



AGENDA

ORDINARY MEETING OF COUNCIL

25 AUGUST 2020

Notice is hereby given of the Ordinary Council Meeting to be held in the Council Chamber, 48 Old Perth Road, Bassendean, commencing at 6.00pm.

Luke Gibson
A/CHIEF EXECUTIVE OFFICER

21 August 2020

Tune in to live streaming from the comfort of your own home by going to:

<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihg/live>

or if you miss it live, go to:

<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihg>

OLD PERTH ROAD MARKETS

10TH BIRTHDAY PARTY

SUNDAY 30TH AUGUST 9AM - 1:30PM

PUPPETEER 9:30AM - 11:30AM
CUPCAKE GIVEAWAY 10AM
PIRATE PERFORMER 11:30AM - 1:30PM
BASSANOVAS DRUMMING 1PM - 1:30PM
LITTLE FREE LIBRARY
LIVE MUSIC, FOOD TRUCKS & MARKET STALLS





Council Seating Plan

Minute Secretary Amy Holmes	Manager Governance and Strategy Elizabeth Kania			Director Corporate Services Paul White	
	Chief Executive Officer Peta Mabbs		Mayor Cr Ren e McLennan	Director Community Planning Luke Gibson	
				Executive Manager Infrastructure Phillip Adams	
				Executive Manager Environmental Services Jeremy Maher	
	Cr Hilary MacWilliam			Cr Jai Wilson	
	Cr John Gangell			Cr Sarah Quinton	
	Deputy Mayor Cr Kath Hamilton			Cr Chris Barty	

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

Any person attending is 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.

1.0 DECLARATION OF OPENING; ACKNOWLEDGEMENT OF COUNTRY; ACKNOWLEDGEMENT OF VISITORS; DISCLAIMER

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 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

3.0 ATTENDANCES, APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

4.0 DECLARATIONS OF INTEREST

5.0 PRESENTATIONS OR DEPUTATIONS

6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEMS

7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC

8.0 PETITIONS

9.0 CONFIRMATION OF MINUTES

9.1 Ordinary Council Meeting held on 28 July 2020
Attachment No. 1:

Officer Recommendation – Item 9.1(a)

That the minutes of the Ordinary Council meeting held on 28 July 2020, be received.

Officer Recommendation – Item 9.1(b)

That the minutes of the Ordinary Council meeting held on 28 July 2020, be confirmed as a true record.

10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING

11.0 EXTERNAL COMMITTEE REPORTS/UPDATES

Item 11.1	Receipt of External Committee and Organisation Minutes
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
Ref	INFM/INTPROP/1
Directorate	Chief Executive
Decision Type	Executive
Attachment No. 2	EMRC Delegates Report – 23 July 2020

Purpose

The purpose of this report is for Council to consider minutes from external Committees and organisations.

Background

Councillors are appointed as members of external Committees and organisations. The minutes are attached for consideration of all Councillors.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

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 	SHORT TERM <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

The following meeting has been held where Councillors as delegates have attended during the reporting period.

Meeting	Date Held
EMRC Delegates Report	23 July 2020

Statutory Requirements

Not applicable.

Financial Considerations

Not applicable.

Officer Recommendation – Item 11.1

That Council notes the attached minutes from external Committee meeting held within the reporting period.

Voting requirements: Simple majority

12.0 REPORTS

12.1 Adoption of Recommendations En Bloc

The following information is provided to Councillors for guidance on the use of en bloc voting as is permissible under the Town's Council Meeting Procedures Local Law 2020.

Council Meeting Procedures Local Law 2020, Clause 5.4 states:

- (1) In this clause adoption by en bloc voting means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), Council may pass an adoption by en bloc voting.
- (3) An adoption by en bloc voting may not be used for a matter –
 - (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the Officer recommendation.

Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 4.0, Declarations of Interest, they should do so at this point of the agenda.

Officer Recommendation – Item 12.1

That Council adopts en bloc the following Officer recommendations contained in the Ordinary Council Agenda of 25 August 2020:

Item	Report
12.2	Proposed Tree Preservation Order - 10 (Lot 4) Anzac Terrace, Bassendean
12.3	Proposed Tree Preservation Orders - 40 (Lot 2) and 42 (Lot 3) North Road, Bassendean
12.6	Draft Local Planning Policy No. 6 - Industrial Zones Design Guidelines
12.7	Draft Amended Local Planning Policy No. 4 – Floodplain Management and Development
12.9	Festive Season Closure 2020/21
12.10	Audit and Governance Committee Meeting held on 5 August 2020
12.11	Accounts Paid – July 2020
12.12	Monthly Financial Report – July 2020
12.13	Use of Common Seal
12.14	Calendar for September 2020

Council is now requested to consider the balance of the Officer recommendations independently.

Item	Report
12.4	Draft Local Planning Policy – Home Based Businesses
12.5	Revocation of Local Planning Policy No. 18 – Landscaping with Local Plants
12.8	Food and Health Inspection Fees

Item 12.2	Proposed Tree Preservation Order
Property Address (if applicable)	10 (Lot 4) Anzac Terrace, Bassendean
Landowner/Applicant (if applicable)	Bruce Armstrong & Katherine McCann
Ref	ENVM/NOTIF/1
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 3	Arboricultural Assessment

Purpose

The purpose of this report is for Council to consider making a Tree Preservation Order (TPO) for the Lemon Scented Gum (*Corymbia citriodora*) located at 10 (Lot 4) Anzac Terrace, Bassendean.

Background

In May 2020, the Town approached the owners of the subject site regarding the potential for the tree on site to be protected by a TPO. Later that same month, the landowners nominated the subject tree for a TPO in accordance with Local Planning Scheme No.10 (LPS 10).

The Town engaged a suitably qualified arboricultural consultant to undertake a review of the subject tree to determine if it was suitable for a TPO. A copy of the arboricultural assessment is attached.

Communication and Engagement

In accordance with Clause 4.7.7.3 of LPS 10, the Town gave written notice to the owner of the subject site as well as advertising the matter to the owners and occupiers of properties immediately abutting the site. Consultation was open for a period of 21 days, being from 2 July 2020 to 23 July 2020.

At the close of the advertising period, no submissions were received.

Strategic Implications

Strategic Priority 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	Create an urban forest throughout reserves, gardens and streets • Protect existing trees and green spaces	SHORT TERM • Fewer trees lost during development • Increased proportion of tree cover • Reduced heat island effect
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Comment

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
- any other characteristics which make the tree worthy of preservation.

The arboricultural report identified that the tree is healthy, is seen to have a useful life expectancy of at least 40 years and contributes a range of benefits to the ecosystem and the amenity of the area. It further notes that whilst no remedial pruning is necessary at this time, consideration should be given in future to ensure the vitality of the tree.

Given that the above, as well as the tree presenting as large and aesthetically impressive, the Town supports it being protected via a TPO.

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

Nil.

Officer Recommendation – Item 12.2

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No. 10, makes a Tree Preservation Order for the Lemon Scented Gum (*Corymbia citriodora*) located at 10 (Lot 4) Anzac Terrace, Bassendean.

Voting requirements: Simple majority

Item 12.3	Proposed Tree Preservation Orders
Property Address	40 (Lot 2) and 42 (Lot 3) North Road, Bassendean
Landowner	Hilary Lewis
Ref	ENVM/NOTIF/1
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 4	<ul style="list-style-type: none">• Consultation Plan• Submission• Landowner Comment• Arboricultural Assessment

Purpose

The purpose of this report is for Council to consider making tree preservation orders (TPOs) for seven trees located at 40 (Lot 2) and 42 (Lot 3) North Road, Bassendean.

Background

On 26 September 2017, Council resolved to investigate the merits of making TPOs over seven trees located on the subject lots, in accordance with the provisions of Clause 4.7.7.2 of Local Planning Scheme No. 10 (LPS 10). It should be noted that both lots are in the same ownership.

In accordance with Council's resolution, the Town engaged a suitably qualified arboricultural consultant to undertake a review of the seven trees on the site and make recommendations regarding the preservation of the trees.

A copy of the arboricultural assessment is attached.

Communication and Engagement

In accordance with Clause 4.7.7.3 of LPS 10, the Town gave written notice to the owner of the subject site as well as advertising the matter to owners and occupiers of properties immediately abutting the site. Consultation was open for a period of 22 days, being from 23 April to 15 May 2020.

In response, both the owner of the subject site and a neighbour provided comment regarding the identified trees. The submissions are attached and are further discussed in the report.

Strategic Implications

Strategic Priority 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 • Increased proportion of tree cover • Reduced heat island effect

Comment

Assessment

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
- any other characteristics which make the tree worthy of preservation.

The arboricultural report identified that whilst trees two and three are of outstanding size and significance, other trees on the site also provide a wide range of benefits to the urban environment and consideration should be given to protecting those other trees. Subject to approved maintenance recommended by the arboricultural report, it is considered that all seven trees should be protected via TPOs.

There were also three other trees on site which were assessed by the arboriculturalist, however, these were not included in the attached document as they were considered to be of poor health and/or in problematic locations to neighbouring properties. As such, those three trees are not recommended for TPOs.

Tree Debris and Fire Hazards

Comment was received from an adjacent landowner in respect to tree debris causing a fire hazard. As part of the recommendation for TPOs, maintenance will be required by the landowner. The landowner is also required to remove all flammable material and thereafter maintain the land in accordance with the annual Fuel Load Notice issued under the *Bushfire Act 1954*.

Port Jackson Fig

Comment was also received from an adjacent landowner in respect of the Port Jackson Fig located at the rear of the subject site, abutting the neighbouring property. The arboriculturalist did not support the retention of this tree given its location conflicts with infrastructure and therefore, it has not been recommended for a TPO.

Maintenance

Whilst supportive of the TPOs, the landowner advised that due to financial constraints, any remedial arboricultural work may not be able to be undertaken in the near future.

Whilst the Town acknowledges that there may be factors impacting a landowner's ability to undertake maintenance of trees, the remedial work recommended as part of the arboriculturalist report is required to ensure the health and vitality of the trees. Additionally, this maintenance is also required near the 'fall zone' of a tree for the safety of people in close proximity of the tree. As such, should Council resolve to make the TPOs, it is also recommended that Council requires the maintenance of the trees be undertaken within 90 days.

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

Nil.

Officer Recommendation – Item 12.3

That Council, pursuant to Clause 4.7.7.2 of Local Planning Scheme No.10:

1. Makes Tree Preservation Orders for the three trees located on 40 (Lot 2) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020;
2. Makes Tree Preservation Orders for the four trees located on 42 (Lot 3) North Road, Bassendean as recommended in the arboricultural assessment prepared by Bowden Tree Consultancy dated 20 April 2020; and
3. Directs the landowner to undertake the maintenance of each tree in accordance with the recommendations of the submitted arboricultural assessment, within 90 days of the date of this resolution.

Voting requirements: Simple majority

Item 12.4	Draft Local Planning Policy – Home Based Businesses
Property Address	N/A
Landowner/Applicant	N/A
Ref	
Directorate	Community Planning
Decision Type	Executive
Attachment No. 5	<ul style="list-style-type: none"> • Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations • Council Policy 3.1 – Home Based Business Policy • Draft Local Planning Policy – Home Based Businesses

Purpose

The purpose of this report is for Council to consider revoking Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations (CP 1.16) and Council Policy 3.1 - Home Based Businesses Policy (CP 3.1) and adopting a draft Local Planning Policy - Home Based Businesses for the purposes of advertising.

Background

The purpose of CP 1.16 is to set out the administrative procedure for dealing with unauthorised Home Occupations.

The purpose of CP 3.1 is to strengthen the Town's reputation as an attractive location for home based businesses, and to encourage their registration, by creating awareness of the Town's welcoming attitude and by providing them with appropriate information and assistance.

Both policies were last reviewed in March 2014.

Proposal

To revoke CP 1.6 and CP 3.1 and adopt a draft Local Planning Policy - Home Based Businesses for the purposes of advertising.

Communication and Engagement

Nil.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Support the local economy	<ul style="list-style-type: none"> • Prioritise infrastructure projects that generate local employment and support a circular economy 	<ul style="list-style-type: none"> • Increased local employment, relative to non-local employment • Increased local supply-chain use, relative to non-local supply

	<ul style="list-style-type: none"> • Ensure the local economy is positioned to recover from crises 	
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Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> • 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 	<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

Comment

Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations

CP 1.16 sets out the administrative steps to be taken by Town staff in the event that the Town becomes aware of an unauthorised Home Occupation. In the considering the appropriateness of CP 1.16, it is noted that the subject matter of CP 1.16 does not fall within the role and responsibility of the Council as defined by the *Local Government Act 1995*, and is instead dealt with under the enforcement provisions of the *Planning and Development Act 2005* (P&D Act).

In any event, the content of the policy does not relate to discretionary decisions of Council, is operational in nature and should therefore be dealt with administratively in the same way that any other unauthorised land uses would be dealt with.

It will therefore be recommended that Council revoke CP 1.16.

Council Policy 3.1 - Home Based Businesses Policy

CP 3.1 provides a range of strategies generally related to the promotion of home based businesses, such as creating a database/directory, encouraging membership through the local Chamber of Commerce and promoting businesses through the Town's publications.

With the exception of the Chamber of Commerce (which is outside the influence of the Town), a number of the strategies within the existing policy have merit, with some business promotion already occurring, including:

- News articles on the Town's website;
- The 'be a loyal local campaign' promoted on the Town's website and social media channels; and
- Promotion of the Bassendean Business Network.

Notwithstanding, these matters can occur administratively and do not require a formal position of Council. What is required, however, is formal guidance on determining applications for development approval for home based businesses under the P&D Act. It is therefore considered more appropriate to create a local planning policy (LPP) to deal with this matter.

Draft Local Planning Policy – Home Based Businesses

The draft LPP primarily seeks to provide guidance for the assessment of applications for home based businesses, having regard to the impacts the proposed business could have on the character and amenity of the surrounding residential area or nearby residents. The draft LPP provides:

- Guidance for the assessment of home based businesses, including Family Day Cares, Home Businesses and Home Occupations;
- Information requirements to guide applicants when submitting applications for home based businesses;
- Consultation requirements for home based businesses; and
- Acceptable criteria in respect to hours/days of operation and anticipated number of clients/customers or children.

Hours of Operation

It is considered appropriate to specify acceptable hours of operation to provide certainty to applicants. The proposed hours of operation generally align with retail shopping hours, with the exception that home based businesses cannot operate on Sundays and Public Holidays. It should be noted that applicants can still apply to operate outside of these hours, but applications that vary the requirements of the Policy will be required to be determined by Council.

Consultation Requirements

The draft policy outlines the instances where an application for a home based business will require consultation. Home Occupations and Family Day Care businesses that comply with the requirements of the policy will not require consultation, as the requirements of the policy will mitigate any impacts associated with these uses. Given the more impactful scale of Home Businesses (i.e. can use up to 50m² and two external employees, not members of the occupier's household), these applications will require consultation prior to determination.

Family Day Care Businesses

The proposed hours of operation for Family Days Care businesses differs to other home based businesses, given before and after school care is often required. The number of children that may be cared has been determined based on lot size so as to mitigate any potential impacts associated with noise, parking and play areas.

Traffic and Car Parking

To control traffic movements, clients for Home Businesses and Home Occupations will be required to attend premises on an appointment only basis, with a minimum 15 minute interval between clients.

Where parking is provided in the driveway, it is not to obstruct the footpath and while it is expected that most parking will be provided on site, the use of the road for car parking is contemplated, subject to it being appropriate in the particular location.

Non-Residential Uses in Residential Zones

The draft Policy deals with applications for home based businesses only, and does not deal with applications for non-residential uses in residential zones (such as Child Care Centres, Short Stay Accommodation and Places of Worship). Given the extent of considerations required for these uses, they will be dealt with via a separate local planning policy, having regard to the draft Local Planning Scheme and pending State Administrative Tribunal decisions on such matters.

Conclusion

The enforcement provisions of the P&D Act suitably establish requirements for dealing with unauthorised Home Occupations. Given the content matter of CP 1.16 and CP 3.1 are administrative in nature and do not provide guidance for a discretionary decision of Council, it is recommended that Council revoke the policies.

Formal policy guidance is required in the form of an LPP to provide certainty for residents and prospective home business operators. It is therefore recommended that the draft LPP be adopted for the purposes of advertising.

Statutory Requirements

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the local government resolves to create a local planning policy, it must advertise the proposed policy for public comment. The Regulations require a notice advising of the proposed policy to be prepared by the local government and published in a newspaper circulating the Scheme area.

Following public consultation, the draft policy will be referred back to Council for determination in light of any submissions received.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 12.4

That Council:

1. Revokes Council Policy 1.16 - Administrative Policy for Dealing With Unregistered Home Occupations;
2. Revokes Council Policy 3.1 – Home Based Businesses Policy; and
3. Pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises draft Local Planning Policy – Home Based Businesses.

Voting requirements:

Points 1 and 2 - Absolute majority

Point 3 - Simple majority

Item 12.5	Revocation of Local Planning Policy No. 18 – Landscaping with Local Plants
Property Address	N/A
Landowner/Applicant	N/A
Ref	LUAP/POLCY/21
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 6	<ul style="list-style-type: none"> Local Planning Policy No.18 – Landscaping with Local Plants Draft landscaping information sheet

Purpose

The purpose of this report is for Council to consider revoking Local Planning Policy No.18 – Landscaping with Local Plants.

Background

Local Planning Policy No.18 – Landscaping with Local Plants was adopted by Council in October 2016. The purpose of the policy is to assist the Town in promoting the protection and enhancement of natural resources within the region by prescribing minimum standards for landscaping with local native plants.

Proposal

To revoke Local Planning Policy No. 18 – Landscaping with Local Plants for the reasons outlined in this report and to include relevant information from the policy within an information sheet.

Communication and Engagement

Nil.

Strategic Implications

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 Increased proportion of tree cover Reduced heat island effect

Comment

Planning policies are the adopted position of the Council on various planning matters which either expand on the requirements in the Local Planning Scheme or provide direction on those matters where the Scheme enables the Council to exercise discretion. Information sheets provide guidance and assistance to landowners and applicants.

In considering the value of the Policy, the following is relevant:

- The primary objective of the policy is to provide applicants guidance as to the standard of landscaping expected by Council, consistent with the purpose of an information sheet;
- The policy provides, in broad terms, for the imposition of conditions on development approvals requiring the preparation and implementation of landscaping plans, but does not provide particular decision-making guidance as to the assessment and determination of those plans. Conditions relating to landscaping plans are quite common and well accepted by the development industry and as such, it is not necessary to have a Local Planning Policy to guide their imposition.
- The policy requires landscaping plans to '*focus on the use of local species*' but does not specifically prescribe the use of local species. Whilst the Town will generally encourage the use of local species, it is considered more appropriate that species are chosen based on the applicable soil type, the available area for the plant to grow, the location of services (such as overhead power) and planting for solar control (i.e. providing shade in summer and solar access in winter). Notwithstanding, preference will always be given to the use of native plants, where possible.
- The Town has recently appointed a compliance officer to (among other things) ensure conditions (including installation and maintenance of landscaping) are appropriately complied with. The Town can ensure appropriate species have been planted via this process.

Based on the above, it is considered more appropriate to transfer the information contained within the current policy to an information sheet and make it publicly available on the Town's website. A copy of the draft information sheet is attached.

Statutory Requirements

Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that Council is able to revoke a Local Planning Policy by publishing a notice of revocation in a newspaper circulating the Scheme area.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 12.5

That Council, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes Local Planning Policy No. 18 – Landscaping with Local Plants.

Voting requirements: Absolute majority

Item 12.6	Draft Local Planning Policy No. 6 - Industrial Zones Design Guidelines
Property Address	N/A
Landowner / Applicant	N/A
Ref	LUAP/POLCY/11
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 7	<ul style="list-style-type: none">• Local Planning Policy No. 6 – Industrial Zones Design Guidelines• Draft Local Planning Policy No. 6 – Industrial Development

Purpose

The purpose of this report is for Council to consider amending Local Planning Policy No. 6 – Industrial Zones Design Guidelines.

Background

In considering a fencing audit in relation to compliance matters for various properties within the Tonkin Park Industrial Estate, Council at its 23 April 2019 OCM in part resolved the following:

“Requests officers undertake an entire review of Local Planning Policy No 6 – Industrial Zones Development Guidelines to regulate development standards during future renewal of industrial sites to achieve the following objectives:

- a) *To ensure built form and design provides a high standard of amenity and sustainability;*
- b) *To achieve coordinated, quality development outcomes into the future that maximise streetscape amenity and tree canopy;*
- c) *To establish a cohesive framework for the assessment of future applications for development within this zone.”*

The review of LPP 6 and the draft amended policy forms the basis of this report.

Proposal

A copy of the draft policy is attached. Details of the draft policy are discussed in the following sections.

Communication and Engagement

The draft amended policy was presented to the Design Bassendean Advisory Group electronically on 29 April 2020. At the close of the submission period on 15 May 2020, the following themes had been raised:

- Incorporation of sustainable building elements into design such as solar panels and battery cells;
- Landscaping, including the requirement to provide shade trees, protection of street trees, irrigation and a minimum percentage of the site as landscaped area;
- The use of mesh fencing;
- Incorporation of end-of-trip facilities;
- Building height and plot ratio; and
- Public art.

These matters are discussed below.

Strategic Implications

Priority Area 2: Leading Environmental Sustainability

Direction	Potential Strategies	What Success Looks Like
Be innovative in responses to sustainability challenges	<ul style="list-style-type: none"> • Embed sustainability considerations in Council decision making • Practice early uptake of suitable new technologies and innovations 	SHORT TERM <ul style="list-style-type: none"> • Examples of being first adopters are evident
Value and conserve and protect our water resources and waterways	<ul style="list-style-type: none"> • Implement waterwise initiatives and policies for residents, businesses and other organisations • Convert drains into living streams 	SHORT TERM <ul style="list-style-type: none"> • Gold Waterwise Council status is retained • Quality of water flows into Swan River improves • Stream restoration measures improve

Comment

Built Form

To improve built form outcomes, provisions relating to building articulation and presentation have been included, as well as requiring the entry to the development to be clearly identifiable from the street. A higher standard of built form outcome is achieved through the use of a varying building designs and materials. As well as improving the quality of development, this will also ensure consistency with newer industrial developments occurring adjacent the Town's industrial zones within the Tonkin Highway Industrial Estate in the City of Bayswater.

Side Setbacks

The existing policy requires a 4.5 metre setback to one side boundary only, with the intent of this provision to provide vehicle access for servicing. It is considered appropriate to determine side setbacks having regard to vehicle access, manoeuvring, loading and unloading arrangements of individual businesses, as opposed to prescribing a vehicle access that may not be required.

Where a vehicle access is required, the minimum width of 4.5 metres will still be required, unless it can be demonstrated that a reduced width provides adequate access for service vehicles.

The requirements of the *Building Code of Australia 2015* are also required to be met, which will require fire rating of walls where prescribed.

Plot Ratio and Site Coverage

Provisions relating to plot ratio and site coverage have been deleted, as site coverage and the ratio of building to site area will be determined by the application of required setbacks, car parking and landscaped areas.

As there are no height restrictions in the industrial zone and existing buildings have been developed to varying heights, it is not considered necessary to provide limitations in this respect. Further, given all land abutting residential zoned land has already been developed and roads provide separation, height controls for industrial land abutting residential land were not required.

Landscaping

The landscaping provisions have been updated to:

- Require shade trees at a ratio of 1 per 4 car parking bays;
- Specify the need for irrigation and appropriate shade trees in landscaped areas; and
- Specify the minimum width of landscaped areas.

The Town has not included a requirement for a minimum percentage of the site to be landscaped for the following reasons:

- The location of landscaping adjacent streets is considered the most appropriate location for landscaping;
- In practicality, small portions of landscaping elsewhere on site to meet the obligations of the requirement are often not maintained in perpetuity (i.e. vehicles parking on these areas, used for storage etc.).
- Maintenance by external contractors (mowing companies and the like) can result in OHS issues for the business operating on site depending on the type of business and if access should be restricted to employees only.
- Consolidated areas of landscaping are typically maintained to a higher standard; and
- The landscaping can conflict with vehicle circulation throughout the site and general use of sites that are for an industrial purpose.

Fencing

The draft policy proposes to delete the requirement for fencing to be setback 2 metres from the street alignment, which will provide for fencing to be located on the lot boundary. The following matters are relevant considerations in this respect:

- As acknowledged in the fencing review of the TPIE, there are inconsistent fencing setbacks within the TPIE.
- Approximately 13% of properties have approved fencing on the boundary, issued under delegation, by Council or as part of a Building Permit. These landowners are therefore not required to further set back the fence.
- Providing for fencing on the boundary will enable existing landowners with fencing set back to modify the fencing to the boundary, ultimately resulting in consistent fencing throughout the area.
- The City of Bayswater permits fencing on the boundary in the adjacent special control area of the Tonkin Highway Industrial Estate to a maximum height of 1.8m. Providing fencing on the boundary will ensure uniform fencing throughout the entire industrial estate.
- An additional provision requiring the street verge to be landscaped and maintained to the satisfaction of the Town has been included in the draft policy. This will ensure landscaping is visible from the street, despite the fencing being located on the boundary. In this respect it should be noted that fencing is still required to be open style.
- It is a reasonable expectation that landowners can secure the entire boundaries of their property, to in part negate matters pertaining to public liability where compensation is sought from injured third parties or damage to property.

The Town has included the requirement for palisade fencing where it faces a street as this is considered to be a higher standard of fencing, improving the design standard in the industrial area.

Industrial Units

The requirement for internal walls of industrial units to be of masonry construction has been deleted as it serves no planning purpose, and is not a requirement under the Building Code of Australia.

Servicing

The existing policy does not provide criteria for wastewater. The draft policy requires, where the development is used for vehicle or equipment servicing, an approved bunded wash down area with a petrol and oil trap to be provided in compliance with the requirements of the Water Corporation.

Signage

The existing policy does not provide criteria for signage. Whilst Local Planning Policy No. 16 – Control of Advertisements under the Local Planning Scheme No. 10 provides some criteria for signage, it does not specify requirements in industrial areas. Signage provisions have therefore been included to ensure any signage is integrated into the design of the building, and open style palisade and mesh fencing is not wrapped in signage.

Sustainable Building Design

The Town investigated the ability to require the incorporation of suitable building elements such as solar panels and battery cells into designs. This was not considered suitable for the following reasons:

- Any condition imposed on an approval must meet the 'Newbury Test', which were borne from the *Newbury District Council v Secretary of State for the Environment (1981 AC 578)* decision, in that:
 - A condition must be for a planning purpose and not for an ulterior purpose and;
 - A condition must fairly and reasonably relate to the proposed development and;
 - A condition must not be so unreasonable that no reasonable planning authority could have imposed it.

Further, the condition must reasonably and fairly related to the development, and have a nexus between the development and the condition (*Western Australian Planning Commission v Temwood Holding Pty Ltd (2004 HCA 63)*). The Town is not satisfied that the requirement to provide renewable energy sources serves a planning purpose, and would therefore fail these requirements.

Whilst the Town may not be able to prescribe specific sustainable building elements, it can encourage environmentally sustainable design, making it clear to applicants that the Town will look favourably on proposals that include these elements. A provision has been included in the draft policy to this effect.

It should also be noted that the *Building Code of Australia 2015* (Section J) sets out requirements for building energy efficiency. There are a range of requirements relating to lighting, insulation, glazing and mechanical services. Whilst it is acknowledged that these requirements are more to do with the efficient use of energy as opposed to providing renewable energy, it does ensure some level of sustainable design in industrial development.

End of Trip Facilities

The draft policy does not include provisions relating to bicycle parking or end-of-trip facilities, as there are no scheme provisions relating to such requirements nor local planning policies requiring such facilities. The Town is intending to update Local Planning Policy No. 8 – Parking Specifications, to include requirements to provide such facilities, which is considered the appropriate policy to deal with such matters. Section 6.3 of this policy can be expanded to refer to these requirements once created.

Public Art

Suggestion was made that contributions for public art could be made. Whilst the Town will separately be reviewing its public art policy, it is not considered appropriate to include public art either on-site or as a contribution due to the *BGC Australia Pty Ltd v Metro East JDAP decision (2018 DR 87)*.

In that case, BGC Australia Pty Ltd had lodged a Development Application for the addition of two asphalt batching plants and the reconfiguration of material bin stores at a property used for existing industrial purposes. A condition was imposed on the development approval for the provision or contribution towards public art, which was appealed by the applicant.

The State Administrative Tribunal (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.

The Town notes that public art installed in other industrial areas such as the Tonkin Highway Industrial Park, has been installed by the developer of the estate.

Conclusion

The modifications to the policy will ensure a higher standard of built form and design, improve the streetscape by virtue of additional landscaping provisions and result in a coordinated approach to development. It is therefore recommended Council advertises the draft policy.

Statutory Requirements

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the local government resolves to amend a local planning policy, it must advertise the proposed policy for public comment. The Regulations require a notice advising of the proposed policy to be prepared by the local government and published in a newspaper circulating the Scheme area.

Following public consultation, the draft policy will be referred back to Council for determination in light of any submissions received.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 12.6

That Council, pursuant to Clause 5(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the draft Local Planning Policy No. 6 – Industrial Development.

Voting requirements: Simple Majority

Item 12.7	Draft Amended Local Planning Policy No. 4 – Floodplain Management and Development
Property Address	N/A
Landowner/Applicant	N/A
Ref	
Directorate	Community Planning
Decision Type	Legislative
Attachment No. 8	<ul style="list-style-type: none"> • Existing Local Planning Policy No. 4 – Floodplain Management and Development • Draft amended Local Planning Policy No. 4 – Floodplain Management and Development

Purpose

The purpose of this report is for Council to consider adopting a draft amended Local Planning No. 4 – Floodplain Management and Development (LPP 4) for the purposes of advertising.

Background

LPP 4 was adopted by Council in 2008 and was subject to a minor review in 2014. On 26 February 2019, Council considered a report on the potential review of LPP4 and resolved to:

“commence a review of Local Planning Policy No. 4 – Floodplain Management and Development Policy, with a further report to be presented to Council following preparation of a draft revised policy.”

This report considers a draft revised policy.

Proposal

To adopt a draft amended LPP 4 for the purposes of advertising.

Communication and Engagement

In response to Council’s February 2019 resolution, the Town has liaised with the Department of Water and Environmental Regulation (DWER) and the Department of Fire and Emergency Services (DFES) regarding the policy as well as the potential realignment of the Floodway, particularly in relation to the properties at the southern end of West Road. In response, the departments advises as follows:

DWER

- the current boundary of the Floodway should not change;
- Based on updated flood modelling, development or filling is no longer seen to be obstructive to major river flows that would result in increased flood levels upstream (this represents a change to its previous position that development within the Floodway was not acceptable as it would obstruct major river flows and would result in increased flood levels upstream);

- Notwithstanding that development within the Floodway will not cause adverse upstream hydrological impacts, the flooding that is expected within the Floodway is relatively deep and hazardous to vehicles and people at peak levels; and
- Unless DFES are satisfied that appropriate emergency management controls can be established in relation to development and/or subdivision of land within the Floodway, further development or subdivision of land within the Floodway is not supported.

DFES

- DFES oppose further development and/or subdivision of land within the Floodway and advise that this position will be held unless satisfactory arrangements could be put in place to allow safe access and egress from Floodway land to the Flood Fringe. In this respect, the only possible way for this to be achieved would involve filling the entirety of the Floodway or constructing a levee around the land within the Floodway.

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

Comment

Eastern Metropolitan Regional Council

Over recent years, and on behalf the EMRC, consultants BMT WBM Pty Ltd have been undertaking a series of studies in relation to the Swan and Helena Rivers.

These studies have been supported by the DWER, the Towns of Bassendean and Victoria Park and the Cities of Bayswater, Belmont, Swan and South Perth.

The BMT studies that have been undertaken to date explain that the best way to manage future flood risk is to avoid flood consequences through risk based land use planning. In this respect, the BMT studies recommend that new development in the floodway be avoided in line with the Town's established policy position.

State Planning Policies

There are two relevant State Planning Policies relating to the matter, being State Planning Policy 2.0 – Environment and Natural Resources Policy (SPP 2.0) and State Planning Policy 2.10 – Swan-Canning River System (SPP 2.10).

With regard to water resources, SPP 2.0 requires decision makers to “*consider flood risk by identifying floodways and land affected by 1 in 100 year flood events and avoid intensifying the potential for flooding as a result of inappropriately located land uses and development.*”

The WAPC are currently in the process of reviewing its water-related policies (including those identified above), however, it is understood that the presumption against development within the Floodway will remain unchanged.

Proposed amendment to Policy

Having regard to the comments provided above, the current policy provisions (which allow for development and/or subdivision of properties within the Flood Fringe but which generally prohibits development and/or subdivision within the Floodway) remain unchanged. The amended policy does reflect DWER’s updated position on obstructions within the floodway.

Other changes have been made to simplify the policy, remove supplementary information that is better provided in another form and to provide greater clarity in decision making.

Statutory Requirements

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, if the local government resolves to amend a local planning policy, it must advertise the proposed policy for public comment. The Regulations require a notice advising of the proposed policy to be prepared by the local government and published in a newspaper circulating the Scheme area. In addition, the draft policy will be advertised to owners of land within the floodplain area as well as the following agencies:

- BMT WBM Pty Ltd (Authors of the *Swan and Helena Rivers Flood Study and Floodplain Management Plan – Floodplain Development Strategy* for the Eastern Metropolitan Regional Council (EMRC));
- Department of Water and Environmental Regulation;
- Department of Fire and Emergency Services;
- Swan River Trust;
- Bassendean State Emergency Service;
- Bassendean Local Emergency Management Committee; and
- Western Australian Planning Commission/Department of Planning, Lands and Heritage.

Following public consultation, the draft policy will be referred back to Council for determination in light of any submissions received.

Financial Considerations

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

Officer Recommendation – Item 12.7

That Council, pursuant to Clause 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises for public comment, the draft amended Local Planning Policy 4 – Floodplain Management and Development.

Voting requirements: Simple Majority

Item 12.8	Food and Health Inspection Fees
Property Address (if applicable)	N/A
Landowner/Applicant (if applicable)	N/A
Ref	GOVR/LREGLIA/2
Directorate	Community Planning
Decision Type	Executive
Attachments	Nil

Purpose

The purpose of this report is for Council to consider food and health inspection fees for the balance of the 2020/21 financial year.

Background

On 28 April 2020, Council considered action in response to the COVID-19 situation and resolved (amongst other things) to:

“Waive food and health inspection fees for targeted small businesses (as defined by the ATO) adversely affected by COVID-19 until 30 September 2020, excluding large retail chains, fast food outlets and supermarkets; and that this be reviewed in early September 2020 to ascertain if the waiving of food and inspection fees should continue in the 2020/21 financial year”.

Whilst a subsequent decision is not required until September 2021, it is considered appropriate to review the matter now so as to provide certainty to local food businesses as to whether they will be required to pay a fee during the 2020/21 financial year, and what that fee is likely to be. This report provides Council the opportunity to consider the matter.

Communication and Engagement

Comment has previously been sought from Council in the 31 July 2020 Bulletin. As the proposal impacts the budget, a formal decision of Council is required.

Strategic Implications

Priority Area 4: Driving Financial Suitability

Direction	Potential Strategies	What Success Looks Like
Support the local economy	<ul style="list-style-type: none"> Prioritise infrastructure projects that generate local employment and support a circular economy Ensure the local economy is positioned to recover from crises 	<p>SHORT TERM</p> <ul style="list-style-type: none"> Increased local employment, relative to nonlocal employment Increased local supply-chain use, relative to non-local supply

Comment

Food Safety

Food businesses must comply with the requirements of the *Food Act 2008*, the *Food Regulations 2009*, and the Australia New Zealand Food Standards Code. Chapter 3 of the Australia New Zealand Food Standards Code (also referred to as the Food Safety Standards) outlines the structural requirements that premises must meet, as well as the essential food handling and staff hygiene practices that must be followed to ensure the production of safe food. The Town inspects local food businesses to ensure compliance.

The Town also provides free online food safety training for food handlers via the 'IM ALERT' online interactive program, and a range of information on food handling and safety requirements available on the Town's website.

Cost Analysis

A cost analysis has been prepared to demonstrate the financial benefit to small businesses by waiving the fee for either a three month, six month or 12 month period (entire financial year). The following tables provides a breakdown of food business types, the corresponding annual fee, and the financial relief provided to those food businesses for each period.

Three months:

Food business type	Annual fee (1 July –30 June)	No. of businesses that qualify for fee waiver	Savings to qualifying businesses (three month period)	Loss of income for period 1 July 20 to 30 September 20
Child care/aged care	\$55	4	\$13.75	= \$4,377.50
Low risk and food from home	\$107	25	\$26.75	
Medium risk e.g. cafés, lunch-bars,	\$220	57	\$55.00	
High risk (manufacturers)	\$415	5	\$103.75	

Six months:

Food business type	Annual fee (1 July –30 June)	No. of businesses that qualify for fee waiver	Savings to qualifying businesses (three month period)	Loss of income for period 1 July 20 to 31 December 20
Child care/aged care	\$55	4	\$27.50	= \$8,755.00
Low risk and food from home	\$107	25	\$53.50	
Medium risk e.g. cafés, lunch-bars,	\$220	57	\$110.00	
High risk (manufacturers)	\$415	5	\$207.50	

12 months:

Food business type	Annual fee (1 July – 30 June)	No. of businesses that qualify for fee waiver	Savings to qualifying businesses for financial year)	Loss of income for period 1 July 20 to 30 June 21
Child care/aged care	\$55	4	\$55.00	= \$17,510
Low risk and food from home	\$107	25	\$107.00	
Medium risk eg cafes, lunch-bars	\$220	57	\$220.00	
High risk (manufacturers)	\$415	5	\$415.00	

Conclusion

Given the Phase 4 restrictions are tentatively proposed to be lifted on 24 October 2020, which would see the remaining restrictions removed (including the 2m² physical distancing rule in venues), businesses will not be able to operate at full capacity until this date.

It will therefore be recommended that Council continues to waive the food and health inspection fees until 31 December 2020.

Statutory Requirements

Section 6.12 of the *Local Government Act 1995* provides that Council may waive or grant concessions on a local government fee.

Financial Considerations

Should Council resolve to waive the fees until 31 December 2020, the cost to the Town will be \$8,755.00.

Officer Recommendation – Item 12.8

That Council waives the food and health inspection fees until 31 December 2020.

Voting requirements: Absolute majority

Item 12.9	Festive Season Closure 2020/21
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	HR/LIAIS/2
Directorate	Office of the Chief Executive Officer
Decision Type	Executive
Attachment No. 9	Festive Season Office (Administration) Closure Policy

Purpose

The purpose of this report is for Council to consider closing the Administration during the Festive Season period.

Background

Council Policy 6.12 - Festive Season Office (Administration) Closure (CP 6.12) provides that the Administration is closed during the Festive Season (Christmas to New Year) each year. The closure period varies from year to year based on when the public holidays (Christmas Day, Boxing Day and New Year's Day) fall within the festive season.

Generally, there is little or no customer interaction during this period. Emergency contacts are available during the Festive Season period, as well as Ranger Services and a skeleton staff roster in some services.

Proposal

It is proposed to close the Administration from midday to 5pm on Friday, 18 December 2020 (End of Year Function) and from the close of business on Wednesday, 23 December 2020 to Friday, 8 January 2021, inclusive (Festive Season Closure Period). The closure includes nine and a half ordinary working days and three public holidays. Thursday, 24 December 2020 and the period from Monday, 4 January to Friday, 8 January 2021, fall outside the scope of the Policy.

The proposed closure is summarised below.

Friday, 18 December 2020 – From 12 noon (TBC)	Proposed Elected Member and Staff End of Year Function
Monday, 21 December 2020	Open
Tuesday, 22 December 2020	Open
Wednesday, 23 December 2020	Open
Thursday, 24 December 2020	Christmas Eve - Closed
Friday, 25 December 2020	Christmas Day - Closed
Monday, 28 December 2020	Boxing Day Public Holiday - Closed
Tuesday, 29 December 2020	Closed
Wednesday, 30 December 2020	Closed

Thursday, 31 December 2020	Closed
Friday, 1 January 2021	News Year's Day – Closed
Monday, 4 January 2021	Closed
Tuesday, 5 January 2021	Closed
Wednesday, 6 January 2021	Closed
Thursday, 7 January 2021	Closed
Friday, 8 January 2021	Closed

Communication and Engagement

Communication will be provided to all employees advising of the Festive Season closure period.

In the lead up to the Festive Season, the Town will communicate the closure period and service opening times on social media, community newspaper and flyers displayed throughout service areas.

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

Comment

An extended closure period provides an opportunity for employees to utilise Annual Leave or other appropriate entitlements. This reduces the Leave Liability to the Town and payment of higher duties along with supporting a family friendly work environment for employees to enjoy the festive season.

The Town's outstation services will operate the following hours during the Festive Season:

- **Youth Services** - Last day Friday, 18 December 2020, reopening 12 January 2021;
- **Wind in the Willows** - Last day Tuesday, 22 December 2020, reopening 5 January 2021;
- **Disability Services** - Last day Thursday, 24 December 2020 (8.30am to 12.30pm), reopening on 4 January 2021; and
- **Library** – Last day Wednesday, 23 December 2020, reopening 11 January 2021

Statutory Requirements

CP 6.12 provides that the Administration Office will be closed during the Festive Season (Christmas to New Year).

Town of Bassendean employees are covered by either the 'Town of Bassendean Enterprise Agreement 2017-2020' or 'Town of Bassendean Asset Services Enterprise Agreement 2017-2020'. As per the agreement provisions, employees have an entitlement of two additional days off (conditions apply) to be taken as part of the Festive Season closure period between Christmas and New Year.

Financial Considerations

This closure period will reduce the Employee Leave Liability for the Town and decrease Higher Duties payments usually paid in the first week of January to back fill leave requirements.

Officer Recommendation – Item 12.9

That, in addition to the closure dates provided by *Council Policy 6.12 - Festive Season Office (Administration) Closure*, Council:

1. Approves the closing of the Customer Services Centre, Administration Building, Library, Seniors and Disability Services Office, Wind in the Willows Child Care Centre (Bassendean and Ashfield), Youth Services and Council Depot as per the proposed Festive Season period outlined above.
2. Requests the Chief Executive Officer to provide emergency contact details to the public for the Festive period in accordance with the policy.
3. Requests the CEO to provide a skeleton staff during the Festive Season in accordance with the policy.

Voting requirements: Simple majority

Item 12.10	Audit and Governance Committee Meeting held on 5 August 2020
Property Address (if applicable)	NA
Landowner/Applicant (if applicable)	NA
Ref	GOVN/CCLMEET/18
Directorate	Corporate Services
Decision Type	Executive
Attachment No. 10 Confidential Attachment No. 1	Minutes of the Audit and Governance Committee meeting held on 5 August 2020 Audit Risk Register – High Level Report Internal Network Audit – Executive Summary Report (Redacted)

Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 5 August 2020.

Communication and Engagement

To ensure openness, accountability and integrity, Council has appointed three community representatives to be members of the Audit and Governance Committee.

Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

Direction	Potential Strategies	What Success Looks Like
Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> • 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

Comment

The following items were discussed:

OAG Audit Committees Better Practice Guide

The Western Australian Auditor General has prepared a Better Practice Guide for Audit Committees in Western Australia (“the Guide”). The purpose of the Guide is to provide better practice principles and guidance to accountable authorities, audit committee members and senior managers with responsibility for audit committee activities. The Guide includes a detailed and comprehensive example Audit Committee Charter, which was tabled for discussion and feedback.

Annual Closed Circuit Television (CCTV)

The purpose of the report was to present the 2019/20 annual statistics for the Towns’ existing CCTV systems, as per the requirements of the Town’s CCTV Management and Operational Manual.

CONFIDENTIAL BUSINESS

Audit Risk Register

The Audit Risk Register – High-Level Report is updated and tabled at each meeting of the Committee. It presents a summary of the Town’s audit risks and audit recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken to address those recommendations.

Internal Network Audit

The Town engaged Stott Hoare to undertake a network audit in June 2020. The purpose of the network audit was to undertake an audit of the current IT environment focusing on investigating the cause of slowness of the IT network and reported network connectivity drop outs, providing recommendations to the Town to address the issues found.

IT staff have commenced preparation of a comprehensive IT strategy for the Town, reflecting the findings of the Network Audit and recommendations of the 2019 Information Systems review by BroadReach Consulting.

Report of Suspected Serious Misconduct

The Audit and Governance Committee was provided with a summary report of suspected serious misconduct as reported to the Corruption and Crime Commission in May 2020.

Officer Recommendation – Item 12.10

That Council receives the report on the Audit and Governance Committee meeting held on 5 August 2020.

Voting requirements: Simple majority

Item 12.11	Accounts Paid – July 2020
Ref	FINM/CREDTS/4
Directorate	Corporate Services
Decision Type	Legislative
Attachment No. 11	List of Payments - July 2020

Purpose

The purpose of this report is for Council to receive the list of payments for July 2020.

Background

Payments made during July 2020 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> • 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

Statutory Requirements

The Local Government (Financial Management) Regulations 1996, Regulation 13, requires a list of accounts paid by the CEO each month to be presented to Council at the next ordinary meeting of Council after the list is prepared.

Financial Considerations

All payments are authorised prior to disbursement in accordance with the Town's Purchasing Policy, Procurement Guidelines and allocated budgets.

Officer Recommendation – Item 12.11

That Council receive the list of payments for July 2020.

Voting requirements: Simple majority

Item No. 12.12	Monthly Financial Report – July 2020
Ref	FINM/AUD/1
Directorate	Corporate Services
Decision Type	Executive
Attachment No. 12	Monthly Financial Report July 2020

Purpose

The purpose of this report is for Council to consider the monthly financial report for July 2020.

Background

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires that a statement of financial activity be prepared each month and presented to Council.

The statement of financial activity is to show a comparison of the budget estimates with the actual revenue and expenditure figures for the year to date and can be presented by nature and type classification, program or Business Unit. The statement of financial activity hereby presented to Council is by nature and type classification and by program.

A statement of financial activity and accompanying documents must be presented to Council within two months after the end of the month to which the statement relates.

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council adopted \$5,000 or 10% whichever is higher, as part of its 2020-21 Annual Budget.

Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> • 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

Comment

The Statement of Financial Activity attached represents the adopted 2020-21 Annual Budget estimates and actual income and expenditure amounts for the month ending 31 July 2020.

Statement of Financial Activity (by nature or type)

The Statement of Financial Activity provides a comparison between actual and budget income and expenditure on year to date basis. The notes accompanying the statements provide a detailed breakdown of the amounts.

Item	Annual Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue	22.9	0.9	0.7	23.62%
Expenditure	26.9	2.3	1.0	54.31%
Capital Works	6.4	0.5	0.0	97.80%
Non-Operating Grants, Subsidies and Contributions	1.8	0.1	0.1	0.00%

Operating Revenue

Revenue year to date is 23.62% below budget.

Fees and charges are under the year to date budget due to WIW child care fees and government subsidy under the year to date budget. Interest earnings are also under budget due to timing of late payment interest on rates and investment income. An accrual was also processed in July for interest earned to 30 June 2020.

Operating Expenditure

Expenditure year to date is 54.31% under budget. Depreciation for July is still to be processed.

Employee costs are under the year to date budget. An allowance for enterprise bargaining negotiations is included in the budget for 2020-21. Also, wage accruals for June 2020 were processed in July.

Materials and contracts are under budget due to timing of rubbish collection charges, reserve maintenance, road and footpath maintenance and the street tree program.

Utility charges are under the year to date budget due to timing of street lighting charges and the Hyde Retirement Village.

Depreciation for July 2020 has not yet been processed and the first instalment for insurance premiums will be paid in August.

Capital Works

Expenditure on capital projects is under budget due to timing.

Cash backed reserves

The closing balance of the cash backed reserves at 31 July 2020 is \$7.1 million. The reserve summary shows all movements to and from reserve deriving the expected closing balance. The report provides information on Town's ability to allocate funds for future projects by providing a closing balance comparison to budget. Transfers to and transfers from reserve to fund projects are still to occur.

Statement of Financial Position

The Town has current assets of \$14.2 million. The major components of which are cash and cash equivalents of \$12.7 million and trade and other receivables of \$1.5 million. Current liabilities total \$5.5 million. The major components are trade and other payables (includes bonds and deposits) of \$3.1 million and employee provisions of \$2.4 million.

Statement of Cash Flows

Net cash used in operating activities is \$1.5 million and provided by investing activities \$1.0 million.

Monthly Investment Report

The overall balance of Town's investments is \$10.7 million. This is comprised of municipal investments of \$2.9 million (including restricted bonds and deposits), reserve investments of \$7.1 million and trust investments (public open space) of \$0.7 million.

The administration uses *Marketforces.org.au* to assist in assessing whether a bank promotes non-investments in fossil fuel related entities. The Town currently has 49% of its funds invested non-fossil fuel ADIs.

Budget Amendments

There are no budget amendments identified in the statements of financial activity for July 2020.

Statutory Requirements

Local Government (Financial Management) Regulations 1996.

Financial Considerations

The monthly financial report provides an overview of income and expenditure for the appropriate period. There are no direct financial implications arising from this report.

Officer Recommendation – Item 12.12

That Council receive the monthly financial report for July 2020.

Voting requirements: Simple majority

Item No. 12.13	Use of Common Seal
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
Ref	INFM/INTPROP/1
Directorate	Chief Executive
Decision Type	Executive
Attachments	Nil

Purpose

The purpose of this report is for Council to note the documents affixed with the Common Seal during the reporting period.

Background

The Chief Executive Officer and the Mayor have been delegated the responsibility for affixing the Common Seal to documents requiring signing and sealing, and for reporting the exercise of that delegation to the next available Ordinary Meeting of the Council.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

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

The Common Seal was attached to the following document during the reporting period:

Document Sealed	Date Sealed
Landgate 70A Notification - 11 Barton Parade, Lot 90 on Plan 2789	7 August 2020

Statutory Requirements

Affixing of the Common Seal is done in accordance with section 9.49A of the *Local Government Act 1995*

Financial Considerations

Not applicable

Officer Recommendation – Item 12.13

That Council notes the affixing of the Common Seal during the reporting period.

Voting requirements: Simple majority

Item No. 12.14	Calendar for September 2020
Property Address (if applicable)	Not applicable
Landowner/Applicant (if applicable)	Not applicable
Ref	INFM/INTPROP/1
Directorate	Chief Executive
Decision Type	Executive
Attachments	Nil

Purpose

The purpose of this report is for Council to consider the calendar for September 2020.

Background

Nil.

Proposal

Not applicable.

Communication and Engagement

Not applicable.

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 	SHORT TERM <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

Calendar for September 2020:

Date	Time	Location	Meeting/ Event
Tuesday 22 September 2020	6.00pm	Council Chambers	Briefing Session
Tuesday 29 September 2020	6.00pm	Council Chambers	Ordinary Council Meeting

Statutory Requirements

Not applicable.

Financial Considerations

Not applicable.

Officer Recommendation – Item 12.14

That Council adopt the calendar for September 2020.

Voting requirements: Simple majority

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.0 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

15.0 URGENT BUSINESS

16.0 CONFIDENTIAL BUSINESS

It should be noted that that the audio and live streaming will be turned off whilst confidential items are being discussed.

17.0 CLOSURE

The next Briefing Session will be held on Tuesday 22 September 2020.

The next Ordinary Council meeting will be held on Tuesday 29 September 2020.