



ORDINARY MEETING OF COUNCIL
MONDAY, 24 APRIL 2023

AGENDA

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AGENDA

REPORTS

COMMUNITY SERVICES COMMITTEE MEETING
HELD ON 4 APRIL 2023

CORPORATE SERVICES COMMITTEE MEETING
HELD ON 18 APRIL 2023

CHIEF EXECUTIVE OFFICER'S REPORT

NOTICE OF MEETING AND AGENDA

CR _____

PLEASE TAKE NOTICE that the next **ORDINARY MEETING OF COUNCIL** will be held in the Council Chambers, Orchard Avenue, Armadale at **7.00pm**

MONDAY, 24 APRIL 2023

**JOANNE ABBISS
CHIEF EXECUTIVE OFFICER**

20 April 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously granted to Cr M J Hancock and Cr S J Mosey

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at Council's Meeting on 27 March 2023 and responses (summarized below) forwarded in a letter by the Chief Executive Officer dated 13 April 2023.

Phil Davey

Q-1 On Brookton Highway on the way up to Roleystone there is the new digital fire sign which does not appear to advise on fire danger ratings but instead refers people to the emergency gov website for this information. Is there any information about what is happening with that sign??

Response

The City has two (2) digital Fire Danger Rating ('FDR') signs erected on Albany and Brookton Hwy's that were originally installed back in 2016. The FDR signs are having to be upgraded due to changes brought about by the new Australian Fire Danger Rating System ('AFDRS'), which came into effect nationally on the 1 September 2022.

As part of the AFDRS implementation, the Department of Fire and Emergency Services ('DFES'), who are the project lead for Western Australia secured funding from the Commonwealth Government to contribute to the signage replacement. Utilising the Commonwealth funding, DFES coordinated a centralised procurement process for replacement FDR signage (analogue and digital) across the State based on identified replacement requirements.

In late July DFES advised that due to delays in finalising the new AFDRS signage design, as well as delays in securing Commonwealth funding, coupled with manufacturing delays, the signage would not be produced and distributed to local governments before the 1 September 2022 "Go-live" date. DFES subsequently instructed local governments across the state to remove all analogue signs and cover up digital FDR signs until replacements were forthcoming.

The City had initially been utilising a workaround on our digital FDR signs which involved using selected existing light indicators with a temporary sticker over the top to display the appropriate AFDRS FDR. However on the 23 November 2022 the sign manufacturer rolled out a software update in support of the new AFDRS, this resulted in the signs no longer working and we were forced to completely cover them until retrofit kits are installed.

The temporary sticker was placed over the signs containing wording that directs the public to the EmergencyWA website for information on the daily FDR.

The retrofit kits arrived from the sign manufacturer on the 20 February 2023. We are currently liaising with a contractor to determine their availability for installation of the kits. Notwithstanding other installations that the contractor is currently fulfilling across the state it is hoped that the works will be completed in the coming weeks.

Q-2 It is good to see the ground works begun for the new fire station up at Roleystone Karragullen. Can please I ask what is the total area metres squared that is being cleared for the new fire station?

Can we confirm how much natural vegetation and tree canopy was removed during the land clearing process in line to do with the Urban Forest Strategy from CoA. Was there any report tabled of land to be cleared and the impact of the loss of vegetation to be incurred for councillor discussion and approval?

Response

Tree canopy and vegetation cleared for the project equates to 4,435 square metres to facilitate the building, roads and associated infrastructure. Council resolved, at the time of endorsing the project, for the building footprint to generally accord with the Bedfordale Bush Fire Station. A report was not presented to Council on the impact on vegetation as a Council decision was not required on this matter

4 PUBLIC QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public.

*Minimum time to be provided – 15 minutes (unless not required)
Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>.*

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr Kerry Busby

Request for leave of absence received from Cr Kerry Busby for the period Wednesday 3 May 2023 until Monday 8 May 2023 inclusive.

RECOMMEND

That Council grant leave of absence to Cr Kerry Busby for the period Wednesday 3 May 2023 until Monday 8 May 2023 inclusive. (includes 1 Ordinary Council meeting – 8 May 2023)

6 PETITIONS

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 27 MARCH 2023. (ATTACHED)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION

Nil

10 REPORTS

- 10.1 COMMUNITY SERVICES COMMITTEE MEETING**
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- 10.2 CORPORATE SERVICES COMMITTEE MEETING**
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BUSINESS ARISING FROM REPORT

- 10.3 CHIEF EXECUTIVE OFFICER'S REPORT**
Report of the Chief Executive Officer.64

BUSINESS ARISING FROM REPORT

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

- 14.1 Chief Executive Officer's - Item 1.1 - Wirra-Willa

15 CLOSURE

CITY OF ARMADALE

MINUTES

OF COMMUNITY SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 4
APRIL 2023 AT 7:00PM.

PRESENT: Cr M Silver (Chair)
Cr M S Northcott (Deputy Chair)
Cr K Busby
Cr E J Flynn
Cr K Kamdar
Cr J Keogh
Cr S J Mosey

APOLOGIES:

OBSERVERS: Cr R Butterfield (Mayor)
Cr G Nixon
Cr G J Smith

IN ATTENDANCE:	Ms J Abbiss	CEO
	Mrs S van Aswegen	Executive Director Community Services
	Ms J Cranston	Executive Assistant Community Services
	Mr C Halpin	Manager Recreation Services
	Mr D Baker	Senior Governance Officer (<i>via Teams</i>)
	Mr R Porter	Manager Ranger & Emergency Services (<i>via Teams</i>)
	Mr L Annese	Community Facilities & Recreation Coordinator
	Mr N Peyton	Community Facilities Officer - Agreements

PUBLIC: Nil

*“For details of Councillor Membership on this Committee, please refer to the City’s website
– [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 7 March 2023 be confirmed.

Moved Cr J Keogh

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 4 – March 2023

None of the items from the Community Services Information Bulletin required clarification or a report for a decision of Council.

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COMMUNITY SERVICES COMMITTEE

4 APRIL 2023

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***1.1 - LEASE AGREEMENT - ARMADALE SOCIETY OF ARTISTS INC. - PORTION
OF ARMADALE RECREATION CENTRE***

WARD : ALL

FILE No. : M/139/23

DATE : 13 March 2023

REF : NP

RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- This report seeks Council endorsement to execute a lease agreement with the Armadale Society of Artists Inc. (ASA) to provide exclusive use of the former gymnasium, crèche and assessment room within the Armadale Recreation Centre, located at 4 Townley Street, Armadale.
- The term of the proposed lease agreement is five (5) years, with an option to extend for an additional five (5) year term.
- The Armadale Society of Artists have reviewed the current draft lease agreement and have given their approval to proceed with this agreement.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 1.1.3 Support the development and sustainability of a diverse range of community groups.
- 1.3.1 Ensure the equitable provision of Community Facilities throughout the City.

Legal Implications

Local Government Act 1995 Section 3.58 – Disposing of Property

Local Government (Functions and General) Regulations 1996, Regulation 30 – Dispositions of property to which section 3.58 of the Local Government Act does not apply i.e. exempt dispositions.

Council Policy/Local Law Implications

Council Policy – Lease & Licence

Budget/Financial Implications

Ongoing costs associated with the lease agreement referred to in this report are consistent with Council Policy – Lease & Licence.

The Armadale Society of Artists Inc. (ASA) will be responsible for some costs as outlined in the Maintenance Schedule which will decrease the City's expenses over the term of the lease.

This report recommends that a lease fee be set at the Standard Peppercorn rent rate in line with the City's Schedule of Fees and Charges. The Standard Peppercorn rate in the 2022/23 Schedule of Fees and charges is \$100 per annum (incl. GST)

Consultation

- Armadale Society of Artists
- Internal Departments:
 - Recreation Services
 - Governance
 - Property Services
 - Statutory Planning

BACKGROUND

ASA previously completed a Registration of Interest submission to be considered for a lease agreement at the Roleystone Hall in June 2021. In November 2021, ASA were unsuccessful with the Registration of Interest submission as Council endorsed the Roleystone Gymnastics Club as the preferred lessee (C35/11/21). This Council decision included a recommendation to continue to liaise with ASA and the other unsuccessful applicants regarding other possible accommodation opportunities.

On 19 April 2021, Council Policy – Lease & Licence was adopted by Council (C9/4/21). The Lease & Licence Policy sets the terms and conditions for lease and licence agreements throughout community facilities within the City to ensure decisions about the granting of leases, licences and subsidies are made transparently and in accordance with established criteria.

Following the adoption of the Lease & Licence Policy, a report was provided to Council on 14 March 2022 outlining the implementation plan for the lease and licence agreements to be negotiated and executed (C6/3/22). At this meeting, Council authorised the City to negotiate directly with the ASA to enter into a lease agreement for a portion of the Armadale Recreation Centre comprising of the gymnasium, crèche and assessment room (C6/3/22).

Following the Council endorsement in March 2022 (C6/3/22), a presentation to Councillors was provided by City Officers on 11 October 2022 to outline the implementation of the Lease & Licence Policy and the roll out of lease agreement negotiations ordered by priority group, with ASA being included in the first priority group for completion.

In October 2022, ASA advised the City of their requirement to relocate from their former premises at Dale Cottages prior to the end of 2022. To assist ASA in continuing their operational duties, a temporary occupancy arrangement was organised for ASA to hire the gymnasium and crèche rooms at the Armadale Recreation Centre until the finalisation of the lease agreement, with Council endorsing a waiver of the hire fees associated with this arrangement on 24 October 2022 (CEO3/10/22).

On 1 November 2022, discussions commenced between the City and ASA to negotiate the final terms of the lease agreement. During negotiations, ASA confirmed their approval to proceed with the current terms of the lease agreement which are in accordance with the Lease and Licence Policy.

DETAILS OF PROPOSAL

Occupancy Arrangement

The proposal is to enter into a lease agreement with ASA for a five year term, with the option to renew for an additional five year term, for the exclusive use of a portion of the Armadale Recreation Centre, comprising of the gymnasium, crèche and assessment room.

It is proposed that the lease agreement be executed under the following basic terms and conditions in accordance with the Lease and Licence Policy:

Occupier	Armadale Society of Artists Inc.
Leased	Portion of Armadale Recreation Centre located at 4 Townley Street, Armadale, comprising of the gymnasium, crèche and assessment room.
Term	Five (5) years with a 5 year renewal option.
Commencement	Upon signing by both parties, following Council endorsement.
Rent	Peppercorn Rent in line with the City's Fees and Charges. The current Peppercorn Rent rate in the 2022/23 Schedule of Fees and Charges is \$100 per annum (incl. GST).
Insurance	Lessee to be responsible for Public Liability Insurance to the value of \$20 Million.
Lessee responsibilities	<ul style="list-style-type: none">• Cost of all claims resulting from the group's activities that fall within the City's excess on building insurance (currently \$5,000 per incident);• Insurance for any property or equipment owned by the occupier;• Insurance for community groups hiring spaces.
Outgoings	Lessee to be responsible for normal outgoing for occupied portion of the premises.
Maintenance	In accordance with the Maintenance Schedule outlining City and Occupant responsibilities.
Other	Occupier to be responsible for costs associated with preparing lease documentation.

ANALYSIS

Policy – Lease and Licence

In assessing Council's Lease & Licence Policy, the following applies:

- The City provides occupancy arrangements by either a Lease or a Licence Agreement.
- A Lease Agreement is defined in the Policy as exclusive use of whole or portion of a facility or land, at all times.
- Occupancy Arrangements provide for a standard term of five years with a five year renewal option.
- The submission received from ASA regarding eligibility for Standard Peppercorn rent has been reviewed against the relevant criteria within the Lease and Licence Policy and being a not-for-profit group, ASA meet the eligibility criteria for Standard Peppercorn annual rent charge.

During discussions with ASA regarding the proposed terms of the lease agreement, ASA provided their approval to proceed under the current terms with no requested amendments that would result in a deviation from the conditions outlined in the Lease & Licence Policy.

As such, the terms outlined in the proposed lease agreement are consistent with the Lease & Licence Policy previously adopted by Council (C9/4/21).

Temporary Hire Arrangement

Following ASA's requirement to relocate from their former premises prior to the end of 2022, ASA have been utilising the gymnasium and crèche rooms within the Armadale Recreation Centre under a temporary hire arrangement, pending the finalisation of the lease agreement.

During this temporary hire arrangement, ASA have reported a positive growth in memberships and have indicated their plans to expand on classes and workshops in the near future, should the proposed lease agreement be endorsed by Council.

With an increase in scheduled classes as well as an overall growth in memberships since operating under the temporary hire arrangement, ASA have shown evidence that they will use the exclusive use space to its full capacity.

OPTIONS

- Option 1:** Authorise the Chief Executive Officer and Mayor to sign and execute a lease agreement with the Armadale Society of Artists Inc. for a portion of the Armadale Recreation Centre of 4 Townley Street, Armadale, being the gymnasium, crèche and assessment room under the following basic terms and conditions:

Occupier	Armadale Society of Artists Inc.
Leased	Portion of Armadale Recreation Centre located at 4 Townley Street, Armadale, comprising of the gymnasium, crèche and assessment room.
Term	Five (5) years with a 5 year renewal option.
Commencement	Upon signing by both parties, following Council endorsement.
Rent	Peppercorn Rent in line with the City's Fees and Charges. The current Peppercorn Rent rate in the 2022/23 Schedule of Fees and Charges is \$100 per annum (incl. GST).
Insurance	Lessee to be responsible for Public Liability Insurance to the value of \$20 Million.
Lessee responsibilities	<ul style="list-style-type: none">• Cost of all claims resulting from the group's activities that fall within the City's excess on building insurance (currently \$5,000 per incident);• Insurance for any property or equipment owned by the occupier;• Insurance for community groups hiring spaces.
Outgoings	Lessee to be responsible for normal outgoings for occupied portion of the premises.
Maintenance	In accordance with the Maintenance Schedule outlining City and Occupant responsibilities.
Other	Occupier to be responsible for costs associated with preparing lease documentation.

Option 2: Do not authorise the Chief Executive Officer and Mayor to sign and execute a lease agreement with the Armadale Society of Artists Inc. for a portion of the Armadale Recreation Centre of 4 Townley Street, Armadale, being the gymnasium, crèche and assessment room.

Option 1 is the recommended option.

CONCLUSION

The terms of the proposed lease agreement are consistent with the Lease & Licence Policy and will provide security of tenure for ASA to operate out of the Armadale Recreation Centre for a five year term, with the option to renew for an additional five year term.

ASA provide a valuable service to the community and, with their classes and membership numbers growing since operating out of the Armadale Recreation Centre, ASA are in a sustainable position with the financial capacity to meet the ongoing costs associated with operating under the proposed lease agreement.

ATTACHMENTS

1. Lease Agreement - Armadale Society of Artists
2. Copy of Armadale Society of Artists' Peppercorn Rent Submission
3. ASA Treasurers Report - *This matter is considered to be confidential under Section 5.23(2) (e iii) of the Local Government Act, as the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person*

RECOMMEND

C7/4/23

That Council authorise the Chief Executive Officer and Mayor to sign and execute a lease agreement with the Armadale Society of Artists Inc. for a portion of the Armadale Recreation Centre of 4 Townley Street, Armadale, being the gymnasium, crèche and assessment room under the following basic terms and conditions:

Occupier	Armadale Society of Artists Inc.
Leased	Portion of Armadale Recreation Centre located at 4 Townley Street, Armadale, comprising of the gymnasium, crèche and assessment room.
Term	Five (5) years with a 5 year renewal option.
Commencement	Upon signing by both parties, following Council endorsement.
Rent	Peppercorn Rent in line with the City's Fees and Charges. The current Peppercorn Rent rate in the 2022/23 Schedule of Fees and Charges is \$100 per annum (incl. GST).
Insurance	Lessee to be responsible for Public Liability Insurance to the value of \$20 Million.
Lessee responsibilities	<ul style="list-style-type: none">• Cost of all claims resulting from the group's activities that fall within the City's excess on building insurance (currently \$5,000 per incident);• Insurance for any property or equipment owned by the occupier;• Insurance for community groups hiring spaces.
Outgoings	Lessee to be responsible for normal outgoings for occupied portion of the premises.
Maintenance	In accordance with the Maintenance Schedule outlining City and Occupant responsibilities.
Other	Occupier to be responsible for costs associated with preparing lease documentation.

**Moved Cr K Busby
MOTION CARRIED**

(7/0)

2.1 - PROPOSED CAT LOCAL LAW

WARD : ALL

FILE No. : M/138/23

DATE : 13 March 2023

REF : RP

RESPONSIBLE : Executive Director
MANAGER Community Services

In Brief:

- A draft Cat Local Law has been prepared.
- The local law will encourage responsible cat ownership and an efficient regulatory scheme to deal with nuisance cats and cats in environmentally sensitive areas.
- Recommend that Council endorse a draft Cat Local Law and approve its advertising in accordance with the *Local Government Act 1995*.
- Further information was provided to Councillors via memo on 3 March 2023 following Council recommendation of 13 February 2023 that this item be recommitted to the April 2023 Community Services Committee pending further information.

Tabled Items

Draft Cat Local Law 2022

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

Nil

Legal Implications

- *Cat Act 2011*, s. 79 – local laws
- *Local Government Act 1995*, s. 3.12 – procedure for making local laws.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Development, advertising and Gazettal of a new local law is covered by the City's Governance budget.

There is potential that, in the event the draft Cat Local Law is made, additional resources may be required by Ranger Services to adequately enforce the local law.

Consultation

1. City Governance (internal)
2. Environmental Services (internal)
3. Referencing of other cat local laws
4. Standing Orders and House Advisory Group (SOHAG) (internal)
5. Department of Local Government, Sport and Cultural Industries

BACKGROUND

The City had previously attempted to make a local law relating to cat control in 2015. Following public consultation and consideration of the issues raised in submissions from the public, Council resolved on 16 November 2015 to not adopt the local law, instead preferring to re-instate a prohibited cat area in the Churchman's Brook locality in the Environment, Animals and Nuisance Local Law.

Ultimately, Council resolved at a later date (23 January 2017) to not amend the Environment, Animals and Nuisance Local Law to include the prohibited cat area.

The prospect of revisiting a local law for cat control was raised by the Armadale Bushcare Environment Working Group in November 2020. Following this, the City's Ranger and Emergency Services department and the Governance department conducted research of contemporary local laws relating to cat control at other local governments, together with recent reviews conducted by the Joint Standing Committee for Delegated Legislation. This research has taken shape in the form of the draft local law that is presented.

Further information including respondent location details from the 2015 Schedule of Submissions and a Cat Owner Analysis was emailed to all Councillors on 3 March 2023, and is included as an attachment to this report, following Council recommendation of 13 February 2023 to recommit this item to the April 2023 Community Services Committee pending further information.

DETAILS OF PROPOSAL

A draft Cat Local Law for the City has been prepared.

The draft Local Law is framed around the principle of nuisance as an enforcement tool. That is, where there is a cat causing a nuisance, there is an enforcement mechanism to require the owner or custodian of the nuisance cat to take appropriate measures to abate the nuisance. The Joint Standing Committee for Delegated Legislation (JSC) has provided direction to local governments that the common law definition of nuisance is to be used in any cat local law where nuisance is the primary enforcement mechanism:

“nuisance means —

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;*
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;*
- (c) interference which causes material damage to land or other property on the land affected by the interference;”*

The draft Local Law also introduces cat prohibited areas. These cat prohibited areas are detailed in Schedule 3 of the draft local law and were included following consultation with the City’s Environmental Services department and SOHAG.

Officers also proposed in the draft Local Law presented to SOHAG that the City places a limit on the numbers of cats that may be ordinarily kept at a property (Attachment 3 – original version). This would require a person who wishes to keep three or more cats to obtain a permit from the City in accordance with the provisions of the draft Local Law. SOHAG strongly opposed the inclusion of a restriction on the number of cats or a permit system. These provisions have been removed from the draft in Attachment 2 – SOHAG version. Attachment 5 shows the original version with the sections removed in the SOHAG version highlighted in yellow.

The Cat Act 2011

Section 79(3) of the *Cat Act 2011* (Cat Act) allows a local government to make a local law for the control of cats that can deal with the following matters:

- “3) Without limiting subsection (1), a local law may be made as to one or more of the following —*
- (a) the registration of cats;*
 - (b) removing and impounding cats;*
 - (c) keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) the humane destruction of cats;*
 - (e) cats creating a nuisance;*
 - (f) specifying places where cats are prohibited absolutely;*
 - (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
 - (h) limiting the number of cats that may be kept at premises, or premises of a particular type;*
 - (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
 - (j) the regulation of approved cat breeders, including record keeping and inspection;*
 - (k) fees and charges payable in respect of any matter under this Act.”*

The JSC has examined a number of cat local laws over the preceding 2-3 years and have identified a range of issues with those where local governments have sought to create their own definitions outside of the common law definition (e.g. nuisance), or prescribe matters that are not provided for in the Cat Act (such as confinement).

A number of local governments (specifically, the City of Fremantle, the City of Gosnells, the Shire of Denmark) have expressed concern that the Cat Act limits the ability of local governments to make a local law that will effectively address issues that pertain to local circumstances. It would appear that this is a view that has been partially driven by some local governments desire to implement cat confinement provisions.

Recent examples that have attracted media interest, such as the City of Fremantle's, have sought to introduce provisions that ban cats from wandering on all public places and local government property, including roads, verges, footpaths and car parks.

Based upon previous reviews conducted by the JSC, it is expected that cat local laws with these types of provisions will be disallowed (e.g. Town of Bassendean Cats Local Law 2021, City of Gosnells Cat Amendment Local Law 2022).

It is expected that, because the Cat Act is silent on the subject of cat containment, the JSC has formed the view that it is not appropriate for a local government to make a local law with such a provision, particularly against the backdrop of those matters for which a cat control local law **can** be made in accordance with s. 79(3) of the Cat Act.

ANALYSIS OF ISSUES

Current Arrangement

The City's *status quo* is that with no cat local law, the City has limited means to deal with cat control matters outside what is prescribed by the Cat Act and the *Cat (Uniform Local Provisions) Regulations 2013*. This is problematic for the City when dealing with resident complaints, particularly those concerning nuisance cats. It also means that the City cannot create cat prohibited areas, such as reserves and other areas rich in native fauna.

The following table shows the number of Customer Service Requests (CRM's) that have been received by the City's Ranger and Emergency Services department since the introduction of the Cat Act in 2013.

Category Type	Requests Received
Dead Cats	383
General Enquires	328
Found Cat	270
Keeping of Cats	879
Lost Cat	314
Cat Pickup	1922
Cat Trap Pick up/Drop off	470
Microchip follow up	86
Total:	4,652

From the table above, aside from cat pickups (41%), the next most significant volume of CRM requests (19%) received relate to the keeping of cats, in particular issues relating to cat nuisance and excessive number of cats being kept on a property.

Numbers of Cats

One of the dominant issues raised in public submissions for the previous draft cat local law in 2015, and then raised by SOHAG from its review of the current draft local law, is the concept of placing a limitation on numbers of cats that may be kept.

The schedule of public submissions received during the 2015 consultation process (without personal information) is provided at Attachment 1 so that Council may understand the sentiment at the time in respect of the 'for and against' arguments for restricting cat numbers.

The concern articulated by SOHAG, and in the historical submissions, was that a limit on the numbers of cats that may be kept as proposed in the original draft Cat Local Law presented by Officers to SOHAG, would unfairly penalise responsible cat owners who own multiple cats and contain their cats within a cat run or inside a dwelling.

Officers had attempted to address this concern through recommending a permit system be included in the draft local law which would allow a degree of discretion in how a limitation on numbers of cats is applied.

Nevertheless, the overall tone of the historical submissions (those that opposed the local law) and SOHAG's recommended changes to the draft local law, question the level of community support for a local law that contains a limit on numbers of cats that may be kept.

It must be noted that approval to breed cats would still be a requirement under Part 3, Division 4, Subdivision 2 of the Cat Act.

When considering any provisions about limiting numbers of cats to be kept without a permit, SOHAG expressed the view that the draft local law, without the provisions that relate to permits and limiting ownership numbers, was still able to be utilised as an enforcement tool as the primary enforcement mechanism is focused on nuisance and the restriction of cats in environmentally sensitive areas.

Notably, the Cat Act does not prescribe a default limit on the number of cats that may be kept on a property. However, advice received from the Department of Local Government, Sport and Cultural Industries is that *"...Imposing cat limits in local laws is strongly advisable, as these limits help to manage cat numbers in the district and may reduce the number of cats likely to become nuisances, stray or feral. However, it is ultimately up to individual councils to determine whether their cat local law will include a limit or not."*

The absence of a limitation on numbers of cats would mean that enforcement options would be limited to proving nuisance was being created. Nuisance is more difficult to prove than a mandated limitation on the maximum number of cats and would be entirely reliant on the willingness of an aggrieved resident providing evidence in support of it.

Previous complaints investigated by Ranger Services and/or Health Services reveal that there is a strong correlation between excessive cat numbers and the prevalence of nuisance activities.

It is important to note that, in general, a restriction on the number of cats cannot be applied retrospectively. If an owner can prove that the cat was kept at the premises, or they were the owner of the cat, before the local law came in to effect, then they would have a defence to a charge for keeping more than the standard number of cats.

Cat Prohibited Areas

A prominent trend in the sector with newer cat local laws is the inclusion of cat prohibited areas. The draft cat local law contains, in Schedule 3, a list of reserves that are proposed to be cat prohibited areas.

The reserves listed are all under the care and control of the City, either by a vesting Order from the Crown or owned outright by the City. The areas chosen, in consultation with the City's Environmental Services team, are those that are considered to be of significance from a biodiversity perspective.

A balanced approach was taken when selecting areas where cats are to be prohibited to ensure that enforcement remains workable whilst also acting as a potential deterrent to domestic cats being permitted to roam in these areas. Nevertheless, enforcement on public land introduces new risks not previously experienced by Ranger Services, including the potential for;

- community negativity towards the City when trapping cats,
- inadvertent trapping of non-target species, particularly wildlife,
- traps, cameras and other associated equipment being damaged or stolen.

COMMENT

The industry appears to be moving towards more modern cat local laws based around nuisance. The JSC has done a lot of work in this space and as noted previously in this report, there are a number of local governments that made cat local laws with unsuitable nuisance provisions, and were disallowed by the JSC.

The JSC's instructions to local governments have been consistent and clear. The common law nuisance definition is the only definition that is to be used. The same applies for local governments that attempt to make a cat local law based on confinement of cats to the owner's property.

Similarly, newer cat local laws around the sector contain restrictions on the numbers of cats that can be kept, whilst older ones do not. It is a similar situation for cat prohibited areas. The following table shows a range of metropolitan local governments that possess cat local laws and the varied provisions within them:

Local Government	Year	Prohibited Areas	Nuisance	Maximum Numbers
Bassendean	2021	Yes	Yes	Yes (2)
Bayswater (Proposed)	2022	Yes	Yes	Yes (up to 6 depending on dwelling type)
Belmont – Consolidated Local Law	2020	No	Yes	Yes (2)
Cambridge – Animals Local Law	2016	No	No	Yes (3)

Local Government	Year	Prohibited Areas	Nuisance	Maximum Numbers
Canning	2021	Yes	Yes	Yes (2)
Fremantle	2020	Yes	No	Yes (3)
Gosnells*	2014	Yes	No	No
Joondalup – Animals Local Law	1999	No	No	Yes (3)
Kalamunda – Keeping & Control of Animals & Nuisance Local Law	2011	No	Yes	Yes (3)
Kwinana	2022	No	Yes	Yes (2)
Mundaring	2005	Yes (however none prescribed)	No	Yes (2) however only 1 allowed in a Fauna Protection Buffer Zone
Mandurah	2019	Yes	Yes	Yes (2)
Rockingham	2018	No	Yes	Yes (2)
Stirling	1999	Yes	No	Yes (2) however only 1 allowed in a Fauna Protection Buffer Zone
Swan – Consolidated Local Laws	2005	Yes	No	Yes (2)
Wanneroo	2016	No	Yes	Yes (3)

* There is a prevailing local law in place.

The *City of Gosnells Cat Amendment Local Law 2022* sought to strengthen the current local law by prohibiting cats from being in a public place unless under effective control, making it an offence for a cat to be on private property without the consent of the owner and limiting the number of cats a person may keep to two.

However, in July 2022, Council voted to discontinue with the amendment local law after feedback from the DLGSC indicated that it would be almost certainly be disallowed by the JSC.

The City of Gosnells is currently redrafting the local law based upon extensive community consultation and the advice from the DLGSC in the hope that a revised local law will be accepted.

Whilst the Shire of Serpentine Jarrahdale presently doesn't have a cat local law, discussions with Officers indicate that they are finalising a draft local law for consideration by Council.

Cat Act – DLGSC Review

In May 2019 the DLGSC completed a statutory review into the operation of the Cat Act and the *Dog Amendment Act 2013*, which was tabled in Parliament by the Minister for Local Government on 27 November 2019. In respect of the Cat Act, the DLGSC findings were, verbatim:

1. Registration of cats is strongly supported. The current three options for periods of registration should remain.
2. Registration periods for cats and dogs should be the same.
3. A central registration database for cats should be explored.
4. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers — including making it obvious that it is a domestic cat that has an owner.
5. There is strong support for this to continue with no change.
6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored — this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up-to-date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.
9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws — to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.
11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.

The full review report is attached. Whilst no timeframe has been provided by the DLGSC in respect of amending the Cat Act, Officer opinion is that once the DLGSC has dealt with the Minister's reforms to the *Local Government Act 1995* and associated legislation, the DLGSC is likely to turn its focus toward other legislation it administers.

This could become a priority focus area for the DLGSC on the back of a number of contentious and problematic local government cat local laws made in the past 1-2 years that have been disallowed in part (or in the case of the Shire of Manjimup, in full) by the JSC for reasons that have been well documented and subject of repeated instruction from the JSC in the past. The DLGSC provides greater scrutiny to draft cat local laws than other local laws for this very reason.

In the event the Cat Act is amended to account for the findings of the aforementioned review report, and the City has already made a cat local law that subsequently becomes inconsistent with the Cat Act because of the amendments, a mechanism exists in the *Local Government Act 1995* to correct local laws [Act, s. 3.17].

Such a circumstance would likely effect most if not all local government cat local laws, leading to the DLGSC (via the Governor's powers under s. 3.17) to make a uniform local law to amend those local laws, much in the same manner as the DLGSC did in 2020 for parking local laws when the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* was proclaimed.

The City would not need to go through the local law amendment, advertising and gazettal process prescribed by the *Local Government Act 1995* as it will be a function undertaken by the DLGSC pursuant to s. 3.17. However, the upshot of such an action, if it transpires, is that it is likely the City will have little control over the changes to the content of its local law.

OPTIONS

There are a number of options available to Council.

Option 1 is to not proceed with the draft local law, and the City's current enforcement mechanism for dealing with cat control remains the status quo.

Option 2 is to adopt the draft Local Law preferred by SOHAG which excludes the provisions relating to the maximum number of cats that can be kept, by removing Part 4, Schedule 1 and the associated provisions from the local law.

Option 3 is to adopt the original draft local law as prepared by Officers, which contains provisions in respect of limiting the numbers of cats that may be kept, and requiring a cat owner to obtain a permit to keep more than the prescribed number of cats.

Consultation Process

Given the City's experience with its previous attempt to produce a cat local law, it is accepted that any new proposed cat local law will be contentious, regardless of whether Council opts to proceed with Option 2 or Option 3.

For this reason, it is proposed to utilise an enhanced approach for the public consultation phase of this proposed local law. Whilst the statutory requirements set out below are not for negotiation, the City can provide a longer public notice period (e.g. 8 weeks instead of the minimum of 6). In addition to the required methods of advertising by local public notice and local newspaper, it is further proposed to utilise the Engage Armadale portal that can be accessed by a QR code (published in the local newspaper or in another printed form) so that a person can use their smartphone and be taken directly to Engage Armadale to provide their feedback on the proposed local law.

The City's Communications team will work closely with Officers to identify additional areas for community engagement. These initiatives will make it a lot easier for the community to engage with the City in respect of the proposed local law, and potentially mean that the City can obtain a greater number of responses that will better demonstrate the broad cross section of views within the community.

If Option 2 or Option 3 is chosen, the City must carefully comply with s. 3.12 of the *Local Government Act 1995* in order to make the local law. Whilst the Act provides that a failure to follow the procedure does not immediately invalidate a local law, there must be substantial compliance [Act, s. 3.12(2A)].

Once Council has resolved to give local public notice (not less than 6 weeks for submissions), it must also provide a copy of the proposed local law to the Minister, as well as to any person requesting it [Act, s. 3.12(3)]. This process allows the DLGSC to provide feedback to the City, and any requested amendments can be incorporated into the local law. This process will also allow the DLGSC to check the draft local law for compliance with JSC instructions.

After the last day for submissions, Council is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed [Act, s. 3.12(4)]. This means if the DLGSC has requested any simple grammatical amendments or the like, this would not be substantially different. Council could also make substantial amendments following consideration of any submissions. In the event there are any substantial amendments, the process must be commenced again [Act, s. 3.13].

After submissions, Council must resolve by absolute majority to make the local law [Act, s. 3.12(4)]. Once made, the City will be required to publish the local law in the *Gazette* and give a copy of it to the Minister. Local public notice is again required [Act, s. 3.12(5), (6)].

The City will provide the local law and relevant explanatory memorandum, with supporting documents to the JSC. At this stage the JSC could request amendments, an undertaking by the City or disallow the local law should it not be supported or the City has not followed the prescribed process for making a local law.

If the local law is endorsed by Council for public notice and provision to the Minister, it is possible the local law could come into effect by the end of the second quarter of 2023.

CONCLUSION

A Cat Local Law will provide the City with sensible control measures relating to the keeping of cats beyond those that are specified in the Cat Act.

It will promote and encourage responsible cat ownership, provides a framework for the control of nuisance cats and cat management facilities, and prescribes environmentally sensitive areas in which cats are prohibited.

It is not recommended that Option 1, i.e. the 'status quo' is chosen, as it will not provide any semblance of a cat control mechanism outside that provided for by the Cat Act, and hence deprive the City of an enforcement mechanism for dealing with an issue that is in greater demand as time passes.

ATTACHMENTS

1. Schedule of Submissions - Proposed Cat Local Law (2015 Proposal)
2. Draft City of Armadale Cat Local Law 2022 - SOHAG Version
3. Draft City of Armadale Cat Local Law 2022 - Original as Presented
4. DLGSC - Statutory Review of the Cat Act and Dog Act (May 2019)
5. DRAFT City of Armadale Cat Local Law 2022 - Original as Presented Showing Sections Removed in SOHAG Version
6. Memo to Councillors - Councillor Information - Cat Local Law

MOTION

A MOTION was put by Cr Silver that Option 2 be adopted with the additional amendment:

Endorses Option 2 with the additional bushland areas as attached added to Schedule 3 as cat prohibited areas as its preferred model of a proposed cat local law.

Moved Cr M Silver, Opposed Cr K Busby
MOTION LAPSED FOR WANT OF A SECONDER

Committee Discussion

The Committee agreed to adopt Option 3 with an amendment to the number of cats to be kept without a permit and the inclusion of Schedule 3, being additional bushland areas as cat prohibited areas, to be included in the recommendation and asked for the recommendation to be amended.

RECOMMEND

C8/4/23

That Council:

- 1. Endorses Option 3 with the additional bushland areas as attached added to Schedule 3 as cat prohibited areas, and an amendment to the number of cats to be kept as four without a permit, as its preferred model of a proposed cat local law:**
- 2. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice of the proposed draft cat local law with the purpose and effect of the proposed local law to be summarised in the notice;**
- 3. Note that any public and Ministerial responses will be reported to Council for consideration prior to making of the local law and publication in the Government Gazette; and**
- 4. Authorise the CEO to undertake necessary administrative actions in order to give effect to (1) above.**

Moved Cr K Busby, seconded Cr J Keogh
Opposed Cr Silver
MOTION CARRIED

(6/1)

COUNCILLORS' ITEMS

1. Armadale Products for the Visitor Centre (Cr Melissa Northcott)

Introducing products to the Visitors Centre for residents and visitors seeking products to purchase that relate to Armadale and promote Perth Hills/Armadale, such as drink holders, tote bags, old Armadale photos etc.

RECOMMEND

C9/4/23

That Council refer the following Councillor item in regard to:

1. Armadale Products for the Visitor Centre

To the relevant Directorate for action and/or report to the appropriate Committee.

**Moved Cr M S Northcott
MOTION CARRIED**

(7/0)

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 7:44PM

COMMUNITY SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 4 APRIL 2023		
ATT NO.	SUBJECT	
1.1 LEASE AGREEMENT - ARMADALE SOCIETY OF ARTISTS INC. - PORTION OF ARMADALE RECREATION CENTRE		
1.1.1	Lease Agreement - Armadale Society of Artists	
1.1.2	Copy of Armadale Society of Artists' Peppercorn Rent Submission	
2.1 PROPOSED CAT LOCAL LAW		
2.1.1	Schedule of Submissions - Proposed Cat Local Law (2015 Proposal)	
2.1.2	Draft City of Armadale Cat Local Law 2022 - SOHAG Version	
2.1.3	Draft City of Armadale Cat Local Law 2022 - Original as Presented	
2.1.4	DLGSC - Statutory Review of the Cat Act and Dog Act (May 2019)	
2.1.5	DRAFT City of Armadale Cat Local Law 2022 - Original as Presented Showing Sections Removed in SOHAG Version	
2.1.6	Memo to Councillors - Councillor Information - Cat Local Law	

The above attachments can be accessed from the Minutes of the Community Services Committee meeting of 4 April available on the City's website

CITY OF ARMADALE

MINUTES

OF CORPORATE SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY,
18 APRIL 2023 AT 7.00PM.

PRESENT:

Cr K Busby (Chair)
Cr J Keogh (Deputy Chair)
Cr P A Hetherington
Cr E J Flynn (Deputy to Cr Hancock)
Cr G Nixon
Cr M Silver
Cr S Peter

APOLOGIES:

Cr M J Hancock (Leave of Absence)

OBSERVERS:

Cr M S Northcott
Cr G J Smith

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr M Hnatojko	Executive Manager Corporate Services
Ms M Bell	Manager City Governance
Mr R Sullivan	A/Coordinator Contracts
Mrs A Owen-Brown	Executive Assistant Corporate Services

PUBLIC:

Nil.

*“For details of Councillor Membership on this Committee, please refer to the City’s website
– www.armadale.wa.gov.au/mayor-councillors-and-wards.”*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Corporate Services Committee Meeting held on 21 March 2023 be confirmed.

Moved Cr J Keogh

MOTION CARRIED

(7/0)

ITEMS REFERRED FROM INFORMATION BULLETIN

Items in Issue No.14

Progress Report

Progress Report on Contingency, Operational & Strategic Projects

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Report of the Common Seal

If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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CORPORATE SERVICES COMMITTEE

18 APRIL 2023

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1.1 - LIST OF ACCOUNTS PAID - FEBRUARY 2023

WARD : ALL

FILE No. : M/160/23

DATE : 21 March 2023

REF : MH

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- The report presents, pursuant to Regulation 13(1), (3) and (4) of the *Local Government (Financial Management) Regulations 1996*, the List of Accounts paid for the period 1 February to 28 February 2023 as well as the credit card statements for February 2023.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership
- 4.3 Financial Sustainability
- 4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

Section 6.10 (d) of the *Local Government Act 1995* refers, ie.

6.10 Financial management regulations

Regulations may provide for —

- (d) *the general management of, and the authorisation of payments out of —*
- (i) *the municipal fund; and*
- (ii) *the trust fund,*
- of a local government.*

Regulation 13(1), (3) & (4) of the *Local Government (Financial Management) Regulations 1996* refers, ie.

13. Lists of Accounts

- (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;*
 - (b) the amount of the payment;*
 - (c) the date of the payment; and*
 - (d) sufficient information to identify the transaction.*
- (3) A list prepared under subregulation (1) 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.*
- (4) After the list referred to in subregulation (1) has been prepared for a month the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the council at the meeting referred to in subregulation (3)(a).*

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

Consultation

Nil.

BACKGROUND

Pursuant to Section 5.42 of the *Local Government Act 1995 (Delegation of some powers and duties to CEO)*, Council has resolved to delegate to the CEO (*Delegation Payment from Municipal and Trust Funds refers*) the exercise of its powers to make payments from the municipal and trust funds.

COMMENT

The List of Accounts paid for the period 1 February to 28 February 2023 is presented as an attachment to this report as well as the credit card statements for February 2023.

ATTACHMENTS

1. Monthly Cheque and Credit Card Report - February 2023

RECOMMEND

CS10/4/23

That Council note the List of Accounts paid as presented in the attachment to this report and summarised as follows:

Municipal Fund

Accounts paid totaling \$8,076,485.84 on transactions 5635 to 6279 and Payrolls dated 5 February and 19 February 2023.

Credit Card

Accounts Paid totalling \$8,385.72 for the period ended February 2023.

Moved Cr G Nixon

MOTION CARRIED

(7/0)

1.2 - STATEMENT OF FINANCIAL ACTIVITY - FEBRUARY 2023

WARD : ALL

FILE No. : M/161/23

DATE : 21 March 2023

REF : MH

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- This report presents the City's Monthly Financial Report for the eight (8) month period ended 28 February 2023.
- This report recommends accepting the Financial Report for the eight (8) month period ended 28 February 2023, noting there are reportable actual to budget material variances for the period.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4. Leadership
- 4.3 Financial Sustainability
- 4.3.2 Undertake active financial management to ensure that the annual budget is achieved and any variances are promptly identified and addressed.

Legal Implications

*Local Government Act 1995 – Part 6 – Division 3 – Reporting on Activities and Finance
Local Government (Financial Management) Regulations – Part 4 – Financial Reports.*

Local Government Act 1995 – s.6.11 Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) Subject to subsection (3), before a local government —*
 - (a) changes* the purpose of a reserve account; or*
 - (b) uses* the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*
- (3) A local government is not required to give local public notice under subsection (2) -*
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) in such other circumstances as are prescribed.*
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account*

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

The Statement of Financial Activity, as presented, refers and explains.

Consultation

Nil.

BACKGROUND

A local government is required to prepare a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget for that month. The details in the statement are those as prescribed and the statement is to be reported to Council.

COMMENT

Presented as an attachment this month, is the eighth monthly financial statement (presented in nature and type format) prepared from information posted in the OneCouncil system.

For the purposes of reporting other material variances from the Statement of Financial Activity, the following indicators, as resolved by Council, have been applied.

Revenue

- Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$100,000 and in these instances an explanatory comment has been provided.

Expense

- Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$100,000 and in these instances an explanatory comment has been provided.

For the purposes of explaining each Material Variance, a three part approach has been taken. The parts are:

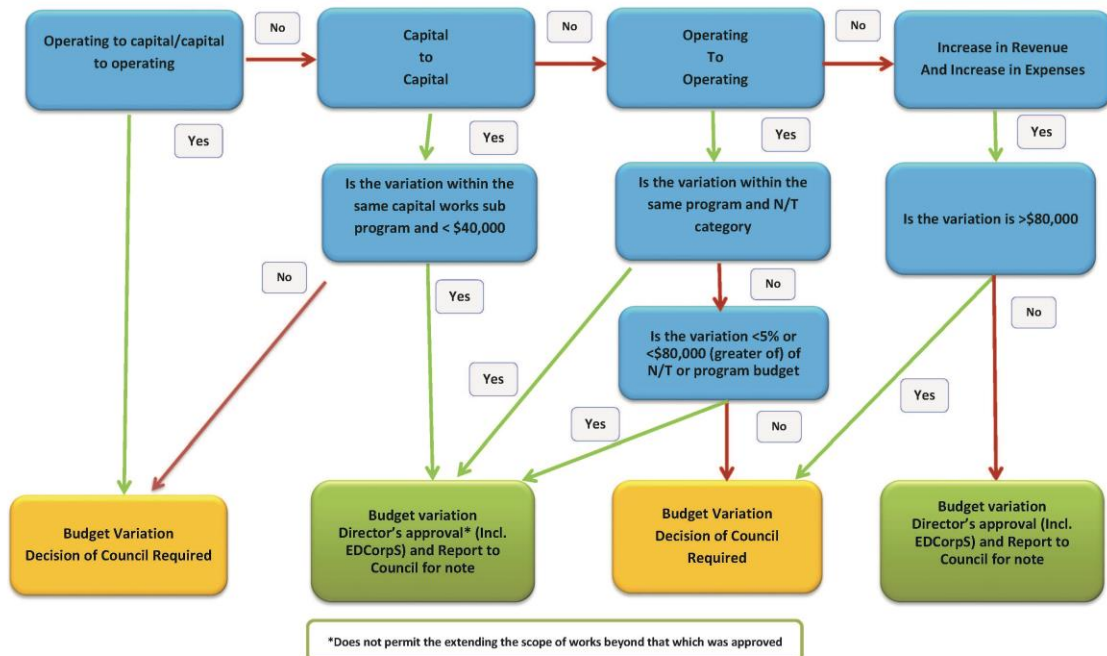
1. Period Variation
Relates specifically to the value of the Variance between the Budget and Actual figures for the period of the report.
2. Primary Reason
Explains the primary reasons for the period Variance. As the report is aimed at a higher level analysis, minor contributing factors are not reported.
3. Budget Impact
Forecasts the likely dollar impact on the Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, for circumstances may subsequently change.

At the 27 June 2022 Ordinary Meeting, Council adopted the Budget Variations Process Map which was the same as that adopted for FY22. Budget variations are presented to Council for authorisation by 'Absolute Majority' in circumstances where a forecast variation requires a movement from:

- Operating to Capital
- Capital to Capital over \$40,000
- Capital to Operating
- Operating to Operating for amounts greater than 5% or \$80,000 (whichever is greater).



Budget Variation Process Map



DETAILS

Presented as an attachment is the Monthly Statement of Financial Activity for the eight (8) month period ended 28 February 2023.

Capital Carry Forward Program Update

Included in the monthly reports is the status of the capital carry forward program as at the end of February 2023 to tie in with the monthly financials report. This is a historical perspective and the Executive Leadership Team regularly review the current status.

The information provided below has been prepared in the format previously reported and is broken up into the different phases as listed.

Project Delivery Phases

The capital projects in the table below have been categorised into the project phases that each project is in.

The phases are:

1. Planning phase – This phase entails establishing the project team and resources, confirming the project business case, and undertaking the project precedent prior to initiating the project. This may include agency approvals, Council approval, business case modelling and concept design, and in some cases land acquisition and utility service provider advice.
2. Design phase - This phase as it suggests includes the detailed design and specifications for the project, the full project costings, and regulatory approvals.
3. Procurement & Contracts phase – This phase establishes the contracts and resources required to construct and deliver the project and confirms the stages of construction.
4. Construction phase – Effectively the project build and test.
5. Project completion phase – This phase involves acceptance and handover/practical completion and any peripheral works to complete the project which do not form part of the main project.

FY21/22 CFWDS with Funding Source – 28 February 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Planning Phase					
Landfill Gas Capture	315,300	315,300	4%	Reserve	This project is deferred until FY24
Railway Avenue	2,990,000	2,990,000	0%	Grant/Muni	Design is still on hold as we await advice to see if there is an opportunity to repeat the City of Gosnells' in principle agreement with PTA to work within the rail reserve
Eighth Rd	5,657,300	1,500,000	0%	Grant	Design consultant has been appointed. The majority of land acquisitions have been completed. Service relocation progressing with WP commencing Q4 FY23, others to follow.
Hawkestone Rd	58,900	56,674	0%	Muni	Design review and land acquisition in progress – construct FY24
Street Lighting New	25,000	21,743	100%	Muni	Completed – final invoices pending
Kelmscott Streetscape	75,000	75,000	0%	Muni	Guidelines being developed with project due to commence in FY24
Champion Lakes Resource Centre	291,000 (Revised)	277,678 (Revised)	9%	Reserve	The City has received a revised quote for the Carport structure which aligns to CLRA user group requirements. Options to complete the scope of works for the building are being investigated.
St Francis Xavier Church	100,000	97,000	10%	Muni	Roof structure and asbestos investigations complete. The Heritage Architect report and

FY21/22 CFWDS with Funding Source – 28 February 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
					recommendations have been received. Invoicing WAPOL for the \$600k contribution will take place this month.
Final Cover and Rehab – Landfill	7,280,000	2,000,000	1%	Reserve	DEWR approvals in progress. The project strategy is under review and will be considered in budget review.
Stereo Armadale Hall	40,000	40,000	16%	Muni	Target completion – Qtr 4 FY23
Basketball Backboards	90,000	90,000	11%	Muni	Target completion – Qtr 4 FY23
Public Art	100,000	100,000	43%	Muni	Target completion for Derry Ave mural – Qtr 3 FY23
Total Planning Phase	17,022,500	7,563,395			
Detailed Design Phase					
Entry Statement – Forrestdale	24,000	23,760	2%	Muni	Completion in Qtr 4 FY23, subject to manufacturing works
Entry Statement – Kelmscott	24,000	24,000	0%	Muni	Completion in Qtr 4 FY23, subject to manufacturing works
Municipal Reserves	73,400	73,400	0%	Muni	In design currently – completion of works Qtr 4 FY23
Rothery Park	320,000	317,250	0%	Reserve	In design currently – completion of works Qtr 4 FY23
Gwynne Park Pavilion	185,000	160,860	0%	Muni	Design to be completed – second half FY23
Alfred Skeet Oval Pavilion	42,000	133,833	11%	Muni	Target Completion – Q2 FY24. Alfred Skeet Kitchen – engaged with users regarding the refurbishment. Their preference is for refurbishment works to start in Q2 FY24 but an interim provision of kitchen equipment have been procured and delivered to site to support operation.
Piara Waters Library	8,480,000 (Revised)	1,774,600 (Revised)	33%	Reserve	Council approved the tender for the Piara Waters Library Construction CEO3/3/23.
Morgan Park	3,756,500	386,000 (Revised)	99%	Grant	At Concept Design – Consultation with Morgan Park Users for feedback has led to revision of the concept design. CoA Parks are working on the field layout adjustments required. Fieldworks likely to commence December 2023 to April 2024. Pavilion construction likely to commence May 24.
Forrestdale Hub	5,835,000	600,000 (Revised)	84%	DCP/Muni	Interactive meeting between the FSA, Architect & CoA has taken place. The Concept Design Part-1 was formally presented. All feedback relating to the Concept Design Part-1 has been returned to the architect with Concept Design Part-2, due early May.

FY21/22 CFWDS with Funding Source – 28 February 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
					The full design, enabling Tenders to be called is due to be issued in Q4 2023. Construction due to commence in Q1-2 2024.
Drop n Shop Parking and Entrance Road	100,000	100,000	0%	Reserve	Project start date deferred – to be carried forward.
Detailed Design Total	18,839,900	3,593,703			
Procurement and Contracts Phase					
Gwynne Park	30,000	29,550	100%	Muni	Completed –waiting final invoices
Neilson Avenue	25,900	25,900	2%	Muni	Target completion – Qtr 4 FY23
Reg Williams Reserve	120,000	117,806	92%	Muni	Complete
Shipwreck Park	170,000	170,000	100%	Muni	Target Completion – Qtr 4 FY23 Shipwreck Park Changing Places Public Toilet – Waiting for Development WA to approve the development application. The contractor is ready to move to site with expectation of mid-2023 completion.
Procurement Total	345,900	343,256			
Construction Qtr 1 Completion					
Data Connection - landfill	35,500	16,206	0%	Reserve	Completion date pending external service provider
Lina Hart Reserve	45,000	45,000	99%	Muni	Completed
Rosette Park	58,100	58,100	92%	Muni	Completed
Champion Centre solar	100,000	42,702	0%	Muni	Completed
Construction Qtr 1 Completion Total	238,600	162,008			
Construction Qtr 2 Completion					
CCTV – Landfill	33,400	30,500	0%	Reserve	Upgrade CCTV when the new weighbridge has been installed.
Corondale Reserve	674,800	528,513	100%	POS/T	Completed
Gwynne Park	96,500	81,527	80%	Muni	Completed – final invoices pending
Ticklie Park	760,300	87,648	13%	POS/T	Project Completed (consolidation period)
Trailer Transfer Area	100,000	52,056	100%	Reserve	Completed
Weighbridge Replacement	380,000	351,146	100%	Reserve	Expected to be completed Q3 FY23
San Jacinta Reserve	35,000	31,800	39%	Muni	Completed
Bedfordale Pavilion	683,000	429,694	100%	Muni	Project Completed
Robot Park	90,000	89,396	75%	Muni	Completed
Construction Qtr 2 Completion Total	2,853,000	1,682,280			

FY21/22 CFWDS with Funding Source – 28 February 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Construction Qtr 4 Completion					
RK Bush Fire Brigade	5,390,900 (Revised)	4,329,247 (Revised)	98%	Grant and Reserve	Tender has been let following Council decision and completion expected Qtr 2 FY24. Refer item CEO1/11/22
Completion Phase – Qtr 1					
Armadale Road	179,300	116,416	3%	Grant/Muni	Project Completed –funds carried forward were not required
John Dunn Pavilion	3,562,000 (Revised)	831,342 (Revised)	100%	Muni and Reserve	Works still in progress – Entrance rectification works and waterproof membrane/tiling works to be completed to decking - aiming for lower ground building to be made available in May 2023.
Palomino Reserve	84,000	65,072	93%	Muni	Construction Phase & 95% work complete. Expecting variations from Western Power. Waiting consultant inspection.
Rotary Park	24,000	7,582	31%	Muni	Completed
Rushton Park	11,900	10,613	100%	Muni	Completed
Trailer Transfer Area	49,400	38,094	79%	Reserve	Works in progress – nearing completion
Westfield Heron Reserve	1,500,100	322,470	79%	Grant	Completed – final invoices pending payment
Warton Rd	904,300	173,300	100%	Muni	Invoice provided by COG
Alderson Park	75,000	51,724	100%	Muni	Completed
Chiltern Estate	100,000	6,862	48%	Muni	Completed
Bronzewing Reserve	75,000	31,492	18%	Muni	Completed
Creyk Park	20,000	16,078	37%	Muni	Project in consolidation
AFAC Solar	722,300	74,471	78%	Grant	Completed
Leachate Drainage	50,000	14,124	69%	Reserve	Project start date deferred – to be carried forward.
Site Fencing Landfill	50,000	37,784	59%	Reserve	Project start date deferred – to be carried forward.
Security Landfill	50,000	31,183	58%	Reserve	Project start date deferred – to be carried forward.
Optic Fibre to Depot	210,000	163,020	0%	Muni	Under review
Completion Phase – Qtr 1 Total	7,667,300	1,991,627			
Completion Phase – Qtr 4					
Skeet Rd Planting	345,100	7,529	100%	DCP	Completed
Skeet Rd Consolidated	307,600	41,796	76%	Reserve	Maintenance period extended
Completion Phase – Qtr 4 Total	652,700	49,325			

FY21/22 CFWDS with Funding Source – 28 February 2023			Spend % is actual and committed purchase orders against budget		
	Original Project Budget	Cfwd Budget	Spend	Funding Source	Comments
	\$	\$	%		
Supplier Delay					
Heavy Plant Items	2,864,000	2,864,000	100%	Reserve	All items ordered
Light Fleet Items	1,125,158	1,125,158	83%	Reserve	Most items ordered
Supplier Delay Total	3,989,158	3,989,158			
CFWD PROJECT TOTAL (Revised)		23,703,999			Original carry forward \$18.84M

Prior Year Surpluses

In October 2022 and November 2022, Council decided to allocate part of the \$2.3M FY21 surplus to a number of major projects, leaving a balance of \$433k.

In December 2022, Council received a report declaring the year end position for the financial year ended 30 June 2022 (FY22) of \$3.2M surplus. This surplus has been confirmed following the completion of the audit process in March.

The unallocated surplus balanced is:

FY21	\$0.43M
FY22	\$3.20M
Total	\$3.63M

Council resolution CS62/12/22 refers.

Rates Debtors

The rates debt data for \$250 and over (excluding pensioners) as produced by the system is provided below. The table provides a summary of the non pensioner ratepayers that at the end of the month have no direct debit or special payment arrangement in place. Focus on the collection of or confirming payment arrangements for these ratepayers is continuing.

Feb-23		Non Pensioner							
		One Year		Two Years		Three + Years		TOTAL	
		#	\$	#	\$	#	\$	#	\$
ALL	Year One	337	428,185	164	346,564	165	352,799	666	1,127,548
ALL	Year Two				214,032		334,876		548,908
ALL	Year Three						499,337		499,337
TOTAL		337	428,185	164	560,596	165	1,187,012	666	2,175,793

Change from last month -13 -\$16,608 -7 -\$25,061 -6 -\$55,284 -26 **-\$96,953**

YTD Change -640 -\$828,776 -78 -\$246,601 -50 -\$260,958 -768 **-\$1,336,335**

Sundry Debtors

The sundry debtors owed at the end of February has seen a decrease in the total due from \$5.3m in January to \$3.8m. Debtor payments have continued to be made in March with the totals in the 120 days and over category reduced by a further \$600k. The accounts receivable team has put in a big effort to get these payments and they are now starting to see the rewards of their hard work.

OneCouncil Implementation

The Statements as presented once again represent the most accurate information available but may be subject to change as the OneCouncil data processes continue to be updated, verified and automated. There has been significant work completed by the OneCouncil team and the Finance module expert from Technology One and it is confirmed that the automation has become operational in early April.

ATTACHMENTS

1. Small Balance Rates Interest Written Off - February 2023
2. Statement of Financial Activity - February 2023

RECOMMEND

CS11/4/23

That Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the eight (8) month period ended 28 February 2023; and:

- i. Note that there are reportable actual to budget material variances for the period**
- ii. Note the \$173.91 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**

**Moved Cr S Peter
MOTION CARRIED**

(7/0)

****1.3 - REVIEW OF 2022/23 ANNUAL BUDGET**

WARD : ALL

FILE No. : M/119/23

DATE : 1 March 2023

REF : MH

RESPONSIBLE : Executive Director
MANAGER Corporate Services

In Brief:

- This Report presents a review of the 2022/23 Annual Budget based on actuals and commitments for the first nine months of the year and forecasts for the remainder of the financial year.
- The report provides an update for further funding that is required to complete some major capital projects.
- The budget review has concluded with a recommendation for a further \$1.73m from the Asset Renewal Reserve and a \$0.42m top up from municipal funds to maintain a balanced budget position.
- Recommend that the Review Report together with the recommendations contained therein, be approved.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4.3 Financial Sustainability

4.3.1 Prepare and implement short to long term financial plans.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Review of Budget – Reg 33A

Local Government Act 1995 – Annual Budget – Section 6.8

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

As a consequence of the Annual Budget Review, the proposed amendments require a \$1.73m transfer from the Asset Renewal Reserve and a top up of municipal funding of \$0.42m, proposed from the FY22 Budget surplus of \$3.2m.

The approach to the Annual Budget Review has been objective and conservative. The forecast surplus falls within the tolerable threshold of budget variances (i.e +/- 1% of the operating budget).

Consultation

- Executive Leadership Group (ELT).

COMMENT

Prudent management of the City's Annual Budget includes a full review of the City's progress mid-way through the financial year.

In addition, Regulation 33A of the *Financial Management Regulations* states:

33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government's financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Presented as an Attachment is the Report titled "*Review of Budget for the period ended 31 March 2023*" presenting and explaining the Review process and findings.

Aspects to note about the attached Report are summarised as follows:

1. The Report, which has been prepared from estimates submitted by each of the Directorates and reviewed by the Management Executive, seeks to identify and quantify:
 - The forecast year-end major variances to the adopted budget with the sum of those variances to budget giving a forecast year-end surplus/deficit;
 - The Report then makes recommendation as to what action should be taken to address that change in year-end position.

2. The review process has been undertaken having regard for:
 - Actual revenues and expenses for the first nine (9) months together with committed expenses;
 - Forecast revenues and expenditures for the remaining three (3) months of the year;
 - The anticipated year-end carry forwards for works and projects that are forecast to be either in progress or yet to commence.
3. The review has been undertaken on a conservative basis. This approach increases the likelihood that at year end, revenues may be higher and expenses lower, resulting in a surplus.
4. The attached report:
 - Notes that to maintain a balanced budget:
 - a \$1.73m transfer from the Asset renewal reserve; and
 - a top up of municipal funding of \$0.42m, proposed to be from the FY22 Budget surplus of \$3.2m is required.
 - Notes the municipal funding requirement is 0.4% of the City's cash operating budget.
 - Provides explanatory comment on the forecast variances to the Budget;
 - Provides projects and works likely to be carried forward;
 - Details three (3) major capital projects in need of additional funding.

Major Capital Projects Update

In November 2022, Council reviewed the progress and increased the funding of major capital projects including John Dunn Pavilion, Roleystone Theatre, Carradine Road Culvert Reconstruction and Piara Waters Library. These projects have been subject to cost escalations due to the current market conditions and have been further reviewed and/or market tested.

The Piara Waters Library construction tender was approved by Council in March 23 (CEO3/3/23), requiring a further \$760,000 on the pre-tender estimate.

John Dunn Pavilion

Due to a revised scope of works, the cost of the project was increased from \$2.965M to \$3.562M in November 2022.

A further review has concluded that an additional \$281k is required in order for the works to fully comply with all the relevant legislative requirements. It is proposed that this funding comes from the Asset Renewal Reserve.

	<i>PROJECT BUDGET</i>		
John Dunn Pavilion	Current Project Budget	<i>Proposed Project Amendments</i>	Revised Project Budget
Project			
Design, SI	300,000	0	300,000
Construction	2,962,000	281,000	3,243,000
External works, project management, other costs	300,000	0	300,000
Total	3,562,000	281,000	3,843,000
Funding			
Municipal Funds	2,812,000	0	2,812,000
Assets Renewal Reserve	750,000	281,000	1,031,000
Total	3,562,000	281,000	3,843,000

Roleystone Theatre

Due to contingencies required, the cost of the project was increased from \$4.196M to \$4.956M in November 2022.

There is now an expectation that the contractor costs to complete the works will require an additional \$450k. It is proposed that this funding comes from the Asset Renewal Reserve.

Roleystone Theatre	Current Project Budget	<i>Proposed Project Amendments</i>	Revised Project Budget
Project			
Design, SI, PMFees	477,800	0	477,800
Construction	3,828,500	450,000	4,278,500
External works and contingency	650,100	0	650,100
Total	4,956,400	450,000	5,406,400
Funding			
Municipal Funds^	927,900	0	927,900
Asset Renewal Funds		450,000	450,000
Future Projects Reserve	1,089,500	0	1,089,500
Loan Funds	2,939,000		2,939,000
Total	4,956,400	450,000	5,406,400

^Includes funds allocated from FY21 Surplus and FY23 Project Contingency Funds approved by Council

Carradine Rd Culvert Reconstruction

Due to the need for a specialist contractor and a required scope change, the cost of the project was increased from \$780k to \$1.2M in November 2022.

During the tender process, it has been confirmed that an additional \$0.99M is required in order for the works to be completed. It is proposed that this funding comes from the Asset Renewal Reserve.

	PROJECT BUDGET		
Carradine Rd Culvert Reconstruction	Current Project Budget	Proposed Project Amendments	Revised Project Budget
Project			
Design & Construction	1,200,000	999,000	2,199,000
Total	1,200,000	999,000	2,199,000
Funding			
Assets Renewal Reserve	1,200,000	999,000	2,199,000
Total	1,200,000	999,000	2,199,000

Summary of the proposed Major Projects revisions

Project Name	Estimated Completion	Original Project Budget \$	Nov-22 Project Budget	Required budget to Complete \$	Proposed Funding Sources	Mar-23 Proposed Budget
Carradine Rd Culvert	Q4 FY23	780,000	1,249,900	999,000	Asset Renewal Reserve	2,248,900
Roleystone Theatre	Q4 FY23	4,195,700	4,956,400	450,000	Asset Renewal Reserve	5,406,400
John Dunn Pavilion	Q4 FY23	2,965,000	3,562,000	281,000	Asset Renewal Reserve	3,843,000
Total		7,940,700	9,768,300	1,730,000		11,498,300

The budget amendments proposed above will utilise \$1.73M from the asset renewal reserve, leaving a balance at year end of \$6.566M (\$8.296M less \$1.730M).

End of Financial Year Surpluses and Budget Funding Contingencies to date

As reported in December 2022 (CS62/12/22), Council was advised of a \$3.2M year-end surplus subject to final audit. The audit has now been completed and there has been no changes to the year-end surplus. Council has previously decided to consider the allocation in the FY24 budget deliberations.

Further, the Council had previously set aside the surplus arising from FY21 and also made provision in the current year (FY23) budget for project contingencies, given the supply issues and uncertainties that exist in the market. The funds were set aside in reserves.

Given the economic circumstances, the decision of Council to set aside funds has been a prudent position to take, enabling major project budgets to be amended in response to the prevailing economic conditions and uncertainties that exist in the supply side of the market.

The Council has previously set aside and allocated the following:

1. From the FY21 Surplus, FY23 Budget Contingency, and the FY22 Surplus

	Date of Council Decision	FY21 Surplus	FY23 Budget Contingency	FY22 Surplus	TOTAL
Funds Set Aside		\$2,300,000	\$1,400,000	\$3,200,000	\$6,900,000
Funds Allocated					
RKVBB Station	14/11/2022	\$1,111,900			\$1,111,900
Rolestone Theatre	28/11/2022	\$688,100	\$72,600		\$760,700
Champion Lakes Community Building	28/11/2022		\$91,000		\$91,000
Piara Waters Library (Pre Tender Est.)	28/11/2022		\$660,500		\$660,500
Piara Waters Library (Tender Award)^	27/03/2023		\$575,900		\$575,900
Total Allocated		\$1,800,000	\$1,400,000	\$0	\$3,200,000
Funds Remaining		\$500,000	\$0	\$3,200,000	\$3,700,000

^ Project funding may change to LRCI once Phase 4 Grant conditions reviewed.

Note: Council has required \$500,000 to remain in the FY21 Surplus pending a decision by the State Government on grant funding of the RKBFB Station.

2. From the Future Projects Reserve and the Asset Renewal Reserve:

	Date of Council Decision	Future Projects Reserve	Asset Renewal Reserve	TOTAL
FY23 Budgeted Year End Reserve Balance*		\$13,529,548	\$9,797,560	\$23,327,108
Funds Allocated				
John Dunn Hall	28/11/2022		\$597,000	\$597,000
Carradine Road Culvert	28/11/2022		\$469,300	\$469,300
Road Resurfacing	28/11/2022		\$435,500	\$435,500
Piara Waters Library (Tender Award)^	27/03/2023	\$184,100		\$184,100
Total Allocated		\$184,100	\$1,501,800	\$1,685,900
Revised Year End Fund Balance		\$13,345,448	\$8,295,760	\$21,641,208

*excludes the FY21 surplus funds set aside and the FY23 Budget contingency, noted above, which reside in the future projects reserve.

^ Project funding may change to LRCI once Phase 4 Grant conditions reviewed.

One Council/ICT

Following the implementation of Phase One of the OneCouncil project, the project team upgraded the system to the current 2022B version during October to November 2022. The system upgrade works were funded from savings in the ICT operational budget. The team has also resolved system integration issues between the Civica Authority system and the *OneCouncil* system.

Subsequent to the Phase One *OneCouncil* system implementation, an interim phase was initiated to undertake a Finance Chart redesign to change the configuration from the adopted City of South Perth configuration to one that is fit for purpose for Armadale. This is a precedent to the Enterprise Budgeting module programed for Phase 2. The interim phase runs from January 2023 to June 2023.

It is proposed that this be funded by Municipal funds, as it is an extended part of the original project scope. The value of this interim phase is approximately \$780,000 for the team resources.

Other Budget amendments

The Budget Review report attached outlines other budget amendments including an increase in municipal fund interest earnings of \$500,000; and increase in reserve interest earnings of \$1.9M; and an increase in the Insurance Expense budget of \$100,000.

Further, Council has previously approved amendments to the Annual Budget that set the current revised budget at (\$53,000), as a result of:

- the Jull Street Music in the Mall for \$25,000, decided at the June 2022 Council meeting; and
- the Wallangara Riding and Pony Club assistance for \$28,000, decided at the 13 March 2023 Council Meeting.

Summary

The culmination of the changes required from this report and the previous decisions of Council require a top up of municipal funds to maintain a balance budget position. This amount is \$420,000 and it is proposed to utilise the FY22 Budget surplus of \$3.2M, reducing this to \$2.78M.

The allocation tables then appear as follows:

	Date of Council Decision	FY21 Surplus	FY23 Budget Contingency	FY22 Surplus	TOTAL
Funds Set Aside		\$2,300,000	\$1,400,000	\$3,200,000	\$6,900,000
Funds Allocated					
RKVBB Station	14/11/2022	\$1,111,900			\$1,111,900
Rolestone Theatre	28/11/2022	\$688,100	\$72,600		\$760,700
Champion Lakes Community Building	28/11/2022		\$91,000		\$91,000
Piara Waters Library (Pre Tender Est.)	28/11/2022		\$660,500		\$660,500
Piara Waters Library (Tender Award)^	27/03/2023		\$575,900		\$575,900
<i>Proposed Allocation FY23 Budget Review</i>				\$420,000	\$420,000
Total Allocated		\$1,800,000	\$1,400,000	\$420,000	\$3,620,000
Funds Remaining		\$500,000	\$0	\$2,780,000	\$3,280,000

^ Project funding may change to LRCI once Phase 4 Grant conditions reviewed.

	Date of Council Decision	Future Projects Reserve	Asset Renewal Reserve	TOTAL
FY23 Budgeted Year End Reserve Balance*		\$13,529,548	\$9,797,560	\$23,327,108
Funds Allocated				
John Dunn Pavilion	28/11/2022		\$597,000	\$597,000
Carradine Road Culvert	28/11/2022		\$469,300	\$469,300
Road Resurfacing	28/11/2022		\$435,500	\$435,500
Piara Waters Library (Tender Award)^	27/03/2023	\$184,100		\$184,100
<i>Proposed John Dunn Pavilion</i>			\$281,000	\$281,000
<i>Proposed Carradine Road Culvert</i>			\$999,000	\$999,000
<i>Proposed Roleystone Theatre</i>			\$450,000	\$450,000
Total Allocated		\$184,100	\$3,231,800	\$3,415,900
Revised Year End Fund Balance		\$13,345,448	\$6,565,760	\$19,911,208

*excludes the FY21 surplus funds set aside and the FY23 Budget contingency, noted above, which reside in the future projects reserve.

^ Project funding may change to LRCI once Phase 4 Grant conditions reviewed.

Correction to the funding sources for the John Dunn Pavilion project

During the course of this review, it has been noted that the November report to Council (C54/11/22) proposed a funding increase to the John Dunn Pavilion project of \$597,000 from Asset Renewal Reserve. However, the decision of Council referenced Future Project Funds. The report recommendation remedies the funding source.

ATTACHMENTS

1. DRAFT Review of Budget for the period ended 31 March 2023

RECOMMEND

CS12/4/23

That Council:

1. Pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, adopts the attached Report titled 'Review of Budget for the period ended 31 March 2023'.
2. Pursuant to section 6.8 of the *Local Government Act 1995*, authorises* the following amendments to the 2022/23 Annual Budget as presented and explained in the attached Report titled 'Review of Budget for the period ended 31 March 2023'.

Budget Amendments	
Particulars	(\$)
Revenue	
<i>Increases</i>	
Increase in Interest from Investments	2,396,400
Increasing in Interim Rates During the Year	55,000
Net Revenue Increase/(Decrease)	2,451,400
Operating Expense	
<i>Increases</i>	
Additional Funding for Outdoor Youth Facility Provision Study	(20,000)
License Fees For Bang the Table Portal	(36,000)
Reclassify Insurance from Material and Contracts to Insurance Expense	(410,800)
Additional Funds for Insurance Expenses during the Year	(100,000)
<i>Decreases</i>	
Reclassify Insurance from Material and Contracts to Insurance Expense	410,800
Transfer from Champion Lake Community Centre Maintenance Budget To Champion Lake Community Centre Capital Project	25,950
Transferring Funds from John Dunn Pavilion Maintenance to John Dunn Pavilion Capital Project	35,900
Reduction in ICT Salary Budget	305,000
Net Operating Expense (Increase)/Decrease	210,850

Capital Expense	
<i>Increases</i>	
Additional Funding for Roleystone Theatre	(450,000)
Additional Funding for John Dunn Pavilion	(281,000)
Additional Funding for Champion Lake Community Centre	(104,000)
Additional Funding for Various Plant and Equipment Items	(309,900)
Additional Funding for Road Resurfacing Projects	(11,050)
Additional Funding to Footpath Improvements	(187,000)
Upgrading Burtonia Gardens and Yellowwood Parks	(600,000)
Additional Funding for New Footpaths Program Project	(50,000)
Additional Funding for North Forrestdale SAR	(27,000)
Additional Funding for Carradine Road Culvert Reconstruction Project	(999,000)
<i>Decreases</i>	
Transfer from Facility Consultancy Capital Budget to Champion Lake Community Centre Project	78,050
Transfer from Facility Consultancy Capital Budget to New Footpaths Program	26,200
Net Movement in Parks Projects	50,700
Net Capital Expense (Increase)/Decrease	(2,864,000)
Non-Operating Revenue/Expense	
<i>Increases</i>	
Grant Funding for Burtonia Gardens and Yellowwood Park Upgrade Projects	600,000
Proceeds from Disposal of Asset	33,000
Transfer from Waste Management Reserve to Fund Plant and Equipment Items	3,000
Transfer from Plant and Machinery Reserve Reserve to Fund Plant and Equipment Items	273,900
Transfer from Asset Renewal Reserve to Fund the Footpath Defects Backlog	187,000
Transfer from North Forrestdale SAR Asset Renewal to North Forrestdale SAR Project	27,000
Transfer from Asset Renewal Reserve to fund the Carradine Rd Culvert Reconstruction Project	999,000
Transfer from Asset Renewal Reserve to Fund the Roleystone Theatre project	450,000
Transfer from Asset Renewal Reserve to Fund the John Dunn Hall project	245,100
<i>Decreases</i>	
Transfer of Interest Related to Reserve Funds	(1,895,000)
Reduction in One Council Loan required for this year	(1,085,000)
Net Non-Operating Revenue/Expense Increase/(Decrease)	(162,000)
Movement in Contract Liability	0
Net Budget Surplus/(Deficit)	(363,750)

3. AMENDS the 2022/23 Annual Budget by increasing the Opening Position (net current assets at 1st July 2022) by \$3.2M, increasing the Closing Position (net current assets at 30 June 2023) by \$2.78M, effectively utilising \$420,000 (rounded) of the FY22 surplus to fund the net budget deficit in point 2 above and the previous decisions of Council relating to the Wallangara Riding and Pony Club assistance and music in the Jull Street mall, totalling \$53,000 as described in this report.

4. NOTES the budget amendments in point 2 above, amends the Project and FY23 Annual budgets as follows:

	Project Budget	Budget Review Funds Applied	Reserve Utilised/ (Set Aside)	Proposed Funding Source
Carradine Rd Culvert Reconstruction	\$999,000		\$999,000	Asset Renewal Reserve
Roleystone Theatre	\$450,000		\$450,000	Asset Renewal Reserve
John Dunn Pavilion	\$281,000		\$281,000	Asset Renewal Reserve
TOTAL			\$1,730,000	

a. Carradine Road Culvert Reconstruction

i. Increase the Project Budget and Annual Budget FY23 by \$999,000 from \$1,249,300 to \$2,248,300

ii. Increase transfer from the Asset Renewal Reserve in the Annual Budget FY23 by \$999,000

b. Roleystone Theatre

i. Increase the Project Budget and Annual Budget FY23 by \$450,000 from \$4,956,400 to \$5,406,400

ii. Increase transfer from the Asset Renewal Reserve in the Annual Budget FY23 by \$450,000

c. John Dunn Pavilion

i. Increase the Project Budget and Annual Budget FY23 by \$281,000 from \$3,562,000 to \$3,843,000

ii. Increase transfer from the Asset Renewal Reserve in the Annual Budget FY23 by \$281,000

5. APPROVES an amendment to the John Dunn Hall project by amending the Future Projects Reserve funding source of \$597,000 to the Asset Renewal Reserve for \$597,000 and amends the budget accordingly.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr E J Flynn

Opposed Cr S Peter

MOTION CARRIED

(6/1)

****2.1 - PROCUREMENT OF GOODS AND SERVICES POLICY REVIEW**

WARD : ALL
FILE No. : M/695/22
DATE : 21 March 2023
REF : RS/MBL
RESPONSIBLE MANAGER : Executive Director
Corporate Services

In Brief:

- The Procurement of Goods and Services Policy is to be reviewed in accordance with the City's Corporate Business Plan Action 4.3.3.1.
- The Policy underwent internal and external review in 2022.
- Recommend Council endorse the new draft Procurement of Goods and Services Policy.

Tabled Items

Nil.

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 4.3.3 Consider environmental, social and local content objectives in procurement.
4.3.3.1 Review tender criteria and weightings as well as the City's Procurement Policy.

Legal Implications

Section 3.57 of the *Local Government Act 1995* refers i.e.

3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11A. of the Local Government (Functions and General) Regulations 1996 refers, ie.

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) A purchasing policy must make provision in respect of—*
 - (a) the form of quotations acceptable; and*
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and*
 - (b) the recording and retention of written information, or documents, in respect of*
 - (i) all quotations received; and*
 - (ii) all purchases made.*

Council Policy/Local Law Implications

- Procurement of Goods and Services Policy (August 2020)

Budget/Financial Implications

A portion of the internal audit budget of \$55,000 was allocated to the Policy review.

Consultation

- Business Improvement
- City Governance
- Executive Leadership Team (ELT)
- Finance Services
- Moore Australia (WA) Pty Ltd

BACKGROUND

Council delegations and policies are an essential part of the City's governance framework to guide Council and Officers in the context of decision-making. Policies are developed to respond to legislative requirements, discretionary legislated powers or non-legislated functions and activities of Council.

Council adopted the Procurement of Goods and Services Policy on 23 March 2009 (CA2/3/09) in accordance with regulation 11A of the *Local Government (Functions and General) Regulations 1996* and has subsequently reviewed the policy on a regular basis.

Key Action and Project 4.3.3.1 of the Corporate Business Plan 2022/23 -2025/2026 requires the Policy be reviewed. The last substantive review and update of this Policy occurred in 2020 and Council adopted the subsequent amendments on 24 August 2020 (CS39/8/20).

In July last year, Phase One of the *OneCouncil* ERP Project was delivered, which includes the Supply Chain Module. Supply Chain consists of Purchase Orders, Purchasing and Commitment components, and provided new purchasing control and compliance components

not previously available. The new components demonstrated an immediate benefit in both the control, compliance, efficiency and process for Officers. Benefits include:

- Audit trails are captured for all steps of documentation creation and approvals, increasing transparency.
- Separation of duties has been strengthened and involves two officers before the City is committed by a Purchase Order.
- Goods receipting has been fully introduced for all purchases and automated, providing an important verification step, which enables an invoice to be released for payment. The final release of the payment is approved by the Finance Team.
- Staff can now attach quotes to requisitions (no duplication of records). Allows for increased transparency and easier access.
- Access to information and supporting document is instantly available at each stage on any device, and has added efficiency and robustness to the approval process.

Further benefits are possible in the future, working in tandem with the procurement policy to strike the right balance between control / compliance and efficiency / process.

The Procurement of Goods and Services Policy forms part of the authorising environment that enables the City to procure and make payments for goods, services, taxes, levies and refunds. For interest, the authorising environment is provided in attachment two.

DETAILS OF PROPOSAL

It is proposed that Council adopt the new draft Procurement of Goods and Services Policy as attached to this report.

This draft Policy has a focus on addressing findings from internal and external audits conducted during the 2022 calendar year and seeks to find a balance between control and compliance with legislation and the need for efficiency and process within the new OneCouncil Supply Chain Module.

This Policy provides the City with compliance with Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996* as well as guidance to Officers and Suppliers in understanding and adherence to the rules and regulations when undertaking transparent procurement processes with or on behalf of the City.

The policy has been reviewed with reference to internal and external audits which have identified areas for improvement or enhancement within the current Policy. This includes:

- *Local Government (Audit) Regulations 1996*, Regulation 17 review;
- *Local Government (Financial Management) Regulations 1996* Regulation 5 and 12 Review
- Internal Audit advisory services through Moore Australia (WA) Pty Ltd);
- The Compliance Audit Return.

The changes to the policy are summarised in the attached Change Log. Specifically, the main changes of substance are:

- Inclusion of section numbering for ease of document referencing further to Moore Australia advice

- Inclusion of Contents page to assist in document navigation further to Moore Australia advice
- Amendment to ordering of content to assist in readability and navigation of Policy further to internal review by City Governance
- Section 1.3 has been expanded to provide greater context and clarity to Competence, Confidentiality & Interest further to internal review by City Governance
- Section 1.7.3 has been expanded to provide greater context and clarity relative to the introduction of the Phase One Supply Chain Management Module in OneCouncil further to internal review by City Governance
- Section 1.8 introduces provision, structure and formalization of quotation waivers further to internal review by City Governance
- Section 1.9 has been introduced to provide clarity to Officers that Statutory Payments are not considered part of this Policy and are managed through separate legislation further to internal review by City Governance
- Section 3.4 has been introduced to provide greater clarity to Officers when establishing a Panel of Pre-Qualified Suppliers further to internal review by City Governance
- Section 3.5 has been introduced to provide greater clarity to Officers when establishing a Panel of Pre-Qualified Suppliers further to internal review by City Governance
- Section 5 has been expanded to provide greater context and content to Officers with regard to Procurement Non-Compliance further to internal review by City Governance.

Marked-up changes to the document will be circulated under separate cover.

OPTIONS

Council has the following options:

1. Endorse the draft Procurement of Goods and Services Policy
2. Do not endorse the draft Procurement of Goods and Services Policy.

CONCLUSION

The proposed amendments to the Procurement of Goods and Services Policy further modernises the City's approach to procurement, following the 2022 review. Having an updated policy in place will assist in guiding Officers and Suppliers to procure in accordance with legislation and current best practice.

ATTACHMENTS

1. Draft Procurement of Goods and Services Policy (2023)
2. Appendix A - Procurement Policy Change Log (2023)

RECOMMEND

CS13/4/23

That Council endorse the proposed amendments to the Procurement of Goods and Services Policy as presented in the attachment to this report.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr G Nixon
MOTION CARRIED

(7/0)

2.2 - RECORD KEEPING PLAN - 2022 REVIEW

WARD : ALL
FILE No. : M/162/23
DATE : 21 March 2023
REF : AM/MBL
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- Endorsement of the amended Record Keeping Plan is sought as required by the *State Records Act*.
- Recommend that Council endorse the amended Record Keeping Plan.

Tabled Items

Nil.

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4.1.5 Establish comprehensive governance policies and processes.

4.1.5.9 Build a strong commitment to comprehensive information capture and governance, which evidences accountable and transparent decision making.

Legal Implications

- *State Records Act 2000*

Council Policy/Local Law Implications

ADM15 – Record Keeping Policy.

Budget/Financial Implications

Nil.

Consultation

- Staff Members (Records, Governance, Procurement, ICT, Library Services, Recreation Services, Technical Services, Development Services)
- Government Agencies (State Records Office)
- External (Moore Australia Auditors)

BACKGROUND

The *State Records Act 2000* requires all Government Agencies to have a Record Keeping Plan (RKP) approved by the State Records Commission (the Commission) and reviewed within five (5) years of its approval date. The City's current Record Keeping Plan was endorsed by the Chief Executive Officer in October 2016 and the Commission on 9 December 2016.

A review of the City's plan was conducted in 2021. The Review Report, endorsed by the CEO and submitted to State Records Office in December 2021, committed to the submission of an updated Record Keeping Plan endorsed by Council for the Commission's approval.

While previous RKPs were endorsed by the CEO, during the review it was determined that the interpretation of the *State Records Act 2000* established that it is a function of the local government to 'have' a record keeping plan; in other words, adopt one.

Given the Council is the decision-making body of the local government, it is necessary to submit the draft record keeping plan to Council for adoption. This is appropriate given the strategic nature of the RKP and it is entirely consistent with Council's oversight, strategic planning, and policy setting role.

DETAILS OF PROPOSAL

The RKP Review Report completed in 2021 determined that the current RKP does not accurately reflect the City's current record keeping practices or current storage arrangements; and legislative requirements have changed in the last 5 years and therefore an amendment to the City's RKP was required.

Preparing the amended RKP entailed:

- Reviewing internal procedures and updating relevant responses in the RKP to reflect process changes
- Reviewing current processes to ensure compliance with State Records Office Standards or identifying gaps in processes that require additional development
- Reviewing draft RKP with City Internal Auditors
- Completing the RKP self-evaluation checklist detailing an assessment score of the City's processes, and planned improvements where processes require further development
- Consulting with internal stakeholders to verify processes impacting and included in the RKP are current and correct
- Finalizing adoption of updated Record Keeping Policy
- Addressing new criteria added to the RKP template
- Planning solutions and timeframes for process enhancements and projects to be initiated and completed to comply with record keeping standards and best practice
- State Records Office review of draft RKP confirming requirements have been met.

The final amended RKP is attached without track changes, due to significant format and grammatical changes the track changes function renders the document unreadable. The 2016 RKP and the draft submitted to the City's auditors for review with their comments is available if required.

Appendix 8 has been included as it pertains to Councillors.

Appendices 6 through 34 from the attached RKP pertain to detailed operational procedures and are not submitted for approval.

ANALYSIS

The RKP review provides an opportunity to reassess the City's record keeping maturity against the State Records Office Standards. While generally having effective practices in place, the RKP has highlighted areas that require development or improvement. These are documented in the RKP along with planned timeframes. These items will predominately be addressed through the annual plan for the Records team within existing budgets. The areas where development is required are:

- Implementation of WALGA Elected Member Record Keeping Awareness training and mechanism for annual transfer of the City's corporate records held by Councillors.
- Establish and implement business rules for the ongoing use of Microsoft 365 applications
- Audit of existing classification structure
- Implement consistent risk assessments of cloud based software
- Archives held in non-compliant storage progressively transferred to offsite compliant storage provider
- Periodic checks of electronic information stored on external media
- Conversion of electronic records requiring long term retention into an archival format
- Implementation of a source records destruction program, reducing storage costs of digitised physical records
- Overarching approval to apply automatic retention policies for information held in applicable business information systems
- Implementation of e-Learning for introductory Electronic Document & Records Management System (EDRMS)
- Introduction of regular staff information sessions to meet ongoing training needs
- Reintroduce annual Records survey for service benchmarking.

Since last reviewed in 2016 there has been substantial progress digitising historical hardcopy records and relocating to compliant storage to ensure their long-term preservation, there were also extensive process changes implemented during the COVID-19 pandemic which have streamlined Records Services and have now been detailed in the amended RKP.

CONCLUSION

As required by the *State Records Act 2000* a review of the City's RKP was completed and an amended plan prepared. Council endorsement of the amended RKP is required prior to the RKP being submitted to the Commission for review and approval.

ATTACHMENTS

1. Record Keeping Plan RKP 2022 - *This matter is considered to be confidential under Section 5.23(2) (f ii) of the Local Government Act, as the matter, if disclosed, could be reasonably expected to endanger the security of the City of Armadale's property*
2. Action Plan - Record Keeping Plan RKP Review 2022 - *This matter is considered to be confidential under Section 5.23(2) (f ii) of the Local Government Act, as the matter, if disclosed, could be reasonably expected to endanger the security of the City of Armadale's property*

RECOMMEND

CS14/4/23

That Council endorse the amended Record Keeping Plan as attached to this report.

**Moved Cr S Peter
MOTION CARRIED**

(7/0)

COUNCILLORS' ITEMS

Nil.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

EXECUTIVE DIRECTOR'S REPORT

1. Revised Budget Program

The revised budget program is about to be issued. First Councillor Workshop around scenarios is to be held on 9 May. The updated program will be issued to Councillors shortly.

2. Property Revaluation

The Property Revaluation report has been received. The City is in the process of analysing and validating the data and will produce similar information for Councillors as last time.

MEETING DECLARED CLOSED AT 8.00PM

CORPORATE SERVICES COMMITTEE SUMMARY OF ATTACHMENTS 18 APRIL 2023		
ATT NO.	SUBJECT	
1.1 LIST OF ACCOUNTS PAID - FEBRUARY 2023		
1.1.1	Monthly Cheque and Credit Card Report - February 2023	
1.2 STATEMENT OF FINANCIAL ACTIVITY - FEBRUARY 2023		
1.2.1	Small Balance Rates Interest Written Off - February 2023	
1.2.2	Statement of Financial Activity - February 2023	
1.3 REVIEW OF 2022/23 ANNUAL BUDGET		
1.3.1	DRAFT Review of Budget for the period ended 31 March 2023	
2.1 PROCUREMENT OF GOODS AND SERVICES POLICY REVIEW		
2.1.1	Draft Procurement of Goods and Services Policy (2023)	
2.1.2	Appendix A - Procurement Policy Change Log (2023)	

The above attachments can be accessed from the Minutes of the Corporate Services Committee meeting of 18 April available on the City's website

CHIEF EXECUTIVE OFFICER’S REPORT

24 APRIL 2023

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1.1 - 2022 ANNUAL GENERAL MEETING OF ELECTORS - 12 APRIL 2023

WARD : ALL

FILE No. : M/194/23

DATE : 14 April 2023

REF : JL

RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

This Report:

- Presents the minutes of the AGM of Electors held on 12 April 2023 for confirmation by Council.
- Three (3) motions were submitted by the community at the meeting, all of which were carried.
- This report provides comment on the motions and presents recommendations for consideration by Council.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

4 – Leadership & Innovation

4.4 - Effective community engagement and communications

4.4.1 – Strive to achieve best practice community engagement

Legal Implications

Section 5.27 of the *Local Government Act 1995* requires that:

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meeting are to be those prescribed."*

The *Local Government (Administration) Regulations 1996 – Regulation 15 Matters to be discussed at general meeting*, prescribes that:

"For the purposes of section 5.27(3), the matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business."

Subdivision 4, Section 5.33 of the *Local Government Act 1995* states:

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,**whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

Nil

BACKGROUND

Council at its meeting on 27 March 2023 accepted the Annual Report and resolved to hold its Annual General Meeting of Electors on Wednesday 12 April 2023.

COMMENT

The City of Armadale Annual General Meeting of Electors was held on Wednesday 12 April 2023 for the community to receive the 2021/2022 Annual Report and discuss any items of general business.

Minutes of the Annual General Meeting (AGM) of Electors held on 12 April 2023 are attached to this Report for Council to receive, consider and determine as appropriate.

Three (3) motions were submitted to the meeting, all of which were carried.

These motions are now presented for Council to consider as follows:

Motion-1

That the CoA put in place a procedure whereby they agree to expend or allocate any financial year budget surplus by the end of the following financial year.

Officer's Comments/Reasons for Recommendation

- Local Governments generally adopt a balanced budget, with budgeted revenues and other sources of funds matching expenditure, debt repayment and cash reserve funds set aside for future purposes.
- Successive Councils of the City of Armadale have generally taken a conservative approach to budgeting, to ensure overall budget deficits do not occur. Previously, surplus funds have been set aside in cash reserves for future projects or allocated to smaller capital works.
- Recent experience suggests taking a contingent approach to both budgeting and the application of surplus funds has been necessary and prudent. This has particularly been the case in response to the COVID19 Pandemic and the economic factors resulting from global events, supply issues in the market and the fiscal and monetary policies of Government.
- In the current financial year, the Council has allocated \$1.8M from the FY21 surplus, \$1.4M from the current FY23 budget contingency and a further \$420k is proposed from the FY22 surplus (refer Review of 2022/23 budget, Council Meeting 24 April 2023).
- The application of any surplus is a decision for Council at that point in time, and will likely depend on the strategic objectives and prevailing economic conditions at the time.
- On this basis, it is suggested that Council continue to prudently evaluate the economic conditions in conjunction with its strategic objectives, the Long Term Financial Plan and the Annual Budget. If the circumstances warrant, it may see fit at any time to allocate the funds to cash reserves for a specific project or be held as contingency, or allocated to other purposes that contribute to the Council's strategic intent.

Officer's Recommendation

That the advice on the City's allocation of any financial year budget surplus be noted; and this be communicated to the Electors attending the Electors Meeting and noted in the Minutes of the Annual Electors Meeting – April 2023.

Motion-2

That the City agree to accept and implement the FOGO program within City wards for the coming financial year, enabling a reduction of the City's carbon footprint and working towards nett zero emissions by 2030. And that the City ensures a trackable report each quarter, if practicable, to the progress of the FOGO program.

Officer's Comments/Reasons for Recommendation

The City's will not be in a position to implement a FOGO scheme in 2023/24, due to the following:

1. Lead times required for the implementation of a FOGO scheme, potentially in collaboration with other local governments to ensure commercial resilience, are lengthy and involve a wide range of additional service areas, such as:

Motion-2

- a. specifying, procuring and receiving delivery of additional alternative bins for locating at residences
- b. the costing, tendering and procurement of external collection services or the expansion of the City's own collection services; and
- c. the potential upgrading of the Armadale Landfill and Recycling Facility (ALARF) to receive the separated material or the costing, tendering and procurement of external processing services.

These will not be completed in advance of the 2023/24 financial year.

2. Due to limited time, the City's would be unable to incorporate any financial implications into budget preparation processes, including the development of the Waste Services component of the Rates charge.

The City's Strategic Waste Management Plan is being reviewed and will consider all aspects of waste management holistically including the operation, closure and post closure management of the ALARF, FOGO, verge collections, the City's waste collection services and contracts, the City's commitments through the Rivers Regional Council to the Waste to Energy contract, as well as the operation of the Drop n Shop, e-Waste recycling and Roleystone Green Waste Facility. Understanding the operational constraints and financial implications holistically is essential to informed decision making by Council.

The component of the City's carbon footprint, arising from the Landfill site, is reduced significantly by the implementation of a number of alternative initiatives. These include the segregation and mulching of green waste, with mulch available free of charge to City residents.

In addition, the City has the benefit of a 'flaring system' introduced at the ALARF in 2014. The purpose of this was to burn off methane arising from waste decomposition. This project was accredited under the Federal Government's Carbon Farming Initiative, and has generated approximately 10,000 carbon credits per annum since project inception.

Officer's Recommendation

That the advice on the City's implementation of the FOGO program be noted; and that this position be communicated to the Electors attending the Electors Meeting and noted in the Minutes of the Annual Electors Meeting – April 2023.

Motion-3

That the City of Armadale budget each financial year allocate \$25,000 to each ward for those ward Councillors to receive applications from the not-for-profits for funding and that the CoA give ward Councillors the delegated authority to discuss with their ward co-Councillor for automatic agreement to the value of \$1,000. Amounts over \$1,000 would require further Council approval. Ward Councillors would then report all applications and funding back to the Council through regular Council meetings.

Officer's Comments/Reasons for Recommendation

Council is prevented from allocating funds to Ward budgets under Regulation 7 of the *Local Government (Financial Management) Regulations 1996*. Regulation 7 states:

A Local Government is to have regard to the needs of the inhabitants of the whole district as a whole and is not to (a) keep separate ward accounts; or (b) determine expenditure on the basis of revenue from a ward.

With respect to the City's support for not-for-profit groups within the City, the Financial Assistance Policy provides for a Community Grants Program with a budget of \$63,300 and a Donations and Scholar Awards for \$31,700. This is in addition to the many other community programs funded by the City which support not for profit community groups.

It is also noted that organisations owning or leasing premises in the City of Armadale for a charitable purpose receive an exemption from rates under the Local Government Act 1995. The value of this exemption is around \$830,000.

Officer's Recommendation

That the advice on the City's budget allocation for not-for-profit organisations be noted; and this be communicated to the Electors attending the Electors Meeting and noted in the Minutes of the Annual Electors Meeting - May 2022.

ATTACHMENTS

1. [2023-04-12 - Minutes - Annual General Meeting of Electors](#)

RECOMMEND

CEO1/4/23

That Council:

- 1. Receives the Minutes of the Annual General Meeting of Electors held on 12 April 2023 as presented in the attachment to this Report.**
- 2. Pursuant to the requirements of Section 5.33 of the *Local Government Act 1995*, adopt the following actions and supporting reasons made in response to the decisions made at the Annual General Meeting of Electors held on 12 April 2023.**

Decisions Made at the AGM of Electors	Council's decision in response to the decision made at the AGM of Electors
---------------------------------------	--

<p><u>Motion-1</u></p> <p>That the CoA put in place a procedure whereby they agree to expend or allocate any financial year budget surplus by the end of the following financial year.</p>	<p>That the advice on the City's allocation of any financial year budget surplus be noted; and this be communicated to the Electors attending the Electors Meeting and noted in the Minutes of the Annual Electors Meeting – April 2023.</p>
<p><u>Motion-2</u></p> <p>That the City agree to accept and implement the FOGO program within City wards for the coming financial year, enabling a reduction of the City's carbon footprint and working towards nett zero emissions by 2030. And that the City ensures a trackable report each quarter, if practicable, to the progress of the FOGO program.</p>	<p>That the advice on the City's implementation of the FOGO program be noted; and that this position be communicated to the Electors attending the Electors Meeting and noted in the Minutes of the Annual Electors Meeting – April 2023.</p>
<p><u>Motion-3</u></p> <p>That the City of Armadale budget each financial year allocate \$25,000 to each ward for those ward Councillors to receive applications from the not-for-profits for funding and that the CoA give ward Councillors the delegated authority to discuss with their ward co-Councillor for automatic agreement to the value of \$1,000. Amounts over \$1,000 would require further Council approval. Ward Councillors would then report all applications and fundings back to the Council through regular Council meetings.</p>	<p>That the advice on the City's budget allocation for not-for-profit organisations be noted; and this be communicated to the Electors attending the Electors Meeting and noted in the Minutes of the Annual Electors Meeting - May 2022.</p>

3. Notes that officers will respond to the questions taken on notice at the Annual General Meeting of Electors within 2 weeks of the Minutes of the meeting being received by Council.

1.2 - COUNCILLORS INFORMATION BULLETIN - ISSUE NO 5/2023

WARD : ALL
FILE No. : M/176/23
DATE : 27 March 2023
REF : MC
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- Councillor's Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 5/2023 to be received by Council

Strategic Implications

The following general information and memorandums were circulated in Issue No 5/2023 on 20 April 2023.

COMMENT

Correspondence & Papers

Information from Human Resources

Employee Movements

Information from Technical Services

Outstanding Matters and Information Items

Various Items

Monthly Departmental Reports

Technical Services Works Program

Information from Community Services

Outstanding Matters & Information Items

Report on Outstanding Matters

Library Upcoming Events

Community Planning

Community Development

Recreation Services

Library and Heritage Services

Ranger & Emergency Services

Information from Corporate Services

Progress Report

Progress Report on Contingency, Operational & Strategic Project

Outstanding Matters & Information Items

Report on Outstanding Matters – Corporate Services Committee

Economic Development

Tourism & Visitor Centre Report

Accounting Reports

Nil

Report of the Common Seal

Information from Development Services

Outstanding Matters & Information Items

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

Health

Health Services Manager's Report – Jan, Feb, March 2023

Planning

Planning Applications Report - March 2023

Schedule of current Town Planning Scheme No.4 Amendments

Subdivision Applications - WAPC Approvals/Refusals - March 2023

Subdivision Applications - Report on Lots Registered 2022/2023

Compliance Officer's Report - March 2023

Building

Building Services Manager's Report - March 2023

Building Health/Compliance Officer's Report - March 2023

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO2/4/23

That Council acknowledge receipt of Issue 5/2023 of the Information Bulletin

1.3 - WIRRA WILLA

WARD : MINNAWARRA
FILE No. : M/209/23
DATE : 20 April 2023
REF : SD
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- A Confidential Report on the above matter is presented to this agenda

Tabled Items

Nil

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

A Confidential Report is presented as an attachment to this Agenda.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

CEO3/4/23

That Council adopt the recommendation in the Confidential Report.

CHIEF EXECUTIVE OFFICER'S REPORT		
ATTACHMENTS		
24 APRIL 2023		
ATT NO.	SUBJECT	PAGE
1.1 2022 ANNUAL GENERAL MEETING OF ELECTORS - 12 APRIL 2023		
1.1.1	2023-04-12 - Minutes - Annual General Meeting of Electors	75



Annual General Meeting of Electors

Wednesday 12 April 2023

MINUTES

OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, ORCHARD AVENUE, ARMADALE ON WEDNESDAY 12 APRIL 2023 COMMENCING AT 7PM

PRESENT:

The Mayor, Cr R Butterfield Presided	River Ward
Deputy Mayor, Cr K Busby	Minnawarra Ward
Cr G J Smith	Minnawarra Ward
Cr J Keogh	River Ward
Cr K Kamdar	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr S Virk	Lake Ward
Cr M Silver (7.08pm)	Lake Ward
Cr G Nixon	Hills Ward
Cr S J Mosey	Hills Ward
Cr P A Hetherington	Palomino Ward
Cr M S Northcott	Palomino Ward
Cr E Flynn	Heron Ward

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mrs S Van Aswegen	Executive Director Community Services
Mr M Andrews	Executive Director Technical Services
Mr B Garvey	Coordinator City Governance
Mr D Baker	Senior Governance Officer
Mrs A Owen-Brown	Executive Assistant Corporate Services

Public: 20

APOLOGIES:

Cr M J Hancock	Heron Ward (Leave of absence)
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Her Worship the Mayor, Cr Ruth Butterfield, welcomed those in attendance to the 2021/22 Annual General Meeting of Electors and addressed the meeting as follows:

Good evening everyone and welcome to the City of Armadale's Annual General Meeting of Electors of 2023, held on Wednesday the 12th of April

I will now go through the order or proceedings and just say welcome along everyone; ladies, gentlemen, Councillors, staff and welcome of course to your Annual General Meeting which I'll now declare open at one minute past 7pm.

Firstly, I would like to introduce you to your Councillors (members if I could ask you to stand, if able to stand, as I call your name and introduce you). To my right here I have Cr Kerry Busby Deputy Mayor and councillor for Minawarra Ward, we have Cr Gary Smith also of Minawarra Ward; we have Cr Keyur Kamdar of Ranford Ward; Cr Shanavas Peter of Ranford Ward; Cr Sam Virk for Lake Ward; Cr Scott Mosey of Hills Ward; Cr Grant Nixon, Hills Ward; Cr Paul Hetherington, Palomino Ward; and Cr Melissa Northcott also of Palomino Ward; Cr Emma Flynn from Heron Ward; Cr John Keogh my colleague in River Ward; and we have an apology from Cr Michelle Silver; and we have a leave of absence for Cr Michael Hancock who is overseas at the moment.

I'll also present are our Executive Team and the CEO so to my left here is Ms Joanne Abbiss, CEO of the City of Armadale, Mr Jason Lyon, Executive Director of Corporate Services over to my left also; Ms Suzette Van Aswegen, Executive Director of Community Services; and Mr Mike Andrews, Executive Director of Technical Services. Thank you for being here.

Usually we would conduct this meeting early in the financial year, however because of delays in receiving the City's audit report from the Office of the Auditor General, we were unable to do so until now

I will conduct this meeting generally in accordance with the Council's Standing Orders. There are copies of meeting rules and procedures available on the seats around you. Please take the time to familiarise yourself with these rules and procedures. Particularly if you want to get involved.

If there is a vote on anything, each elector is entitled to one vote.

Only electors of the City are entitled to a vote at this meeting, however should the meeting decide by resolution that residents of the district who are not on the electoral roll, but are eligible to become an elector, are permitted to vote.

Any motion passed by this meeting will be submitted to Council for consideration at the next Ordinary Council meeting or, if that is not practicable at the first Ordinary Council meeting after that meeting; or at a special meeting called for that purpose, whichever happens first.

Could all speakers please state their name and address before they speak.

I also wish to advise that tonight's proceedings are being recorded.

1 BUSINESS OF MEETING

Presenting the 2021/22 Annual Report

The Presiding Member, Mayor Ruth Butterfield, read aloud the Mayor's Foreword (Page 1 of the Annual Report).

1.1 2021/22 Annual Financial Report

The Mayor called for questions to be raised that specifically related to the Annual Financial Report.

No questions were raised.

1.2 Auditor's Report

The Mayor called for questions to be raised that specifically related to the Auditor's Report (Page 46 of the Annual Report).

No questions were raised.

1.3 2021/22 Annual Report (Remaining Parts)

The Mayor called for questions to be raised specifically related to the remaining parts of the 2021/22 Annual Report.

No questions were raised.

2 GENERAL BUSINESS

2.1 Questions of which prior notice has been given

The Mayor referred to questions received from Mr D Healy on 11 April 2023 and advised the questions would be dealt with under Item 2.3.

2.2 Motions of which prior notice has been given

Nil.

2.3 Questions received from the floor

Mr Douglas Healy – 11 William Street, Armadale

The Mayor read the submitted questions from Mr Healy and the officer responses as below.

EX ROMAN CATHOLIC CHURCH BUILDING SITUATED CORNER OF SOUTH-WEST HIGHWAY AND THOMAS STREET, ARMADALE

Previous years minutes of the City of Armadale revealed that the Police Department was to pay \$600,000 to the City to go towards the restoration of the abovementioned church building.

Q1a:

Has this money been received by the City and where would it be recorded in financial reports?

Response:

The City has not received payment of the \$600k from Western Australian Police Force (WAPOL) to date, however payment is anticipated by the end of this financial year. The \$600k forms part of the total \$1.2M already allocated by Council to partially restore the building as per the current 22/23 Annual Budget (Refer to Page 78).

Q1b:

What is the City of Armadale doing about receiving this \$600,000?

Response:

The City is currently liaising with WAPOL to arrange payment. It should be noted that WAPOL has agreed and is required to make payment to the City as per their Development Approval for the Courthouse complex.

11 May 2022

Q1c:

What is going to be the fate of this ex church building as it has been sitting idle for several years now?

Response:

A Crown Reserve for Community Purposes will be created to accommodate the St. Francis Xavier Church, including a Management Order providing the City with power to lease. A total of \$1.2M has been allocated to make the building safe as per the 22/23 Annual Budget. For clarity, the works recently delivered and that to be delivered this financial year includes fence installation, graffiti removal and the provision of utility services. Subsequently, the 'make safe' will include roof replacement (including timbers as needed), internal demolition, removal of hazardous materials, and the removal of vegetation immediately adjacent to foundations.

The building's future use will be subject to separate report to Council and business case to determine additional investment required to refurbish the building to a standard that it is fit for the preferred purpose and suitable for lease.

FINANCIAL REPORT

Note 2 states Revenue from Fines as \$159,482.00.

Q2a:

Does this also include revenue from infringement notices?

Response:

Revenue does include infringement notices.

Q2b:

What was the total revenue from infringement notices paid?

Response:

Value \$164,551.15.

Paid Infringements 1/7/2021 – 30/6/2022 = 1077 Value \$164,551

Paid Infringements 1/7/2020 – 30/6/2021 = 608 Value \$119,554

Please note that paid infringements includes infringements that may have been issued in previous financial years and includes the additional costs added where infringements have been referred through to the Fines Enforcement Registry (FER).

Q2c:

How many infringement notices were issued?

Response:

1291 infringements were issued.

Issued Infringements 1/7/2021 – 30/6/2022 = 1291 Penalty Value = \$86,272

Issued Infringements 1/7/2020 – 30/6/2021 = 787 Penalty Value = \$68,889

Note 2B state write off of infringement notices as \$34,401 well over the previous year's report and budget amount of \$26,800.

Q3a:

What was the reason for this increase in the amount of revenue written off?

Response:

Increase in writes offs is attributable to the increase in the number of infringements issued, i.e. 197 infringements being written off as opposed to 63 Infringements on which the original budget was based.

Written Off Infringements 1/7/2021 – 30/6/2022 = 197

Written Off Infringements 1/7/2020 – 30/6/2021 = 63

Q3b:

What are the types of offences being included in this write off amount?

Response:

Offences included in the write off amount include infringements issued under the:

- | | |
|--------------------------------|---|
| ▪ Bush Fires Act | ▪ Planning and Development Act |
| ▪ Cat Act | ▪ Activities and Trading in Thoroughfares and Public Places Local Law |
| ▪ Dog Act | ▪ Environment, Animals and Nuisance Local Law |
| ▪ Environmental Protection Act | ▪ Health Local Law |
| ▪ Food Act | ▪ Parking and Parking Facilities Local Law |
| ▪ Health Act | |
| ▪ Litter Act | |

Q3c:

How many infringement notices are involved in this write off?

Response:

197 infringements were written off (WO) in the write off figure.

Mr Phil Davey – 12 Lenore Street, Roleystone

Q1: At the last AGM when I raised the question in regards to staff turnover, it was indicated there was an average local government turnover of 22.9% and with the City of Armadale sitting at 20.1%.

Can you please update what turnover has occurred in the last 12 months and what percentage level City of Armadale are currently sitting at?

CEO: *I would like to provide the exact figures to Mr Davey but from memory, in the latest figures provided by WALGA the City is sitting just over the P50 percentile in terms of staff turnover, so we're sitting just over the average for all of local government. In terms of exact figures I would have to get back to you.*

Ms Veronica Hansen – 8 Protector Grove, Roleystone

Q1: Regarding last electors meeting Motions 2 and 4 that referred respectively to KPIs for the Councillors and the CEO. The City's response was that the Council's position on any further publication of performance information is subject to the Local Government Act reform proposals being progressed by the Department of Local Government.

Can you please advise have those reforms been completed and when will the City be adopting those changes?

Mayor: *I believe the first tranche of the reform Act has passed one level of parliament at the moment. The publishing of the CEO's KPIs are part of that first tranche of reforms. We are waiting for details and the City won't be doing anything until those reforms are gazetted.*

CEO: *Confirmed that information is correct.*

Ms Meg Travers – 12 Croyden Road, Roleystone

Q1: I would like to follow up one of the motions from the last AGM that there would be an online engagement portal provided by the City and I'm wondering how that's going as it has been some time ago.

Mayor: *Yes, there is an online engagement portal. It's up and running and the link is on our social pages and the website. We promote it in our social media quite regularly.*

Supplementary advice provided with the Minutes and not part of the meeting:

The link can be found here: <https://engage.armadale.wa.gov.au/>

Mr Ian Dunstan – U19/24 Aragon Court, Armadale

Q1: My question is one that I asked last year regarding the \$250,000 allocated to consultancy landscaping underneath the viaduct. Whereabouts are we at as far as that goes? I've looked back through the Council Minutes and haven't seen anything at this stage as anything being done.

Mayor: The landscaping consultants have come forward with some fabulous ideas as far as what could occur underneath the viaduct. We are using that information to negotiate with the State government and the Metronet team to actually establish some guidelines around what our expectations are. This information is not public but the City is using that information to negotiate the best outcomes for the Community and we will be publicly consulting; and I note that the Metronet team are consulting at the moment about all things 'elevated rail' and what we and the Community would like to see under the rail.

The consultants that we have engaged have given us ideas on how it should look and could look; and have encouraged us to go down that path. Now we need to hear back from the Community and will be putting both of those projects together, we will be determining what budget needs to be spent on it, whose budget it will be as we need to be mindful of the impact on the City's budget when we are gifted several hectares of extra public open space to manage. The City needs to be careful of what goes underneath and what infrastructure is put in, the types of treatments, eg. does the community want basketball courts or grass. All of the treatment options will cost different amounts of money to maintain and it will need to be determined who will maintain them.

All of the information will be considered in the decisions that are currently being negotiated.

Mr Phil Davey – 12 Lenore Street, Roleystone

Q2: In addition to the staffing turnover question, temporary staffing costs – where are we at currently in a comparison between temporary staffing cost expenditures versus having full time employees, which I know we're having trouble getting?

CEO: Within budget.

Q3: In regards to agendas and minutes timelines, I've asked previously and would like to ask again for a change to the current timelines being used to make minutes available for a Council meeting. Committees are able to have their minutes of meetings out that same week, ready for the following Monday's Council meeting. The Council meeting agenda is mostly made up of those Committee minutes and items of referral and recommendation for Council discussion and decision.

Currently residents wait up to two weeks from each Council meeting for the respective minutes. I would again ask for a change in this practice so that residents and Councillors

can get these minutes a bit quicker, enabling more time for all parties to read and review prior to the next Council meeting. Current timing is limited from the minutes being allocated and received to the next meeting of discussion, normally only giving us the weekend at best to review.

Mayor: I note this was discussed after last year's AGM and no doubt it will be discussed again. At the last AGM when it was discussed and investigated if it would be possible to get those agendas and minutes out in different timing, it was not able to be done with the current staff allocation.

Ms Bree Hartley – 6 Haimlee Street, Kelmscott

Q1: I'm the president of the Roleystone Theatre and we are appreciative of the ongoing support and the work in progress of the Roleystone Theatre building. We are well past the expected completion date. We've had to move our first two shows out of the City of Armadale and need to know if we have to cancel another show.

We are wondering if there is an expected date for practical completion.

CEO: *I understand from the Executive Director Technical Services (EDTS) that there is a meeting to be held with yourself and the contractor in the coming weeks.*

EDTS: *The contractor, Swan Group and myself were hoping to meet with you (Ms Hartley) to give you a bit more understanding of the background of the delays and a way forward to try and give more confidence in the expected practical completion date and will make contact in the very near future.*

Ms Veronica Hansen – 8 Protector Grove, Roleystone

Q2: In relation to Motion 3 that was raised at the last meeting. That the City of Armadale provide better transparency with reports so that a full document is not classified as confidential by just one paragraph or notation that is considered confidential but the need for confidentiality and privacy is still addressed by appropriate processes or redacting or removing that information.

Is there another way that that information can be still kept confidential but that the information around the report at least is still put into the minutes, perhaps a summary with sufficient information so the public understand what's happening?

Mayor: I understand what you're asking but I think we do that to the extent we are able to. We do the very best that we can to keep people informed. We are doing it in accordance with the Act and following the laws that we are held to account by and we're not always able to give a report. Tender report amounts will become public after the tender has been awarded and has become public; and we are as transparent as we can be. Before that, the commercial confidentiality must be in place.

Mr Douglas Healy – 11 William Street, Armadale

Q1: In my questions before I asked the types of offences being written off in the infringement notices.

Is Council able to monitor the types of offences for any trends that may need further action to stop those offences from recurring?

Mayor: Yes, our Rangers would have that information and yes we could keep an eye on trends. If our Rangers (or other staff issuing infringements) would be able to see spikes and will bring to our attention if necessary.

Mr Phil Davey – 12 Lenore Street, Roleystone

Q4: In relation to the first Motion at last year's AGM that the City of Armadale engage in a more proactive system of communication with the community and community groups. The reply in the minutes referred to the Markyt Community Scorecard and the next survey was proposed to be undertaken at the end of 2022.

Do we have an update of that proposed survey and any results at this stage?

Mayor: That survey has gone out. Results have not been communicated as yet, however a Councillor Workshop to review the results will be occurring in the coming weeks.

Mr Laurie Sargeson – 8 Imperial Court, Seville Grove

Q1: A question of the Councillor competency training; some have done it, some have started and some haven't begun it. The website, a few days ago, shows it's not done (7 not done).

When will it be done? Are the Councillors still being paid for it and it's the CEO's responsibility?

Mayor: I believe it's been completed. We have all completed it and are all compliant. The website needs updating.

*# Supplementary advice provided with the Minutes and not part of the meeting:
The City's website currently has the report to 30 June 2022. The updated report will be available online after 30 June 2023 and this report will indicate that all Councillors have completed the mandatory training.*

Mr Ian Dunston – U19/24 Aragon Court, Armadale

Q2: In reference to the question I asked last year about the Sky/Treetop Walk. The CEO provided a response stating that the items are not included in the City View Concept in the Council's four year budget at this stage. Further work spoken about still needs to be done.

At the Ordinary Council Meeting of 26/04/2022, page 186 – Chief Executive Officer's Report, includes a timeframe of 2023-2028; City Views Skywalk \$16.5M, Landscaping and Public Realm.

Are you able to expand a little bit, predominantly on the Skywalk?

CEO: *I believe that the report you refer to was for the adoption of the City's Advocacy Priorities or Investment Framework. One of the many projects the City is trying to advocate for in terms of the City Centre is the redevelopment of this Civic Precinct. The Council has adopted that as a concept plan and there is a lot more work that needs to be done before that can be brought to fruition. It was important for Council to give the City, and the community, the indication that this is the broader vision for this precinct.*

Part of the Advocacy Priorities for the City Centre was also a health and medical precinct. Following the adoption of that advocacy strategy, the City has been able to engage consultants to prepare a detailed business case for a regional health and medical precinct within the City Centre. The presentation of the first draft of this business case to the Executive was done this morning. The adoption of the Civic Precinct Plan hasn't had a business case done yet. But we have been engaging with the Department of Justice and the WA Police and also the Department of Training and Workforce Development because the City is incredibly keen, and ~~the~~ for the Civic Precinct to properly function, it relies on the City gaining the courthouse land. The Department of Justice may want to continue the use of the courthouse building.

The City owns land adjacent to the new TAFE. The understanding from the Department of Training and Workforce Development's planning, is that the new facility will be at capacity in two years and Stage 2 of their development plan is to expand on the City's land. What the City is trying to negotiate, and why it was important for Council to adopt the Civic Precinct Concept in the advocacy strategy, is a 'swap' in terms of the courthouse land for the City's freehold land next to the TAFE. Also, WA Police will be moving out of their facility and into the new courthouse and justice precinct. What the City is trying to negotiate is that the Department of Justice use the old police station for any planned usage for the existing courthouse. However WA Police may have to use the old police station to house the upcoming recruitment of new police officers. Having the Civic Precinct Concept adopted allows us to have those conversations.

As stated last year, there is no budget commitment in terms of the tree top walk but it is part of an overall concept that may be funded at some point in the future. The Investment Framework identifies periods over which planning and design will occur but there's no specific budget commitment at this time.

Ms Pat Hart – 160 Croyden Road, Roleystone

Stmt: As Chair of Armadale Gosnells Landcare and Chair of the City's Bushcare and Environment Working Group, I just wanted to say thank you to all Councillors and the staff for their great support that you've given us over the year and over the past years. It's a great relationship that's lasted with the bush environment group it's 22 years now and it's just great. And I just wanted to thank you so much for the support and it's certainly been reflected into the value that you see our bushland and our waterways. So thank you, on behalf of all the volunteers.

2.4 Motions received from the floor

MOTION-1

MOVED Mr Phil Davey, SECONDED Ms Veronica Hansen

That the CoA put in place a procedure whereby they agree to expend or allocate any financial year budget surplus by the end of the following financial year.

MOTION CARRIED

MOTION-2

MOVED Ms Veronica Hansen, SECONDED Ms Bree Hartley

That the City agree to accept and implement the FOGO program within City wards for the coming financial year, enabling a reduction of the City's carbon footprint and working towards nett zero emissions by 2030. And that the City ensures a trackable report each quarter, if practicable, to the progress of the FOGO program.

MOTION CARRIED

MOTION-3

MOVED Mr Phil Davey, SECONDED Ms Veronica Hansen

That the City of Armadale budget each financial year allocate \$25,000 to each ward for those ward Councillors to receive applications from the not-for-profits for funding and that the CoA give ward Councillors the delegated authority to discuss with their ward co-Councillor for automatic agreement to the value of \$1,000. Amounts over \$1,000 would require further Council approval. Ward Councillors would then report all applications and fundings back to the Council through regular Council meetings.

11 May 2022

MOTION CARRIED

Mr Davey further stated:

We would like to thank the Council and Councillors for their continued input and support throughout the past year, not only for attending the many meetings and workshops but for those also getting out to the community to generally hear the residents' voices and listen to our concerns. We look forward to working with the Council in the coming year and continuing to make the City of Armadale an even better place to live, so just thank you, appreciated.

The Mayor thanked her fellow Councillors and the electors for their attendance.

MEETING DECLARED CLOSED AT 8.00PM



ORDINARY MEETING OF COUNCIL
MONDAY, 27 MARCH 2023

MINUTES

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CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 27
MARCH 2023 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Butterfield, declared the meeting open at 7.00 pm.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr R Butterfield
presided over

River Ward

Deputy Mayor, Cr K Busby
Cr J Keogh
Cr K Kamdar
Cr S Peter JP
Cr M S Northcott
Cr P A Hetherington
Cr G J Smith
Cr M Silver
Cr S S Virk
Cr G Nixon
Cr S J Mosey

Minnawarra Ward
River Ward
Ranford Ward
Ranford Ward
Palomino Ward
Palomino Ward
Minnawarra Ward
Lake Ward
Lake Ward
Hills Ward
Hills Ward

IN ATTENDANCE:

Mr P Sanders	A/Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr M Andrews	Executive Director Technical Services
Mrs S Van Aswegen	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 6

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr E J Flynn and Cr M J Hancock

APOLOGIES:

Nil

**3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS
TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

1 Adam Marshall - 121 Clifton Street, Kelmscott

- Q1 To facilitate a larger team and sales growth we need a facility that protects us from the elements, is easily adaptable for new people, and houses more products. Is it possible to allow Better Beans Coffee to install a facility that meets these needs? We can for example construct a sea container to drop in and utilise the services already planned for by the council without significant alteration to the proposed service provision.

Mayor: *The City has not received any proposal for a commercial coffee outlet as part of a redeveloped Forrestdale Community Hub.*

William Skeet Oval is located on a Crown Reserve vested in the City for "Recreation" purposes. The City does not have powers to lease the land for commercial purposes for a permanent operation. It is noted that there is land nearby zoned Local Centre at 12 Anstey Road and Lot 457 Dumsday Drive, Forrestdale, where such a use could be considered, if the operator did not wish to continue with the current arrangements of a trading permit in the car park.

2 Phil Davey - 12 Lenore Street, Roleystone

- Q1 On Brookton Highway on the way up to Roleystone there is the new digital fire sign which does not appear to advise on fire danger ratings but instead refers people to the emergency gov website for this information. Is there any information about what is happening with that sign?

Mayor I saw it working the other day but have not seen this message. It will be investigated and a response provided in writing.

- Q2 It is good to see the ground works begun for the new fire station up at Roleystone Karragullen. Can please I ask what is the total area metres squared that is being cleared for the new fire station?

Can we confirm how much natural vegetation and tree canopy was removed during the land clearing process in line to do with the Urban Forest Strategy from CoA. Was there any report tabled of land to be cleared and the impact of the loss of vegetation to be incurred for Councillor discussion and approval?

Mayor *Council did approve the footprint as far as I know but am not quite sure whether the works on the ground required more to be done or if that footprint is the original footprint. We can find out that detail and get back to you.*
The question will be taken on notice and a response provided in writing.

3 Veronica Hansen - 8 Protector Grove, Roleystone

Q1 Can you please confirm if Wymond Road is closed in its entirety from Soldiers Road thru to Old Albany Lane as per the signage that's down at the corner of Soldiers Road and Wymond?

Mayor As far as I am aware it is closed at the junction between Old Albany Lane and Wymond Road.

Q2 So that means it is not the entire road then?

Mayor The entire road is not closed. I guess perhaps that the signage is to indicate to passersby not from the area that they can't get through, i.e. a no-through road.

Q3 There is also a separate no-through road sign about a metre or 2 past that one. Would that mean then that, that road closed sign is redundant if the road is not closed?

Mayor I think given the history of the road that, in this particular instance, the extra signage was desired at the time and it is still relevant.

Q4 Great to see that we have now got a date for the electors meeting for 2023. I did raise a question regarding live streaming at the last electors meeting. Kalamunda and Gosnells currently use live streaming. When will live streaming be coming through to Armadale?

Mayor We have approved a budget for live streaming of our Council meetings and I believe we are procuring the equipment to be able to do that.

Q5 Do we have any indication when that might be enacted?

Mayor No I don't but the Executive Director Corporate Services (EDCorpS) can advise.

EDCorpS advised that the City has most of the equipment and are just waiting on a few control points as supplies have been a bit delayed. We are targeting to go live by June.

Question time closed at 7.09pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Scott Mosey)

Request for leave of absence received from Cr Scott Mosey for the period 14 April to 25 April 2023, inclusive.

MOVED Cr M S Northcott

That Council approve leave of absence to Cr Scott Mosey for the period 14 April to 25 April 2023, inclusive (includes 1 Ordinary Council meeting – 24 April 2023).

MOTION not opposed, DECLARED CARRIED

(12/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 13 MARCH 2023.

MOVED Cr M S Northcott that the Minutes of the Ordinary Council Meeting held on 13 March 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (12/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1. Mayors Announcements

Tuesday 14 – Saturday 18 March 2023

Visited Melbourne with other Mayors and staff from the South East Corridor Councils Alliance to research elevated rail projects. The visit was particularly valuable because it gave the opportunity to see the size and scale of what Armadale will be experiencing in the near future. We were able to see examples of public open space which had been created as a result of elevating the rail lines. Some of this space was well thought out and well utilized, other space was a burden for the local government which ultimately had to manage and maintain it.

Saturday 18th March 2023

Attended the Malayali Association Prayanam 2023 celebration at the Kelmscott Hall. Hugh Jones MLA and Councillor Peter were also in attendance.

Monday 20 March 2023

Attended a regular meeting with the CEO to discuss local issues.

Tuesday 21 March 2023

Met with a local café owner and shopping centre managers, on site, to discuss options for an alfresco area for a new café. The Executive Director of Development Services was also in attendance.

Wednesday 22 March 2023

Hosted two groups of Year 3's from Dale Christian College in the Chambers to discuss a day in the life of a Mayor and what Local Government does.

Thursday 23 March 2023

Hosted 4 Citizenship Ceremonies which welcomed 120 new citizens. Yaz Mubarakai MLA, Member for Jandakot and Parliamentary Secretary to the Minister for Finance; Aboriginal Affairs; Racing and Gaming; Citizenship and Multicultural Interests attended, along with Cr Peter and Cr Smith.

Friday 24 March 2023

Cr Paul Hetherington attended the launch of the Australian Rowing Championships media event on my behalf. The championships will be held at our Champion Lakes Regatta. Attended the launch of the Early Years Partnership at the Champion Centre where the Minister for Early Childhood Education, the Hon Sabine Winton MLA spoke about the Early Years Partnership for Armadale West. The Hon Matt Keogh MP, Member for Burt and Minister for Veterans' Affairs and Defence Personnel also spoke at the event. The Early

Years Partnership is a program which involves the three levels of government working with the community to help give targeted and tailored support to families with young children who are at risk of disengaging from education and who have complex needs.

Hosted the Dale Christian College Year 4's in the Chambers to learn about Local Government.

Saturday 25 March 2023

Attended the School of Malayalam, Harmony Week Celebration held at Rossiter Pavilion in Piara Waters. Councillors Virk, Smith, Peter and Silver also attended, along with Yaz Mubarakai MLA, Dr Jags Krishnan MLA, and the Indian Consul General.

**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN
GIVEN – WITHOUT DISCUSSION**

Nil

10 REPORTS

10.1 CITY AUDIT COMMITTEE MEETING

Report of the City Audit Committee held on 16 March 2023.

MOVED Cr G J Smith that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CA1/3/23 - 2021/22 Financial Report and Auditors Report

MOVED Cr M S Northcott

That Council:

1. in accordance with section 5.54 of the *Local Government Act 1995*, accept* for inclusion in the City's 2021/22 Annual Report, the Annual Financial Report and Auditor's Independent Audit Report for the financial year ended 30 June 2022 as presented; and
2. accept the 2022 Audit Completion report as presented.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL (12/0)**

Recommendation CA2/3/23 - 2022 Compliance Audit Return

MOVED Cr G J Smith

That Council:

- 1. Adopt the Compliance Audit Return (CAR) for the 2022 calendar year presented as an attachment.**
- 2. Acknowledge that the 2022 Compliance Audit Return presented as an attachment will be subsequently jointly certified by the Mayor and Chief Executive Officer for submission to the Department of Local Government, Sport and Cultural Industries.**

MOTION not opposed, DECLARED CARRIED

(12/0)

Recommendation CA3/3/23 - CEO's Report on Audit Regulation 17

MOVED Cr S J Mosey, SECONDED Cr G Nixon

OPPOSED Cr R Butterfield

That part (3) of Recommendation CA3/3/23 be amended as follows:

- 3. Considers an allocation of funds to the City's Risk and Governance Improvement Program as part of the FY25 Annual Budget deliberations.**

AMENDMENT LOST

(5-7)

MOVED Cr R Butterfield

That part (3) of Recommendation CA3/3/23 be amended as follows:

- 3. Considers an allocation of funds to the City's Risk and Governance Improvement Program as part of the FY24 Annual Budget deliberations.**

AMENDMENT not opposed, DECLARED CARRIED

(12/0)

MOVED Cr R Butterfield that Recommendation CA3/3/23, as amended, be adopted.

That Council:

- 1. Note the report from Moore Australia on the review of the Local Government (Audit) Regulation 17.**
- 2. Seek an update on the improvement roadmap to be provided to the next City Audit Committee.**
- 3. Considers an allocation of funds to the City's Risk and Governance Improvement Program as part of the FY24 Annual Budget deliberations.**

MOTION not opposed, DECLARED CARRIED

(12/0)

10.2 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 20 March 2023.

MOVED Cr S J Mosey that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation D5/3/23 - Proposed Closure of Right of Way - Lot 66 Peet Road, Roleystone

MOVED Cr S J Mosey

That Council:

- 1. Authorises a request being made to the Minister for Lands pursuant to Section 87 of the *Land Administration Act 1997* for the permanent closure of the full portion of Right of Way as identified on the attached Location Plan, subject to the land being amalgamated with the adjoining landholding(s) Lot 3 (No.243) Peet Road and/or Lot 2 (No.1) Raeburn Road, Roleystone and any further costs incurred by the City being met by the applicant.**
- 2. Advises the applicant and abutting landowners and submitters of its decision.**

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D6/3/23 - Armadale City Centre Public Realm Strategy Stage 1

MOVED Cr S J Mosey

That Council:

- 1. Adopts the Armadale City Centre Public Realm Strategy Stage 1, subject to the Schedule of Modifications attached.**
- 2. Requests that Budget Proposals to implement Stage 1 of the Public Realm Strategy be prepared for future consideration of Council.**

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation D7/3/23 - Public Realm Strategies - Hilbert and Harrisdale District Centres (Councillor Referral Item)

MOVED Cr S Peter

~~**That Council note the report.**~~

That Council recommit the item to the next DSC pending further information regarding budgetary impact.

MOTION not opposed, DECLARED CARRIED (12/0)

10.3 CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 21 March 2023.

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CS3/3/23 - List of Accounts Paid - January 2023

MOVED Cr K Busby

That Council note the List of Accounts paid as presented in the attachment to this report and summarised as follows:

Municipal Fund

Accounts paid totalling \$10,407,605.52 on transactions 4923 to 5634 and Payrolls dated 8 January and 22 January 2023.

Credit Card

Accounts Paid totalling \$7,168.64 for the period ended January 2023.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS4/3/23 - Statement of Financial Activity - January 2023

MOVED Cr K Busby, SECONDED Cr M Northcott

OPPOSED Cr S Peter

That Council

- 1. pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the seven (7) month period ended 31 January 2023; and:**
 - i. Note that there are reportable actual to budget material variances for the period**
 - ii. Note the \$92.07 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**
- 2. Request the Mayor to meet with the Mayor of the City of Gosnells, the Member for Armadale, the Federal Member for Burt and the Minister for Transport to progress the Principal Shared Path design within the railway corridor in Kelmscott.**

MOTION not opposed, DECLARED CARRIED (11/1)

Recommendation CS5/3/23 - Strategic Community Plan 2020 - 2030 Minor Review

MOVED Cr K Busby

That Council adopt the minor review of the Strategic Community Plan 2020 – 2030.

ABSOLUTE MAJORITY RESOLUTION REQUIRED

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL (12/0)**

Recommendation CS6/3/23 - 2023 Ordinary Council Elections

MOVED Cr K Busby

That Council:

- 1. *In accordance with section 4.20(4) of the *Local Government Act 1995* the Western Australian Electoral Commissioner to be responsible for the conduct of the 2023 City of Armadale ordinary elections together with any other elections or polls which may also be required between this resolution date and the 2025 ordinary elections.**
- 2. *In accordance with 4.61(2) of the *Local Government Act 1995* all elections and polls are referred to in part (1) to be conducted on a postal basis.**
- 3. Instruct that the priority postal service be selected.**
- 4. Request the CEO to write to the WAEC to receive greater transparency on election costs in particular:
 - a. Increases arising from inflation affecting Staff costs**
 - b. Printing, packaging and posting costs.****
- 5. Request a further report on the cost effectiveness of in person vs postal voting.**

***ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL (12/0)**

Recommendation CS7/3/23 - National General Assembly of Local Government: 13-16 June 2023 (Canberra)

MOVED Cr K Busby

That Council nominate the Mayor, Cr R Butterfield to attend as the Council's delegate at the 2023 National General Assembly of Local Government to be held in Canberra from 13 to 16 June 2023.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation CS8/3/23 - Security Incentive Scheme (Referral Item)

MOVED Cr S Peter, SECONDED Cr M Silver
OPPOSED Cr G Nixon

That Council receive a further report on the additional allocation of \$150,000 to be provisioned for the Security Incentive Scheme, taking the total amount provisioned to \$175,000, such that funding may be considered in the FY24 budget deliberations.

MOTION LOST (2-10)

MOVED Cr K Busby, SECONDED Cr G Nixon
OPPOSED Cr S Peter

That Council note the report and consider the allocation of funding in the FY24 budget deliberations.

MOTION DECLARED CARRIED (10/2)

At Cr Peter's request, it is recorded that Cr Peter voted against this Resolution

Recommendation CS9/3/23 - Councillor Biographies (Referral Item)

MOVED Cr K Busby

That the Councillor information page on the City's website be updated to include the additional information as below:

- **Length of service of each Councillor**
- **The Council-appointed or nominated roles that Councillors serve on for City Standing Committees; and for committees, groups and panels of other external organisations.**

MOTION not opposed, DECLARED CARRIED (12/0)

10.4 CHIEF EXECUTIVE OFFICER'S REPORT
Report of the Chief Executive Officer.

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO3/3/23 - Tender 25/22 - Piara Waters Library Construction

MEETING CLOSED TO PUBLIC

MOVED Cr S Mosey

That the meeting be closed to members of the public as the matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as the matter relates to a contract entered into or which may be entered into by the City of Armadale.

Motion Carried (12/0)
Meeting declared closed at 7.57pm
Members of the public left the meeting.

MOVED Cr M Silver that Standing Orders be suspended (Clause 9.5-Limitation of Number of Speeches and 9.6-Limitation of Duration of Speeches).
Motion Carried (12/0)

Council discussed the Evaluation Summary Report.

MOVED Cr M Silver that Standing Orders be resumed (Clause 9.5-Limitation of Number of Speeches and 9.6-Limitation of Duration of Speeches).
Motion Carried (12/0)

MOVED Cr Silver

That Council, in regard to Tender 25/22 for Piara Waters Library Construction, adopt the recommendation within Confidential Attachment 2, i.e..

That Council, in regard to Tender 25/22 for Piara Waters Library Construction:

- 1. Accept the tender from Geared Construction Pty Ltd in accordance with:**
 - The Tenderer's Price Schedule as presented at Confidential Attachment 1**
 - Approve the CEO to commence minor variations before contract entry and execute the contract;**
 - Council's contract documentation, Budget and Long Term Financial Plan estimates.**
- 2. Revise the Piara Waters Library Project Budget by:**
 - Increase the Project Cost by \$760,000**
 - Increase the Project Funding from Future Projects reserve by \$760,000**
- 3. Further review the Piara Waters Library Project once details of the 4 Grant conditions are confirmed.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED (Part 2)

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL (12/0)**

MEETING OPENED TO PUBLIC

MOVED Cr S Mosey
That the meeting be opened to members of the public.
Motion Carried (12/0)
Meeting declared open at 8.22pm

Recommendation CEO4/3/23 - Annual General Meeting of Electors 2021/2022 and Annual Report 2021/2022

MOVED Cr Northcott

That Council:

- 1. Pursuant to section 5.54 of the *Local Government Act 1995**, accept the 2021/22 Annual Report (as amended) for the year ending 30 June 2022, as presented in the attachment to this report*; and**
- 2. Pursuant to section 5.27 of the *Local Government Act 1995*, hold the Annual General Meeting of Electors on Wednesday 12 April 2023 at 7pm in the Function Room at Council's Administration Centre, 7 Orchard Avenue, Armadale.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL (12/0)**

Recommendation CEO5/3/23 - Councillors Information Bulletin - Issue No 4/2023

MOVED Cr G J Smith

That Council acknowledge receipt of Issue4/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (12/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR
BY DECISION**

Nil

**13 MATTERS FOR REFERRAL TO STANDING COMMITTEES –
WITHOUT DISCUSSION**

1 Removal of large Canopy Trees – Development Approval (Cr Grant Nixon)

That the matter of the requirement to obtain development approval of large canopy trees on [private land in low residential density areas be referred to the Development Services Committee.

2 Waste Strategy and FOGO (Cr Scott Mosey)

That the matter of an update on the City's Waste Strategy and the implementation of FOGO be referred to the Technical Services Committee.

2 International Yogo Day (Cr Keyur Kamdar)

That the matter of celebrating International Yoga Day in June be referred to the Community Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 8.30pm

MINUTES CONFIRMED THIS 24 APRIL 2023

MAYOR