be fully utilised in the financial year.
Maintain business systems - Other	94,232	Budgeting variance - Budget phasing to be adjusted at mid year review.
P-11830 Program - Biennale festival	78,182	Budget to be adjusted in mid year review as the amount was budgeted under the incorrect GL code.
Maintain Soft Landscaping - Recreation Reserves	70,338	Timing variance – Delay in receipt of supplier invoices.
Participate in South West Group	70,097	Accounting error – A correction entry will be posted in November.
Maintain major plant - allocated	67,848	Timing variance – due to delay in processing invoices.
Collection & Disposal - Domestic - FOGO	64,545	Timing variance – Delay in receipt of supplier invoices.
Collect & dispose green waste (Verge)	61,007	Timing variance – Budget phasing to be adjusted as per revised verge collection dates.
Maintain Medians, Verges And Street Gardens	60,465	Timing variance - Delay in invoicing, budget expected to be fully utilised in the financial year.
Maintain & operate public toilets	56,244	Timing variance – Delay in receipt of supplier invoices.
Maintain trees - road reserves and carparks	53,051	Timing variance - Delay in invoicing, budget expected to be fully utilised in the financial year.
Conduct Anzac day event	50,000	Budgeting variance - Budget phasing to be adjusted at mid year review.
Maintain fixed and wireless network infrastructure	49,413	Timing variance – Held up due to delay in completion of WCC project. Budget expected to be utilised.

Description	Variance Amount	Comment
Materials and Contracts cont.		
Operate car park 31 Fishing Boat Harbour Fremantle	48,856	Timing variance - Rental expense for car park one month behind budget. The budget is expected to be fully utilised in the financial year.
Maintain PC's tablets printers and accessories	42,825	Timing variance – Due to delay in equipment delivery.
Operate and maintain parking ticket machines	37,871	This is a contingency budget for preventative maintenance. It is expected to be fully utilised in the financial year.
Maintain Fremantle Leisure Centre	37,145	The facility is under major renovation until the end of December, will be expected to be utilised in 2 nd half of the year.
Operate Fremantle arts centre	37,024	Timing variance – Budget phasing to be adjusted at mid year review.
Domestic - collect & dispose - recycled waste	33,559	Recycling fees charged by SMRC are variable and subject to change quarterly dependent upon ability to sell the resources. Fees were favourable during the September/October period with a reduction of \$20 per tonne.
Maintain internet cloud and other hosted technologies	31,493	Timing variance – Delay in receipt of supplier invoices.
Lead city business directorate	30,559	Invoices yet to be received. Anticipate budget will be fully expended by year end.
Refer unpaid fines to fines enforcement	(40,004)	Permanent variance - Backlog of referrals to Fines and Enforcements from FY20-21 now cleared. Additional costs to be offset by increased revenue.
Operate car park 12A and 12B beach Street Fremantle	(41,122)	Accounting variance – required lease journals to be prepared Accounting Standard AASB 16.
Maintain Business Systems-M Files	(46,794)	Timing variance – The budget will be utilised as renewal is due on Feb,22.
Operate car park 19 Roundhouse Fremantle	(54,521)	Accounting variance – required lease journals to be prepared per Accounting Standard AASB 16.
Conduct Fremantle festival	(88,946)	Permanent variance - Additional expenditure offset by increased ticket sales. No increased cost to the City of Fremantle overall.
Interest Expenses	(138,926)	 (246.38%)
Interest expenses on Borrowings	(138,926)	Accrued Interest related to loans has been recognised in the actual whereas budget was prepared based on a cash basis.
Utility Charges (gas, electricity, water)	132,237	 23.34%
Major Variances:		
Contribute to public street lighting	59,518	Timing variance – Delay in invoicing, budget expected to be utilised in November.
P-10273 Purchase-FOGO bins	44,210	The budget is expected to be utilised in the 2022 calendar year however, this line item is erroneously reflected under utility charges instead of Materials & Contracts. This will be rectified before the next council meeting.

Description	Variance Amount	Comment
Insurance Expenses	471,767	 61.22%
Major Variances:		
Insurance Expense	471,767	Variance is mainly due to insurance expense being recognised on accrued basis whereas budget was prepared on a cash basis.
Other Expenses	217,267	 29.34%
Major Variances:		
Support CAT bus service	70,990	Timing variance – Delay in receiving invoices.
Support 20 Homes 20 Lives	43,200	Timing variance – Invoices will be settled in the coming weeks.
Lead community development directorate	43,150	A contingency budget. It is expected to be utilised in the financial year.
Support the mayor and councillors	40,302	Saving is due to the Mayoral position being vacant in the first quarter of the financial year. The budget will be amended at mid year review, if required.
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.

Capital Expense Purchase – Community Land & Buildings	4,065,638	 43.22%
Major Variances:		
P-10297 Construct-Walyalup Civic Centre and Library (KS)	3,083,458	The 2021/22 WCC budget has been amended following the recovery of insurance bonds from the builder post liquidation.
P-11682 Fit out - Council Admin Offices (KS)	653,867	Actual expenses are recorded against the WCC project. Budget phasing to be amended at mid year budget review.
P-10260 Program - Arthur Head - Wall stabilisation	289,089	Timing variance - Project delayed due to material shortages and delays in delivery of materials.
P-11829 Design and construct-Kings Square Commercial tenancy	200,000	Timing variance – Due to delays with the construction of WCC and it will be spent on commercial & visitor centre fit-outs.
P-11882 Design and construct - Fremantle Golf Course	(194,474)	Timing variance - YTD actual expenditure was higher than budgeted however, the full year budget is to be utilised.

Capital Expense Purchase – Infrastructure Parks	1,040,538	 62.76%
Major Variances:		
P-10295 Design and construct-Kings Square Public Realm Newman	695,514	Timing variance – Delay in receiving invoices. Works have been commenced as planned. Budget to be utilised in full in November and December.
P-11904 Design and construct- Gilbert Fraser - Lighting	165,771	
P-12064 Design and construct - Fremantle Driving Range	120,000	
P-11680 Design and construct-Kings Square Playspace	37,691	
P-10412 Design and construct - Booyembara Park Masterplan	104,075	Phasing incorrect and will be amended in November. Project is programmed to reach completion at or around the time of the Fremantle Public Golf Course and Community Facility Completion in 2022.
Capital Expense Purchase – Infrastructure Other	392,042	 89.62%
Major Variances:		
P-11823 Design and construct-Port Beach coastal adaptation	259,042	Timing variance – Delay in receiving invoices. Budget to be utilised in full.
P11983 - Design and Construct - Leighton Beach Access	50,000	Timing variance – Required purchases are being made and budget to be utilised.
Capital Expense Purchase – Plant & Equipment	299,590	 57.84%
Major Variances:		
P-12041 Program - Ticket machines	261,000	Timing variance –This is related to order placed for parking ticket machines. There is a delay in shipping from France.
P-12045 Design and construct - Leisure Centre - Shade sail	30,000	Timing variance - The project is rescheduled to align with the Fremantle Leisure Centre renovation.
Reserve Transfers	(4,583,644)	 (49.77%)
Transfer from Reserve (Restricted) - Capital	4,520,782	Recovery of insurance bonds from builder post liquidation to be transferred to Reserves.

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 October 2021.

C2111-4 STATEMENT OF INVESTMENTS – OCTOBER 2021

Meeting date: 24 November 2021
Responsible officer: A/Manager Finance
Decision making authority: Council
Attachments: 1. Investment Report – 31 October 2021
Additional information: Nil

SUMMARY

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

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

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

- **Portfolio details as at October 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 \$65,564.91 against a year-to-date budget of \$70,604 and 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 0.34% for the month of 31 October 2021. The City's actual portfolio return in the last 12 months is 0.40%, 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 oversight by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 October 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 October 2021

At period end, the City's investment portfolio totalled \$57.95m. The market value was \$58.00m, which takes into account accrued interest.

The investment portfolio is made up:

Cash Investments (<= 3 months)	\$15.45m
Term Deposits (> 3 months)	\$42.50m
TOTAL	\$57.95m

Of which:

Unrestricted cash	\$49.23m
Restricted cash (Reserve Funds)	\$ 8.01m
Restricted cash (Trust Funds)	\$ 0.71m
TOTAL	\$57.95m

The current amount of \$49.23m held as unrestricted cash represents 63.3% of the total adopted budget for operating revenue (\$77.76m)

2. Portfolio counterparty credit framework (as at 31 October 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.

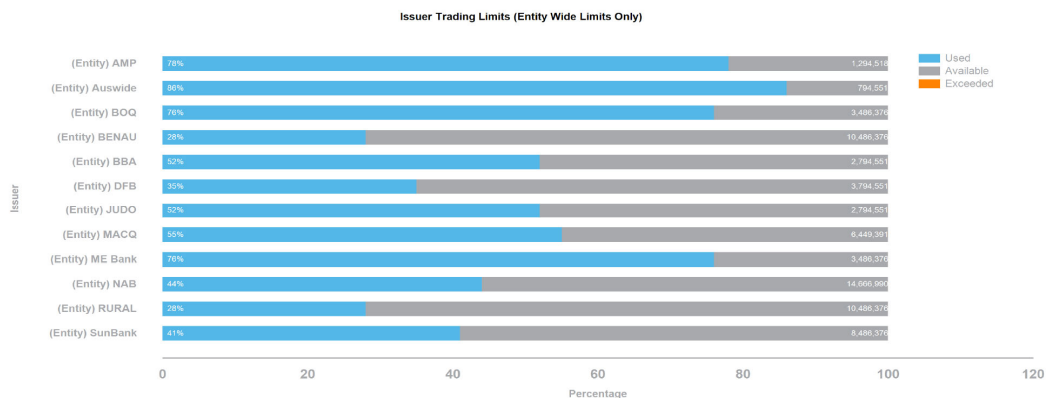
Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

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 October 2021

Tier	Portfolio Allocation \$	Portfolio Allocation %	Tier Maximum Allocation	Tier Used %	Tier Available %	Tier Exceeded %
Tier 1	11,408,487.53	19.69%	100.00%	19.69%	80.31%	0.00%
Tier 2	29,037,018.36	50.11%	60.00%	83.52%	16.48%	0.00%
Tier 3	17,500,000	30.20%	35.00%	86.29%	13.71%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100%	0.00%
	57,945,505.89	100.00%		100.00%		

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



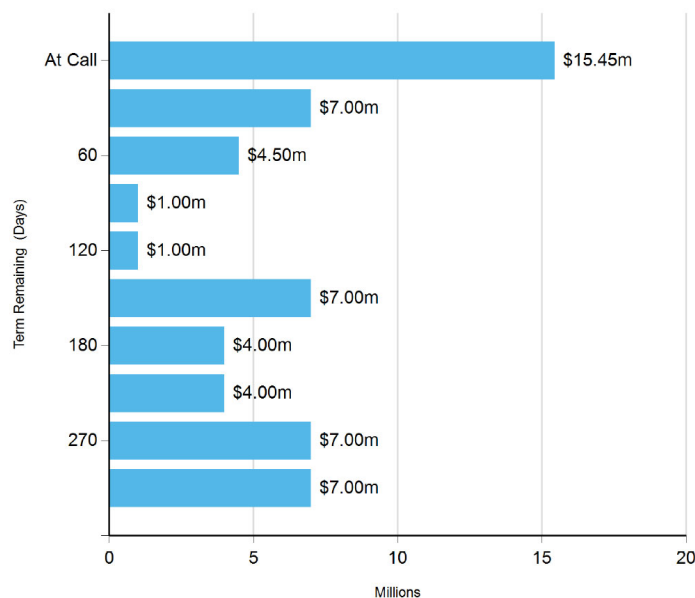
As reported in the above graphs at 31 October 2021, the portfolio was compliant with the issuer trading limit (Attachment 1).

3. Portfolio Liquidity Indicator (as at 31 October 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

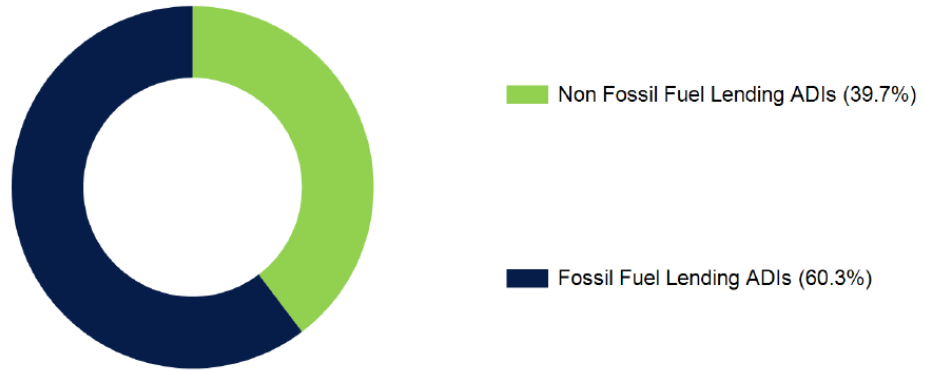


4. Portfolio Summary by Fossil Fuels Lending ADIs (as at 31 October 2021)

At the end of this month, \$23m (39.7%) 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 October 2021 to 31 October 2021)

During the month of October 2021 interest income earned from matured investments was \$4,463.01 (refer Attachment 1 point 9).

6. Investing Activities (For 1 October 2021 to 31 October 2021)

During the month of October 2021, two (02) new term deposit investments were acquired for a total of \$2m.

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 October 2021, as provided in Attachment 1.

C2111-5 SCHEDULE OF PAYMENTS OCTOBER 2021

Meeting date: 27 October 2021
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 October 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 October 2021, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$7,855,995.56 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 October 2021 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$5,421,960.23
Purchase card transactions	\$43,065.95
Salary / Wages / Superannuation	\$2,390,969.38
Other payments (<i>as outlined in Attachment 1</i>)	Nil
Total	\$7,855,995.56

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$7,855,995.56 for the month ending October 2021, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending October 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.

ARMC2111-7 EMERGING ISSUES REPORT - NOVEMBER 2021

Meeting date:	17 November 2021
Responsible officer:	A/Director City Business
Decision making authority:	Council
Attachments:	Nil
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:

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

17. Closure