



# AGENDA

## ORDINARY MEETING OF COUNCIL

### TUESDAY 28 SEPTEMBER 2021

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.

Peta Mabbs  
**CHIEF EXECUTIVE OFFICER**

24 September 2021

Tune in to live streaming from the comfort of your own home by going to:  
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg/live>

or if you miss it live, go to:  
<https://www.youtube.com/channel/UC46mMs3D7vmHuO0ePibihhg>

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.



# Council Seating Plan

Minute Secretary

Amy Holmes

Manager Governance and Strategy

Elizabeth Kania



Chief Executive Officer

Peta Mabbs



Mayor

Cr Renée McLennan  
E: crmclennan@bassendean.wa.gov.au

Director Corporate Services

Paul White



Director Community Planning

Luke Gibson



Executive Manager Infrastructure

Phillip Adams



Cr Hilary MacWilliam  
E: crmacwilliam@bassendean.wa.gov.au



Cr Jai Wilson  
E: crwilson@bassendean.wa.gov.au



Cr Sarah Quinton  
E: crquinton@bassendean.wa.gov.au

Deputy Mayor  
Cr Kath Hamilton  
E: crhamilton@bassendean.wa.gov.au



Cr Chris Barty  
E: crbarty@bassendean.wa.gov.au

**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**

**Apologies**

Cr McLennan – Leave of Absence

**4.0 DECLARATIONS OF INTEREST**

**5.0 PRESENTATIONS OR DEPUTATIONS**

**6.0 STATEMENTS BY MEMBERS OF THE PUBLIC ON AGENDA ITEM**

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

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.

*It should be noted that comments are recorded and live streamed via YouTube, and that there is no protection from legal action being taken against you, should it arise from your comments delivered at the meeting.*

## **7.0 QUESTIONS FROM MEMBERS OF THE PUBLIC**

15 minutes will be allocated for questions by members of the public on matters contained in the agenda. 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 Council meeting to:  
<https://www.bassendean.wa.gov.au/forms/public-question-time/36>

If a person asking a question is not present at the meeting, then the Mayor can choose to deal with it at the meeting or arrange a response by email.

## **8.0 PETITIONS**

### **8.1 Petition - Right of Way No. 5** **Attachment No. 1:**

A petition has been submitted by Carol Seidel, 55 Broadway, Bassendean, regarding Right of Way No. 5.

#### **OFFICER RECOMMENDATION – ITEM 8.1**

That:

1. Council receives the petition submitted by Carol Seidel relating to the Right of Way No. 5; and
2. The petition be considered as part of submissions received for the draft Rights of Way Strategy.

## **9.0 CONFIRMATION OF MINUTES**

### **9.1 Special Council Meeting held on 29 July 2021** **Attachment No. 2:**

#### **Officer Recommendation – Item 9.1(a)**

That the minutes of the Special Council meeting held 29 July 2021, be received.

#### **Officer Recommendation – Item 9.1(b)**

That the minutes of the Special Council meeting held on 29 July 2021, as amended, be confirmed as a true record.

**9.2 Ordinary Council Meeting held on 24 August 2021**  
**Attachment No. 3:**

**Officer Recommendation – Item 9.2(a)**

That the minutes of the Ordinary Council meeting held 24 August 2021, be received.

**Officer Recommendation – Item 9.2(b)**

That the minutes of the Ordinary Council meeting held on 24 August 2021, as amended, be confirmed as a true record.

**10.0 BUSINESS DEFERRED FROM PREVIOUS MEETING**

**11.0 EXTERNAL COMMITTEE REPORTS/UPDATES**

<b>Item No. 11.1</b>	<b>Receipt of External Committee and Organisation Minutes</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	Not applicable
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 4</b>	WALGA East Metropolitan Zone Meeting – Minutes 19 August 2021 EMRC Ordinary Council Meeting – Delegates Report 26 August 2021

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

## Comment

Meeting	Date Held
WALGA East Metropolitan Zone Meeting – Minutes	19 August 2021
EMRC Ordinary Council Meeting – Delegates Report	26 August 2021

## Statutory Requirements

Not applicable.

## Financial Considerations

Not applicable.

## Risk Management Implications

Not applicable.

**Officer Recommendation – Item 11.1**

That Council notes the attached documents from external Committee meetings 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:

<b>Item</b>	<b>Report</b>
12.2	Amendment to Existing Street Name - Reid Street/Bassendean Parade
12.4	Right of Way Closure – Lot 503 on Deposited Plan 73906
12.5	Recovery of Sundry Debts Policy – Amendment
12.6	Purchasing Policy – Amendment to Sole Supplier Arrangement
12.7	Councillor Information and Communications Technology (ICT) Policy
12.9	Special Electors' Meeting – Notices of Motion
12.10	Complaints Committee Meeting held on 14 September 2021
12.11	Audit and Governance Committee Meeting held on 15 September 2021
12.12	Accounts Paid – July and August 2021
12.13	Monthly Financial Report – July and August 2021
12.14	Use of Common Seal
12.15	Calendar for October 2021

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

<b>Item</b>	<b>Report</b>
12.3	Licence Agreement - Telethon Community Cinemas
12.8	Draft Differential Rates Refund Policy
13.1	Notice of Motion - Cr Kathryn Hamilton: Review of Procedures of Ordinary Council Meetings
16.1	Service Review – Seniors and Disability Services Business Unit

<b>Item No. 12.2</b>	<b>Amendment to Existing Street Name - Reid Street/Bassendean Parade</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	ROAD/NAME/2
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil.

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

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

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

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

## Proposal

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



## Communication and Engagement

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

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

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

Only three existing properties have a frontage to the section of road in question, being 147 West Road, 145A West Road and 42 Bassendean Parade. The Town wrote to the owners of these lots on 30 July 2021 inviting submissions on the proposal for a period of 30 days. In response, **the Town received two submissions which represented all three properties** (two of the properties are in the same ownership), **with both submissions raising no objection.**

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

## Strategic Implications

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

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

### Comment

#### Road Configuration

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

#### Logistics and Safety

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

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

#### Minimising Impact

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

#### Conclusion

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

## **Statutory Requirements**

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

## **Financial Considerations**

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

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

## **Risk Management Implications**

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

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

## **Officer Recommendation – Item 12.2**

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

**Voting requirements: Simple majority**

<b>Item No. 12.3</b>	<b>Licence Agreement - Telethon Community Cinemas</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref</b>	LEGL/AGMT/161
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 5</b>	Draft Licence – Movies by Burswood

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

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

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

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

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

### **Communication and Engagement**

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

### **Strategic Implications**

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

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

### **Comment**

#### Proposed amendment

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

- 25 November 2021 to 9 April 2022;
- 22 November 2022 to 15 April 2023; and
- 23 November 2023 to 6 April 2024 (potential further term by mutual consent).

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

### **Statutory Requirements**

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

### **Financial Considerations**

Nil

### **Risk Management Implications**

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

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

### **Officer Recommendation – Item 12.3**

That Council:

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

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

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

and

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

**Voting requirements: Absolute Majority**



<b>Item No. 12.4</b>	<b>Right of Way Closure – Lot 503 on Deposited Plan 73906</b>
<b>Property Address</b>	Lot 503 on Deposited Plan 73906 (abutting Ida Street, Bassendean)
<b>Landowner/Applicant</b>	Stephen Henry Parker & Daniel Kenny (deceased estate)
<b>Ref</b>	ROAD/STMNGT/4
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment</b>	Nil.

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

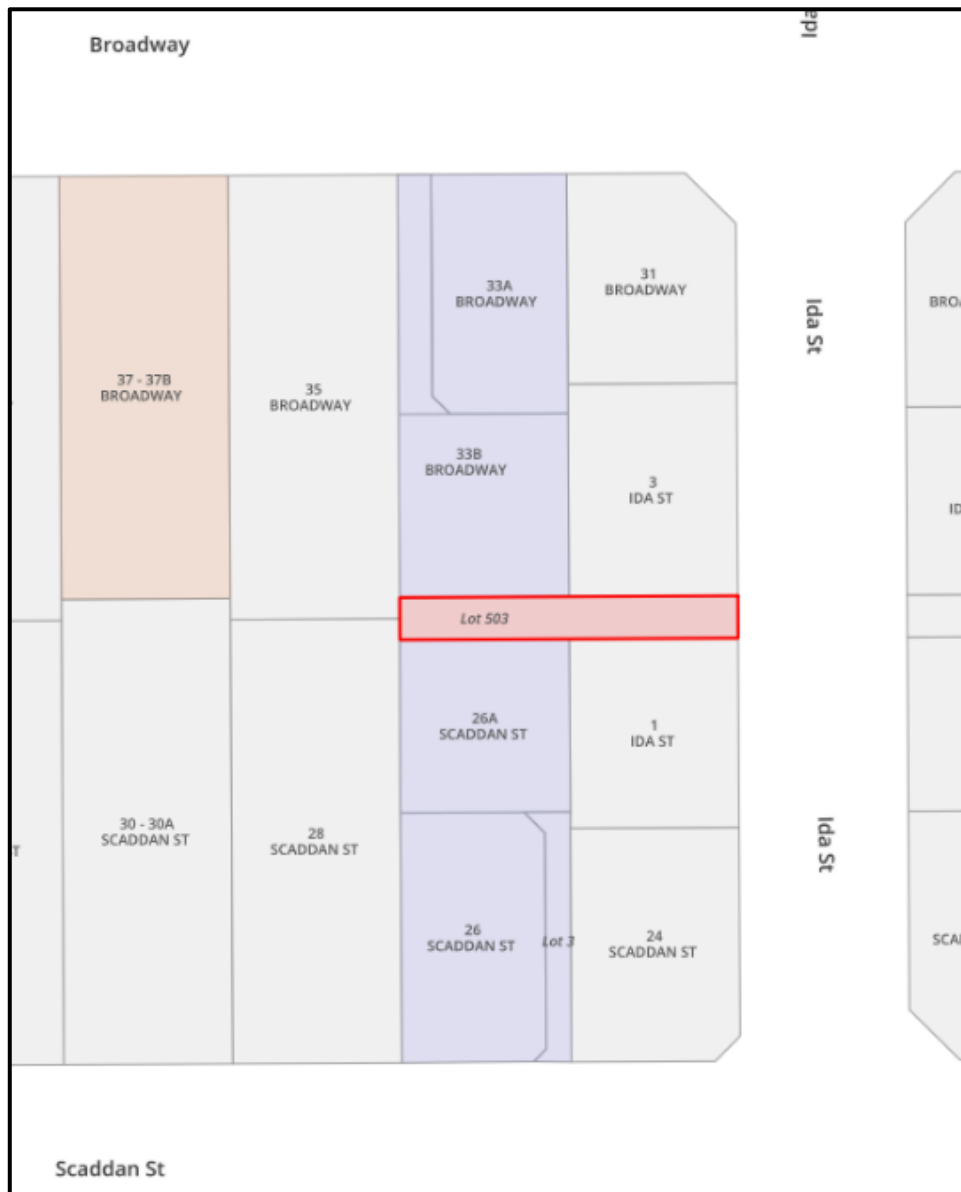
## Background

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

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

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

A location plan follows:



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

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

## **Proposal**

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

## **Communication and Engagement**

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

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

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

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

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

A summary of responses from service providers is provided below:

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

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

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

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

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

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

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

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

### Strategic Implications

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

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

## **Comment**

### Access and Use

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

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

### Closure Options

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

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

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

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

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

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



### Conclusion

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

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

### **Statutory Requirements**

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

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

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

### **Financial Considerations**

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

### **Risk Management Implications**

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

### **Officer Recommendation – Item 12.4**

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

**Voting requirements: Simple majority**

<b>Item No. 12.5</b>	<b>Recovery of Sundry Debts Policy – Amendment</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 6</b>	Draft Recovery of Sundry Debts Policy

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

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



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

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

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

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

### Proposal

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

### Communication and Engagement

Nil.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

### Comment

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

#### **“4. Write-Off of Bad Debts**

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

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

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

#### **Statutory Requirements**

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

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

#### **Financial Considerations**

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

#### **Risk Management Implications**

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

#### **Officer Recommendation – Item 12.5**

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

**Voting requirements: Simple majority**

<b>Item No. 12.6</b>	<b>Purchasing Policy – Amendment to Sole Supplier Arrangement</b>
<b>Property Address (if applicable)</b>	NA
<b>Landowner/Applicant (if applicable)</b>	NA
<b>Ref</b>	FINM/PROCED/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 7</b>	<b>Draft Amended Purchasing Policy</b>

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

Council adopted the current Purchasing Policy in December 2020.

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

## Proposal

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

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

## Comment

Nil.

## Statutory Requirements

Local Government (Functions and General) Regulations 1996

11A. Purchasing policies for local governments

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

- (b) the recording and retention of written information, or documents, in respect of —
  - (i) all quotations received; and
  - (ii) all purchases made.

### **Financial Considerations**

Adoption of the amended Purchasing Policy does not have any financial impact.

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

### **Risk Management Implications**

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

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

### **Officer Recommendation – Item 12.6**

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

**Voting requirements: Simple majority**

<b>Item No. 12.7</b>	<b>Councillor Information and Communications Technology (ICT) Policy</b>
<b>Property Address (if applicable)</b>	n/a
<b>Landowner/Applicant (if applicable)</b>	n/a
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 8</b>	Draft Councillor ICT Policy Councillor Allowances and Expenses Policy

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

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

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

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

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

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

### **Proposal**

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

### **Communication and Engagement**

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

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

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

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

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

*“That Council:*

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

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

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

### **Strategic Implications**

Priority Area 5: Facilitating People-Centred Services

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



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

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

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

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

### **Comment**

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

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

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

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

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

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

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

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

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

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

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

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

### **Statutory Requirements**

Section 5.98(2) of the Local Government Act 1995 provides that a Councillor is to be reimbursed for certain expenses. Rather than reimburse individual expenses, a Local Government may decide to pay the allowance determined by the Salaries and Wages Tribunal (section 5.99A(1) of the LG Act). The Local Government may reimburse a Councillor for expenses incurred in excess of the allowance.

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

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

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

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

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

### **Financial Considerations**

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

### **Risk Management Implications**

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

**Officer Recommendation – Item 12.7**

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

**Voting requirements: Simple majority**

<b>Item No. 12.8</b>	<b>Draft Differential Rates Refund Policy</b>
<b>Property Address (if applicable)</b>	n/a
<b>Landowner/Applicant (if applicable)</b>	n/a
<b>File Ref/ROC</b>	
<b>Previous Council Reports (if applicable)</b>	n/a
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 9</b>	<b>Draft Differential Rates Refund Policy</b>

## Purpose

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

### Council Policy 6.24 – Electoral Caretaker Period Policy

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

## Background

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

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

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

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

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

### Proposal

That Council adopts the draft Differential Rates Refund Policy.

### Communication and Engagement

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

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

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

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

The draft Differential Rates Refund Policy provides for a refund of additional rates levied on vacant land due to the imposition of differential rates, **where all appropriate applications for approvals and permits are** made to the Town and the land is subsequently developed in accordance **with those approvals and permits**. The policy applies where **all appropriate applications for approvals and permits are** lodged with the Town before 30 June 2022.

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

The draft Differential Rates Refund Policy provides that a landowner may apply retrospectively to the Town, within 12 months of the date of the Interim Rates Notice, for a refund of the additional rates paid from the date of issue of the **latest relevant** approval to the date of the Interim Rates Notice issued by the Town following revaluation of the property by Landgate.

**Statutory Requirements**

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

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

**\* Absolute majority required.**

**Financial Considerations**

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

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

### **Risk Management Implications**

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

### **Officer Recommendation – Item 12.8**

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

**Voting requirements: Absolute majority**



<b>Item No. 12.9</b>	<b>Special Electors' Meeting – Notices of Motion</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>Ref</b>	LAWE/REPRTNG/3 GOVN/CCLMEET/1
<b>Directorate</b>	Community Planning
<b>Authority/Discretion</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input checked="" type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes & policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<input type="checkbox"/> Information	For the Council/Committee to note.
<b>Attachment No. 10</b>	<ul style="list-style-type: none"> <li>• Minutes of the Special Electors' Meeting held on 31 August 2021.</li> <li>• Copy of Deputation – Mr Terry Blanchard</li> </ul>

## Purpose

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

### Council Policy 6.24 – Electoral Caretaker Period Policy

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

## Background

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

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

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

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

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

***Motion 1***

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

***Motion 2***

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

***Motion 3***

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

These are discussed in detail below.

## Communication and Engagement

Nil.

## Strategic Implications

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

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

## Comment

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

## Statutory Requirements

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

### 5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*

*(b) at a special meeting called for that purpose, whichever happens first.*

- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

### **Financial Considerations**

Nil.

### **Risk Management Implications**

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

### **Officer Recommendation – Item 12.9**

That:

1. **The Special Electors' Minutes of the 31 August 2021 be received and confirmed as a true record; and**
2. Council notes the Motions passed at the Special Electors' Meeting held on 31 August 2021 and requests that they be considered as part of the report that is otherwise required to be presented to Council by 22 December 2021.

**Voting requirements: Simple Majority**

<b>Item No. 12.10</b>	<b>Complaints Committee Meeting held on 14 September 2021</b>
<b>Property Address (if applicable)</b>	
<b>Landowner/Applicant (if applicable)</b>	
<b>File Ref/ROC</b>	GOVN/CCLMEET/18
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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.
<b>Attachment No. 11</b>	Minutes of the Complaints Committee meeting held on 14 September 2021
<b>Confidential Attachment No. 1</b>	Confidential Report – Complaints Committee

## Purpose

The purpose of this report is for Council to receive the report on the meeting of the Town of Bassendean Complaints Committee held on 14 September 2021.

## Background

The Complaints Committee met to consider a complaint against a Councillor for an alleged breach of the Town's Code of Conduct for Council Members, Committee Members and Candidates.

## Proposal

For Council to receive the report on the meeting of the Complaints Committee held on 14 September 2021.

## Communication and Engagement

Communication and engagement is outlined in the officer report to the Complaints Committee.

Following the meeting of the Complaints Committee, the Councillor was invited to make submissions in relation to the action plan recommended by the Committee, by 24 September 2021. At the date of writing, no response had been 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	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	SHORT TERM 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 complaint was dealt with in accordance with the procedure outlined in the Town's Behaviour Complaints Policy.

## Statutory Requirements

Statutory requirements are detailed in the officer report to the Complaints Committee.

## Financial Considerations

The Town appointed a Complaints Assessor to investigate and report on the complaint, at a cost of \$1,998.

## Risk Management Implications

Risk management implications are addressed in the Complaint Report.

## Officer Recommendation – Item 12.10

That Council receives the report on the Complaints Committee meeting held on 14 September 2021.

**Voting requirements: Simple majority**

<b>Item No. 12.11</b>	<b>Audit and Governance Committee Meeting held on 15 September 2021</b>
<b>Property Address (if applicable)</b>	
<b>Landowner/Applicant (if applicable)</b>	
<b>File Ref/ROC</b>	GOVN/CCLMEET/18
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input 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.
<b>Attachment No. 12</b>	Minutes of the Audit and Governance Committee meeting held on 15 September 2021
<b>Confidential Attachments No. 2</b>	Audit Risk Register Interim Audit Letter and Findings Identified During the Final Audit Report of Minor Misconduct to the Audit & Governance Committee on 15 September 2021

## Purpose

The purpose of this report is for Council to receive the report on the meeting of the Audit and Governance Committee held on 15 September 2021.

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

The Town's Audit and Governance Committee meets at least four times each year in carrying out its functions under the Instrument of Appointment and Delegation (the Instrument).

The Instrument specifies the authority, objectives and responsibilities of the Committee and governs its membership and meeting requirements.

**Proposal**

For Council to receive the report on the meeting of the Audit and Governance Committee held on 15 September 2021.

**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

Make brave decisions in line with a risk appetite	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	SHORT TERM <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> LONG TERM <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
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**Comment**

The Committee considered the following items:

Annual Closed Circuit Television (CCTV)

The purpose of this report was to present the 2020/21 annual statistics for the Town’s existing CCTV systems, as per the requirements of the Closed Circuit Television (CCTV) Management & Operational Manual.

It should be noted that the Town is in the process of reviewing the Manual, which will likely be the subject of a further report to Council.

Audit Risk Register

The Audit Risk Register presents a summary of the audit risks and recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken or proposed to address the identified risks.

The Audit Risk Register is updated and tabled at each meeting of the Committee.



While the Audit Risk Register was discussed in general terms in public, the Register was presented to the Committee as a confidential report.

#### Interim Audit – OAG Management Letter and Audit Findings

The purpose of this report was to provide Council, through the Audit and Governance Committee, with the Interim Audit Report for 2020/21 furnished by the Office of the Auditor General, and the management comments provided in response to address the identified risks.

The Auditor General provided the Interim Audit Report on 13 September 2021, which identified some deficiencies in internal control in relation to the ICT component of the audit, assessed as having moderate or minor implication. The Interim Audit Report includes management comments on the remedial action taken or proposed to address the identified risks, provided to RSM by the Town in response to the findings.

The OAG Management Letter and audit findings, with management comments, are confidential attachments to this report.

#### Report of Minor Misconduct

This matter was considered under Confidential Business as the officer report discussed a matter affecting an employee or employees.

The report to the Committee is attached to this report as a confidential attachment.

#### **Statutory Requirements**

Section 7.1A of the *Local Government Act 1995* requires a local government to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it. The local government appoints the members of the audit committee and at least three of the members, and the majority of the members, are to be council members.

Regulation 16 of the *Local Government (Audit) Regulations 1996* specifies the functions of the audit committee.

#### **Financial Considerations**

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Guidelines will govern any required engagements.

### **Risk Management Implications**

The Audit and Governance Committee considered risks captured in the Town's Audit Risk Register. If improvement opportunities relating to the identified risks are not progressed, the risks may not be adequately mitigated.

### **Officer Recommendation – Item 12.11**

That Council receives the report on the Audit and Governance Committee meeting held on 15 September 2021.

**Voting requirements: Simple majority**

<b>Item No. 12.12</b>	<b>Accounts Paid – July and August 2021</b>
<b>File Ref/ROC</b>	FINM/CREDTS/4
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input 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 (e.g. under <i>Health Act</i> , <i>Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment No. 13</b>	List of payments July 2021 and August 2021

## Purpose

The purpose of this report is for Council to receive the list of payments for July 2021 and August 2021.

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

## Background

Payments made during July 2021 and August 2021 are presented to Council, showing the date, payee, amount and description in respect of each payment for goods and services received.

## Proposal

For Council to receive the list of payments for July 2021 and August 2021.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>

**Comment**

The attachments now include the net payments made to staff for salaries and wages.

**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.

**Risk Management Implications**

Nil.

**Officer Recommendation – Item 12.12**

That Council receive the list of payments for July 2021 and August 2021.

**Voting requirements: Simple majority**

<b>Item No. 12.13</b>	<b>Monthly Financial Report – July and August 2021</b>
<b>File Ref/ROC</b>	FINM/AUD/1
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input checked="" type="checkbox"/> <input 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 August be appealable to the State Administrative Tribunal.
<b>Attachment No. 14</b>	<b>Monthly Financial Report - July and August 2021</b>

## Purpose

The purpose of this report is for Council to receive the monthly financial reports for July and August 2021.

## Background

The Local Government (Financial Management) Regulations 1996, Regulation 34, 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.

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 2021-22 Annual Budget.

## Proposal

For Council to receive the monthly financial reports for July and August 2021.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing visionary leadership and making great decisions

Direction	Potential Strategies	What Success Looks Like
Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p>SHORT TERM</p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>

## Comment

The Statement of Financial Activity attached represents the adopted 2021-22 Annual Budget estimates and actual income and expenditure amounts for the months ending July and August 2021.

The Opening Surplus position is subject to change pending the review and any agreed upon adjustments by the external auditors of the 2020/21 End of Year Financial Statements.

## 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 and commentary is based on the August 2021 year to date figures.

Item	Original Budget	YTD Budget	YTD Actual	Variance to YTD Budget
	\$m	\$m	\$m	%
Revenue (including General Rates)	23.7	18.0	18.5	3.0
Expenditure	28.0	5.0	3.7	26.0
Capital Works	4.3	0.7	0.1	90
Non-Operating Grants, Subsidies and Contributions	1.4	0.1	0.0	(94)

### Operating Revenue

Revenue year to date is 3.0% above budget based on the Statement of Comprehensive Income.

Operating grants, subsidies and contributions are above budget due to receipt of a General Grant (first quarter), Men's Shed and Seniors CHSP and HCP funding earlier than budgeted.

Other revenue is above budget due to a dividend of 110,000 received from Eastern Metropolitan Regional Council which hadn't been allowed for in the budget.

### Operating Expenditure

Expenditure year to date is 26% under budget based on the Statement of Comprehensive Income.

Employee costs are under budget by \$432,000 due to staff vacancies with recruitment underway for some key positions and lower than expected Capital Recoveries.

Materials and contracts are under budget by \$477,000 with lower than estimated waste collection charges, various infrastructure and building maintenance and licencing fees for the Town's core software applications pending.

Utility charges are under the year to date budget due to timing of electricity charges at Jubilee Reserve and telephone charges for the Governance service area.

Insurance is under budget as the first instalment invoice had not been processed by 31 August 2021. The charge has been posted in September 2021.

Other expenditure is under budget due to timing of operational projects and administration costs.

### Non-Operating Grants

This is due to timing of grant payments.

### Capital Works

Key Points to Note:

- Carry forward adjustments identified when preparing the 2021/22 Annual Budget will be put to Council in September FAS Report once the draft 2020/21 financials are submitted to the Auditors at the end of September 2021.
- There were no budget amendments in July and August 2021.
- Actual spend is 2% of the current budget with a further 17% committed to date. Expenditure will pick up in the coming months with funds coming from Rates collection and improvement in weather assisting project delivery.
- Sandy Beach Playground tender was awarded in August 2021 with works to start shortly.

- Palmerston Reserve upgrade was completed in August 2021 and opened for community use with good reviews from children using the nature play space areas.
- Success Hill Jetty remediation works have commenced with the contractor engaged and works will take place once the water level in the river has fallen to the required level.
- Drainage works on Hamilton St and North Rd will commence once the weather improves.

### **Monthly Investment Report**

The overall balance of the Town's investments is \$13.6 million. This is comprised of municipal investments of \$5.8 million (including restricted cash), reserve investments of \$7 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 51% of its funds invested in non-fossil fuel ADIs.

### **Budget Amendments**

There are no budget amendments identified in the statements of financial activity for August 2021.

### **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.

### **Risk Management Implications**

Nil.

### **Officer Recommendation – Item 12.13**

That Council receive the monthly financial report for July and August 2021.

**Voting requirements: Simple majority**



<b>Item No. 12.14</b>	<b>Use of Common Seal</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	Not applicable
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<input type="checkbox"/> Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/> Review	When the Council operates as a review authority on decisions made by Officers for appeal purposes.
<input type="checkbox"/> Quasi-Judicial	When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under <i>Health Act, Dog Act</i> or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
<b>Attachment</b>	Nil

## Purpose

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

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

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

## Comment

Document Sealed	Date Sealed
Section 70A Notification - 7 Carman Way, Bassendean	25 August 2021
Section 70A Notification - 7 Carman Way, Bassendean	14 September 2021
Cat Local Law - For submission to Joint Standing Committee x 3	16 September 2021
Restrictive Covenant - 7 Carmen Way, Bassendean - Condition 4 of WAPC Approval x 3	21 September 2021

## 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

## Risk Management Implications

Not applicable

## Officer Recommendation – Item 12.14

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

## Voting requirements: Simple majority

<b>Item No. 12.15</b>	<b>Calendar for October 2021</b>
<b>Property Address (if applicable)</b>	Not applicable
<b>Landowner/Applicant (if applicable)</b>	Not applicable
<b>File Ref/ROC</b>	INFM/INTPROP/1
<b>Previous Council Reports (if applicable)</b>	
<b>Directorate</b>	Chief Executive
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Attachment</b>	Nil

### Purpose

The purpose of this report is for Council to consider the calendar for October 2021.

### Council Policy 6.24 - Electoral Caretaker Period Policy

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

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

## Comment

Calendar for October 2021:

Date	Time	Location	Meeting/ Event
Thursday 7 October 2021	6.00pm	EMRC Administration Office, 226 Great Eastern Hwy, Belmont	EMRC Audit Committee (if required)
Saturday 16 October 2021	Count to occur from 6.00pm	<p><u>Polling place:</u> Customer Service Centre, 35 Old Perth Road</p> <p><u>Count:</u> Seniors Hall, 50 Old Perth Road</p>	Local Government Election
Monday 18 October 2021	6.00pm	Council Chamber, 48 Old Perth Road	Special Council Meeting: Swearing in of Councillors
Tuesday 26 October 2021 Rescheduled from 19 October 2021	6.00pm	Council Chamber	Briefing Session
Tuesday 2 November 2021 Rescheduled from 26 October 2021	6.00pm	Council Chamber	Ordinary Council Meeting

## Statutory Requirements

Not applicable.

## Financial Considerations

Not applicable.

**Risk Management Implications**

Not applicable.

**Officer Recommendation – Item 12.15**

That Council adopt the calendar for October 2021.

**Voting requirements: Simple majority**

## **13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **13.1 Notice of Motion - Cr Kathryn Hamilton: Review of Procedures of Ordinary Council Meetings**

Cr Hamilton has advised that she wishes to move the following motion:

*“That Council:*

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

#### **Officer Comment**

Officers are supportive of the inclusion of a declaration of due consideration to be made by elected members at a Council meeting. This is based on the argument that a declaration reinforces the requirement under the *Local Government Act 1995*, that Councillors participate in the local government’s decision-making processes at Council or Committee meetings (section 2.10(d)). Councillors are required to read significant amounts of information in Council agendas, to familiarise themselves with the items tabled before them at each meeting. To discharge their role in making informed decisions, Councillors are expected to have read the information prior to making their decision. To do otherwise would not satisfy the obligation under the legislation. A declaration may assist in Councillors advising the Presiding Member that they may need further time during the meeting, prior to the item being considered, to familiarise themselves with the content of the information.

It is noted that the practice is implemented by other local governments such as the Cities of Melville and Swan. It may be of assistance to the Presiding Member in conducting the meeting, to enable an item to be deferred to later in the meeting, or to request an adjournment.

While there is support for the practice to be implemented, it is considered that dealing with the Notice of Motion during caretaker period, is inappropriate and therefore the Notice of Motion is not supported. The incoming Council would be bound by a practice that would not affect the majority of the existing Councillors but would be a requirement on the new Council. This does not appear fair to the new Council.

**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.*

<b>Item No. 16.1</b>	<b>Service Review – Seniors and Disability Services Business Unit</b>
<b>Property Address (if applicable)</b>	N/A
<b>Landowner/Applicant (if applicable)</b>	N/A
<b>File Ref/ROC</b>	COMS/SVPOVN/12
<b>Previous Council Reports (if applicable)</b>	24 November 2020 (Confidential)
<b>Directorate</b>	Corporate Services
<b>Authority/Discretion</b> <input type="checkbox"/> <input checked="" type="checkbox"/>	
<input type="checkbox"/> Advocacy	When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/> Executive	The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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<b>Confidential Attachment No. 3</b>	<i>Councillors – please refer to the Confidential Attachments listed within the Confidential Report</i>

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

**17.0            CLOSURE**

The next Briefing Session will be held on Tuesday 26 October 2021, commencing at 6pm – to be confirmed.

The next Ordinary Council meeting will be held on Tuesday 2 November 2021, commencing at 6pm – to be confirmed.