

# TOWN OF BASSENDEAN

## NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday 21 September 2021 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

The Mayor will preside at the Briefing Session. In the absence of the Mayor, the session will be presided over by the Deputy Mayor. The Briefing Session is designed as a Question and Answer session only. No decisions by Council are made at this forum.

The Town is committed to ensuring Council Meetings are a safe work environment, free of risks to the health and wellbeing of Elected Members, Officers and our community.

Participants are required to be respectful, courteous and have due regard for individual rights and differences. Individuals may be asked to leave should their conduct adversely affect the health and safety of others. By attending this meeting, you agree to abide by these conditions.

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## A G E N D A

### 1.0                    DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

#### *Acknowledgement of Traditional Owners*

The Town of Bassendean acknowledges the past and present traditional owners of the land on which we gather to conduct this meeting, and pays its respects to their Elders, both past and present.

### 2.0                    ATTENDANCES AND APOLOGIES

#### Apologies

Cr McLennan – Leave of Absence

### 3.0                    DECLARATIONS

#### **4.0 ANNOUNCEMENTS**

#### **5.0 PETITIONS**

Petition submitted by Carol Seidel, 55 Broadway, Bassendean, regarding Right of Way no.5 as identified in Attachment 4 of the Ordinary Council Meeting 24 August 2021. To be presented to Council at its Ordinary Meeting of 28 September 2021.

#### **6.0 PUBLIC QUESTION TIME/STATEMENTS**

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda. Questions and statements can be submitted prior to the Briefing Session to: <https://www.bassendean.wa.gov.au/forms/public-question-time/36>.

#### **7.0 DEPUTATIONS**

#### **8.0 REPORTS**

Under each report, Officers will provide a brief outline of the report. Councillors will be given the opportunity to ask any questions that they may have.

<b>Item No. 8.1</b>	<b>Amendment to Existing Street Name - Reid Street/Bassendean Parade</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	ROAD/NAME/2
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include

	town planning applications, building permits, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil.

## Purpose

The purpose of this report is for Council to consider a proposal to rename the eastern section of Reid Street (east of West Road) to Bassendean Parade.

### Council Policy 6.24 - Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. The proposal is not considered to be a significant decision.*

## Background

Historically, Reid Street ran unimpeded from Fisher Street in the west to Bassendean Parade in the east. In approximately 1980, a cul-de-sac enclosure was created at the intersection of Reid Street and West Road which effectively severed the eastern-most part of Reid Street from the remainder of that road.

There is presently no intention, or need, for this cul-de-sac to be reopened. This is reinforced by the fact that the Town undertook works to reconfigure this intersection as recently as 2016.

An abutting property (145A West Road) has obtained development approval for two grouped dwellings, with the dwellings being constructed with frontage to the subject section of Reid Street. The landowner has requested that the Town consider renaming this portion of road to Bassendean Parade on the basis that the subject portion of road appears to be a continuation of that road.

## Proposal

It is proposed that the eastern-most part of Reid Street, which is disconnected from the remainder of that road, be renamed Bassendean Parade.



### Communication and Engagement

The Town sought preliminary advice from Landgate to gauge its support for the proposal. Landgate advised that the proposed change was prudent, but reinforced that appropriate community consultation must be undertaken.

Council was advised of the intention to advertise the proposal in the 23 July 2021 CEO Bulletin.

Given the proposal does not provide for the removal of an existing name, or the allocation of a new name, but rather an adjustment on the use of existing approved street names, the impact of this change is limited. It is envisaged that only properties potentially subject to a change of street address will be impacted by the proposal.

Only three existing properties have a frontage to the section of road in question, being 147 West Road, 145A West Road and 42 Bassendean Parade. It is noted that the latter two properties are in the same ownership. It is noted that a change at this time will not force a change of street address to any of these properties. Despite this, the Town wrote to the owners of these lots on 30 July 2021 inviting submissions on the proposal for a period of 30 days.

A response was received from the owner of 145A West Road and 42 Bassendean Parade, which supported the proposal.

### Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

Direction	Potential Strategies	What Success Looks Like
Fostering a culture of collaboration and trust between the organisation and community	<ul style="list-style-type: none"> <li>Provide opportunity to listen and involve our community in decisions that affect them</li> </ul>	<ul style="list-style-type: none"> <li>Greater community support for decision making</li> </ul>

## **Comment**

### Road Configuration

It has been some 40 years since the closure occurred and there are no plans to reopen it, or need identified to do so. This is reinforced by the capital works undertaken in 2016, which resulted in the realignment of this intersection that modified traffic flow. Consequently, it is highly unlikely that this would occur in the foreseeable future.

### Logistics and Safety

The eastern most part of Reid Street can only be accessed from Bassendean Parade. It is also noted that these two roads do not adopt a standard design where they intersect, but rather the section of Reid Street in question has the appearance of being a continuation of Bassendean Parade.

The Town has an obligation to ensure that properties are clearly identifiable. While this is not presently being compromised, as the affected lots are developed and come to rely on this street frontage, their identification could be impaired. This may have a detrimental impact on both logistics, such as postal services, and also safety, such as attendance by emergency services.

### Minimising Impact

A change of street name can in itself be detrimental as it may result in persons being forced to change the street address identification of their property. While there are presently no properties that will be affected by this, this will soon change. The property at 145A West is currently being redeveloped and the two new dwellings will rely on a street frontage to this section of road. Consequently, to avoid this resulting in an impact, the matter should be resolved as soon as possible.

### Conclusion

Renaming this portion of Reid Street to Bassendean Parade results in a logical extension of Bassendean Parade given the road terminates at a cul-de-sac head. Renaming the road will avoid potential confusion relating to postal services and attendance by emergency services to the dwellings under construction and as such, it is recommended that Council support renaming this portion of road to Bassendean Parade.

## **Statutory Requirements**

In accordance Section 26(2) of the *Land Administration Act 1997*, the Minister may name, rename and cancel the name of any topographical feature, road or reserve.

## **Financial Considerations**

A matter such as this may routinely attract minor financial implications associated with the Town paying for the redirection of mail for a fixed term and the placement of new street name signs. However, as there are presently no properties relying on a street address to this road frontage, the Town will not be burdened by costs associated with the redirection of mail.

Similarly, the section of road in question does not presently have any street name signage. Consequently, the Town will not be burdened by costs associated with the placement of new signs unless it chooses to do so voluntarily.

## **Risk Management Implications**

Low, however, there are risks with respect to maintaining the current situation. This section of Reid Street is not readily identified as a continuation of that road, but rather appears to be a continuation of Bassendean Parade. Furthermore, it is subject to access restrictions being a cul-de-sac.

This is not presently a problem as none of the properties abutting this section of road currently rely on a street address to it. However, as this changes, the identification of this road will impact the identification of these properties. This is a significant concern where emergency services is concerned and could be detrimental to their efforts, including the preservation of life and property.

## **Officer Recommendation – Item 8.1**

That Council authorises Town staff to make a formal request to the Minister for Planning to rename the portion of Reid Street, east of West Road, to Bassendean Parade.

**Voting requirements: Simple majority**

<b>Item No. 8.2</b>	<b>Licence Agreement - Telethon Community Cinemas</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref</b>	LEGL/AGMT/161
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 1</b>	Draft Licence – Movies by Burswood

## Purpose

The purpose of this report is for Council to consider a minor variation to the licence agreement for Movies by Burswood Inc. for the staging of the Telethon Community Cinemas at BIC Reserve, Bassendean.

### Council Policy 6.24 - Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. Given that Council has already resolved to approve the substantive licence, the proposed amendment is not considered to be a significant decision for the purposes of the Policy.*

## Background

On 27 July 2021, Council considered approving a new licence for the cinemas and resolved as follows:

*“That subject to the Minister for Lands granting consent to the Agreement, Council authorises the Town enter into a new Licence Agreement for Movies by Burswood Bassendean, based on the previous licence but with the following additional terms:*

1. *The licence be for a two year period, commencing 1 December 2021 and expiring 31 March 2023 with a mutual option for a further 12 months;*
2. *A mutual non-disparagement clause to ensure good conduct between both parties; and*
3. *A formalised requirement for the Town to be acknowledged in all communications and promotions.”*

Whilst the above period spans the core operation of the cinemas, BIC Reserve is required to be available for part of November and April for the purposes of managing logistics for the bump in/bump out activities. It is therefore necessary to have those dates included with the stated licence period.

### **Communication and Engagement**

The Town has been in communication with Movies by Burswood Inc. regarding the licence.

### **Strategic Implications**

#### **Priority Area 1: Strengthening and Connecting our Community**

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
Establishing partnerships with the community that build capacity, connection and sense of belonging	<ul style="list-style-type: none"> <li>• Identify community members and organisations with the capacity to deliver projects and programs</li> <li>• Build capacity of community groups to deliver social return on investment</li> <li>• Identify and deliver community funding</li> <li>• Foster volunteering to provide services for our community and to build connections</li> <li>• Build capacity of volunteers to deliver programs and services with limited input from the Town</li> </ul>	<ul style="list-style-type: none"> <li>• Increased percentage of services delivered by community groups compared to the Town</li> <li>• Increased social return on investment using an agreed approach</li> <li>• Increased volunteer participation rates</li> <li>• Town staff hours result in greater return for time in volunteer management</li> </ul>
Facilitating community connection	<ul style="list-style-type: none"> <li>• Prioritise projects that bring people together and strengthen community connectedness</li> </ul>	<ul style="list-style-type: none"> <li>• Increased participation rates in volunteering, community activities and events</li> </ul>

### **Comment**

#### Proposed amendment

The screening dates for the next three cinema seasons are as follows:

- 25 November 2021 to 9 April 2022;
- 22 November 2022 to 15 April 2023; and



- 23 November 2023 to 6 April 2024 (potential further term by mutual consent).

To ensure that the occupation of BIC Reserve is appropriately captured by the approved licence, an amendment will be required to extend the period from 1 November 2021 to 30 April 2023.

### **Statutory Requirements**

To amend the current approved licence period, Council is required to revoke its original Council resolution by an absolute majority.

### **Financial Considerations**

Nil

### **Risk Management Implications**

An amendment to the licence period represents a low risk and ensures that good governance is maintained regarding the intended use of the BIC Reserve.

If Council choose not to extend the licence period, the proposed screening dates would be required to be reviewed and would significantly impact the coordination of logistics to stage the cinemas, marketing schedule and financial viability due to screening fewer movies.

### **Officer Recommendation – Item 8.2**

That Council:

1. Rescinds OCM-17/7/21, Part 1 of Council's 27 July 2021 resolution which reads:

*“That Council authorises the Town enter into a new Licence Agreement for Movies by Burswood Bassendean, based on the previous licence but with the following additional term:*

*the licence be for a two year period, commencing 1 December 2021 and expiring 31 March 2023 with a mutual option for a further 12 months;*

and

2. Subject to the Minister for Lands granting consent to the Agreement, Council authorises the Town enter into a new Licence Agreement for Movies by Burswood Inc. for a new licence period commencing on 1 November 2021 and expiring 30 April 2023, with a mutual option for a further 12 months.

**Voting requirements: Absolute Majority**

<b>Item No. 8.3</b>	<b>Right of Way Closure – Lot 503 on Deposited Plan 73906</b>
<b>Property Address</b>	Lot 503 on Deposited Plan 73906 (abutting Ida Street, Bassendean)
<b>Landowner/Applicant</b>	Stephen Henry Parker & Daniel Kenny (deceased estate)
<b>Ref</b>	ROAD/STMNGT/4
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil.

## Purpose

The purpose of this report is for Council to consider a request to close Right of Way No. 6 (ROW6), being Lot 503 on Deposited Plan 73906.

### Council Policy 6.24 - Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. The proposed draft policy is not considered to be a significant decision.*

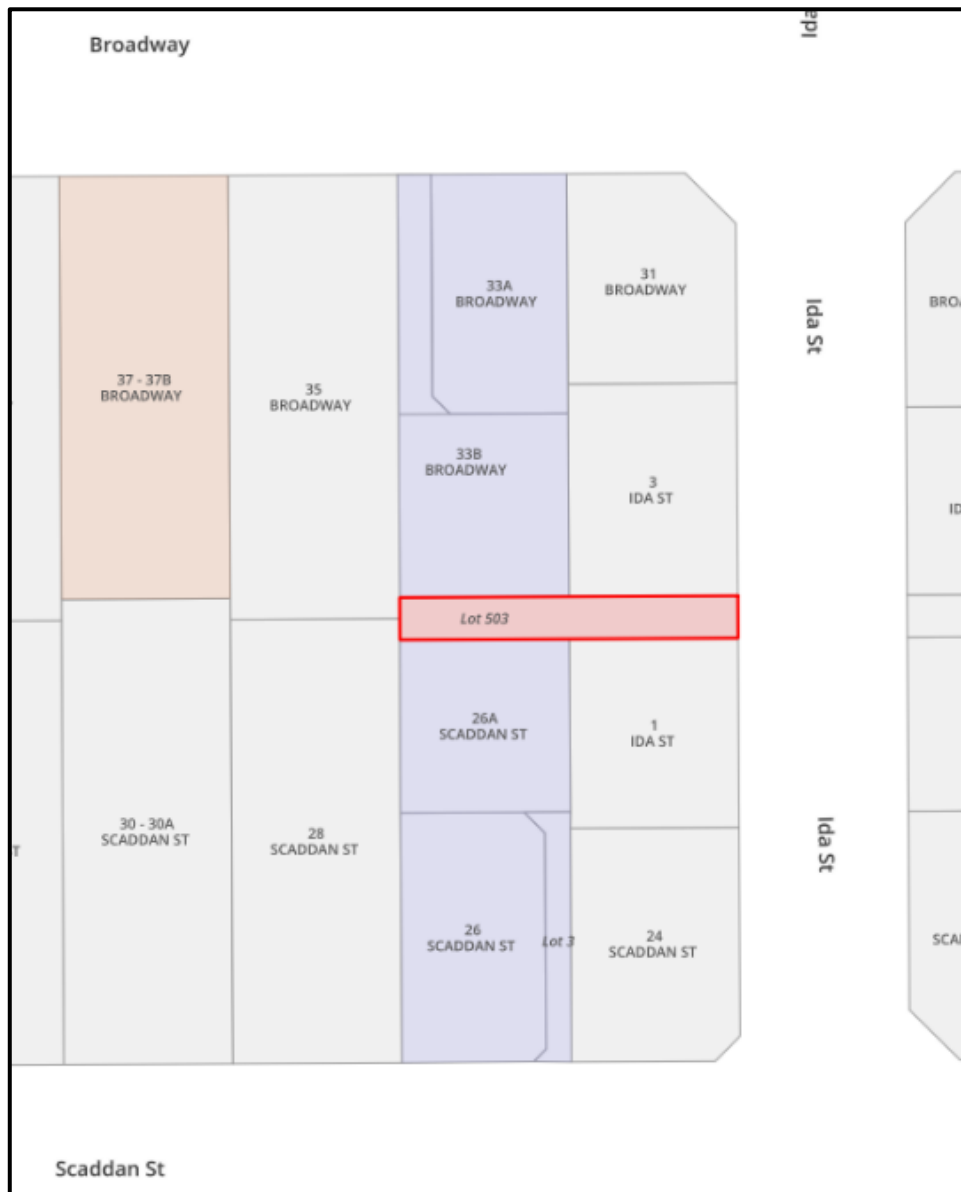
## Background

Private rights-of-way (ROWs) are as a result of the balance of title from a subdivision held in private ownership over which adjacent owners may have an implied right of access under Section 167A of the *Transfer of Land Act 1893*.

They are separate parcels of land which were generally created in subdivisions around the turn of the century to facilitate sanitary collections from the rear of properties prior to the installation of reticulated sewerage. Many are still registered in the name of the original subdivider, often a deceased person or defunct company.

ROW6 is located to the west of Ida Street, in the block between Broadway and Scaddan Street. It is held in a deceased estate with two registered proprietors as tenants in common in equal shares. ROW6 is 40m long, has an area of 202m<sup>2</sup>, is unconstructed, and contains Water Corporation sewerage infrastructure throughout its entire length. Illegal dumping occurs in the ROW from time to time, which the Town typically removes.

A location plan follows:



On 24 August 2021, Council considered a draft ROW Strategy and resolved to advertise the draft Strategy subject to the removal of references to the need for ceding land or the widening of existing ROWs. The Town has modified the draft Strategy and will undertake advertising following the upcoming Council elections.

Given its small size, poor connectivity to the road network and minimal public benefit from dedicating the ROW as a public road, the draft ROW Strategy has recommended ROW6 for closure. Given the minimal number of affected landowners abutting the ROW, the interest in the matter expressed by the landowners and the alignment of the recommendation with the draft ROW Strategy, it is considered acceptable to proceed with the proposed closure ahead of advertising the draft ROW Strategy.

## **Proposal**

The application involves the closure of ROW6, which would enable the future acquisition of the land by adjoining landowners.

## **Communication and Engagement**

In late 2020, the Town received a request from the landowner at No. 26A Scaddan Street, Bassendean to purchase ROW6. The landowner was advised that the Town was in the process of preparing a ROW Strategy to provide strategic direction as to the ongoing use and management of ROW's within the Town, and that further investigation into the land tenure of the ROW's were required before the matter could progress.

In April 2021, the Town met with the landowner following preliminary investigations, and confirmed that ROW6 was held in deceased estate. The landowner was advised that further evidence as to the status of the ROW and procedural requirements of the Act were necessary before acquisition could occur.

The landowner subsequently lodged a formal request with the Town to close the ROW. Councillors were advised of the request and the Town's intention to advertise the proposal in the 4 June 2021 CEO Bulletin.

In July 2021, the Town advertised the proposed closure for a period of 32 days (being 8 July 2021 to 9 August 2021) by way of letters to:

- All adjacent owners and occupiers;
- Service authorities, including Western Power, the Water Corporation, NBN Co, Telstra, ATCO Gas and the Department of Fire and Emergency Services; and
- The Department of Planning, Lands and Heritage.

A summary of responses from service providers is provided below:

*ATCO Gas* - no objection to the proposed ROW closure.

*Department of Fire and Emergency Services (DFES)* - Whilst DFES did not provide comment within the advertising period, DFES infrastructure is generally not situated in ROWs. Site inspections have confirmed this.

*Telstra* - no objection to the proposed ROW closure.

*NBN Co.* - did not provide comment. Dial Before You Dig analysis shows no NBN Co. infrastructure within the ROW.

*Water Corporation (WC)* - WC has indicated there is a 150VC sewer main traversing the ROW. WC stated that the closure is acceptable, provided its servicing standards are adhered to. These include the following:

- a standard sewer boundary alignment
- chamber access is available
- property services are to WC's standards
- provision of relocations and reconnections as required
- redundant facilities are removed or surrendered
- services to property remain operational
- protective easements over sewers are imposed

*Western Power (WP)* - WP recommended the Town utilise its clearance assessment mapping tool and Dial Before You Dig, which both indicate no WP infrastructure located within the ROW.

During this consultation period, the landowner at No. 3 Ida Street, Bassendean also expressed interest in purchasing ROW6. This is further discussed in the comments section of this report.

### Strategic Implications

#### Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
Ensure major decision making is informed by community feedback	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>

## **Comment**

### Access and Use

Whilst the current adjacent owners to ROWs may have an implied right to use the ROW, many are required to be dedicated under the *Land Administration Act 1997* to enable public use, or for future dealings with the ROW (such as upgrading or closing the ROW). Dedication means that the public and various public utility authorities have the right to use the ROW, in addition to the adjoining residents, and removes the legal question of who has a right to use the ROW.

ROW6 is overgrown and is subject to illegal dumping and as such, closure of the ROW is considered an optimal outcome for the Town from a maintenance perspective.

### Closure Options

#### *Option one: access leg for No. 26A Scaddan Street*

No. 26A Scaddan Street is a vacant survey-strata lot at the rear of a battle-axe arrangement. Whilst it abuts the ROW, vehicle access is via a common property access leg to Scaddan Street. The owner of the site initially enquired to purchase the entire ROW to provide secondary vehicle access to Ida Street, which would enable the existing common property access leg to be incorporated into No. 26 Scaddan Street, which is the front survey-strata lot.

#### *Option two: equal portions (101m<sup>2</sup>) to 26A Scaddan Street and 3 Ida Street*

No. 3 Ida Street contains a single house with access via Ida Street, with the side (southern boundary) directly abutting ROW6. The landowner at No. 3 Ida Street is interested in acquiring the 20m long portion of ROW6 adjoining the site.

The Town has consulted with the landowner at No. 26A Scaddan Street, who has advised that should the ROW be split between each interested party, they are still interested in purchasing the portion of the ROW adjoining their lot boundary (20m in length). The common property access leg to Scaddan Street servicing the lot would remain to provide access to the lot.

The Town has considered both of the abovementioned options and deems option two the most appropriate planning outcome, as it will create regular sized lots and equitably distributes the land (101m<sup>2</sup> each) between both interested parties, as shown below.



### Conclusion

The Town has undertaken a review of all ROWs within the Town as part of the draft ROW Strategy 2021, and ROW6 has been deemed suitable for closure. Given the maintenance issues associated with the ROW, private acquisition of ROW6 following closure will be beneficial to both the Town and the adjoining landowners at No.26A Scaddan Street and No.3 Ida Street.

It is therefore recommended that Council endorse the proposal to close ROW6 and authorise a request to be to the Minister for Lands for its permanent closure.

### **Statutory Requirements**

Section 52 of the Act provides for a local government to request the Minister for Lands to close a ROW by acquiring the land as Crown land where the land is designated for a public purpose on a plan of survey or sketch plan.

Unless the land is already held in freehold by the local government, before making such a request, the local government must take all reasonable steps to give notice of that request to the holder of the freehold land. The Town has obtained probate records confirming the status of the ROW being held in deceased estate, which the Department has confirmed is sufficient to meet the requirements of Section 52(3)(a)(i) of the Act.

The procedure also requires the local government to notify the adjacent owners and suppliers of public utilities to the land, which have occurred. Council is now required to consider submissions and should it resolve to authorise a closure request to the Minister, it must also give reasons. The Minister can then also consider the submissions from the landowners to acquire the land.

### **Financial Considerations**

Nil, however, should Council retain ROW6, the ongoing maintenance of the land (i.e. clearing dumped materials) will remain with the Town. The cost of the sketch plan and any future land administration processes to acquire the land will be borne by the landowner(s) in consultation with the Department of Planning, Lands and Heritage.

### **Risk Management Implications**

If the ROW remains unchanged, it may be subject to anti-social behaviour.

### **Officer Recommendation – Item 8.3**

That Council authorises a request being made to the Minister for Lands pursuant to section 52 of *Land Administration Act 1997*, to close ROW6 (Lot 503 on Deposited Plan 73906) and dispose of it to the owners of the abutting No. 26A Scaddan Street and No.3 Ida Street, as detailed in the plan contained in the report.

**Voting requirements: Simple majority**



<b>Item No. 8.4</b>	<b>Recovery of Sundry Debts Policy – Amendment</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	RAT&VAL/POLCY/1
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment No. 2</b>	Draft Recovery of Sundry Debts Policy

## Purpose

The purpose of this report is for Council to consider amending the Recovery of Sundry Debts Policy to align the policy with the Town’s Delegation Register and to correct an error in the policy.

### Council Policy 6.24 - Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. The proposed amended policy is not considered to be a significant decision for the purposes of the Policy.*

## Background

Council adopted a new Recovery of Sundry Debts Policy in May 2020. Regarding the write-off of bad debts, the policy provides: “*The Director Corporate Services will make recommendations to Council for Council to write off debts owed to the Town. Such recommendations will be when the Town has exhausted reasonable attempts at recovery commensurate with the size of the debt*”.

Section 6.12(c) of the *Local Government Act 1995* provides that a Local Government may write off any amount of money.

Council has provided a delegation to the CEO to write off debts of up to \$250 “*where all necessary measures have been taken to locate/contact the debtor and where costs associated to continue the action to recover the debt will outweigh the net value of the debt if recovered by the Town*”. A further condition of the delegation is that Council be informed of the details whenever the delegation is exercised.

The CEO has provided a sub-delegation to the Director Corporate Services, Director Community Planning and Manager Finance, on the same conditions.

The policy also contains an error where it states: “*Section 6.12(c) of the Local Government Act 1995 provides that a Local Government may, by absolute majority, write off any amount of money*”. However, an absolute majority is not required.

### Proposal

For Council to amend the Recovery of Sundry Debts Policy to align the policy with the Town’s Delegation Register and correct the above error in the policy.

### Communication and Engagement

Nil.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> <li>Ensure clear communication and flow of information from decision makers to operational staff</li> <li>Implement a framework on decision making that identifies delegated authority for different levels of decision</li> </ul>	SHORT TERM <ul style="list-style-type: none"> <li>Efficient and effective Council meetings</li> <li>Outcomes-focused decision making (not process-focused)</li> <li>More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li> </ul>

### Comment

It is suggested that section 4 of the policy be deleted and replaced with:

#### **“4. Write-Off of Bad Debts**

*Section 6.12(c) of the Local Government Act 1995 provides that a Local Government may write off any amount of money.*

*The CEO or delegate may write off debts in accordance with any delegation by Council.*

*Where the proposed debt write-off is not within the delegated authority of the CEO or delegate, a report will be prepared for Council with recommendations for Council to write off debts owed to the Town. Such recommendations will be made when the Town has exhausted reasonable attempts at recovery commensurate with the size of the debt.”*

### **Statutory Requirements**

Section 2.7 of the Local Government Act 1995 provides that Council is to determine the local government's policies.

Section 6.12(c) of the Local Government Act 1995 provides that a Local Government may write off any amount of money.

### **Financial Considerations**

The proposed changes to the Recovery of Sundry Debts Policy will have no financial consequences for the Town.

### **Risk Management Implications**

The proposed changes to the Recovery of Sundry Debts Policy will pose no additional risks for the Town.

### **Officer Recommendation – Item 8.4**

That Council adopts the draft Recovery of Sundry Debts policy attached to this report.

**Voting requirements: Simple majority**

<b>Item No. 8.5</b>	<b>Purchasing Policy – Amendment to Sole Supplier Arrangement</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	FINM/PROCED/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 3</b>	<b>Draft Amended Purchasing Policy</b>

## Purpose

The purpose of this report is to present an amended Council Purchasing Policy to Council for adoption.

### Council Policy 6.24 - Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. The proposed draft policy is not considered to be a significant decision for the purposes of the Policy.*

## Background

Council adopted the current Purchasing Policy in December 2020.

In August 2021, Council amended the Town's Delegations Register to reduce the delegation provided to the Chief Executive Officer to determine a sole supplier arrangement from \$250,000 to \$50,000, with sole supplier proposals in excess of \$50,000 to come before Council for determination.

## Proposal

That Council amend the Town’s Purchasing Policy to align the policy with the reduced sole supplier delegation to the CEO.

**Communication and Engagement**

Nil.

**Strategic Implications**

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Ensure operational activities reflect the strategic focus of Council	<ul style="list-style-type: none"> <li>• Ensure clear communication and flow of information from decision makers to operational staff</li> <li>• Implement a framework on decision making that identifies delegated authority for different levels of decision</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Outcomes-focused decision making (not process-focused)</li> <li>• More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li> </ul>

**Comment**

Nil.

**Statutory Requirements**

Local Government (Functions and General) Regulations 1996

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.

## **Financial Considerations**

Nil.

Councillors will continue to be notified of any proposed procurement valued at greater than \$20,000 via the CEO Bulletin and procurement activity will continue to be conducted in accordance with approved budgets.

## **Risk Management Implications**

The Purchasing Policy provides a balance between managing procurement risk with efficient achievement of operational objectives. The proposed amendment to the Purchasing policy has the potential to hinder operational efficiency, but is reflective of Council's low risk appetite.

The Purchasing Policy will be reviewed periodically to ensure it continues to meet Council's risk profile and business objectives.

## **Officer Recommendation – Item 8.5**

That Council adopts the draft amended Purchasing Policy attached to this report.

**Voting requirements: Simple majority**

<b>Item No. 8.6</b>	<b>Councillor Information and Communications Technology (ICT) Policy</b>
<b>Property Address (if applicable)</b>	n/a
<b>Landowner/Applicant (if applicable)</b>	n/a
<b>File Ref/ROC</b>	INFM/POLCY/1
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 4</b>	<ul style="list-style-type: none"> <li>• Draft Councillor ICT Policy</li> <li>• Councillor Allowances and Expenses Policy</li> </ul>

## Purpose

The purpose of this report is for Council to consider the draft Councillor Information and Communications Technology (ICT) Policy.

### Council Policy 6.24 - Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. The proposed draft policy is not considered to be a significant decision for the purposes of the Policy.*

## Background

The Salaries and Allowances Tribunal (**Tribunal**) determines remuneration, fees, expenses and allowance ranges for Local Government CEOs and elected members. The Tribunal provides for payment of an allowance for ICT Expenses of between \$500 and \$3,500 per annum. The annual ICT Allowance is in lieu of reimbursement of telecommunications expenses, and is paid quarterly in arrears.

The Town's Councillor Allowances and Expenses Policy provides that Councillors are entitled to an annual allowance in lieu of reimbursement of telecommunications expenses in accordance with the annual determination of the Tribunal. Although not specified, the entitlement is presumed to be the maximum amount of the allowance; indeed that is the Town's practice.

Under the Councillor Allowances and Expenses Policy, the ICT allowance covers expenses incurred by Councillors in performing a function under the express authority of the Town or in performing a function in the Councillor's official capacity for:

- telephone rental charges'
- call charges'
- line rental'
- costs for installation of additional line (if required by the Councillor); and
- service charges.

The Councillor Allowances and Expenses Policy provides for Councillors to be provided upon request, "*appropriate information technology to enable the distribution of Agendas and Minutes by electronic means, for email communication and for seeking information through the internet*".

### **Proposal**

That Council adopts the draft Councillor ICT Policy attached to this report.

### **Communication and Engagement**

A draft Councillor ICT Policy was provided to Councillors via the CEO Bulletin on 6 August 2021 and discussed at a workshop with Councillors on 10 August 2021.

One Councillor at the workshop expressed a strong desire for device options to be available and for those options to include Apple products.

The preference of the administration was to provide a device to Councillors that is consistent with devices provided to staff, for the following reasons:

- Operational efficiency – the Town's small ICT team can develop expertise in a single platform, facilitating the efficient provision of support and maintenance;
- Training – the Town can provide group training opportunities, as well as one-on-one training on a single platform and Councillors will be able to cross-learn and assist each other; and
- Compatibility – use of a single platform will avoid compatibility issues arising from implementation of cybersecurity and software products across different operating systems.

At the Ordinary Council Meeting in August 2021, Council resolved as follows:

*"That Council:*



1. *Defers consideration of a Councillor Information and Communication Technology (ICT) Policy until the September 2021 Ordinary Council Meeting; and*
2. *Requests the CEO explore options for the Councillor ICT Policy to accommodate multiple/BYO devices.”*

Since that meeting, the Town’s ICT staff have engaged with other local governments, the Department of Local Government, Sport and Cultural Industries and WALGA and, as a consequence, formed the view that the Town can adequately manage its cybersecurity risk by:

- Providing secure access to the Town’s Councillor portal (once operational) and the Town’s Office 365 platform using personal devices with multi-factor authentication, however, confidential Council documents should not be downloaded from these portals onto a non-Town of Bassendean device (such as a personal or work mobile phone); and
- Facilitating BYO devices by elected members, subject to the device complying with the Town’s cybersecurity controls, including the requirement that the operating system of the device is appropriately updated and patched, the device does not have any detected malware/malicious code installed, and is enrolled into the Town’s security platform.

### **Strategic Implications**

#### Priority Area 5: Facilitating People-Centred Services

<b>Direction</b>	<b>Potential Strategies</b>	<b>What Success Looks Like</b>
Deliver efficient and well-connected internet and computer technology systems	<ul style="list-style-type: none"> <li>• Improve efficiency of internet and computer technology systems for community-facing services</li> <li>• Explore online options for services that currently require physical presence</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Improved efficiency of online services for community</li> <li>• Improved efficiency of online services for administration</li> <li>• Increased customer base for online services</li> <li>• Ability to deliver core work and services via non-contact methods</li> </ul>

The Town’s ICT Strategy, adopted in December 2020 provides the strategic direction for the use of Information and Communications Technology by the Town for 2020-2025. The ICT Strategy provides a vision for how the Town would like to utilise technology to deliver ICT services and improve business performance over the next five years.

A key focus of the strategy is enhancing the user experience, allowing the user to work more efficiently and facilitating greater access to information through a fully cloud-based operating system.

The draft Councillor ICT Policy supports many of the ICT Strategy priorities:

- Modern & Secure ICT Architecture – Implement a robust, secure and contemporary ICT architecture that improves productivity and service delivery, and ensures the integrity, availability and confidentiality of information;
- Access Anywhere, Anytime – provide for an enhanced digital experience for Council and staff;
- Transform and Simplify – transform the way we work and deliver our services. Simplify access to information and systems;
- Mobility – Equip our staff with mobile computing devices, enabling access to information and systems in the field to enhance productivity and efficiency;
- Information Management – Improve strategic and operational and decision-making capability by unifying information, establishing information management standards, and improving our reporting and data analytical capability; and
- Sustainable IT – Equip our staff with mobile computing devices, enabling access to information and systems in the field to enhance productivity and efficiency.

### **Comment**

Allocation of ICT equipment under the Councillor Allowance and Expenses Policy has lacked consistency, and the Town has not had a policy in relation to allocation and replacement of IT equipment and software licences to Councillors. This has resulted in some Councillors being provided with ICT devices and not others and different devices being used at any given time, resulting in increased service and maintenance requirements by the Town.

Other practices have developed over time, which are resource-intensive for the administration, not in keeping with the practices of a modern, professional organisation and contrary to the Town's Strategic Community Plan priority to demonstrate strong leadership in waste reduction and carbon neutrality. Those practices include:

- Printing and distribution of agenda papers;
- Physical delivery of agenda papers to Councillors' home addresses; and
- Printing documents and spreadsheets on request, for collection from Town offices.

The draft Councillor ICT Policy makes it clear that the Councillor ICT allowance is set at the maximum level provided by the Tribunal and provides for reimbursement of reasonable expenses incurred in addition to the allowance, on production of documentation verifying the expense.

The expenses covered by the ICT allowance will be expanded to reflect a modern working environment, to include mobile phone charges and a printer/scanner and print consumables. The draft Policy specifies the provision of a laptop device and large screen monitor to Councillors for each term.

Regarding the use of Town-provided or elected member provided devices, the intent of the proposed Councillor ICT Policy is to:

- Provide a laptop device to be used for Council-related activities;
- Allow elected members to bring their own device, at the elected members' expense, with the device enrolled into the Town's security platform;
- Require the Town-provided laptop or security-enrolled BYO device to be used for confidential Council business; and
- Provide secure access to the Town's Councillor portal (once operational) and the Town's Office 365 platform using personal devices with multi-factor authentication.

Reasonable personal use of the Town-provided laptop will be permitted, however the device shall not be used for business or commercial purposes. Councillors will be responsible for remedying any defect caused by any private use of the device.

In line with the Town's commitment to sustainability and the environment, it is the expectation that Councillors will receive and view information electronically, using their provided laptop in lieu of paper documents for attendance at meetings. It is also proposed that Councillors will use their Town email address for all Council-related email communication, in compliance with the Town's Record Keeping Plan and the *State Records Act 2000*.

Any Councillor leaving their position at the expiry of a full term or if not re-elected, will be offered the option to purchase their old device and retain that item for their own use. The purchase price will be the written down book value or \$250 whichever is higher.

Appropriate training will be provided to assist Councillors in the effective and efficient use of the equipment and other information technology so they may fulfil their role at Council and Committee meetings utilising the hardware and software provided. This will include development of a training Plan for each Councillor tailored to individual needs and may involve individual and/or group training sessions, as required.

Should Council adopt the draft Councillor ICT Policy, the Councillor Allowances and Expenses Policy will be reviewed at a later date and brought back to Council.

## **Statutory Requirements**

Section 5.98(2) of the Local Government Act 1995 (**LG Act**) provides that a Councillor is to be reimbursed for certain expenses.

Rather than reimburse individual expenses, a Local Government may decide to pay the allowance determined by the Salaries and Wages Tribunal (section 5.99A(1) of the LG Act). The Local Government may reimburse a Councillor for expenses incurred in excess of the allowance.

Regulation 31 of the LG (Administration) Regulations 1996 prescribe the type of expenses that may be reimbursed under section 5.98 of the Act, relevantly, as *“rental charges incurred by a council member in relation to one telephone and one facsimile machine”*.

Regulation 32 provides that an expense incurred by a council member in performing a function in his or her capacity as a council member may be reimbursed.

The Salaries and Allowances Tribunal introduced the term ‘ICT Expenses’ and expanded Regulation 31 by defining ICT Expenses as follows:

- (a) *rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or*
- (b) *any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.*

The Tribunal determined that the minimum annual allowance for ICT expenses is \$500 and the maximum annual allowance for ICT expenses is \$3,500.

## **Financial Considerations**

The cost of providing a laptop device and large screen monitor to all Councillors and Office 365 with upgraded cybersecurity protection is approximately \$8,000 per annum, which can be met from the Town’s capital budget for ICT Equipment (devices) and operational ICT budget (licenses).

## **Risk Management Implications**

The primary and overriding risk is to adopt a Councillor ICT Policy that allows the Town to adequately manage its cybersecurity risk. Failure to do so exposes the Town to infiltration by external parties, which could lead to data compromise/loss and loss or incapacitation of the Town’s systems.

**Officer Recommendation – Item 8.6**

That Council adopts the draft Councillor ICT Policy, attached to this report.

**Voting requirements: Simple majority**

<b>Item No. 8.7</b>	Draft Differential Rates Refund Policy
<b>Property Address (if applicable)</b>	n/a
<b>Landowner/Applicant (if applicable)</b>	n/a
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	n/a
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 5</b>	Draft Differential Rates Refund Policy

**Purpose**

The purpose of this report is for Council to consider the draft Differential Rates Refund Policy.

*Council Policy 6.24 – Electoral Caretaker Period Policy*

*The caretaker period for the 2021 Local Government Elections is currently in effect. The proposed draft policy is not considered to be a significant decision for the purposes of the policy.*

**Background**

The Town of Bassendean introduced differential rates for the first time as part of the 2021/22 Annual Budget, by imposing a premium of 50% in the rate in the dollar on unimproved (vacant) land.

The purpose of the higher rate in the dollar for vacant land was to encourage development, as the Town considers the development of all vacant rateable land to be in the best interests of the community, to stimulate growth and development and improve the vibrancy of the Town.

Council, when considering the submissions received following advertising of the proposed differential rates, noted that some land owners may intend to develop their land, but be unable to secure building services in a timely manner due to the difficulties faced in the current market. These landowners may be penalised through the introduction of differential rates due to delays in developing their land, despite their best intentions and endeavours. Council expressed interest in a facility to waive or provide a concession to those landowners who do proceed to develop their land.

This agenda item is being tabled during the Electoral Caretaker Period on the basis that Council at the July 2021 Special Council Meeting had already resolved to develop a policy to address the situation described above, namely:

*“Requests the CEO develop a Policy for Council that provides for the owners of vacant land to make application for a concession up to the additional rates paid due to the imposition of differential rates where the property is developed within a specified period of time”.*

### Proposal

That Council adopts the draft Differential Rates Refund Policy.

### Communication and Engagement

Desktop research was conducted on other metropolitan local governments that have imposed differential rates, however no comparable policy was located.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p>LONG TERM</p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
Ensure major decision making is informed by community feedback	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>

<p>Ensure operational activities reflect the strategic focus of Council</p>	<ul style="list-style-type: none"> <li>• Ensure clear communication and flow of information from decision makers to operational staff</li> <li>• Implement a framework on decision making that identifies delegated authority for different levels of decision</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Outcomes-focused decision making (not process-focused)</li> <li>• More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li> </ul>
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**Comment**

The draft Differential Rates Refund Policy provides for a refund of additional rates levied on vacant land due to the imposition of differential rates, where an application for development approval is made to the Town and the land is subsequently developed in accordance with the development approval. The policy applies where the application for development approval is lodged with the Town before 30 June 2022.

Once the development is complete, Landgate will revalue the property on the basis of the gross annual rental the property might reasonably be expected to earn annually if it were rented (GRV). Landgate will then inform the Town of the new GRV for the property, prompting the Town to levy Interim Rates based on the updated GRV.

The draft Differential Rates Refund Policy provides that a landowner may apply retrospectively to the Town, within 12 months of the date of the Interim Rates Notice, for a refund of the additional rates paid from the date of issue of the development approval to the date of the Interim Rates Notice issued by the Town following revaluation of the property by Landgate. Proof will be required to show the development application had been lodged with the Town prior to 30 June 2021 and the development had been completed prior to 30 June 2023.

**Statutory Requirements**

Section 6.47 of the *Local Government Act 1995* provides as follows:

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

**\* Absolute majority required.**

**Financial Considerations**

Adoption of the draft Differential Rates Refund Policy will have an impact on the Town’s rates revenue. While the timing and quantum of that impact is unknown, the total cost is limited to the amount of additional rates levied through the



introduction of differential rates. Any adverse effect on revenue should be seen in light of the development of vacant land that must have occurred to trigger the policy, which was the objective of Council when imposing the higher rate in the dollar on vacant land.

### **Risk Management Implications**

The risks associated with the introduction of this policy are low. The policy is designed to support the objective of Council when imposing differential rates and operates to provide a rates concession to owners of vacant land who develop that land.

### **Officer Recommendation – Item 8.7**

That Council adopts the draft Differential Rates Refund Policy, attached to this report.

**Voting requirements: Absolute majority**

<b>Item No. 8.8</b>	<b>Special Electors' Meeting – Notices of Motion</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	LAWE/REPRTNG/3 GOVN/CCLMEET/1
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 6</b>	<ul style="list-style-type: none"> <li>• Minutes of the Special Electors' Meeting held on 31 August 2021.</li> <li>• Copy of Deputation – Mr Terry Blanchard</li> </ul>

## Purpose

The purpose of this report is for Council to consider the notices of motion that were passed at the Special Electors' Meeting held on 31 August 2021.

### Council Policy 6.24 – Electoral Caretaker Period Policy

*The caretaker period for the 2021 Local Government Elections is currently in effect. The notices of motion are not considered to be a significant decision for the purposes of the policy.*

## Background

On 22 June 2021, Council considered the review of various parking restrictions around Bassendean Oval and resolved the following –

*That Council defers this item requesting the administration to further investigate the following:*

- 1. Signage to encourage greater utilisation of existing parking spaces currently marked “Drop Off Zone” on the west side of West Road adjoining Bassendean Primary School;*
- 2. Identify opportunities to create additional parking in and around those streets listed in the current report to assist in addressing the loss of street parking created by a transition to “No Stopping” zones;*
- 3. Identify opportunities to potentially increase parking and/or chicanes, median strips etc that may accommodate additional tree planting and reduce the speed of vehicles entering and exiting North Road via Guildford Road with a view to improve overall street amenity and functionality; and*
- 4. Requests a new report outlining the aforementioned investigations and any other means to improve parking functionality in the subject area be provided to Council within six months.*

Subsequent to Council’s decision, on 31 August 2021, a Special Electors’ Meeting was held to consider a request by electors to discuss the parking restrictions addressing issues with football parking and special events at Bassendean Oval; and offer other options for Council to consider.

At the meeting, three notices of motion were passed by those electors that were present. These motions were as follows:

***Motion 1***

*That the electors request Council not make any changes or amendments to the existing parking restrictions in the streets detailed in report item 12.6 of the June OCM, with the exception of Rosetta Street.*

***Motion 2***

*That the electors request that if problems arise with the existing parking restrictions in the streets detailed in report item 12.6 of the June 2021 Ordinary Council meeting, that the Town’s Chief Executive Officer will form a working group with resident representatives from those streets to assess the problems and consider solutions.*

***Motion 3***

*That in future analysis, the intersections versus the mid-block links be considered separately in terms of the restrictions that are applied.*

These are discussed in detail below.

## Communication and Engagement

Nil.

## Strategic Implications

### Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business-as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>
Foster an environment of innovation and leadership	<ul style="list-style-type: none"> <li>• Foster an environment of innovation, where people are encouraged to contribute</li> <li>• Foster leadership: harness the talent of individuals</li> <li>• Recognise and reward innovation and leadership</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Councillors and staff feel empowered to make appropriate decisions</li> <li>• Professional development for staff and councillors</li> <li>• Inductions to professional networks</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Recognition of excellence by other organisations</li> </ul>

## Comment

As required by Council's 22 June 2021 decision to defer the consideration of the parking issue, a report is to be presented to Council by the end of the year to consider the various matters raised. It is considered appropriate that the three electors' motions be considered as part of the same report to Council.

## Statutory Requirements

Section 5.33 of the *Local Government Act 1995* states –

### **5.33. Decisions made at electors' meetings**

- (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.*

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Failure to consider the notices of motion that were passed by the electors at the Special Electors' Meeting of 31 August 2021 will place the Council in breach of s.5.33 of the *Local Government Act 1995*. Breach of the statutory obligation will place the Council at risk of reputational damage and possible censure from the Department.

### **Officer Recommendation – Item 8.8**

That Council notes the Motions passed at the Special Electors' Meeting held on 31 August 2021 and requests that they be considered as part of the report that is otherwise required to be presented to Council by 22 December 2021.

### **Voting requirements: Simple Majority**

**9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

9.1 Cr Kathryn Hamilton

That Council:

1. Requests the CEO reviews the procedures of Ordinary Council Meetings to include a 'Declarations of Due Consideration'; and
2. Requests that said Declaration conveys the intent that any elected member who is not familiar with the substance of any report or other information provided for consideration at an Ordinary Council Meeting must declare that fact before the meeting considers the matter.

9.2 Cr Kathryn Hamilton

That Council:

1. Requests the administration make available to the public on the Town's website, the CEO's Key Performance Indicators (KPI's) and Measures of Success; and
2. Requests that this occurs each year, no later than 30 days after the CEO's KPI's have been approved by Council, commencing in 2022.

**10.0 CONFIDENTIAL BUSINESS**

<b>Item No. 10.1</b>	<b>Service Review – Seniors and Disability Services Business Unit</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	COMS/SVPOVN/12
<b>Previous Council Reports (if applicable)</b>	24 November 2020 – CONFIDENTIAL
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
Confidential Attachments	<i>Councillors – please refer to the Confidential Attachments listed within the Confidential Report</i>

*This matter is to be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995, as the officer report discusses information of a personal nature.*

## **11.0 CLOSURE**

It is proposed that the Briefing Session scheduled on 19 October 2021 be rescheduled to Tuesday 26 October 2021, commencing at 6.00pm – subject to Council consideration.