

TOWN OF BASSENDEAN

NOTICE OF BRIEFING SESSION

A Briefing Session of the Council of the Town of Bassendean will be held on Tuesday 14 December 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.

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

Ms Peta Mabbs, CEO

3.0 DECLARATIONS

4.0 ANNOUNCEMENTS

5.0 PETITIONS

6.0 PUBLIC QUESTION TIME/STATEMENTS

15 minutes will be allocated for addresses by members of the public on matters contained in the agenda.

Public Question Time

Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.

Questions can be submitted prior to the Briefing Session to:
www.bassendean.wa.gov.au/forms/public-question-time/36.

Statements

Each person is restricted to one statement of up to two minutes unless the Council, by decision, determines that they may speak for no more than a further two minutes.

Statements can be submitted prior to the Council meeting to:
www.bassendean.wa.gov.au/forms/public-statement-time/37

7.0 DEPUTATIONS

Mr Luke Garswood, Connect Victoria Park will be in attendance at 7.30pm to provide a Confidential Deputation relating to Item 10.1 - Proposal for Tenancy Management of vacant units at Hyde Retirement Village by Connect Victoria Park Inc.

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.

| | |
|---|---|
| Item No. 8.1 | Cats Local Law 2021 |
| Property Address | N/A |
| Landowner/Applicant | N/A |
| Ref | LAWE/LOCLWS/2 |
| Directorate | Community Planning |
| Authority/Discretion | <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. |
| Attachment No. 1 | 1A <i>Cats Local Law 2021</i> 1B <i>Proposed Cats Amendment Local Law 2022</i> |

Purpose

The purpose of this report is for Council to consider the undertaking required to be made to the Joint Standing Committee on Delegated Legislation in regards to the *Cats Local Law 2021*.

Background

On 25 August 2021, Council resolved to make the Local Law, which was then gazetted on 15 October 2021. In accordance with s. 3.12(7) of the *Local Government Act 1995*, a copy of the Local Law was sent to the Joint Standing Committee on Delegated Legislation for review. The Committee considered the Local Law, determined that an amendment is required and requested that, by 29 December 2021, Council provide an undertaking that the amendment will be made within six months.

The relevant clause relates to it being an offence for a cat to be in a place that is not public (i.e. private property).

Communication and Engagement

The draft local law was previously advertised for a period of 51 days (being from 19 May 2021 to 9 July 2021).

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"> Provide opportunity to listen and involve our community in decisions that affect them | <ul style="list-style-type: none"> Greater community support for decision making |

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"> Early identification of potential risks / issues/opportunities Embed opportunity cost considerations | <p>SHORT TERM</p> <ul style="list-style-type: none"> Efficient and effective Council meetings Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts <p>LONG TERM</p> <ul style="list-style-type: none"> Examples of being first adopters |
| Ensure major decision making is informed by community feedback | <ul style="list-style-type: none"> Ensure community engagement processes are implemented in major strategic projects | <ul style="list-style-type: none"> Ensure community engagement processes are implemented in major strategic projects |

Comment

The Committee is the body responsible for the scrutiny of all delegated legislation made by local governments. It is able to disallow a local law and require an amendment be made to a local law where it is deemed appropriate. Should a local government fail to make an undertaking in accordance with the recommendation made by the Committee, the local law will be disallowed.

The gazetted local law included an offence for a cat to be in a place that is not public (i.e. private property). By including this clause and associated penalty, the Town would have had more options to deal with cats entering private property without the consent of the property owner or occupier.

The Committee has requested that clause 2.2 and associated references (relating to cats in places that are not public) be deleted. The rationale was that it may result in forcing owners to confine their cats, which could be considered inconsistent with, and not authorised by, the *Cat Act 2011*.

All other provisions of the gazetted Local Law, including nuisance provisions and Cat Prohibited Areas, were not requested to be modified by the Committee.

Statutory Requirements

The amendment that is required by the Committee involves the deletion of a clause and all related references. As this is not a minor amendment, this will require a replication of the procedure already undertaken to make Local Laws as per section 3.12(7) of the *Local Government Act 1995*.

The Amendment Local Law will be required to be advertised for a minimum of 42 days, including providing a copy of the proposed Amendment Local Law to the Minister for Local Government. Given the Christmas closure period, the Town considers that advertising should be extended until February 2022.

The Town intends to undertake advertising and consultation in the following manner:

- Providing notice on the Town's website and by making a copy of the amendment local law available for inspection at the administration centre;
- Publish a notice in the West Australian newspaper; and
- Ensuring a copy of the proposed Amendment Local Law is publicly available for inspection at the customer services centre and library.

Following conclusion of the advertising and consultation period, Council will be required to consider any submissions prior to resolving whether to make the Amendment Local Law. It should be noted that even after the consultation period, the amendments required by the Committee are not able to be altered in any way and as such, Council is required to make the requested modification.

In accordance with section 3.12(2) the purpose and effect of the proposed *Cats Amendment Local Law 2022* is as follows:

- The purpose of the proposed local law is to amend the existing *Cats Local Law 2021* in line with the undertakings provided to the Joint Standing Committee on Delegated Legislation by Council on 21 December 2021.
- The effect of the proposed local law is to ensure responsible cat ownership within the district aligns with the requirements of the *Cat Act 2011*.

Financial Considerations

The costs of advertising the amendment local law can be met within the 2021/22 budget. The costs of advertising are likely to be approximately \$750, with additional costs for gazettal and final advertising of the amendment local law.

Risk Management Implications

Failure to undertake the requested amendments may cause the disallowance of the *Cats Local Law 2021*.

Officer Recommendation – Item 8.1

That Council:

1. Undertake to the Joint Standing Committee on Delegated Legislation that:
 - a) within six months, clause 2.2 is deleted;
 - b) all consequential amendments arising from undertaking 1 will be made;
 - c) clause 2.2 will not be enforced in a manner contrary to undertaking 1;
 - d) where the local law is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking; and
2. Authorises the advertisement of the *Cats Amendment Local Law 2022* in accordance with section 3.12 of the *Local Government Act 1995*.

Voting requirements: Simple majority

| | |
|---|--|
| Item No. 8.2 | Road Closure – Portions of Extension Road and West Road, Bassendean |
| Property Address (if applicable) | Extension Road and a portion of West Road adjacent Bassendean Shopping Centre |
| Landowner/Applicant (if applicable) | State of Western Australia |
| File Ref | ROAD/RDCLRS/3 |
| Directorate | Community Planning |
| Authority/Discretion | <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 permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| Attachment No. 2 | 2A Road Closure Sketch Plan 2B Submission |

Purpose

The purpose of this report is for Council to consider the closure of portions of Extension Road and West Road, Bassendean.

Background

In August 2012, the Metro Central Joint Development Assessment Panel (JDAP) approved an application for the refurbishment and expansion of the Hawaiian Bassendean Shopping Centre, which involved 107 car parking bays and landscaping being located within the adjacent road reserve, and not within the confines of the site.

The Town has sought to rectify this issue by requiring the landowner to either purchase the land or enter into a licence agreement for the use and ongoing management of the car parking bays and landscaping. The landowner has requested that it be able to purchase the land, which, given the road reserve is owned by the State of Western Australia (Crown land), is a matter that requires the approval of the Minister for Lands.

On 25 May 2021, Council considered a proposal to close Extension Road and a portion of West Road, to enable the land to be acquired by the owner of Lot 2 West Road and amalgamated into that site.

At that meeting, Council resolved to defer consideration of the matter, pending the finalisation of the Town Centre Masterplan.

On 23 November 2021, Council resolved to adopt the Town Centre Masterplan.

Communication and Engagement

In accordance with Section 58 of the *Land Administration Act 1997* the proposal was advertised for 36 days (18 March 2021 – 23 April 2021), by advertisement in the local newspaper and display on the Town’s website.

At the close of the consultation period, one submission was received; objecting to the proposal. A copy of the submission is attached, with the Town’s responses to the matters raised in the submission included in this report.

Strategic Implications

Priority Area 4: Driving Financial Suitability

| Direction | Potential Strategies | What Success Looks Like |
|---|---|---|
| Ensure there is sufficient, effective and sustainable use of assets | <ul style="list-style-type: none"> Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise Ensure financial planning has a long term outlook and a focus on land asset rationalisation | <p>SHORT TERM</p> <ul style="list-style-type: none"> All Town-owned buildings increased in their utilisation Defined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none"> Consolidated infrastructure footprint Enhanced sustainability footprint Clear indications of whole-of-life costs |

Comment

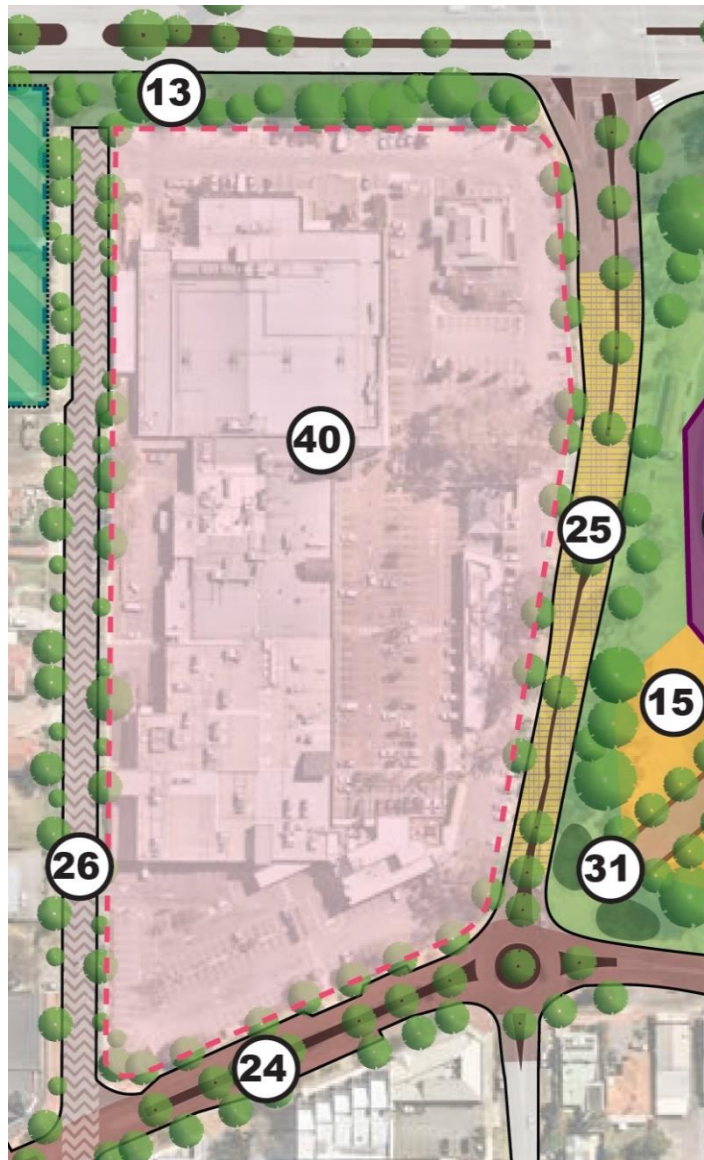
Proposed Road Closure

With the exception of a left-in access via Guildford Road connecting to Whitfield Street, the balance of Extension Road is, for all intents and purposes, a car park and access way serving the shopping centre. Closing Extension Road will have no impact on the surrounding road network.

The portions of West Road the landowner is seeking to purchase (as shown on the plan contained as Attachment 2) relate to constructed areas of car parking and landscaping connecting to the shopping centre site only, and do not relate to the carriageway on West Road.

Town Centre Masterplan

The proposed closure aligns with the adopted Town Centre Masterplan which, as it relates to the Hawaiian site, is as follows.



State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

Reference is made in the submission to the application of SPP 4.2, specifically in relation to the redevelopment of the shopping centre and the zoning of nearby properties. This proposal is for a road closure only, and SPP 4.2 is not applicable in this respect.

Whilst SPP 4.2 is used to guide the preparation of local planning strategies, schemes, and structure plans; and development control, it is not the statutory tool for rezoning land. Zoning of land occurs via the Local Planning Scheme text and associated Scheme map, which requires approval from the Minister for Planning. The Town is in the process of preparing a new local planning framework which proposes increases in density to the land surrounding the shopping centre.

The timing of the new local planning framework is dependent on the Western Australian Planning Commission granting consent to advertise, and ultimately, Ministerial approval.

The ability for the landowner to redevelop the shopping centre site is consistent with the current zoning of the land.

Car Parking Bays Cash-in-Lieu of Car Parking

Concern was raised in the submission regarding the amount of car parking bays on site and the absence of cash-in-lieu of car parking bays.

This proposal is for a road closure only, and the application of cash-in-lieu of car parking is not relevant to this process.

In approving the application for the refurbishment and expansion of the shopping centre, the shortfall in car parking bays was considered. The JDAP did not impose a condition requiring the cash-in-lieu payment, and the Town cannot retrospectively seek such a contribution. Notwithstanding, the applicant has not proposed to remove car parking bays (which would require further development approval), and the road closure will rectify a land tenure anomaly to ensure the maintenance of the bays is the responsibility of the landowner, not the Town.

Parking Infringements and Signage

The submission makes reference to parking infringements from 2017 and recent parking restriction signage. The Town is aware of signage erected by the shopping centre landowner restricting parking within the road reserve, which have since been removed at the request of the Town.

Parking offences are enforced with respect to the *Parking Local Law 2019*, which is applicable to public land only. Should the land be amalgamated into the shopping centre site, it is open for the landowner to impose private parking restrictions.

Compliance with Australian Standards

Reference is made to suggested non-compliance with relevant Australian Standards at the shopping centre. This proposal relates to the road closure only. The requirement to upgrade facilities to ensure compliance with Australian Standards occurs when there is a nexus between new/redevelopment and the relevant non-compliance. Should the landowner seek to redevelop the centre in future, the Town will ensure compliance with the relevant standards.

Section 152 and Sale/Development of Land

The submission requests that the Town use Section 152 of the *Planning and Development Act 2005* to require the shopping centre owner to purchase the land from the Town.

Section 152 is for the vesting of certain land to the Crown at the time of subdivision (i.e. the Western Australian Planning Commission imposing a condition of subdivision approval requiring the landowner to cede land free of cost to the Crown for a public purpose). The land is already owned by the Crown. Further, this proposal is for a road closure only, not for the subdivision of land, and therefore Section 152 is not applicable.

Various commentary was also included in the submission regarding the sale of a portion of Bassendean Oval to the shopping centre owners, the provision of additional parking in this location and upgrades to the lighting/facilities at the Oval. Bassendean Oval is reserved as Parks and Recreation under the Metropolitan Region Scheme. Residential development is inconsistent with the use of the reserve for recreational purposes and therefore cannot be accommodated without the land first being rezoned or the purpose of the reserve being modified, both of which would require Ministerial approval. This proposal is for a road closure only, and does not relate to development/upgrades to Bassendean Oval.

State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)

The submitter incorrectly states that SPP 3.6 is mandatory, and lists a range of items that could be funded via income from a development contribution scheme (DCP). Further, this proposal is for a road closure only, and does not relate to the creation of a DCP.

The Planning Regulations Amendment Regulations 2020 amended the *Planning and Development (Local Planning Schemes) 2015* require local governments to ensure that SPP 3.6 is published in accordance with clause 87 of the deemed provisions of the Regulations. It does not require the Town prepare a DCP.

In any event, the creation of a DCP requires an amendment to the Town's Local Planning Scheme, which is a separate process to the subject road closure.

Conclusion

The portions of road proposed to be closed will provide the opportunity for the shopping centre landowner to purchase this land from the Crown and amalgamate the land into the shopping centre site.

This will rectify a land tenure anomaly and ensure the ongoing maintenance of the car parking bays, retaining walls, access ways and landscaped areas currently within the road reserve will then become the responsibility of the shopping centre landowner, once the portions of land are amalgamated into the shopping centre site.

Given the proposals will have no impact on traffic movements and will rectify the existing maintenance situation on site, it is recommended that Council request the Minister for Lands permanently close the relevant portions of Extension and West Road.

Statutory Requirements

In accordance with the Section 58 of *Land Administration Act 1997*, when a local government wishes a road in its district to be closed permanently, it may request the Minister to close the road.

Financial Considerations

Nil, however, should Council resolve not to close the respective portions of road reserve, there will be no ability for the shopping centre landowner to purchase the land from the Crown and amalgamate the land into the shopping centre site. The ongoing cost of maintaining the car parking bays, access ways and retaining walls within the portions of road reserve associated with the JDAP approval to redevelop the shopping centre will remain with the Town.

Whilst the Town has not expended funds in this respect to date, the Town will be responsible for the maintenance of these areas for the life of the development.

Risk Management Implications

As above.

Officer Recommendation – Item 8.2

That Council authorises a request being made to the Minister for Lands pursuant to Section 58 of the *Land Administration Act 1997* for the permanent closure of portions of Extension Road and West Road road reserves as identified by hatching on the Location Plan attached to this report, to enable the land to be amalgamated into Lot 2 West Road, Bassendean (Bassendean Shopping Centre).

Voting requirements: Simple Majority

| | |
|---|---|
| Item No. 8.3 | Tree Preservation Order |
| Property Address | 47 (Lot 126) Seventh Avenue, Bassendean |
| Landowner/Applicant | Jane Bremmer |
| Ref | TPO/2021/4 |
| Directorate | Community Planning |
| Authority/Discretion | <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 (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. |
| Attachment No. 3 | Arboricultural Report |

Purpose

The purpose of this report is for Council to consider retaining an existing Tree Preservation Order (TPO) for a Flooded Gum Tree (*Eucalyptus Rudis*) located at 47 (Lot 126) Seventh Avenue, Bassendean.

Background

On 7 May 2021, the Town was advised by the owner of 47 (Lot 126) Seventh Avenue, Bassendean that a tree on site had likely been poisoned. A visual inspection by the Town indicated that the tree is in decay.

On 11 May 2021, the landowner submitted a TPO nomination for the tree based on the tree's aesthetic, scientific, environmental and historical qualities, specifically:

- The tree displays outstanding qualities such as shade, colour, texture, fragrance, and/or seasonality;
- The tree contributes significantly to the landscape in which it grows (including streetscapes, parks, gardens, or natural landscapes);
- The tree is of important genetic value (including remnant vegetation) that may provide important and valuable propagating stock;
- The tree is a significant habitat element for rare, threatened, priority or locally uncommon or common native species;
- The tree is vulnerable or endangered;

- The tree is of highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural, or social associations and including trees associated with Aboriginal heritage and culture (such as gathering sites);
- The tree is not associated with a heritage site but for which it can be demonstrated that it has some historical significance; and
- The tree has local significance and that is important to the local community and is a recognised features of the immediate landscape.

The landowner also provided the following comments:

- The tree is connected to the Swan River ecological corridor being within 200m from the Success Hill Reserve (Class A bushland and registered sacred site);
- The tree provides food and habitat for endangered Carnaby Cockatoos; and
- The tree is one of the last standing old flooded gums in the area.

On 22 June 2021, the matter was presented to Council for determination, with the Town recommending against making a TPO for the tree. Whilst it was acknowledged that the tree did have significant aesthetic value due to its size, and other qualities as outlined by the landowner, the tree was in a poor state of health and could further decline, resulting in a safety risk to nearby owners/occupiers. Notwithstanding the recommendation, Council resolved to make the TPO, and requested that a further report be presented to Council in December 2021 to enable reconsideration of the TPO in the event the tree does not survive.

In October 2021, the Town engaged an arboriculturalist to provide an independent assessment of the value of the tree against the criteria for making a TPO contained within Local Planning Scheme No. 10 (LPS 10), and on the health of the tree more generally. Inspections of the tree were undertaken on 25 October 2021 and 18 November 2021, with a copy of the Arboricultural Report attached.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

| Direction | Potential Strategies | What Success Looks Like |
|--|---|---|
| Conserve, protect and enhance our natural environment and biodiversity | <ul style="list-style-type: none"> • Conserve, enhance and repair natural and urban areas • Facilitate management of reserves by Friends groups | <p>SHORT TERM</p> <ul style="list-style-type: none"> • Increased number and rate of participation of environmental volunteers <p>LONG TERM</p> <ul style="list-style-type: none"> • Restoration and revegetation measures improve |
| Support the creation of a more green and shaded Town | <ul style="list-style-type: none"> • Create an urban forest throughout reserves, gardens and streets • Protect existing trees and green spaces | <p>SHORT TERM</p> <ul style="list-style-type: none"> • Fewer trees lost during development <p>LONG TERM</p> <ul style="list-style-type: none"> • Increased proportion of tree cover • Reduced heat island effect |

Comment

Local Planning Scheme No. 10

Clause 4.7.7.2(i) of Local Planning Scheme No. 10 (LPS 10) provides the local government the ability to order the preservation and maintenance of a tree via a TPO. Where a local government makes an order for the preservation and maintenance of a tree, LPS 10 requires the local government to have regard to:

- aesthetic quality;
- historical association;
- rarity; and
- any other characteristics which make the tree worthy of preservation.

Local Planning Policy 13 – Tree Retention and Provision, also expands on these requirements to include habitat significance, which can be deemed significant where the tree provides a breeding, feeding or roosting site regularly used by fauna and protected under State or Federal legislation.

The findings of the arboriculturalist were such that whilst the tree did not have outstanding significance given the species is common throughout Perth, it was acknowledged that the tree did provide a range of benefits including a fauna food source and roost site, and could be considered for a TPO given its size.

The tree would not meet the requirements for a TPO based on the LPP 13 requirements despite being used by fauna, as the tree is not protected under State or Federal legislation. Notwithstanding, given the Arboricultural Report has found the tree to be in a satisfactory structural condition and its health is capable of improving, consideration could be given to making the TPO based on the size and associated aesthetic quality of the tree (should the health of the tree continue to improve).

Structure and Health

The assessment undertaken on the tree identified the structural condition to be 'fair' (i.e. defects evident that may be typical for the species and age class, and which could be corrected through remedial pruning works) and the health of the tree to be 'low' (i.e. poor shoot extension, sparse crown density and not likely to be corrected through improvement of site resources and plant nutrition).

The structural condition is such that there are no urgent remedial arboricultural works are required to be undertaken. Despite the low health rating of the tree at present, the arboriculturalist has noted that should there be new foliage/epicormic growth (that would likely occur during early summer), the use of nutrient implants could assist in the recovery of the tree.

Conclusion

It is acknowledged the significant aesthetic value the tree may have due to its size, and other qualities such as habitat as initially outlined by the landowner.

Whilst the tree is currently in a state of low health, the Town is now satisfied that the tree is not currently in further decline, and is unlikely to present an immediate safety risk to nearby owners/occupiers given the structural condition of the tree. As such, the Town supports a TPO being retained.

Statutory Requirements

In accordance with clause 4.7.7.6 of LPS 10, the local government is to record, in a Registry of Tree Preservation Orders, a list of the trees subject to orders under this section.

Financial Considerations

The cost of the arborist report was \$490 (ex GST), which was borne by the Town.

Risk Management Implications

In the absence of a TPO, trees on private property can be removed without the need for prior approval. Should Council resolve to make a TPO, the ability to immediately trim/cut overhanging branches would be restricted, as the prior approval of the Town would be required.

Officer Recommendation – Item 8.3

That Council retains the existing Tree Preservation Order for the Flooded Gum Tree (*Eucalyptus Rudis*) located at 47 (Lot 126) Seventh Avenue, Bassendean.

Voting requirements: Simple majority

| | |
|---------------------|---------------------------------------|
| Item No. 8.4 | Use Not Listed (Holiday House) |
|---------------------|---------------------------------------|

Please note: This item has been withdrawn.

| | |
|--|--|
| Item No. 8.5 | Local Planning Policy No. 15 – Percent for Art Policy and Council Policy 4.3 – Public Art Policy |
| Property Address | N/A |
| Landowner/Applicant | N/A |
| File Ref/ROC | LUAP/POLCY/19 |
| Previous Council Reports (if applicable) | N/A |
| Directorate | Community Planning |
| Authority/Discretion <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 permits, applications for other permits/licences (e.g. under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| Attachment No. 5 | 5A Local Planning Policy No. 15 – Percent for Public Art 5B Council Policy 4.3 – Public Art Policy 5C Draft amended Local Planning Policy No. 15 – Public Art |

Purpose

The purpose of this report is for Council to consider amending *Local Planning Policy No. 15 – Percent for Art Policy* and revoking *Council Policy 4.3 – Public Art Policy*.

Background

Local Planning Policy No. 15 – Percent for Art Policy was adopted in December 2009 and is intended to provide for public art that creates a sense of place and improves the visual amenity of the district.

Council Policy 4.3 – Public Art Policy was last reviewed in March 2014 and intends to outline the Town’s strategy and provide guidelines for the integration of public art within streetscapes and to support and encourage the provision of commissioned public art works associated with new developments.

Communication and Engagement

Staff have prepared a draft amended Local Planning Policy, which was previously provided to Councillors via the Bulletin. One Councillor raised queries but it did not result in any changes to the draft policy.

Strategic Implications

Priority Area 3: Creating a vibrant town and precincts

| Direction | Potential Strategies | What Success Looks Like |
|-----------------------------------|---|--|
| Support the town centre to thrive | <ul style="list-style-type: none"> Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean. | LONG TERM <ul style="list-style-type: none"> Increased number of developments within the town centre. |

Priority Area 7: Building Community Identity by Celebrating Culture and Heritage

| Direction | Potential Strategies | What Success Looks Like |
|--|---|--|
| Engage the community in arts and culture | <ul style="list-style-type: none"> Implement arts and cultural programs and activities that reflect the unique history of the Town of Bassendean and are relevant to its community | SHORT AND LONG TERM <ul style="list-style-type: none"> Community participation in arts and cultural programs and activities |

Comment

Draft amended Local Planning Policy No. 15 – Public Art

Policy Requirements

The draft policy maintains the requirement for a public art contribution from developers as part of built form developments. The draft policy also establishes:

- A requirement for proposals involving residential, commercial and mixed use development, where the estimated cost of development exceeds \$2 million, to make a contribution to public art to the value of 1% of the estimated cost of the development, up to a maximum contribution of \$250,000;
- The contribution requirement being satisfied by providing public art on the development site and/or making a cash-in-lieu contribution towards future public art installations in the near vicinity;
- Design criteria for public art; and
- Information, assessment and installation requirements of public art proposed on a development site.

These matters are further discussed below.

Policy Objectives

The objectives in the draft policy have been updated to better reflect the key purpose of the policy, which is to enable a condition to be imposed on development approvals requiring developers to make contributions towards the provision of public art.

Application of Policy

The draft policy is proposed to apply to all applications for Development Approval for residential, commercial or mixed use developments, but, due to a recent State Administrative Tribunal (SAT) decision (*BGC Australia Pty Ltd v Metro East JDAP - 2018 DR 87*), does not apply to industrial development. In that case, the applicant lodged an application for development approval for the addition of two asphalt batching plants and the reconfiguration of bin stores on an existing industrial property.

A condition was imposed on the development approval for the provision or contribution towards public art, which was appealed by the applicant. The SAT found that the Public Art Policy did not link the requirement to provide public art with a proper identification of how the development created the need for such art.

As a result, the SAT found that the application of the Public Art Policy had no proper planning purpose and the condition was deleted. Given this determination, it is unlikely the Town would be able to successfully impose a condition for public art for industrial developments.

Contribution Amount

The existing policy requires all development proposals for multiple dwellings, mixed use, commercial, civic, institutional, educational projects or public works with a value greater than \$1 million to make a contribution towards public art.

The draft Policy increases the threshold to \$2 million. This is based on the Western Australian State Government Percent for Art Scheme Guidelines (the Guidelines), which provide local governments guidance for implementing contributions towards public art and commissioning public art for civic buildings and major infrastructure projects.

The Guidelines recommend providing a 1% contribution towards buildings with a construction cost of over \$2 million. This is due to the cost associated with public art projects typically having a minimum cost of \$20,000 (cost includes materials, design, construction, installation and engineering certification). Although some other local governments have a lower public art contribution cost threshold than what is being proposed by the draft policy, it is considered that a \$2 million threshold is appropriate as it would generally exclude smaller grouped and multiple dwelling development proposals where developers potentially have less capacity to make a contribution.

Design and Implementation

The draft policy includes information requirements for public art to ensure the location and form of the art is appropriate. Ongoing maintenance requirements have also been prescribed, to clarify that it is the responsibility of the landowner to maintain the public art in perpetuity.

With respect to the approval of the art, it is intended that the Town will undertake an assessment of the proposed public art in accordance with the requirements prescribed in the draft policy. Further Council approval of the proposed art will not be sought.

Use of previously collected funds

The Town is currently holding approximately \$180,000 worth of public art contributions, some of which date back to 2012.

It is a common criticism from the development industry that local governments collect contributions and then fail to spend the money on its intended purpose. As such, it is proposed that the funds be used as soon as possible, ideally as part of other broader projects, as opportunities arise.

The use of the funds can still occur if Council resolves to revoke the existing policies.

Conclusion

If Council wishes to maintain the requirement for developers to make public art contributions, it is recommended that Council seek to amend the existing Local Planning Policy.

Statutory Requirements

The *Planning and Development (Local Planning Schemes) Regulations 2015* state that if the local government resolves to amend a local planning policy, it must advertise the draft policy for public comment.

The *Local Government Act 1995* allows Council to determine its policies.

Financial Considerations

The cost of advertising the draft amended policy can be met from the Town's operational budget.

The specific policy settings relating to public art will have an impact on what, if any, contributions are received by the Town.

Risk Management Implications

Low. Should Council seek to retain LPP 15 yet not adopt the draft amended policy, the Town will revert back to the existing policy. Whilst the existing provisions are sufficient to warrant the application of a condition on development approvals requiring a public art contribution, the contribution amount would be open to challenge given it is inconsistent with the Guidelines. Further, the existing provisions do not provide sufficient guidance on the form of public art to be provided, and the ongoing maintenance requirements.

Officer Recommendation – Item 8.5

That Council:

1. pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises the draft amended *Local Planning Policy No. 15 – Public Art* for public comment; and
2. pursuant to the *Local Government Act 1995*, revokes *Council Policy 4.3 – Public Art Policy*.

Voting requirements: Absolute majority

| | |
|---|---|
| Item No. 8.6 | Use of office space inside the Bassendean Seniors and Community Centre |
| Property Address (if applicable) | 50 Old Perth Road, Bassendean (Bassendean Seniors and Community Hall) |
| Landowner/Applicant (if applicable) | Town of Bassendean |
| File Ref | COUP/USAGE/7 |
| Directorate | Community Planning |
| Authority/Discretion | |
| <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</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| Attachment No. 6 | Evaluation Letter - Prepare, Produce, Provide |

Purpose

The purpose of this report is for Council to receive an evaluation report regarding the use of office space inside the Bassendean Seniors and Community Centre, by Live to Tell Your Story Inc. (trading as Prepare, Produce, Provide) for its 5000meals program.

Background

In September 2020, Council resolved to approve the use of the office space in the Bassendean Seniors and Community Centre for the 5000meals program at no cost for one year being from 1 October 2020 to 30 September 2021, subject to (amongst other things), the provision of an evaluation report for consideration by Council.

Proposal

The group has requested the Council allow the use the premises for a further 12 months.

Communication and Engagement

Through the Town’s Volunteer Centre, a long-standing relationship has been developed with PPP and in turn, the 5000meals program has supported the Town’s community nutrition programs and provided catering at various Town functions.

Strategic Implications

Priority Area 1: Strengthening and Connecting our Community

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

Comment

Evaluation

Prepare, Produce, Provide (PPP) was founded in 2013 by a group of home economics teachers with a vision to assist young people to access opportunities in education, food and hospitality. The 5000meals Program is one of its flagship initiatives which aims to:

- Utilise surplus local produce to minimise food wastage in the Food and Hospitality industries;
- Produce nutritious meals that will assist people in need;
- Provide students the opportunity to work with chefs and industry specialists; and
- Assist teachers to deliver meaningful and relevant learning experiences.

PPP has a strong connection with the Town through one of their co-founders teaching at the Cyril Jackson Senior Campus. The Town also provided up to 70% of volunteers to 5000meals to assist with the preparation and distribution of meals during the initial Covid lockdown in 2020 which included up to 20 Town residents. The Town regularly engages the Program to provide catering at Town functions.

As a result of the Town allocating office space for PPP, the following outcomes have been achieved:

- The office has become the home base for both PPP and its 5000meals Program and has developed a sense of belonging among volunteers, suppliers, sponsors and supporters by being able to meet in one central location.
- Allocating office space has increased awareness of PPP and 5000meals within the Town with the Town's logo also featuring on the PPP website.
- 5000meals has volunteers made up largely from the Bassendean 55 Plus Association participating in the community kitchen at Cyril Jackson Senior Campus and creates a vibrant and supportive community that is well supported by Town residents and the wider community in addition to promotion through the Program's school networks.
- 5000meals has also assisted with a variety of local events including catering for the Town's 2021 Volunteer Awards and Thank a Volunteer Day (a movie night) event in 2020 and 2021 and the Town's Citizenship Ceremonies.
- 5000meals continues to provide high quality food and services and during the Town's Seniors Week in 2021 conducted a workshop on making rice paper rolls facilitated by one of the Program's Chefs.
- The Town's Waste Services team has partnered with 5000meals to deliver monthly *Zero Waste Workshops* at Cyril Jackson Senior Campus on how to reduce kitchen/household waste with an average of 15 Town residents attending each month.
- PPP also has a strong focus on building the capacity of aspiring Aboriginal culinary students through the Kinjarling Djinda Ngardak program. The Program offers students from across WA the opportunity to attend a week-long culinary camp where they will receive training and mentorship from some of WA's top chefs to develop their culinary skills using modern cooking techniques met with traditional and locally sourced ingredients.
- The PPP board also meets on a monthly basis at the Centre and will be holding its second AGM in December 2021. The board consists of professionals within the finance and food industries, both the private and government sectors, and has acknowledged and actively promoted the generosity of the Town of Bassendean in providing the space for PPP's use.

It should be noted that no cooking is conducted from the Centre; with the office space being used as an administration and meeting place for PPP.

Community Leasing Framework

Since Council's September 2020 decision, it adopted a new Property Management Policy and Community Leasing Framework to support lease / license agreements with community organisations for properties owned or managed by the Town. Under the Policy, the CEO may enter into a lease or license agreement with sporting clubs/community organisations where the terms of the lease or license agreement are consistent with the essential terms in the Framework.

The group has requested the Council extend the approval to use the premises for a further 12 months. In considering the request, the Community Leasing Framework is relevant, as follows.

- PPP meets all the eligibility criteria and essential terms of the Framework, based on:
 - Community benefit being returned to the Town and broader Perth community;
 - Shared use of the Bassendean Seniors and Community Centre with other user groups, apart from use of the office space at the specified times;
 - Ability to generate revenue through grant funding, sponsorships and donations;
 - Demonstrated effective governance and membership through programs conducted that add value to the social and community fabric of the Town and broader Perth community;
 - Not-for-profit status; and,
 - Sound organisational structure incorporated under the *Associations Incorporations Act 1987*.
- Under the Framework, a license agreement granted for up to three years (without an extension option) is deemed to be the most suitable occupancy agreement for PPP to access the Centre. This is on the basis that approval would only be granted for the purpose of using the designated office space at the specified times and other specified conditions. The license agreement would not cover the use of the hall, which would be subject to the applicable community hire rate (less any applicable discount).
- The Framework outlines that the annual tenancy fee is 10% of the Gross Rental Value (GRV) of the property concerned. The Centre's size is 526sqm with a GRV of \$48,000 equating to \$91.25/m². Given that the office space is approximately 9m², the proportionate GRV would equate to \$821.25 and an annual tenancy fee of \$82.13.

- Given that PPP is a not-for-profit / educational organisation, there is no requirement under the *Local Government Act 1995* for the license agreement to be advertised and therefore can be approved administratively by the CEO under the Framework.

It is considered that PPP, and in particularly the 5000meals program, delivers considerable community benefit to the Town. It is therefore reasonable to allocate office space under the Framework for a license period of three years with an annual rental fee of \$82.13, as well as other relevant outgoings within reason under the Framework.

It is recommended that Council receives the evaluation report and notes that the license matter will be actioned by the Town in accordance with the adopted Policy and associated Framework.

Statutory Requirements

Local Government Act 1995

Financial Considerations

It is anticipated that no additional costs will be incurred by the Town with PPP being responsible for all outgoings within reason under the Framework.

Risk Management Implications

Given that PPP has demonstrated effective use of the office space over the past 12 months, as well as the Framework outlining the essential terms and roles and responsibilities for both parties, continuing to allocate the office space to PPP through a license agreement represents a low risk to Council.

Officer Recommendation – Item 8.6

That Council:

1. Receives the evaluation report lodged by Prepare, Produce, Provide for the 5000meals Program.
2. Notes that a future tenancy of office space inside the Bassendean Seniors and Community Centre by Prepare, Produce Provide will be considered by the Chief Executive Officer in accordance with the Property Management Policy and Community Leasing Framework.

Voting requirements: Simple Majority

| | |
|--|---|
| Item No. 8.7 | Information and Communications Technology Strategy for 2020 to 2025 – Annual Review |
| Property Address (if applicable) | |
| Landowner/Applicant (if applicable) | |
| File Ref/ROC | INFT/IMPLTN/1 |
| Previous Council Reports (if applicable) | 15 December 2020 |
| Directorate | Corporate Services |
| Authority/Discretion <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</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| Confidential Attachment No. 1 | ICT Strategic Plan 2020 to 2025 – Annual Review |

Purpose

The purpose of this report is to provide Council with a progress report on the implementation of the Town's Information and Communications Technology Strategy for 2020 to 2025 (ICT Strategy).

Background

The Town's 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. It will guide the Town's future investment in Information and Communication Technology to provide a stable, robust and secure ICT platform that will adequately support the operational requirements of the Town into the future.

The ICT Strategy is supported by the ICT Strategic Plan, which outlines key projects and actions for each of the five years of the ICT Strategy under the following six priority areas:

- Modern and 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
 - Improve infrastructure to make it easy for customers to transact with us online and 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
- Sustainable IT
 - Implement sustainable technology initiatives that reduce the impact of technology use on the environment.

Appropriate investment in ICT infrastructure and the adoption of contemporary software systems and technologies over the next five years, is critical to ensure the Town has a reliable and secure platform that enables the efficient and effective delivery of its services and is able to support the priority areas and strategies as outlined in the Strategic Community Plan.

When receiving the ICT Strategy in December 2020, Council resolved as follows:

- “1. Council receives the Town of Bassendean ICT Strategy 2020 – 2025, as attached to this report;
2. The Administration be requested to review the ICT Strategic Plan annually to investigate opportunities to fast track key projects; and
3. Provide an annual report to Council on those key projects that may be advanced more quickly, with associated costings for consideration by Council.”

Proposal

That Council receives the Information and Communications Technology Strategy for 2020 to 2025 – Annual Review, as attached to this report.

Communication and Engagement

ICT staff have engaged in communication with vendors, contractors and staff as appropriate to implement the initiatives under the ICT Strategy.

Strategic Implications

Priority Area 5: Facilitating People-Centred Services

| | | |
|--|--|---|
| <p>Ensure community members know where and how to access services</p> | <ul style="list-style-type: none"> • Improve communication regarding where community members can receive services, advice and provide feedback • Ensure transparent and open discussions with community members | <p>SHORT TERM</p> <ul style="list-style-type: none"> • Clarity within the community and local government regarding who deals with different types of decision • Clarity and consistency around complaints procedure |
| <p>Deliver efficient and well-connected internet and computer technology systems</p> | <ul style="list-style-type: none"> • Improve efficiency of internet and computer technology systems for community-facing services • Explore online options for services that currently require physical presence | <p>SHORT TERM</p> <ul style="list-style-type: none"> • Improved efficiency of online services for community • Improved efficiency of online services for administration • Increased customer base for online services • Ability to deliver core work and services via non-contact methods |

Comment

The focus of the ICT Strategic Plan for the first two years of implementation was to stabilise and improve the Town's network infrastructure and improve network security. Considerable progress has been made and the Town's network is far more stable and secure and the Town's data is less susceptible to cybersecurity risks.

The second year of implementation will see a continued focus on network infrastructure and security, while also starting to implement some key projects that will improve efficiency and enhance the user experience, including:

- Upgrading the Audio-Visual equipment in the Council Chamber;
- Rolling out new laptop devices to Councillors and staff; and
- Implementing agenda preparation software integrated with a Councillors' portal.

These key projects are expected to be completed by 30 June 2022.

The ICT Strategic Plan has been reviewed and attempts made to identify opportunities to fast-track key projects, in line with Council's resolution reproduced above. As communicated to Council at the time of presenting the ICT Strategy, the supporting ICT Strategic Plan was an ambitious plan, given the Town's budget, the Town's small ICT team and the capacity to simultaneously drive behavioural and process change throughout the organisation across multiple projects.

While it may be possible to fast-track key projects, that will result in corresponding delays to other projects. It is open to Council to identify key projects it would like to see completed earlier than currently scheduled, however that may not be possible in some instances where certain projects are dependent upon other things and may require other projects to be pushed back in the program schedule.

Statutory Requirements

The Local Government Act 1995, session 5.41, specifies the functions of the CEO.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Financial Considerations

Council made provision in the 2020/21 Annual Budget for operational and capital expenditure of \$200,000 for implementation of the ICT Strategic Plan. Council made provision of a further \$290,000 in the 2021/22 Annual Budget.

Costs associated with implementation of the ICT Strategy will continue to be presented to Council as part of annual budget submissions and incorporated into the long-term financial plan.

Risk Management Implications

In late 2019, the Town engaged BroadReach Consulting (**BroadReach**) to conduct a Strategic Information Systems Review. BroadReach assessed the current state, identified key ICT priorities for the Town, and proposed a roadmap to help guide future investment in ICT.

General observations regarding the current state included:

- Reliability and performance of communications paths and the lengthy upgrade process for the remote desktop configuration significantly impacts the effectiveness of the central ICT system in every business unit
- Desktop and telephony devices are aged, inconsistent and constrain functionality
- Mobility is poorly enabled and not integrated with core systems workflow
- Employees using their own devices are poorly supported
- Outsourcing of key functionality has been effective for several business units but is not integrated with the core system
- ICT operating costs are very low (<1% of business expenses, compared to the industry average of 3.8% according to a survey by Deloitte) (Source: BroadReach Consulting report: Information Technology (IT) Strategy and Roadmap, 2019).

BroadReach identified the need for greater investment to stabilise the ICT environment, and to improve the efficiency and quality of service delivery.

In mid-2020, the Town commissioned a network audit, completed by Stott and Hoare, to identify the root cause(s) of the network performance issues identified in the Information Services Review. The network audit identified a number of critical security and network performance issues and recommended remedial action as a priority.

Around the same time, the Auditor-General appointed new auditors for the Town, RSM Australia (RSM), and instructed RSM to include an ICT audit as part of its interim audit of the Town. RSM made similar recommendations to those made by Stott and Hoare.

The findings and recommendations of the audits are included in the Town's Audit Risk Register for quarterly reporting to the Audit and Governance Committee.

Officer Recommendation – Item 8.7

That Council:

1. Receives the Information and Communications Technology Strategy for 2020 to 2025 – Annual Review, as attached to this report; and
2. Notes that subsequent reviews of the Information and Communications Technology Strategy for 2020 to 2025 will be provided in the CEO Bulletin.

Voting requirements: Simple majority

| | |
|--|---|
| Item No. 8.8 | Execution of Documents Policy and Authority to Sign Documents on Behalf of the Town |
| Property Address (if applicable) | N/A |
| Landowner/Applicant (if applicable) | N/A |
| File Ref/ROC | |
| Previous Council Reports (if applicable) | |
| Directorate | Chief Executive |
| Authority/Discretion <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. |
| Attachment No. 7 | Draft Execution of Documents Policy |

Purpose

The purpose of this report is for Council to consider and if satisfied, adopt the draft Execution of Documents Policy that will also grant to the CEO authorisation to sign documents on behalf of the Town in accordance with section 9.49A of the *Local Government Act 1995*.

Background

Council at its October 2020 Ordinary Meeting adopted the Delegations Register. The former Register had included a delegation to the CEO to sign documents on behalf of the Town. As the *Local Government Act 1995* does not allow for a delegation to occur (section 5.43(ha), the delegation was deleted. The appropriate requirement was an authorisation under section 9.49A. To ensure that the CEO has the authority to sign documents on behalf of the Town and to continue with the intent of the former delegation, a draft policy for the Execution of Documents was created. This policy is standard across the sector and derives from the Cities of Vincent, Melville and Bunbury.

Proposal

It is proposed that Council consider the proposed Execution of Documents Policy.

Communication and Engagement

The proposed policy was presented at the Corporate Management Committee for their consideration and feedback. The feedback received was noted and amendments were made. The policy was also sent under cover of the CEO Bulletin to Councillors on 1 December 2021. or comment and feedback. No feedback was received.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

1. Execution of document

The former Register of Delegations at DA 1.10 referred to a delegation to the CEO to sign and seal documents on behalf of the Local Government. Section 9.49A of the *Local Government Act 1995* states –

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if—*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*

The Delegated Authority was therefore improperly constructed.

The Act allows for the CEO to be authorised to execute documents under s.9.49A(4). A draft policy on the Execution of Documents was prepared and is included as an attachment to this report for Council consideration and adoption. The policy allows for efficiency in the execution of documents and for the day to day operations of the local government to be undertaken.

The policy is divided into categories. Category 1 deals with documents that require the Common Seal to be affixed. These documents are those that have significant consequence to the local government and therefore require the common seal. They are executed in accordance with a Council resolution to affix the common seal or in accordance with a general Council direction. Category 2 documents are those documents that do not require the Common Seal of the local government to be affixed, simply the signature of the authorised officer to enter into a valid contractual arrangement. Category 3 documents are those documents that are in the normal course of an officer's duty. The authorisation provided under the policy simply provides certainty to an individual to sign documents in accordance with the authority that they have been granted.

Statutory Requirements

Local Government Act 1995 section 9.49A.

Financial Considerations

Nil.

Risk Management Implications

Improperly authorised documents may place into question the validity of the transaction. The policy and the authorisation aims to ensure that the officer signing the relevant document has the authority to do so thereby providing certainty to the transaction.

Officer Recommendation – Item 8.8

That Council adopts the draft Execution of Documents Policy as attached to this report.

Voting requirements: Simple majority

| | |
|---|--|
| Item No. 8.9 | Review of Attendance at Events Policy |
| Property Address (if applicable) | NA |
| Landowner/Applicant (if applicable) | NA |
| Ref | GOVN/CCLMEET/1 |
| Directorate | Chief Executive |
| Authority/Discretion | <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 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. |
| Attachment No. 8 | Attendance at Events Policy |

Purpose

To amend the Attendance at Events Policy in accordance with section 5.90A of the *Local Government Act 1995* (the Act).

Background

The Town is currently reviewing its policy manual to ensure that all Council policies are relevant, useful and up to date. Council policies are required to assist with the efficient running of the local government and to address and provide guidance on matters within the district. The Attendance at Events Policy is reviewed annually to ensure that it is consistent with the legislation and that it remains relevant to the needs of the local government.

Proposal

Council amends the Attendance at Events Policy as set out in Attachment 1.

Communication and Engagement

The policy was reviewed by Administration in November 2021 as part of a policy manual review. The policy was provided to officers for comment and feedback.

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

Comment

Under the *Local Government Act 1995* section 5.90A a local government is required to adopt a policy that deals with the attendance at events by Councillors and the CEO. The Town adopted a policy in December 2020. It was considered prudent, given the nature of the policy, that the policy be reviewed on an annual basis rather than biennially. This would ensure that the policy would be regularly reviewed to meet any amendment that might arise.

The policy aims to establish a means to ensure appropriate disclosure on the acceptance of invitations to events by Councillors and the CEO. The review resulted in one amendment being recommended to the policy. At clause 6 – Payments in respect of attendance, the policy refers to the Councillor Allowance Policy. This is an incorrect reference. The title of the policy is the Councillor Allowances and Expenses Policy.

It is proposed that Council amend the policy to reflect the correct reference. This will ensure consistency among Council’s suite of policy documents.

Statutory Requirements

Local Government Act 1995 section 5.90A. The policy is required to be published on the Town’s website. An invitation to an event may be considered a gift and the Disclosure of Financial Interests and Gifts provisions of Division 6 of the *Local Government Act 1995* and Part 6 of the *Local Government (Administration) Regulations 1996* should be taken into consideration.

Financial Considerations

There are no costs to make the amendment to the policy. Attendance at events and associated expenses align with Councillors’ training and development.

There is existing allocation in the budget that deal with these expenses. The amendment to the policy will not impact on the existing allocation.

Risk Management Implications

Failure to ensure that policies are updated on a regular basis may lead to the Town being in breach of legislation and for policies to be outdated or inconsistent with legislation. Should Council not make the amendment, there is the risk that policies will not align and the possibility that outdated policies may be referred to by mistake.

Officer Recommendation – Item 8.9

That Council amends the Attendance at Events Policy as attached to this report.

Voting requirements: Absolute majority

| | |
|---|--|
| Item No. 8.10 | Review of Councillor Training and Professional Development Policy |
| Property Address (if applicable) | NA |
| Landowner/Applicant (if applicable) | NA |
| Ref | GOVN/CCLMEET/1 |
| Directorate | Chief Executive |
| Authority/Discretion | <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 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. |
| Attachment No. 9 | Councillor Training and Professional Development Policy |

Purpose

To review the Councillor Training and Professional Development Policy in accordance with section 5.128(5)(a) of the *Local Government Act 1995* (Act). The Act requires that the policy be reviewed after each local government ordinary election.

Background

Council adopted the Councillor Training and Professional Development Policy at its September 2020 Council meeting. Under section 5.128(5)(a) of the Act, it is a requirement that a local government review the policy after each ordinary election. The last election was held in October 2021 and Council is therefore required to review the policy.

Proposal

That Council notes the review of the Councillor Training and Professional Development Policy and reaffirms the Policy as contained in the attachment.

Communication and Engagement

The policy was reviewed internally by Administration in November 2021 to ensure compliance with the legislation.

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

Comment

In 2019, the Act was amended to require all local governments to prepare and adopt a policy addressing the continuing professional development of elected members. It was a further requirement, that the policy be reviewed after each ordinary election.

As the policy was adopted by Council in September 2020, it is a relatively new policy and meets the current requirements of the local government. It is consistent with the Councillor Allowances and Expenses Policy. Further, there has been no amendment to the principal Act or regulations that governs the policy. As a consequence, no amendment is required to be made to the policy at this stage.

Statutory Requirements

Section 5.128 of the *Local Government Act 1995*.

Section 5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members. * Absolute majority required.*
- (2) *A local government may amend* the policy. * Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government —*
 - (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time.*

Local Government (Administration) Regulations 1996 regulation 35 and 36.

Financial Considerations

Nil. There are no advertising costs associated with the policy review.

Risk Management Implications

Under the Act, Council is required to review the policy after each local government ordinary election. Failure to review the policy will place the Town in breach of its statutory obligation and may also result in a policy that is inconsistent with legislative changes should the Act or regulations be amended.

Officer Recommendation – Item 8.10

That Council notes the review of the Councillor Training and Professional Development Policy and reaffirms the Policy as contained in the attachment to this report.

Voting requirements: Absolute majority

| | |
|---|--|
| Item No. 8.11 | Legal Representation Policy for Elected Members and Employees |
| Property Address (if applicable) | NA |
| Landowner/Applicant (if applicable) | NA |
| Ref | GOVN/CCLMEET/1 |
| Directorate | Chief Executive |
| Authority/Discretion | <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 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. |
| Attachment No. 10 | Draft Legal Representation Policy for Elected Members and Employees |

Purpose

To propose the adoption of a Council Policy on legal representation and cost indemnification to assist Elected Members and employees in specified situations.

Background

The Department of Local Government has in the past, recommended that local governments adopt a policy on legal representation and cost indemnification to assist where an Elected Member or employee is threatened with legal action, taken to court or where they require court action to carry out their functions.

Proposal

Council adopts the draft Legal Representation Policy for Elected Members and Employees as attached.

Communication and Engagement

The draft Legal Representation Policy for Elected Members and Employees was considered by the Corporate Executive Committee for consideration and comment. Feedback was provided from the Executive and incorporated into the draft policy.

The draft policy was sent to Councillors under cover of the CEO Bulletin dated 19 November 2021 for their comment and feedback. No comments were received.

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

Comment

Elected members and employees are increasingly faced with the possibility for aggrieved parties to take, or threaten to take, litigation against a local government or against elected members and employees themselves in matters in dispute. The possibility of such action can be a disincentive to people who aspire to public office.

Accordingly, it is prudent for local governments to assist their members and employees by adopting policies to fund the cost of providing protection against legal action where functions are being performed in good faith. At the same time, it is important to ensure that this assistance is not given in inappropriate situations.

Division 4 of Part 9 of the *Local Government Act 1995* provides qualified protection from liability for members and employees of a local government. However, the legislation does not preclude people from attempting to take action against them. Local governments therefore need to have a clear set of principles or policy directives to help them deal with a situation where a member or employee is threatened with legal action, taken to court or where they may require court action to carry out their functions.

In formulating a policy on legal representation, the use of a local government's funds must be justified on the basis that the expenditure will "provide for the good government of persons in its district" in accordance with the general functions provisions in section 3.1(1) of the Act. The Department of Local Government subsequently circulated a model policy to assist Councils in dealing with this matter.

The Town has drafted a policy that relies heavily on the model policy. The draft policy does, however, make provision for protection from defamation, if warranted, to individual Members or employees acting in their official capacity on behalf of the Council.

Statutory Requirements

Local Government Act 1995 – Division 4, Part 9.

Financial Considerations

There are no direct costs associated with the adoption of the policy, but there will be financial considerations if an elected member or employee makes an application under the policy.

Council may wish to consider the allocation of \$10,000 in as a standard item to accommodate the policy. This does not mean that the amount will be used in any given year, but that the allocation is available should an application be made and the threshold for payment met.

Risk Management Implications

Elected members and employees may be required to pay for significant legal costs where aggrieved parties take, or threaten to take legal action against them, when carrying out their local government function.

Officer Recommendation – Item 8.11

Council adopts the draft Legal Representation Policy for Elected Members and Employees as attached to this report.

Voting requirements: Simple majority

| | |
|--|---|
| Item No. 8.12 | Adoption of Town of Bassendean Annual Report 2020/2021 |
| Property Address (if applicable) | N/A |
| Landowner/Applicant (if applicable) | N/A |
| File Ref/ROC | GOVN/CCLMEET/6 |
| Previous Council Reports (if applicable) | |
| Directorate | Chief Executive |
| Authority/Discretion <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</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| Attachment No. 11 | 11A Town of Bassendean Annual Report 2020/2021 11B Independent Auditor's Report Attachment removed. To be tabled at OCM 21 Dec 2021. 11C 2020/21 Audited Annual Financial Statements |

Purpose

The purpose of this report is for Council to adopt the Town of Bassendean Annual Report 2020/2021, including the Audited Annual Financial Statements for the year ended 30 June 2021, and set a date for the General Meeting of Electors.

Background

The 2020/21 Annual Report has been completed and Council is requested to adopt the document. The CEO is required to give local public notice of the availability of the annual report as soon as practicable after the report has been adopted by Council. Additionally, a General Meeting of Electors is to be held on a day selected by the local government but not more than 56 days after Council adopts the annual report. The proposed date for the General Meeting of Electors is Thursday 10 February 2022. In selecting that date, a number of factors were considered, including the statutory requirement, other Town events and Officer and venue availability.

Proposal

That Council adopt the Annual Report 2020/2021 for the year ended 30 June 2021.

Communication and Engagement

The draft Annual Report was circulated to members of the Corporate Management Committee for comment.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

Comment

The draft Annual Report and the 2020/21 draft Financial Statements provide an overview of the activities of the Town of Bassendean and report on the measures of success in line with the Corporate Business Plan.

Statutory Requirements

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.

- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

Financial Considerations

Advertising costs associated with giving local public notice and printing of the Annual Report.

Risk Management Implications

Failure to adopt the Annual Report within the statutory timeframes would place the Town in breach of the Act and would need to be accounted for by the Town when completing the Annual Compliance Return. This could lead to reputational damage both within the Community and with the Department.

Due to the Auditor's Report only recently being received by the Town, the local government is compliant with the statutory timeframes as set out in the Act.

Officer Recommendation – Item 8.12

That Council:

1. Adopts the Town of Bassendean 2020/21 Annual Report for the year ended 30 June 2021; and
2. Holds its General Meeting of Electors on Thursday, 10 February 2022 in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

Voting requirements: Absolute majority

| | |
|---|--|
| Item No. 8.13 | Land Asset Strategy |
| Property Address (if applicable) | N/A |
| Landowner/Applicant (if applicable) | N/A |
| File Ref | COMDEV/POLCY/1 |
| Directorate | Community Planning |
| Authority/Discretion | <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 permits, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal. |
| Confidential Att No. 2 | Draft amended Land Asset Strategy |

Purpose

The purpose of this report is for Council to consider adopting the draft Land Asset Strategy (LAS).

Background

The Town owns a number of freehold lots within the Town and also has care and control of a number of Crown land parcels that are vested with the Town. There is a clear need to have good asset management practices, so as to ensure the Town's land assets are managed so as to deliver suitable returns (social, environmental and economic). If any economic potential exists, this should be maximised to reduce the Town's reliance on rates revenue.

In June 2020, Council considered the draft LAS and resolved to receive the document.

Communication and Engagement

The draft LAS was circulated to Councillors via the CEO Bulletin on 26 November 2021 and was subsequently discussed at a Councillor Workshop on 7 December 2021.

Strategic Implications

Priority Area 3: Creating a Vibrant Town and Precincts

| Direction | Potential Strategies | What Success Looks Like |
|---|--|---|
| Support the town centre to thrive | <ul style="list-style-type: none"> Advocate for economic growth of our Bassendean town centre Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean | <p>LONG TERM</p> <ul style="list-style-type: none"> Increased number of developments within the town centre Increased population within the Town Improved retention of existing businesses Increased number and retention of new businesses Increased local employment |
| Increase the residential population close to centres and train stations | <ul style="list-style-type: none"> Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations | <p>LONG TERM</p> <ul style="list-style-type: none"> Meet obligations under State population targets Appropriately located development Increased dwelling numbers and diversity of dwelling types Enhanced quality of development outcomes |

Priority Area 4: Driving Financial Suitability

| Direction | Potential Strategies | What Success Looks Like |
|---|--|---|
| Ensure there is sufficient, effective and sustainable use of assets | <ul style="list-style-type: none"> Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise Ensure financial planning has a longterm outlook and a focus on land asset rationalisation | <p>SHORT TERM</p> <ul style="list-style-type: none"> All Town-owned buildings increased in their utilisation Defined position and strategy of when buildings need renewal <p>LONG TERM</p> <ul style="list-style-type: none"> Consolidated infrastructure footprint Enhanced sustainability footprint |

The Town's Corporate Business Plan 2021-2025 contains an action "*Review Land Asset Strategy*", which is due to be completed in the 2021/22 financial year.

Comment

The Town owns a broad range of assets - land being just one type. Similar to any other asset class, the Town needs to manage and maintain its land and property assets with financial, economic and risk management considerations in mind. Council must understand any risks involved and ensure that any actions do not adversely impact on the financial position of Council, noting that having underutilised land and property assets creates significant real and/or opportunity costs to the Town and impacts the aim for financial diversification and sustainability.

This Strategy applies to all land that is owned in freehold by the Town and a select number of Crown land parcels that are vested with the Town. It also applies to the existing improvements that are accommodated on those land parcels and seeks to provide high-level guidance for future actions. It should be noted that all Public Open Space (POS) lots within the district will be incorporated into a subsequent POS Strategy that will seek to guide and coordinate decisions relating to the provision and standard of POS within the Town, from the strategic level down to the operational level.

The Strategy is intended to provide a high-level overview of the Town's land assets and how each of them should be managed so as to deliver maximum benefit for the community. It is not intended to be a detailed action or implementation plan and Council will have the ability to make detailed implementation decisions in the future, as required. In addition, the Strategy is able to be periodically reviewed so as to ensure that it appropriately reflects Council's view on its land assets.

It is recommended that Council adopt the draft amended Strategy and that it remain confidential (that is, not accessible to the public) as it contains market sensitive information that if made available, may place the Town in a financially disadvantaged position.

Statutory Requirements

Nil.

Financial Considerations

Whilst there is no financial implications associated with the adoption of the LAS, the implications of some of the strategic recommendations will likely have a significant financial impact.

Risk Management Implications

Medium. Not having a contemporary strategy will compromise Council's ability to make decisions on matters relating to its land assets.

Officer Recommendation – Item 8.13

That Council:

1. adopts the draft amended Land Asset Strategy, as contained as a Confidential Attachment to this report; and
2. notes that the Land Asset Strategy is to remain a confidential document.

Voting requirements: Simple majority

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.0 CONFIDENTIAL BUSINESS

| | |
|--|---|
| Item No. 10.1 | Proposal for Tenancy Management of vacant units at Hyde Retirement Village by Connect Victoria Park Inc. |
| Property Address (if applicable) | 2-10 James Street, Bassendean |
| Landowner/Applicant (if applicable) | Town of Bassendean |
| File Ref/ROC | COMS/SVPROVN/5 |
| Previous Council Reports (if applicable) | |
| Directorate | Corporate Services |
| Authority/Discretion <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 Att No. 3 | 3A Connect Victoria Park Proposal for Tenancy Management of vacant units at Town of Bassendean Hyde Retirement Village 3B Independent Legal Advice 3C Hyde Retirement Village Policy (current) 3d Hyde Retirement Village Policy (proposed) |

This matter is to be considered with members of the public excluded from the Chambers under Clause 5.23 (2) (c) of the Local Government Act 1995, as the report discusses a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

| | |
|--|---|
| Item No. 10.2 | Eden Hill Network Renewal Underground Program Pilot (NRUPP) – Imposition of Service Charge |
| Property Address (if applicable) | Various |
| Landowner/Applicant (if applicable) | Various |
| File Ref/ROC | ESAT/CONCTN/1 |
| Previous Council Reports (if applicable) | 23 June 2020 25 May 2021 |
| Directorate | Corporate Services |
| Authority/Discretion <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. |
| Attachment | Nil. |

This matter is to be considered with members of the public excluded from the Chambers under Clause 5.23 (2) (c) of the Local Government Act 1995, as the report discusses a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

11.0 CLOSURE

The next Briefings Session will be held on Tuesday 15 February 2022, commencing at 6.00pm.